

WSR 19-10-001
WITHDRAWAL OF PROPOSED RULES
LIQUOR AND CANNABIS
BOARD

[Filed April 17, 2019, 3:04 p.m.]

Per RCW 34.05.335 and WAC 1-21-060, the liquor and cannabis board is withdrawing rule making for WSR 19-07-085 (CR-102) relating to acceptable forms of identification and tribal identification.

The board may refile proposed rules with a CR-102 after consultation with interested tribes.

Jane Rushford
 Chair

WSR 19-10-012
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Filed April 19, 2019, 3:53 p.m.]

The Washington department of fish and wildlife is withdrawing WAC 220-417-030 under WSR 19-03-129, filed on January 18, 2019. The department will file a new proposal on this topic at a later date.

Scott Bird
 Rules Coordinator

WSR 19-10-018
PROPOSED RULES
CENTRAL WASHINGTON UNIVERSITY

[Filed April 22, 2019, 4:33 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 17-17-047.

Title of Rule and Other Identifying Information: Access to public records, chapter 106-276 WAC.

Hearing Location(s): On June 4, 2019, at 10:00 a.m., at Central Washington University, 400 East University Way, Student Union Recreation Center, Room 301, Ellensburg, WA.

Date of Intended Adoption: July 26, 2019.

Submit Written Comments to: Kimberly J. Dawson, Rules Coordinator, Office of the President, 400 East University Way, Ellensburg, WA 98926-7501, email kimberly.dawson@cwu.edu, fax 509-963-3206, by June 4, 2019.

Assistance for Persons with Disabilities: Contact Kimberly J. Dawson, phone 509-963-2111, email kimberly.dawson@cwu.edu, by May 30, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Rule changes are needed to update, clarify, and streamline procedures governing access to public records of the university, as well as to incorporate recent amendments to the Public Records Act, chapter 42.56 RCW.

Statutory Authority for Adoption: RCW 28B.35.120 and chapter 34.05 RCW.

Statute Being Implemented: Chapter 42.56 RCW.

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

Name of Proponent: Central Washington University, public and governmental.

Name of Agency Personnel Responsible for Drafting: Linda Schactler, Barge Hall 314, 509-963-2111; Implementation: Toni Burvee, Kamola Hall 128, 509-963-2310; and Enforcement: Not applicable.

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 are not "significant legislative rules" as defined under RCW 34.05.328(5).

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 relate only to internal governmental operations that are not subject to violation by a nongovernment party; rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect; and 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.

April 22, 2019

Kimberly J. Dawson
 Rules Coordinator

AMENDATORY SECTION (Amending WSR 78-08-011, filed 7/11/78)

WAC 106-276-001 ((Public records policy-)) Purpose. The ((provisions of WAC 106-276-001 through 106-276-199 shall constitute the public records policy)) purpose of this chapter is to provide for public access to existing, identifiable, nonexempt public records of Central Washington University((, adopted in compliance with chapter 42.17 RCW enacted by the voters of the state of Washington on November 7, 1972)) in accordance with the Public Records Act, chapter 42.56 RCW.

AMENDATORY SECTION (Amending WSR 94-20-075, filed 10/3/94, effective 11/3/94)

WAC 106-276-010 Definitions ((of public record)). (((1) A public record includes 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 Central Washington University, regardless of the physical form or characteristics: Provided, however, That in accordance with RCW 42.17.310, the following personal and other records are exempt from the definition of public record:

(a) Personal information in any files maintained for students in public schools and the information, data, and records subject to the student records policy, WAC 106-172-700 through 106-172-799.

(b) Personal information in any files maintained for patients or clients of public institutions or public health agencies, welfare recipients, prisoners, probationers, or parolees.

(c) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(d) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would violate the taxpayer's right to privacy or would result in unfair competitive disadvantage to such taxpayer.

(e) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(f) Information revealing the identity of persons who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. Provided, That if at the time the complaint is filed the complainant indicates a desire for disclosure or nondisclosure, such desire shall govern. Provided further, That all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(g) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(h) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(i) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(j) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(k) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(l) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(m) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to

information, which discloses or could be used to disclose the identity of a library user.

(2) The exemptions of this section shall be inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interest, can be deleted from the specific records sought. No exemption shall be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a proceeding with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Any response refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.) **(1) Public record.** The term "public record" and other terms defined in the Public Records Act shall have the same meaning in this chapter that they have under the Public Records Act.

(2) Public Records Act. References in this chapter to the "Public Records Act" are to chapter 42.56 RCW.

(3) Requestor. A "requestor" is any person or entity requesting public records of the university pursuant to the Public Records Act.

(4) University. The term "university" means Central Washington University.

AMENDATORY SECTION (Amending WSR 94-20-075, filed 10/3/94, effective 11/3/94)

WAC 106-276-030 Description of ((central and field organization at Central Washington)) the university. **(1) Mission - Governance.** Central Washington University is ((located on a campus in the city of Ellensburg, Washington. This campus comprises the central headquarters for all operations of the university; any "field" activities of the university are administered by personnel located on the campus at Ellensburg. The university is governed by a board of trustees appointed by the governor; such board meets at regular intervals, as provided in WAC 106-08-001. The board employs a president, the president's assistants, members of the faculty and other employees. It establishes such organizational units as are necessary to carry out the purposes of the university, provides the necessary property, facilities, and equipment and promulgates such rules, regulations, and policies as are necessary to the administration of the university.

(2) The board of trustees, either directly or by delegation, has caused to be created various administrative, academic, and support divisions to enable the university to discharge its obligations. Academic matters are the concern of the provost and vice president for academic affairs; business and physical planning functions are the concern of the vice president for business and financial affairs; matters related to student services are the concern of the vice president for student affairs; the vice president for university advancement oversees mat-

ters related to the internal and external affairs of the university and fund raising from private sources. These offices report to the president of the university)) a public institution of higher education established under chapter 28B.35 RCW as a regional university offering academic and professional degree programs at the undergraduate and graduate levels. The university is governed by a board of trustees appointed by the governor. The board appoints a president who serves as the chief executive officer responsible for the administration of the university.

(2) Main campus - University centers. The main campus of the university is located at 400 East University Way, Ellensburg, Washington 98926. The university also offers educational programs online and at university centers located throughout the state, including Des Moines, Everett, Kent, Lakewood/Pierce County, Lynnwood, Moses Lake, Sammamish, Wenatchee, and Yakima.

(3) Policies and procedures. University policies meeting the definition of a "rule" under the Administrative Procedure Act, chapter 34.05 RCW, are adopted by the board of trustees and published in Title 106 WAC. Other university policies approved by the administration are published in policies and procedures manuals available on the university web site.

(4) Documents index. As an institution of higher education, the university generally does not have occasion to issue nonexempt "final orders," "declaratory orders," "interpretive statements," or "policy statements" as those terms are defined and used in the Public Records Act. The secretary of the university's board of trustees does maintain and publish on the university web site a documents index of the board's approved meeting minutes, motions, and resolutions. Inquiries may be directed to the secretary of the board in the office of the president.

(5) University web site. The university's official web site, available at www.cwu.edu, provides general information about the university and its governing board, administration, educational programs, and policies and procedures. Persons seeking public records of the university are encouraged to view the records available on the web site prior to submitting a records request.

AMENDATORY SECTION (Amending WSR 94-20-075, filed 10/3/94, effective 11/3/94)

WAC 106-276-040 ((General course and method of decision making:)) Public records officer. (1) ~~((The formal procedures for decision making at the university are governed by the board of trustees through rules promulgated by it in accordance with the requirements of chapter 34.05 RCW, the Administrative Procedure Act (APA). Accordingly, all rules, orders or directives, or regulations of the university which affect the relationship of the general public with the institution, or the relationship of particular segments of the university, such as students, faculty, or other employees, with the university or with each other,~~

~~(a) The violation of which subjects the person to a penalty or administrative sanction; or~~

~~(b) Which establishes, alters, or revokes any procedures, practice, or requirement relating to institutional proceedings; or~~

~~(e) Which establishes, alters, or revokes any qualification or requirement relating to the enjoyment of benefits or privileges conferred by law; are implemented through the procedures of the APA and appear in Title 106 WAC, provided, however, that in accordance with RCW 34.05.220, the university reserves the right to promulgate as internal rules not created or implemented in accordance with the APA, the following: Rules, regulations, orders, statements, or policies relating primarily to the following: Standards for admission; academic advancement, academic credits, graduation, and the granting of degrees; tuition and fees, scholarships, financial aid, and similar academic matters; employment relationships; fiscal processes; or matters concerning only the internal management of an institution and not affecting private rights or procedures available to the general public; and such matters need not be established by rule adopted under APA unless otherwise required by law. Internal rules and regulations to the extent not already set forth in the university's published catalogs and handbooks shall be collected in a general university policies manual, a copy of which shall be maintained on file in the university library and be available to the public.)) **Designation.** A public records officer designated by the university shall be responsible for responding to public records requests in accordance with the provisions of this chapter and applicable provisions of the Public Records Act, chapter 42.56 RCW. The duties of the public records officer under this chapter may be delegated to one or more public records assistants designated by the university.~~

(2) Duties. The public records officer shall oversee the university's compliance with the Public Records Act. The records officer (or designee) and the university are responsible for providing the fullest assistance to requestors of public records, for ensuring that public records are protected from damage or disorganization, and for preventing records requests from excessively interfering with essential institutional functions or unreasonably disrupting the operations of the university. The university may take reasonable precautions to prevent a requestor from being unreasonably disruptive or disrespectful to university staff.

(3) Records office. Inquiries regarding public records of the university may be addressed to the public records officer at the following office address:

Public Records Officer
Central Washington University
400 East University Way
Ellensburg, WA 98926-7474
Phone: 509-963-2310
Email: publicdisclosure@cwu.edu

(4) Office hours. The regular office hours of the public records office are from 8:00 a.m. to noon and from 1:00 p.m. to 5:00 p.m., Monday through Friday, excluding legal holidays.

AMENDATORY SECTION (Amending WSR 78-08-011, filed 7/11/78)

WAC 106-276-050 ~~((Informal procedures regarding the general course and methods of decision.))~~ **Requests for public records.** ((Informal procedures regarding the methods and general course of operations at the university are, for the purposes of these rules, either:

(1) Decisions made by persons authorized by board resolution, the president, or any designee to make a decision within the scope of responsibility assigned to such person; or

(2) Methods of human persuasion utilized by any member of the university's constituencies or of the public to attempt to influence one in power to make decisions within that person's scope of responsibility.)) **(1) Written requests preferred.** Requests for public records of the university may be addressed to the public records officer at the address given in WAC 106-276-040. The university encourages, but does not require, requestors to use the public records request form made available by the public records office on the university web site (www.cwu.edu/business-services). Requests made orally, whether by phone or in person, may be confirmed in writing by the public records officer.

(2) Contents of records requests. A request for public records must include the following information:

(a) The name and contact information of the person requesting the records;

(b) The requestor's mailing address, which may be an electronic mail address;

(c) The date and time of the request;

(d) A description of the requested records that is sufficiently detailed to enable the public records officer to identify and locate the records; and

(e) A statement indicating whether the requestor wishes to inspect the records or to receive copies of the records in paper or electronic form.

(3) Lists of individuals for commercial purposes. State agencies and institutions are not permitted to provide lists of individuals for commercial purposes. A request for lists of individuals must be accompanied by the requestor's signed declaration that the list will not be used for commercial purposes. The public records officer may inquire as to the requestor's intended use of the list and may deny the request if it is evident from the request that the list will be used for a commercial purpose.

(4) Assistance in identifying records. The public records officer may assist requestors in identifying the specific records sought by the requestor. With limited exceptions, a requestor may not be required to state the purpose of the request. However, the records officer may ask the purpose of the request if such inquiry will assist in identifying the records requested.

AMENDATORY SECTION (Amending WSR 94-20-075, filed 10/3/94, effective 11/3/94)

WAC 106-276-060 ~~((Designation))~~ **Processing of ((public)) records ((officers)) requests.** (1) ((In accordance with the requirements of chapter 42.17 RCW, insofar as such initiative requires state agencies to adopt and enforce reasonable rules and regulations to provide full public access to offi-

cial divisions while yet protecting the same from damage and to prevent excessive interference with essentials of the agency, all public records at the university shall be in the charge of persons holding positions as records officers.

(2) Overall responsibility for coordinating responses to requests for examination of public records shall be the responsibility of the person known as the "public records officer." The person holding such position will be headquartered in Mitchell Hall at the university. The exact location and name of the public records officer may be determined by inquiry at the office of the president of the university. The public records officer shall also be responsible for compiling and maintaining the index required by chapter 42.17 RCW.

(3) In cases where a question arises as to whether a given public record is the responsibility of one records custodian or another, the determination of such ministerial responsibility shall for the purposes of this chapter be made by the public records officer, or the president of the university.)) **Applicable law.** Requests for public records will be processed in accordance with these rules and applicable provisions of the Public Records Act, chapter 42.56 RCW. Guidance concerning the application of these rules may be found in the advisory model rules adopted by the attorney general under chapter 44-14 WAC.

(2) Prioritizing of requests. Public records generally will be processed in the order in which they are received by the records office and within the staffing limitations of the office. However, the records office may expedite requests for a single record or for only a few records, if such records are easily identifiable and can be readily retrieved. The records office may ask, but not require, a requestor to prioritize the records the requestor is seeking.

(3) Clarification of requests. The public records office may request clarification of a records request in accordance with applicable provisions of the Public Records Act. The requestor must respond to the request for clarification within thirty days of the request.

(4) Providing records by installment. If a requestor submits multiple records requests, or if a request seeks a large number of records or many different types of records, the public records officer may provide access to the records in installments in accordance with applicable provisions of the Public Records Act.

(5) Denial of bot requests. The public records officer may deny a bot request as defined under the Public Records Act, RCW 42.56.080(3), if responding to the multiple requests would cause excessive interference with other essential functions of the university and the records officer reasonably believes the request was automatically generated by a computer program or script.

(6) Closure of requests. When the requestor either withdraws the request, or fails to clarify an entirely unclear request, or fails to fulfill the requestor's obligations to inspect records, pay the deposit, pay the required fees for an installment, or make final payment for the requested copies, the public records officer will close the request and notify the requestor that the request has been closed.

AMENDATORY SECTION (Amending WSR 94-20-075, filed 10/3/94, effective 11/3/94)

WAC 106-276-070 ((Availability for public inspection and copying or reproduction of public)) Records exempt from inspection or copying. (1) Public Records ((shall be available for inspection, copying, and reproduction during the customary office hours of the university. For the purposes of this chapter, the customary office hours shall be from 9 a.m. to noon and from 1 p.m. to 4 p.m., Monday through Friday, excluding legal holidays, unless the person making the request and the university, acting through the public records officer, agree on a different time)) Act exemptions. The Public Records Act, chapter 42.56 RCW, exempts from inspection or copying certain categories of records as set forth in the Public Records Act or under other statutes. The public records office will disclose the existence of exempt records as required by law, but will deny the inspection or copying of such records to the extent that the records are exempt from inspection or copying under the Public Records Act or other applicable law.

(2) Commonly applied exemptions. The public records office maintains a list explaining the exemptions most commonly applied by the university in processing requests for public records. A copy of the list can be requested from the public records officer and will typically be provided by the records officer in responding to a request for records that are determined in whole or in part to be exempt from inspection or copying.

(3) Determining applicable exemptions. The public records officer may seek information from the requestor sufficient to determine whether another statute prohibits disclosure of the requested records. For example, student education records generally may not be disclosed to third parties without the student's written consent.

AMENDATORY SECTION (Amending WSR 94-20-075, filed 10/3/94, effective 11/3/94)

WAC 106-276-080 ((Requests for)) Public records available for inspection. ((In accordance with chapter 42.17 RCW the requirements 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 are only obtainable by members of the public when those members of the public comply with the following procedures:

(1) A request shall be made in writing upon a form which shall be available at the office of the public records officer and shall be presented to the public records officer, per WAC 106-276-060. Such request shall include the following:

- (a) The name of the person requesting the record;
- (b) The time of day and calendar date on which the request was made; and

(c) If the matter requested is referenced within the current index maintained by the university records officer, a reference to the requested record as it is described in such current index;

(d) If the requested matter is not identifiable by reference to the university records current index, a statement that succinctly describes the record requested;

(e) A verification that the records requested shall not be used to compile a commercial sales list.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the university "public records officer" or that individual's designee, to assist the member of the public in succinctly identifying the public record requested. (1) Scheduling of appointments. Public records identified as responsive to a public records request may be made available for inspection and copying during regular office hours by scheduling an appointment with the public records officer. The requestor must review the assembled records, or installment of records, within thirty days of being notified that the records are available for review. The records officer will notify the requestor in writing of this requirement and will ask the requestor or a representative of the requestor to make arrangements to claim or review the records. 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 university may close the request.

(2) Protection of records. The public records officer will 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 university functions. Public records made available for inspection may not be removed from the office without the permission of the records officer.

(3) Copying of records. The public records officer will arrange for copying of any records designated by the requestor and will charge such copying fees as may apply under WAC 106-276-090.

AMENDATORY SECTION (Amending WSR 94-20-075, filed 10/3/94, effective 11/3/94)

WAC 106-276-090 ((Charges for)) Copying ((or reproduction)) fees—Payments. (1) ((No fee shall be charged for inspection of public records. The university may impose a reasonable charge for providing copies or reproductions of public records for use by any person of agency equipment to copy or reproduce public records and for any excessive time expended by a state employee in researching the requested records, as determined by the public records officer. Such charges shall not exceed the amount necessary to reimburse the university for its actual costs incident to such copying or reproduction.

(2) No record shall be copied by photostatic process or otherwise reproduced until and unless the person requesting the copying or reproduction of the public record has tendered payment for such copying or reproduction to the records official from whom the public record was obtained, or to any person designated by such records official.)) Fees and payment procedures. The following copying fees and payment procedures apply to requests to the university under chapter 42.56 RCW received on or after the effective date of this section.

(2) Inspection of records. There is no fee for inspecting public records made available for inspection by the public records officer under WAC 106-276-080.

(3) Actual costs not calculated. Pursuant to RCW 42.56.120 (2)(b), the university is not calculating all actual

costs for copying records because to do so would be unduly burdensome for the following reasons:

(a) The institution does not have the resources to conduct a study to determine all its actual copying costs;

(b) To conduct such a study would interfere with other essential university functions; and

(c) Through the 2017 legislative process, the public and requestors have commented on and been informed of authorized fees and costs, including for electronic records, provided in RCW 42.56.120 (2)(b) and (c), (3), and (4).

(4) **Default fees adopted.** The university will charge for copies of records pursuant to the default fees in RCW 42.56.-120 (2)(b) and (c). The university will charge for customized services pursuant to RCW 42.56.120(3). Under RCW 42.56.-130, the university may charge other copy fees authorized by statutes outside of chapter 42.56 RCW. The university may enter into an alternative fee agreement with a requestor under RCW 42.56.120(4). The charges for copying methods used by the university are summarized in the fee schedule available on the university's web site at www.cwu.edu/business-services.

(5) **Advanced payment required - Fee waivers.** Requestors are required to pay for copies in advance of receiving records or an installment of records. The records officer will notify the requestor when payment is due. Fee waivers are an exception and are available for some small requests under the following conditions:

(a) It is within the discretion of the public records officer to waive copying fees when:

(i) All of the records responsive to an entire request are paper copies only and consist of twenty-five or fewer pages; or

(ii) All of the records responsive to an entire request are electronic and can be provided in a single email with attachments of a size totaling no more than the equivalent of one hundred printed pages. If that email for any reason is not deliverable, records will be provided through another means of delivery, and the requestor will be charged in accordance with this rule.

(b) Fee waivers are not applicable to records provided in installments.

(6) **Copying fee deposits.** The public records officer may require an advance deposit of ten percent of the estimated fees when the copying fees for an installment or an entire request, or customized service charge, exceed twenty-five dollars.

(7) **Payment method.** Payment should be made by credit or debit card or by check or money order payable to Central Washington University. The university prefers not to receive cash. Cash payments will be accepted if made in the exact amount.

(8) **Closure of request for nonpayment.** The university will close a request when a requestor fails by the payment date to pay in the manner prescribed for records, an installment of records, or a required deposit.

AMENDATORY SECTION (Amending WSR 94-20-075, filed 10/3/94, effective 11/3/94)

WAC 106-276-110 Review of denials of public records requests. (1) ~~((Any person))~~ **Petition for internal administrative review.** A requestor who objects to the denial, or partial denial, of a records request ~~((for a public record shall))~~ may petition ~~((for prompt review of such decision by tendering to the president's office a written request for a review of such denial. Such written request by a person demanding prompt review shall specifically reference the written statement by the university denying that person's request for a public record.~~

~~(2) Within two business days after receiving the written request by a person petitioning for prompt review of a decision denying a public record, the president of the university or any designee, which for the purposes of this section may include the public records officer, shall consider such petition.~~

~~(3) During the course of the two business days in which the president or designee reviews the decision of the public records officer denying the request for a public record, the president or designee may conduct a brief adjudicative proceeding. During the course of such brief adjudicative proceeding, the president or designee may require that the person requesting the public record appear at a reasonable time and place located on the campus and further explain and identify the exact nature of the public record the person is seeking. Failure by the person requesting the review proceeding to appear at such brief adjudicative proceeding shall be deemed a waiver of that person's right to insist upon completion of the review of the request within two business days. If the petitioner requesting review does appear at such brief adjudicative proceeding, then the period for review by the university shall be extended to a period not exceeding twenty-four hours after such person requesting review has appeared before the president or designee.~~

~~(4) During the course of the brief adjudicative proceeding conducted by the president or designee under this section, the presiding officer shall consider the obligations of the university to comply fully with the intent of chapter 42.17 RCW insofar as it requires providing public access to official records, but shall also consider the exemptions provided in RCW 42.17.310 and the requirement of RCW 42.17.290 insofar as it requires the university to protect public records from damage or disorganization, prevent excessive interference with essential functions of the agency, and to prevent any unreasonable invasion of personal privacy by deleting identifying details)) in writing to the public records officer for a review of that decision. The public records officer will promptly refer the petition to the office of the president. A senior administrator designated by the president will consider the petition and will render a decision within two business days following the initial receipt of the petition by the public records officer. The time for considering the petition may be extended by mutual agreement of the university and the requestor.~~

(2) **Review by attorney general's office.** A requestor who objects to the denial or partial denial of a records request may request the office of the attorney general to review the matter as provided in RCW 42.56.530 and WAC 44-06-160.

Requests for attorney general review must be directed to Public Records Review, Office of the Attorney General, P.O. Box 40100, Olympia, Washington 98504-0100.

(3) **Judicial review.** A requestor may obtain judicial review of denials of public records requests pursuant to RCW 42.56.550 at the conclusion of two business days after the initial denial regardless of any internal administrative review.

NEW SECTION

WAC 106-276-120 Court protection of public records. (1) **Notifying interested persons.** The university, as required or permitted by law or contract, including any collective bargaining agreement, and in other appropriate circumstances, may notify persons named in a public record, or to whom the record specifically pertains, that release of the record has been requested and that such persons may apply to the superior court for a protective order under RCW 42.56.540.

(2) **Applying for court protection.** The university in appropriate circumstances may apply to the superior court for a protective order enjoining the examination of any specific public record in accordance with the procedures under RCW 42.56.540. Nothing in this chapter shall be construed as either requiring or prohibiting the university's application to the court for such an order.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 106-276-005 Definitions.

WAC 106-276-100 Determination regarding exempt records.

WAC 106-276-230 Document index.

WSR 19-10-019

PROPOSED RULES

CENTRAL WASHINGTON UNIVERSITY

[Filed April 22, 2019, 4:37 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 18-12-001.

Title of Rule and Other Identifying Information: Use of campus facilities for expressive activity, chapter 106-141 WAC.

Hearing Location(s): On June 4, 2019, at 10:00 a.m., at Central Washington University, 400 East University Way, Student Union Recreation Center, Room 301, Ellensburg, WA.

Date of Intended Adoption: July 26, 2019.

Submit Written Comments to: Kimberly J. Dawson, Rules Coordinator, Office of the President, 400 East University Way, Ellensburg, WA 98926-7501, email kimberly.dawson@cwu.edu, fax 509-963-3206, by June 4, 2019.

Assistance for Persons with Disabilities: Contact Kimberly J. Dawson, phone 509-963-2111, email kimberly.dawson@cwu.edu, by May 30, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Rules are needed to provide for the use of campus facilities by campus and noncampus groups for expressive activities, subject to reasonable time, place, and manner limitations.

Statutory Authority for Adoption: RCW 28B.35.120 and chapter 34.05 RCW.

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

Name of Proponent: Central Washington University, public and governmental.

Name of Agency Personnel Responsible for Drafting: William Schafer, Bouillon Hall 140, 509-963-3001; Implementation: Gregory Heinselman, Bouillon Hall 204, 509-963-1515; and Enforcement: Not applicable.

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 are not "significant legislative rules" as defined under RCW 34.05.328(5).

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 relate only to internal governmental operations that are not subject to violation by a nongovernment party.

April 22, 2019

Kimberly J. Dawson

Rules Coordinator

Chapter 106-141 WAC

USE OF CAMPUS FACILITIES FOR EXPRESSIVE ACTIVITY

NEW SECTION

WAC 106-141-010 Purpose. This chapter contains the policies of Central Washington University concerning the use of campus facilities by campus and noncampus groups for engaging in free speech and other expressive activities. The university as an academic institution values freedom of inquiry and expression, civil discourse, and tolerance of competing viewpoints. At the same time, campus facilities are intended primarily for use by campus groups for educational and related institutional purposes. The university intends to open the campus for expressive use by noncampus groups to the extent that such usage does not substantially and materially interfere with institutional purposes. It is further intended, both with respect to campus and noncampus groups, that these expressive activity policies shall be interpreted and applied consistently with applicable constitutional law.

NEW SECTION

WAC 106-141-020 Definitions. (1) **Campus facilities - Grounds and buildings.** The term "campus facilities" as used in this chapter means the grounds and buildings owned, leased, operated, or controlled by the university at its campuses in Ellensburg and other locations throughout the state.

(a) **Grounds.** The campus "grounds" consist of those outdoor areas of the campus that are generally open and accessible to the public, including any commons, public square, plaza, patio, pedestrian mall, thoroughfare or walkway, multipurpose field, lawn, or open space.

(b) **Buildings.** The "buildings" of the campus consist of any academic or administrative building, student union, library, museum or gallery, auditorium, theater, concert or recital hall, laboratory, dining or residence hall, athletic or recreational facility, conference or event center, maintenance or storage facility, parking lot, and any other structure reserved by the university for designated institutional uses.

(2) **Campus and noncampus groups.** The term "campus groups" means individuals or groups of individuals affiliated with the university as students, faculty or staff, or invited guests sponsored by a recognized student or alumni organization, academic department, or administrative office of the university. A "noncampus group" means individuals or groups of individuals who are not so affiliated with the university.

(3) **Expressive activity.** The term "expressive activity" means the exercise of those rights of speech, petition, and assembly protected under the federal and state constitutions including, but not limited to, public speech or other expressive conduct, the circulation of petitions or distribution of literature, protests, demonstrations, rallies, picketing, and other gatherings to share information, ideas, beliefs, or viewpoints.

(4) **Public forum - Designated or limited.** A "public forum" for purposes of this chapter is either "designated" or "limited." A dedicated public forum is available for expressive use both by campus and noncampus groups. A limited forum is available for expressive use only by campus groups and may be limited to designated purposes.

NEW SECTION

WAC 106-141-030 Use of campus facilities for expressive activity. (1) **Campus grounds.** The grounds of the campus constitute designated public forums available for use for expressive activity both by campus and noncampus groups, as those terms are defined in WAC 106-141-020.

(2) **Campus buildings.** The buildings of the campus constitute limited public forums available for use for expressive activity only by campus groups, as those terms are defined in WAC 106-141-020, and may be limited to designated purposes. Campus buildings and other facilities are available for rent by noncollege groups in accordance with the university's facility rental policies.

(3) **Limits on usage.** The use of campus facilities by campus or noncampus groups for expressive activities is subject to reasonable time, place, and manner regulations as set forth in WAC 106-141-040.

(4) **Exception - Open public meetings.** Nothing in these rules is intended to apply to public participation in meetings of the university's governing board or associated student body that are required to be open to the public under the Open Public Meetings Act, chapter 42.30 RCW.

NEW SECTION

WAC 106-141-040 Limitations on use of campus facilities. Campus or noncampus groups using campus facilities for expressive activities shall be subject to the following rules governing the time, place, and manner of the expressive activity.

(1) **Disruption or interference.** The expressive activity must not substantially and materially disrupt or interfere with the university's essential academic or administrative functions or with the rights and privileges of the university's students, employees, or invitees.

(2) **Hours of activity.** Expressive activity on the campus grounds as defined in WAC 106-141-020 must be limited between the hours of 8:00 a.m. and 10:00 p.m. Expressive activity in campus buildings must be limited in accordance with the normal hours of operation and other rules applicable to the particular building.

(3) **Scheduling conflicts.** Campus facilities, including both "grounds" and "buildings" as defined in WAC 106-141-020, are not available for unscheduled expressive activities that conflict with previously scheduled uses of the facility.

(4) **Sound amplification.** Sound amplification, whether by artificial means or otherwise, must be maintained at a volume that does not substantially and materially disrupt or interfere with the university's essential academic or administrative functions.

(5) **Traffic obstruction.** The expressive activity must not be conducted in such a manner as to obstruct vehicular, bicycle, pedestrian, or other traffic including, but not limited to, access by emergency vehicles or personnel. The activity must not otherwise interfere with access to campus facilities or to other campus activities or events.

(6) **Health and safety - Protection of property.** The expressive activity must not create health or safety hazards, pose safety risks to others, or cause damage to university property or the property of others. The activity must be conducted in compliance with applicable fire, health, safety, and sanitation regulations.

(7) **Advance notice requested.** Campus and noncampus groups are requested to notify the university reasonably in advance of a planned or scheduled expressive activity. Such notice does not involve any permit application or approval process. Advance notice is requested for the purpose of avoiding scheduling conflicts and making appropriate security and facility use arrangements. Groups providing the requested notice are encouraged to provide the name and contact information for their group; the date, time and place of the activity; and the estimated number of participants.

(8) **Cleanup - Repairs.** Campus and noncampus groups using campus facilities for expressive activities are expected to clean up after the activity and return the facilities to their original condition. Reasonable charges may be assessed

against responsible parties for the cost of any extraordinary cleanup or for repairing damaged property.

(9) **Camping prohibited.** There shall be no overnight camping anywhere on or in campus facilities, except as expressly authorized by the university for designated institutional purposes. Camping is defined to include sleeping, cooking, or storing personal belongings, for personal habitation, or the erection of tents or other shelters or structures used for purposes of personal habitation.

(10) **Other applicable policies or rules.** The expressive activity must otherwise be conducted in compliance with any other applicable university policies and rules, local ordinances, and state or federal law.

NEW SECTION

WAC 106-141-050 Solicitation—Distribution of materials—Posting. (1) **Solicitation.** Commercial solicitation generally is not permitted on university property. Solicitation by campus and noncampus groups for other than commercial purposes is permitted to the same extent applicable to the distribution of materials under subsection (2) of this section. Space in campus buildings may be rented to noncampus groups for commercial or noncommercial purposes in accordance with university policies applicable to the particular campus facility.

(2) **Distribution of materials.**

(a) **Definition.** The term "materials" for purposes of this subsection means free literature or other tangible items, other than commercial advertising including, but not limited to, handbills, pamphlets, petitions, surveys, questionnaires, and other printed matter that is otherwise lawful.

(b) **Distribution on campus grounds.** Campus and non-campus groups may distribute materials anywhere on the campus grounds as defined in WAC 106-141-020, provided such distribution does not substantially and materially interfere with essential university functions and is otherwise in compliance with applicable time, place, and manner regulations under WAC 106-141-040.

(c) **Distribution in campus buildings.** The distribution of materials in campus buildings as defined in WAC 106-141-020 is limited to campus groups in accordance with university policies applicable to the particular facility.

(d) **Littering - Parking lots.** Littering is prohibited. The general distribution of materials by placing them on vehicle windshields in university parking lots is deemed to constitute littering.

(3) **Posting.** The posting by campus groups of noncommercial advertising or other printed announcements is permitted in designated locations and for designated purposes in accordance with policies applicable to the particular campus facility. Posting of noncommercial announcements by non-campus groups is permitted in areas designated for publicizing community events.

NEW SECTION

WAC 106-141-060 Violations—Trespass—Appeals.

(1) **Violations by students or employees.** University students or employees violating these rules will be advised of the specific nature of the violation and, if the violation per-

sists or poses an immediate risk of harm to others, may be asked to leave the campus, or designated areas of the campus, and may be reported to the appropriate university authorities for potential corrective or disciplinary action in accordance with applicable university policies.

(2) **Violations by nonuniversity persons.** Persons other than university students or employees violating these rules will be advised of the specific nature of the violation and, if the violation persists or poses an immediate risk of harm to others, may be directed by university police to leave the campus or designated areas of the campus. Such direction will be in the form of a written notice of trespass withdrawing the license or privilege of such persons to enter onto or remain on university property, either temporarily or for a stated period of time, and subjecting such persons to arrest for criminal trespass under chapter 9A.52 RCW or applicable municipal ordinance.

(3) **Appeal of trespass notice.** When the university under subsection (2) of this section revokes the license or privilege of any person to be on university property, whether temporarily or for a stated period of time, such person may request review of the decision by the university president or designee. The request must be made in writing within ten calendar days of receiving the trespass notice and must explain why the person disagrees with the trespass decision. The trespass notice will remain in effect pending administrative review. The administrative decision should be issued within five business days and will constitute the final decision of the university.

WSR 19-10-020

PROPOSED RULES

CENTRAL WASHINGTON UNIVERSITY

[Filed April 22, 2019, 4:43 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 18-24-002.

Title of Rule and Other Identifying Information: Repealing chapter 106-160 WAC, Admission and registration procedures; chapter 106-172 WAC, Student records policy; and chapter 106-200 WAC, Career counseling services.

Hearing Location(s): On June 4, 2019, at 10:00 a.m., at Central Washington University (CWU), 400 East University Way, Student Union Recreation Center, Room 301, Ellensburg, WA.

Date of Intended Adoption: July 26, 2019.

Submit Written Comments to: Kimberly J. Dawson, Rules Coordinator, Office of the President, 400 East University Way, Ellensburg, WA 98926-7501, email kimberly.dawson@cwu.edu, fax 509-963-3206, by June 4, 2019.

Assistance for Persons with Disabilities: Contact Kimberly J. Dawson, phone 509-963-2111, email kimberly.dawson@cwu.edu, by May 30, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: CWU intends to repeal administrative rules that do not meet the definition of a "rule" under RCW 34.05.010(16) and that duplicate poli-

cies published in the university policies and procedures manual.

Statutory Authority for Adoption: RCW 28B.35.120 and chapter 34.05 RCW.

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

Name of Proponent: CWU, public and governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Not applicable.

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 rules to be repealed are not "significant legislative rules" as defined under RCW 34.05.328(5).

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 relate only to internal governmental operations that are not subject to violation by a nongovernment party.

April 22, 2019
Kimberly J. Dawson
Rules Coordinator

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 106-160-050 Admission and registration procedures and catalog requirements.
- WAC 106-160-060 Admission and registration procedures and catalog requirements—Changes in catalog.
- WAC 106-160-070 Finances.
- WAC 106-160-080 Graduating students.
- WAC 106-160-090 Registration.
- WAC 106-160-100 Registration—Deadlines.
- WAC 106-160-110 Registration—Changes in registration and withdrawal.
- WAC 106-160-120 Admission requirements—To freshman standing.
- WAC 106-160-130 Admission requirements for transfer applicants.
- WAC 106-160-140 Readmission of former students.
- WAC 106-160-160 Nonmatriculating students.
- WAC 106-160-170 High school enrichment.
- WAC 106-160-180 Admission requirements—International students.
- WAC 106-160-190 Application procedures.
- WAC 106-160-200 Required transcripts.
- WAC 106-160-210 Required tests.
- WAC 106-160-220 Admission decision.

- WAC 106-160-230 Accepting the offer of admission.
- WAC 106-160-240 Admission requirements—Application and admission to graduate study.
- WAC 106-160-250 Admission requirements—Application for study leading to a master's degree.
- WAC 106-160-270 Admission requirements—Admission procedure.
- WAC 106-160-310 Summer session admission and registration procedures.
- WAC 106-160-320 Summer session admission and registration procedures—Workshop registration.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 106-172-700 Purpose.
- WAC 106-172-711 Definitions.
- WAC 106-172-721 Notification by educational institution.
- WAC 106-172-731 Access to education records.
- WAC 106-172-733 Limitations on access to education records.
- WAC 106-172-735 Exception to consent requirements and record of access.
- WAC 106-172-740 Information not to be required.
- WAC 106-172-750 Timely disposal of records.
- WAC 106-172-761 Right to a proceeding.
- WAC 106-172-763 Informal proceedings.
- WAC 106-172-765 Conduct of the proceeding.
- WAC 106-172-772 Release of information for health or safety emergencies.
- WAC 106-172-775 Limitation on liability.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 106-200-110 Career counseling services for non-CWU students or nonalumni.

WSR 19-10-025
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed April 23, 2019, 11:35 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 19-06-080 on March 5, 2019.

Title of Rule and Other Identifying Information: WAC 220-415-090 2018-2020 Fall black bear hunting seasons and regulations.

Hearing Location(s): On June 14-15, 2019, at 8:00 a.m., at the Red Lion Hotel, 221 North Lincoln, Port Angeles, WA 98362.

Date of Intended Adoption: June 14-15, 2019.

Submit Written Comments to: Wildlife Program, P.O. Box 43200, Olympia, WA 98504, email wildthing@dfw.wa.gov, fax 360-902-2162, https://www.surveymonkey.com/r/ZN5J298, by May 16, 2019.

Assistance for Persons with Disabilities: Contact Delores Noyes, phone 360-902-2349, TTY 360-902-2207, email delores.noyes@dfw.wa.gov, by June 7, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: WAC 220-415-090, the proposed changes provide more recreational hunting opportunity in Eastern Washington by increasing the bag limit to two bears per license year. Also the proposed changes increase recreational opportunity in the South Cascades, Okanogan, Northeastern A, Northeastern B, Blue Mountains, and Long Island by opening the season August 1 statewide. Game management units (GMU) 419, 420, and 421 are being removed because bear hunting opportunities in these GMUs is extremely rare and it may be misleading to hunters. The final edit is to remove the 2018 dates as they have already occurred.

Reasons Supporting Proposal: WAC 220-415-090, the proposed amendments will simplify rules by creating a statewide bag limit and season opener. Additionally, the proposed amendments will remove emphasis on GMUs where bear harvest is unlikely.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.240, 77.32.070, 77.32.090, 77.32.370, and 77.32.530.

Statute Being Implemented: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.240, 77.32.070, 77.32.090, 77.32.370, and 77.32.530.

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

Name of Proponent: Washington department of fish and wildlife, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Eric Gardner, Natural Resources Building, 1111 Washington Street S.E., Olympia, WA 98501, 360-902-2515; and Enforcement: Steve Bear, Natural Resources Building, 1111 Washington Street S.E., 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 rule proposal does not require a cost-benefit analysis.

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; and 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.

Is exempt under RCW 19.85.025(4).

April 23, 2019

Scott Bird

Rules Coordinator

AMENDATORY SECTION (Amending WSR 18-11-061, filed 5/11/18, effective 6/11/18)

WAC 220-415-090 ((2018)) 2019-2020 Fall black bear hunting seasons and regulations. It is unlawful to fail to comply with the provisions below. A violation of this section is punishable under RCW 77.15.410, 77.15.245, or 77.15.280.

Black Bear Management Unit	Season	Hunt Area
Coastal	((Aug. 1 – Nov. 15, 2018)) Aug. 1 - Nov. 15, 2019 Aug. 1 - Nov. 15, 2020	GMUs 501, 504, 506, 530, 601, 602, 603, 607-621, 636-651, 658-663, 672-684
Puget Sound	((Aug. 1 – Nov. 15, 2018)) Aug. 1 - Nov. 15, 2019 Aug. 1 - Nov. 15, 2020	GMUs 407, 454, 624, 627, 633, 652, 666, 667
North Cascades	((Aug. 1 – Nov. 15, 2018)) Aug. 1 - Nov. 15, 2019 Aug. 1 - Nov. 15, 2020	GMUs 418((-421)), 426-450, 460
South Cascades	((Aug. 15 – Nov. 15, 2018 Aug. 15)) <u>Aug. 1</u> - Nov. 15, 2019 Aug. ((15)) <u>1</u> - Nov. 15, 2020	GMUs 466, 485, 503, 505, 510-520, 524, 550-574, 653, 654
Okanogan	((Aug. 15 – Nov. 15, 2018 Aug. 15)) <u>Aug. 1</u> - Nov. 15, 2019 Aug. ((15)) <u>1</u> - Nov. 15, 2020	GMUs 203, 209-243

Black Bear Management Unit	Season	Hunt Area
East Cascades	((Aug. 1 – Nov. 15, 2018)) Aug. 1 - Nov. 15, 2019 Aug. 1 - Nov. 15, 2020	GMUs 244-247, 249-251, 328, 329-368, 382, 388, 578
Northeastern A	((Sept. 1 – Nov. 15, 2018 Sept.)) Aug. 1 - Nov. 15, 2019 ((Sept.)) Aug. 1 - Nov. 15, 2020	GMUs 101-121, 204
Northeastern B	((Aug. 15 – Nov. 15, 2018 Aug. 15)) Aug. 1 - Nov. 15, 2019 Aug. (15) 1 - Nov. 15, 2020	GMUs 124-130
Blue Mountains	((Sept. 1 – Nov. 15, 2018 Sept.)) Aug. 1 - Nov. 15, 2019 ((Sept.)) Aug. 1 - Nov. 15, 2020	GMUs 145-154, 162-186
Columbia Basin	((Aug. 1 – Nov. 15, 2018)) Aug. 1 - Nov. 15, 2019 Aug. 1 - Nov. 15, 2020	GMUs 133, 136, 139, 142, 248, 254, 260-290, 371-381
Long Island	((Sept. 1 – Nov. 15, 2018 Sept.)) Aug. 1 - Nov. 15, 2019 ((Sept.)) Aug. 1 - Nov. 15, 2020	GMU 699

Bag Limit: Two (2) black bear per annual hunting season(~~s~~ only one of which may be taken in Eastern Washington)).

Area Restriction: Special deer permit required to hunt black bear in GMU 485. GMUs 410 and 422 are closed for black bear hunting. Hunters that choose to hunt in GMUs located in grizzly bear recovery areas, as identified by the department, must successfully complete the WDFW online bear identification test or equivalent test from another state and carry proof of successful completion.

License Required: A valid big game hunting license, which includes black bear as a species option, is required to hunt black bear. One black bear transport tag is included with a big game hunting license that has black bear as a species option.

A second black bear transport tag must be purchased to take a second bear.

Hunting Method: Hunters may use any lawful big game modern firearm, archery, or muzzleloader equipment for hunting black bear. The use of hounds and bait to hunt black bear is prohibited statewide.

Other Requirements: Hunters that choose to hunt in GMUs located in grizzly bear recovery areas as identified by the department must successfully complete the annual WDFW online bear identification test with a passing score (80% or higher) or carry proof that they have passed an equivalent test from another state. The WDFW test may be taken repeatedly until a passing score is achieved. All hunters must carry proof of passing a bear identification test while hunting in the GMUs identified by the department.

Submitting Biological Samples and Bear Teeth: Successful bear hunters must comply with harvest reporting and submission of biological samples including the black bear premolar tooth located behind the canine tooth of the upper jaw. Failure to comply with the submission of biological samples is a misdemeanor pursuant to RCW 77.15.280.

WSR 19-10-027
PROPOSED RULES
HEALTH CARE AUTHORITY
[Filed April 23, 2019, 2:34 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 19-02-021.

Title of Rule and Other Identifying Information: WAC 182-501-0060 Health care coverage—Program benefit packages—Scope of service categories and 182-501-0065 Health care coverage—Description of service categories.

Hearing Location(s): On June 4, 2019, at 10:00 a.m., at the Health Care Authority (HCA), Cherry Street Plaza, Pear Conference Room 107, 626 8th Avenue, Olympia, WA 98504. Metered public parking is available street side around building. A map is available at <https://www.hca.wa.gov/assets/program/Driving-parking-checkin-instructions.pdf> or directions can be obtained by calling 360-725-1000.

Date of Intended Adoption: Not sooner than June 5, 2019.

Submit Written Comments to: HCA Rules Coordinator, P.O. Box 42716, Olympia, WA 98504-2716, email arc@hca.wa.gov, fax 360-586-9727, by June 4, 2019.

Assistance for Persons with Disabilities: Contact Amber Lougheed, phone 360-725-1349, fax 360-586-9727, telecommunication relay services 711, email amber.lougheed@hca.wa.gov, by May 31, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The agency is revising WAC 182-501-0060 and 182-501-0065 to reflect new coverage for hearing hardware for clients age twenty-one and older effective January 1, 2019. The agency is also updating the table in WAC 182-501-0060 and the description

of service categories in WAC 182-501-0065 to reflect current agency policy.

Reasons Supporting Proposal: See purpose.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160, and E2SSB 5179, 65th legislature, 2018 regular session.

Statute Being Implemented: RCW 41.05.021, 41.05.160, and E2SSB 5179, 65th legislature, 2018 regular session.

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

Name of Proponent: HCA, governmental.

Name of Agency Personnel Responsible for Drafting: Jason Crabbe, P.O. Box 42716, Olympia, WA 98504-2716, 360-725-9563; Implementation and Enforcement: Trudi Glant, P.O. Box 45506 [45504], Olympia, WA 98504-5504, 360-725-1795.

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. RCW 34.05.328 does not apply to HCA rules unless requested by the joint administrative rules review committee or applied voluntarily.

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; and rule content is explicitly and specifically dictated by statute.

April 23, 2019
Wendy Barcus
Rules Coordinator

AMENDATORY SECTION (Amending WSR 15-07-083, filed 3/17/15, effective 4/17/15)

WAC 182-501-0060 Health care coverage—Program benefit packages—Scope of service categories. (1) This rule provides a table that lists:

(a) The following Washington apple health ((~~WAH~~)) programs:

- (i) The alternative benefits plan (ABP) medicaid;
- (ii) Categorically needy (CN) medicaid;
- (iii) Medically needy (MN) medicaid; and
- (iv) Medical care services (MCS) programs (includes incapacity-based and aged, blind, and disabled medical care services), as described in WAC 182-508-0005; and

(b) The benefit packages showing what service categories are included for each program.

(2) Within a service category included in a benefit package, some services may be covered and others noncovered.

(3) Services covered within each service category included in a benefit package:

(a) Are determined in accordance with WAC 182-501-0050 and 182-501-0055 when applicable.

(b) May be subject to limitations, restrictions, and eligibility requirements contained in agency rules.

(c) May require prior authorization (see WAC 182-501-0165), or expedited prior authorization when allowed by the agency.

(d) Are paid for by the agency or ((~~its~~)) the agency's designee and subject to review both before and after payment is made. The agency or the client's managed care organization may deny or recover payment for such services, equipment, and supplies based on these reviews.

(4) The agency does not pay for covered services, equipment, or supplies that:

(a) Require prior authorization from the agency or ((~~its~~)) the agency's designee, if prior authorization was not obtained before the service was provided;

(b) Are provided by providers who are not contracted with the agency as required under chapter 182-502 WAC;

(c) Are included in an agency or ((~~its~~)) the agency's designee waiver program identified in chapter 182-515 WAC; or

(d) Are covered by a third-party payor (see WAC 182-501-0200), including medicare, if the third-party payor has not made a determination on the claim or has not been billed by the provider.

(5) Programs not addressed in the table:

(a) Alien emergency medical (AEM) services (see chapter 182-507 WAC); and

(b) TAKE CHARGE program (see WAC 182-532-700 through 182-532-790);

(c) Postpartum and family planning extension (see WAC 182-523-0130(4) and 182-505-0115(5));

(d) Eligibility for pregnant minors (see WAC 182-505-0117); and

(e) Kidney disease program (see chapter 182-540 WAC).

(6) Scope of service categories. The following table lists the agency's categories of health care services.

(a) Under the ABP, CN, and MN headings, there are two columns. One addresses clients twenty years of age and younger, and the other addresses clients twenty-one years of age and older.

(b) The letter "Y" means a service category is included for that program. Services within each service category are subject to limitations and restrictions listed in the specific medical assistance program rules and agency issuances.

(c) The letter "N" means a service category is not included for that program.

(d) Refer to WAC 182-501-0065 for a description of each service category and for the specific program rules containing the limitations and restrictions to services.

Service Categories	ABP 20-	ABP 21+	CN ¹ 20-	CN 21+	MN 20-	MN 21+	MCS
Ambulance (ground and air)	Y		Y	Y	Y	Y	Y
Applied behavior analysis (ABA)	Y	N	Y	N	Y	N	N
Behavioral health services	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>
((• Mental health (MH) inpatient care	Y	Y	Y	Y	Y	Y	Y
• MH outpatient community care	Y	Y	Y	Y	Y	Y	Y ²

Service Categories	ABP 20-	ABP 21+	CN ¹ 20-	CN 21+	MN 20-	MN 21+	MCS
• MH psychiatric visits	Y	Y	Y	Y	Y	Y	Y ³
• MH medication management	Y	Y	Y	Y	Y	Y	Y
• Substance use disorder (SUD) detoxification	Y	Y	Y	Y	Y	Y	Y
• SUD diagnostic assessment	Y	Y	Y	Y	Y	Y	Y
• SUD residential treatment	Y	Y	Y	Y	Y	Y	Y
• SUD outpatient treatment	Y	Y	Y	Y	Y	Y	Y))
Blood/blood products/related services	Y	Y	Y	Y	Y	Y	Y
Dental services	Y	Y	Y	Y	Y	Y	Y
Diagnostic services (lab and X-ray)	Y	Y	Y	Y	Y	Y	Y
Early and periodic screening, diagnosis, and treatment (EPSDT) services	Y	N	Y	N	Y	N	N
Enteral nutrition program	Y	Y	Y	Y	Y	Y	Y
Habilitative services	Y	Y	N	N	N	N	N
Health care professional services	Y	Y	Y	Y	Y	Y	Y
Health homes	Y	Y	Y	Y	N	N	N
Hearing evaluations	Y	Y	Y	Y	Y	Y	Y
Hearing aids	Y	((N)) Y	Y	((N)) Y	Y	((N)) Y	((N)) Y
Home health services	Y	Y	Y	Y	Y	Y	Y
Home infusion therapy/parenteral nutrition program	Y	Y	Y	Y	Y	Y	Y
Hospice services	Y	Y	Y	Y	Y	Y	N
Hospital services Inpatient/outpatient	Y	Y	Y	Y	Y	Y	Y
Intermediate care facility/services for persons with intellectual disabilities	Y	Y	Y	Y	Y	Y	Y
Maternity care and delivery services	Y	Y	Y	Y	Y	Y	Y
Medical equipment, ((durable (DME))) supplies, and appliances	Y	Y	Y	Y	Y	Y	Y
((Medical equipment, nondurable (MSE)	Y	Y	Y	Y	Y	Y	Y))
Medical nutrition ((services)) therapy	Y	((Y)) N	Y	((Y)) N	Y	((Y)) N	Y
Nursing facility services	Y	Y	Y	Y	Y	Y	Y
Organ transplants	Y	Y	Y	Y	Y	Y	Y
Orthodontic services	Y	N	Y	N	Y	N	N
Out-of-state services	Y	Y	Y	Y	Y	Y	N
Outpatient rehabilitation services (OT, PT, ST)	Y	Y	Y	Y	Y	N	Y
Personal care services	Y	Y	Y	Y	N	N	N
Prescription drugs	Y	Y	Y	Y	Y	Y	Y
Private duty nursing	Y	Y	Y	Y	Y	Y	N
Prosthetic/orthotic devices	Y	Y	Y	Y	Y	Y	Y
Reproductive health services	Y	Y	Y	Y	Y	Y	Y
Respiratory care (oxygen)	Y	Y	Y	Y	Y	Y	Y
School-based medical services	Y	N	Y	N	Y	N	N
Vision care Exams, refractions, and fittings	Y	Y	Y	Y	Y	Y	Y
Vision hardware Frames and lenses	Y	N	Y	N	Y	N	N

1 Clients enrolled in the Washington apple health for kids and Washington apple health for kids with premium programs, which includes the children's health insurance program (CHIP), receive CN-scope of health care services.
 ((2 Restricted to incapacity-based MCS clients enrolled in managed care.
 3 Incapacity-based MCS clients can receive one psychiatric diagnostic evaluation per year and eleven monthly visits per year for medication management.))

AMENDATORY SECTION (Amending WSR 14-06-045, filed 2/26/14, effective 3/29/14)

WAC 182-501-0065 Health care coverage—Description of service categories. This rule provides a brief description of the medical, dental, mental health, and substance use disorder (SUD) service categories listed in the table in WAC 182-501-0060. The description of services under each category is not intended to be all inclusive.

(1) For alternative benefits plan (ABP), categorically needy (CN), medically needy (MN), and medical care services (MCS), refer to the WAC citations listed in the following descriptions for specific details regarding each service category.

(2) The following service categories are subject to the exclusions, limitations, restrictions, and eligibility requirements contained in agency rules:

(a) **Ambulance** - Emergency medical transportation and ambulance transportation for nonemergency medical needs. (WAC 182-546-0001 through 182-546-4000.)

(b) **Applied behavior analysis (ABA)** - (~~WAC 182-531-1410 through 182-531-1434~~) (Chapter 182-531A WAC).

(c) **Behavioral health services** - (~~((i) Mental health inpatient care—Voluntary and involuntary admissions for psychiatric services. (WAC 182-550-2600.)~~)

(~~ii) Mental health outpatient (community mental health) services—Nonemergency, psychological evaluation, nonurgent counseling. (WAC 182-531-1400, 388-865-0215, 388-865-0230, and 388-865-0610 (1)(d)(i).)~~)

(~~iii) Psychiatric visits. (WAC 182-531-1400 and 388-865-0230.)~~)

(~~iv) Mental health medication management. (WAC 182-531-1400.)~~)

(~~v) Substance use disorder (SUD) detoxification. (WAC 388-877B-0100 through 388-877B-0130 and 182-550-1100; WAC 182-556-0400(3).)~~)

(~~vi) SUD diagnostic assessment. (WAC 388-877B-0500 through 388-877B-0550.)~~)

(~~vii) SUD residential treatment. (WAC 388-877B-0200 through 388-877B-0280.)~~)

(~~viii) SUD outpatient treatment. (WAC 388-877B-0300 through 388-877B-0370; WAC 182-533-0701 through 182-533-0730.)~~) (Chapters 182-538D and 246-341 WAC).

(d) **Blood, blood products, and related services** - Blood and/or blood derivatives, including synthetic factors, plasma expanders, and their administration. (WAC 182-550-1400 and 182-550-1500.)

(e) **Dental services** - Diagnosis and treatment of dental problems including emergency treatment and preventive care. (Chapters 182-535 and 182-535A WAC.)

(f) **Diagnostic services** - Clinical testing and imaging services. (WAC 182-531-0100; WAC 182-550-1400 and 182-550-1500.)

(g) **Early and periodic screening, diagnosis, and treatment (EPSDT)** - (Chapter 182-534 WAC and WAC 182-501-0050(10).)

(h) **Enteral nutrition program** - Enteral nutrition products, equipment, and related supplies. (Chapter 182-554 WAC.)

(i) **Habilitative services** - (Chapter 182-545 WAC).

~~((h))~~ (j) **Health care professional services** - The following services found in chapter 182-531 WAC:

(i) Office visits(~~(;)~~) and vaccinations(~~(;)~~);

(ii) Screening/brief intervention/referral to treatment (SBIRT), emergency room, and nursing facility(~~(;)~~) services;

(iii) Home-based(~~(;)~~) and hospital-based (~~(care)~~) services;

(iv) Surgery, anesthesia, pathology, radiology, and laboratory services;

(v) Obstetric services;

(vi) Kidney dialysis and renal disease services; (~~(osteopathic care, podiatry services)~~)

(vii) Advanced registered nurse practitioner, naturopathy, osteopathy, podiatry, physiatry, and pulmonary/respiratory services; and

(viii) Allergen immunotherapy services. (~~(Chapter 182-531 WAC.)~~)

(j))

(k) **Health homes** - (Chapter 182-557 WAC).

(l) **Hearing evaluations** - The following services found in WAC 182-531-0375:

(i) Audiology;

(ii) Diagnostic evaluations; and

(iii) Hearing exams and testing. (~~(WAC 182-531-0100 and 182-531-0375.)~~)

(k))

(m) **Hearing aids** - (Chapter 182-547 WAC).

~~((h))~~ (n) **Home health services** - Intermittent, short-term skilled nursing care, occupational therapy, physical therapy, speech therapy, home infusion therapy, and health aide services, provided in the home. (WAC 182-551-2000 through 182-551-2220.)

~~((m))~~ (o) **Home infusion therapy/parenteral nutrition program** - Supplies and equipment necessary for parenteral infusion of therapeutic agents. (Chapter 182-553 WAC.)

(p) **Hospice services** - Physician services, skilled nursing care, medical social services, counseling services for client and family, drugs, medications (including biologicals), medical equipment and supplies needed for palliative care, home health aide, homemaker, personal care services, medical transportation, respite care, and brief inpatient care. This benefit also includes services rendered in a hospice care center and pediatric palliative care services. (WAC 182-551-1210 through 182-551-1850.)

~~((h))~~ (q) **Hospital services—Inpatient/outpatient** - Emergency room; hospital room and board (includes nursing care); inpatient services, supplies, equipment, and prescription drugs; surgery, anesthesia; diagnostic testing, laboratory work, blood/blood derivatives; radiation and imaging treatment and diagnostic services; and outpatient or day surgery, and obstetrical services. (Chapter 182-550 WAC.)

~~((e))~~ (r) **Intermediate care facility/services for persons with intellectual disabilities** - Habilitative training, health-related care, supervision, and residential care. (Chapter 388-835 WAC.)

~~((p))~~ (s) **Maternity care and delivery services** - Community health nurse visits, nutrition visits, behavioral health visits, midwife services, maternity and infant case management services, family planning services and community health worker visits. (WAC 182-533-0330.)

~~((e)) (i) **Medical equipment, (~~durable (DME)) supplies, and appliances~~ - Medical equipment and appliances, including wheelchairs, hospital beds, respiratory equipment; casts, splints, crutches, trusses, and braces. Medical supplies, including antiseptics, germicides, bandages, dressings, tape, blood monitoring/testing supplies, braces, belts, supporting devices, decubitus care products, ostomy supplies, syringes, needles, and urological supplies. (Chapter 182-543 WAC.)**~~

~~((t) **Medical equipment, nondurable (MSE)**~~ - Antiseptics, germicides, bandages, dressings, tape, blood monitoring/testing supplies, braces, belts, supporting devices, decubitus care products, ostomy supplies, pregnancy test kits, syringes, needles, and urological supplies. (Chapter 182-543 WAC.)

~~(s) **Medical nutrition services**~~ - Enteral and parenteral nutrition, including supplies. (Chapters 182-553 and 182-554 WAC.)

~~((h)) (u) **Medical nutrition therapy** - Outpatient medical nutrition therapy and associated follow-ups. (Chapter 182-555 WAC.)~~

~~(v) **Nursing facility services** - Nursing, therapies, dietary, and daily care services delivered in a licensed nursing facility. (Chapter 388-97 WAC.)~~

~~((u) **Organ transplants**~~ - Solid organs, e.g., heart, kidney, liver, lung, pancreas, and small bowel; bone marrow and peripheral stem cell; skin grafts; and corneal transplants. (WAC 182-550-1900 and 182-556-0400.)

~~((v)) (w) **Organ transplants** - Solid organs, e.g., heart, kidney, liver, lung, pancreas, and small bowel; bone marrow and peripheral stem cell; skin grafts; and corneal transplants. (WAC 182-550-1900 and 182-556-0400.)~~

~~(x) **Orthodontic services** - (Chapter 182-535A WAC.)~~

~~((w)) (y) **Out-of-state services** - (WAC 182-502-0120.)~~

~~((x)) (z) **Outpatient rehabilitation services (OT, PT, ST)** - Evaluations, assessments, and treatment. (WAC 182-545-200.)~~

~~((y)) (aa) **Personal care services** - Assistance with activities of daily living (e.g., bathing, dressing, eating, managing medications) and routine household chores (e.g., meal preparation, housework, essential shopping, transportation to medical services). ((WAC 388-106-0010, 388-106-0200, 388-106-0300, 388-106-0600, 388-106-0700, 388-106-0745, and 388-106-0900)) Chapters 388-106 and 388-845 WAC.)~~

~~((z)) (bb) **Prescription drugs** - Outpatient drugs (including in nursing facilities), both generic and brand name; drug devices and supplies; some over-the-counter drugs; oral, topical, injectable drugs; vaccines, immunizations, and biologicals; and family planning drugs, devices, and supplies. (WAC 182-530-2000.) Additional coverage for medications and prescriptions is addressed in specific program WAC sections.~~

~~((aa)) (cc) **Private duty nursing** - Continuous skilled nursing services provided in (~~the home~~) a private residence, including client assessment, administration of treatment, and monitoring of medical equipment and client care. For benefits for clients (~~seventeen years of age and under.~~ (WAC 182-551-3000.)) age seventeen and younger, see WAC 182-551-3000 through 182-551-3400. For benefits for clients age~~

eighteen (~~years of age~~) and older, see WAC 388-106-1000 through 388-106-1055.

~~((bb)) (dd) **Prosthetic/orthotic devices** - Artificial limbs and other external body parts; devices that prevent, support, or correct a physical deformity or malfunction. (WAC 182-543-5000.)~~

~~((ee)) (ee) **Reproductive health services** - Gynecological exams; contraceptives, drugs, and supplies, including prescriptions; sterilization; screening and treatment of sexually transmitted diseases; and educational services. (WAC 182-532-001 through 182-532-140.)~~

~~((dd)) (ff) **Respiratory care (oxygen)** - All services, oxygen, equipment, and supplies related to respiratory care. (Chapter 182-552 WAC.)~~

~~((ee)) (gg) **School-based (~~medical~~) health care services** - (~~Medical~~) Early intervention services or special education health-related services provided in schools to ~~medicaid-eligible~~ children (~~with disabilities under the Individuals with Disabilities Education Act (IDEA))~~ ages birth through twenty who have an individualized education program (IEP) or individualized family service plan (IFSP). (Chapter 182-537 WAC.)~~

~~((ff)) (hh) **Vision care** - Eye exams, refractions, fittings, visual field testing, vision therapy, ocular prosthetics, and surgery. (WAC 182-531-1000.)~~

~~((gg)) (ii) **Vision hardware** - Frames and lenses. (Chapter 182-544 WAC.)~~

WSR 19-10-039

PROPOSED RULES

SECRETARY OF STATE

(Election Administration and Certification Board)

[Filed April 26, 2019, 11:59 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 18-07-037.

Title of Rule and Other Identifying Information: Permanent adoption of changes to WAC 434-260-220, 434-260-240, 434-260-300, 434-260-307, 434-260-310 and 434-260-320; and repealing WAC 434-260-225, 434-260-235, 434-260-260, 434-260-305 and 434-260-309, necessary to update and clarify procedures.

Hearing Location(s): On June 4, 2019, at 2:00 p.m., at 520 Union Avenue, Olympia, 98504.

Date of Intended Adoption: June 5, 2019.

Submit Written Comments to: Sheryl Moss, P.O. Box 40229, Olympia, WA 98504, email sheryl.moss@sos.wa.gov, fax 360-664-4169, by June 3, 2019.

Assistance for Persons with Disabilities: Contact Sheryl Moss, phone 360-902-4146, fax 360-664-4169, email Sheryl.moss@sos.wa.gov, by June 3, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The secretary of state with the election administration and certification board administers a certification program for election administrators. The amendments include increasing the renewal period to two years, increasing the renewal training hours required

to forty hours, increasing Washington election specific training required, giving the secretary of state authority to determine the training that meets the initial certification and renewal requirements and eliminating the assistant election administrator level.

Reasons Supporting Proposal: Increasing the renewal period provides more flexibility in obtaining the required training for certification renewal. The training requirement changes provide additional training for certified election administrators as well as more training specific to Washington state elections. The secretary of state's office may make decisions on specific training applicability as needed for the program. The assistant election administrator level has been underutilized. Elimination of this position will simplify the certification requirements for election administrators.

Statutory Authority for Adoption: RCW 29A.04.630.

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

Name of Proponent: Mark Neary, assistant secretary of state, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Lori Augino, Olympia, 360-902-4151.

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 19.85.025(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party.

Mark Neary
Assistant Secretary of State

AMENDATORY SECTION (Amending WSR 11-24-064, filed 12/6/11, effective 1/6/12)

WAC 434-260-220 Certification of election administrators. Election administrators shall become certified upon completion of the following:

(1) Completion of the secretary of state's mandatory ~~((orientation))~~ certification course;

(2) Two years of service in election administration during the three-year period immediately prior to the request for initial certification;

(3) Taking and passing the open book written ~~((test described in WAC 434-260-260))~~ exam on Title 29A RCW, Title 434 WAC, the Washington state Constitution, and other applicable state and federal election laws as prepared by the secretary of state;

(4) A minimum of forty hours participation in conferences and workshops ~~((provided by:~~

- ~~(a) The Washington Association of County Auditors;~~
- ~~(b) The secretary of state;~~
- ~~(c) The elections center;~~
- ~~(d) The United States Election Assistance Commission;~~
- ~~(e) The Federal Voting Assistance Program; or~~

~~(f) Other conferences or courses related to election administration or government administration approved by the Election Administration and Certification Board.~~

~~Election administrators may also claim up to four hours of training credit for training received while visiting other county election departments)) as preapproved by the secretary of state.~~

(a) At least thirty of the required forty hours must be election-specific training.

(i) At least twenty hours of election training must specifically address Washington state elections and must include training hours from attending an annual Washington elections conference.

(ii) Up to four hours of training may be for observing election procedures in other county election departments.

(b) Up to ten hours of training may be for professional development as determined by the county or state approving authority.

(c) All training shall be received not more than five years prior to the date of a request for initial certification ((and shall include at least thirty hours of election-specific training)).

(d) The secretary of state shall publish a list of election-specific training approved for election administrator certification by January 1, 2020.

(5) A high school diploma or its equivalent.

AMENDATORY SECTION (Amending WSR 07-12-032, filed 5/30/07, effective 6/30/07)

WAC 434-260-240 Mandatory ~~((orientation))~~ certification course. (1) All election administrators ~~((and assistant election administrators shall, within eighteen months of undertaking these responsibilities,))~~ shall attend a mandatory ~~((orientation workshop))~~ certification course sponsored by the secretary of state to be eligible for certification. ~~((Mandatory orientation workshops))~~ The mandatory certification course will be offered ~~((for new))~~ to election administrators ~~((and deputy election administrators))~~ annually.

(2) ~~((Mandatory orientation))~~ The mandatory certification course will consist of at least eight hours of training in election-related subjects.

AMENDATORY SECTION (Amending WSR 05-06-036, filed 2/25/05, effective 3/28/05)

WAC 434-260-300 ~~((Maintaining))~~ Renewal of certification as an election administrator. ~~((After attaining initial certification the election administrator is responsible for maintaining his or her certification. Maintenance of certification shall consist of:))~~ Applications for certification renewal must be submitted by December 31st of every odd-numbered year. The secretary of state will renew certification with the following qualifications:

(1) Continuous service as an election administrator during the two years for which ~~((maintenance))~~ renewal is required~~((;))~~.

(2) Participation in ~~((an annual))~~ a minimum of ~~((eighteen))~~ forty hours of ~~((continuing education, at least six hours of which shall be on election-specific training. This training may be received at any election oriented workshop or conference sponsored by any of the organizations listed in WAC~~

434-260-220. In addition to receiving credit for participation in election workshops or conferences, election administrators may also receive a maximum of two hours for visiting other county election departments for training purposes and for any other training approved by the elections administration and certification board. A maximum of six hours, of the eighteen required, may be derived from a surplus of hours earned in the previous year) conferences and workshops attended within the renewal period, as preapproved by the secretary of state.

(a) At least thirty of the required forty hours must be election-specific training.

(i) At least twenty hours of election training must specifically address Washington state elections and must include training hours from attending an annual Washington elections conference.

(ii) Up to four hours of training may be for observing election procedures in other county election departments.

(b) Up to ten hours of training may be for professional development as determined by the county or state approving authority.

Election administrators who become initially certified within a two-year renewal period may use any training taken during the renewal period, including training used for initial certification.

The two-year renewal period and provisions begin January 1, 2020.

AMENDATORY SECTION (Amending WSR 01-11-111, filed 5/21/01, effective 6/21/01)

WAC 434-260-307 (~~Lapse of certification~~) Recertification of election administrator. Certification as an election administrator shall (~~lapse~~) expire when minimum requirements for (~~maintaining~~) certification renewal are not met (~~for two consecutive years. Recertification shall occur upon the following~~). An election administrator may recertify within two years of certification expiration. To recertify, an election administrator must:

(1) (~~Completion of~~) Attend the secretary of state's mandatory (~~orientation~~) certification course;

(2) Have two years continuous service as an election administrator immediately prior to the date of a request for recertification;

(3) (~~Taking and passing the open book written test described in WAC 434-260-260;~~

(4) A minimum of forty hours participation in conferences and workshops sponsored by those organizations listed in WAC 434-260-220(4). Such training shall be attended within five years prior to the date of a request for recertification and shall not include more than twenty hours of training used for prior certification and maintenance.) Take and pass a recertification exam;

(4) Attend twenty hours of Washington state election-specific training as defined in WAC 434-260-220.

To maintain certification, a recertified election administrator must take an additional twenty hours of training as required by WAC 434-260-300 by the next renewal deadline.

An election administrator shall be allowed one recertification in any (~~five-year~~) ten-year period.

New recertification requirements are effective January 1, 2020.

AMENDATORY SECTION (Amending WSR 09-18-098, filed 9/1/09, effective 10/2/09)

WAC 434-260-310 (~~Maintenance of certification~~)
Applications. The secretary of state shall make available certification applications (~~and maintenance forms~~) to (~~the county auditors~~) election administrators. Applications to (~~maintain~~) renew certification must be submitted to the secretary of state by (~~the county auditor by January~~) December 31st each odd-numbered year.

Two-year renewal requirements are effective January 1, 2020.

AMENDATORY SECTION (Amending WSR 99-12-004, filed 5/19/99, effective 6/19/99)

WAC 434-260-320 Training program for county canvassing board members. The secretary of state shall prepare a training program for county canvassing board members. The training shall be made available (~~on an annual basis~~) upon request.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 434-260-225 Certification of assistant election administrators.

WAC 434-260-235 Recertification of assistant election administrators as election administrators.

WAC 434-260-260 Open book written test.

WAC 434-260-305 Maintaining certification as an assistant election administrator.

WAC 434-260-309 Lapse of certification of assistant election administrator.

WSR 19-10-042 PROPOSED RULES DEPARTMENT OF REVENUE

[Filed April 26, 2019, 4:13 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 18-22-074.

Title of Rule and Other Identifying Information: WAC 458-16-340 Multipurpose senior citizen centers, is a new rule that explains the requirements for the property tax exemption under RCW 84.36.670 for real and personal property owned by a senior citizen organization that is used for the operation of a multipurpose senior citizen center.

Hearing Location(s): On June 6, 2019, at 10:00 a.m., at Conference Room 252, 6400 Linderson Way S.W., Tumwater, WA 98501.

Date of Intended Adoption: June 13, 2019.

Submit Written Comments to: Leslie Mullin, ITA Division, P.O. Box 47453, Olympia, WA 98504-7453, email LeslieMu@dor.wa.gov, fax 360-534-1606, by June 6, 2019.

Assistance for Persons with Disabilities: Contact Julie King or Renee Cosare, phone 360-704-5733 or 360-704-5734, TTY 800-833-6384.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed new rule will incorporate legislation from SHB 1526, 2017 regular session (chapter 301, Laws of 2017) and provide guidance to senior citizen organizations that operate a multipurpose senior citizen center.

Reasons Supporting Proposal: The proposed new rule is necessary to explain the application process and various exemption requirements to senior citizen organizations.

Statutory Authority for Adoption: RCW 84.36.865.

Statute Being Implemented: RCW 84.36.670.

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

Name of Proponent: Department of revenue, governmental.

Name of Agency Personnel Responsible for Drafting: Leslie Mullin, 6400 Linderson Way S.W., Tumwater, WA, 360-534-1589; Implementation and Enforcement: Randy Simmons, 6400 Linderson Way S.W., Tumwater, WA, 360-534-1605.

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 is not a significant legislative rule as defined by 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. The proposed rule language for this new property tax exemption clarifies the application of RCW 84.36.670. The proposed rule does not impose more-than-minor costs on businesses, as it does not propose any new requirements not already provided for in statute. The proposed rule does not impose fees, filing requirements, or recordkeeping guidelines that are not already established in chapter 84.36 RCW for the administration of property tax exemptions.

April 26, 2019
Kevin Dixon
Program Manager

NEW SECTION

WAC 458-16-340 Multipurpose senior citizen centers. (1) **Introduction.** This rule explains the real and personal property tax exemption available under RCW 84.36.670 to persons who operate a multipurpose senior citizen center.

(2) **Definitions.** For the purposes of this rule, the following definitions apply:

(a) "Assessment year" means the calendar year preceding the tax year in which real and personal property is listed and valued by the assessor.

(b) "Farmers market" means a regular assembly of vendors at a location for the main purpose of promoting the sale of agricultural products grown, raised, or produced in this state directly to the consumer.

(c) "Multipurpose senior citizen center" means a community facility that provides a broad spectrum of services to senior citizens, whether provided directly by the nonprofit senior citizen organization that owns the facility or by another person. These services may include health, social, nutritional, and educational services and recreational activities.

(d) "Senior citizen" means a person age sixty or older.

(e) "Senior citizen organization" means a private organization that:

(i) Has a mission, in whole or in part, to support senior citizens;

(ii) Is exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code; and

(iii) Operates a multipurpose senior citizen center.

(f) "Tax year" means the year in which property taxes are due.

(g) "Thrift store" means a retail establishment that:

(i) Is operated by a senior citizen organization;

(ii) Is located on the same parcel of real property as the senior citizen organization's multipurpose senior citizen center, or on a contiguous parcel of real property; and

(iii) Sells goods including, but not limited to, donated goods, as part of the senior citizen organization's fund-raising efforts for the operation of its multipurpose senior citizen center and for the provision of services and activities for senior citizens. If the thrift store sells nondonated goods, its gross annual sales of nondonated goods cannot exceed ten percent of its total combined gross annual sales of all goods.

(3) **Exemption availability.**

(a) Qualifying uses of property. Both real property (which may be located on contiguous parcels) and personal property owned by a senior citizen organization are exempt from property tax if the property is used for the actual operation of a multipurpose senior citizen center (center). Additionally, the following activities may be conducted at the center:

(i) Loan or rental. The center may be loaned or rented for either for-profit or not-for-profit purposes, if the rent and donations received for the use of the center are reasonable and do not exceed the maintenance and operation expenses attributable to the portion of the center being loaned or rented.

(ii) Fund-raising events. The center may be used for fund-raising events and activities, including the operation of a farmers market or a thrift store.

(A) If the center is used to conduct fund-raising events and activities for the purpose of providing financial support for the center or for services and activities for senior citizens, then no restrictions apply to the type of organization conduct-

ing the fund-raising event or to the amount of rents or donations received.

(B) If the center is used to conduct fund-raising events and activities for purposes other than to support services and activities for senior citizens, then the fund-raising events and activities must be conducted by a nonprofit organization eligible for exemption under chapter 84.36 RCW. Additionally, the rent and donations received for the use of the center must be reasonable and cannot exceed the maintenance and operation expenses attributable to the portion of the center loaned or rented for the fund-raising event.

Example. A 501 (c)(3) nonprofit organization formed with the mission to support senior citizens owns real property that is used for the operation of a multipurpose senior citizen center. The center offers a broad spectrum of health, fitness, and nutrition services for senior citizens on a weekly basis and operates a thrift store. The thrift store is located within the center, is open four days each week, and sells donated items as part of the organization's fund-raising efforts for the operation of the center. The center is also rented on weekends, for a reasonable fee that does not exceed the maintenance and operations expenses attributable to the rented property, to the public for events such as weddings and family reunions. Based on the information provided, the center would qualify for the property tax exemption.

(b) Nonqualifying use of property. A pattern of use of the property in a manner inconsistent with the purpose of this exemption nullifies the exemption. A pattern of use is presumed when there is a use inconsistent with the purpose of operating a multipurpose senior citizen center and that use is repeated in the same assessment year or in two or more successive years. An example of a nonqualifying use that would be considered inconsistent with the purpose of operating a senior citizen center would be a commercial bakery that is open to the public and leases space, on a regular and on-going basis, from the center.

(c) The center must be available to all regardless of race, color, religion, creed, gender, gender expression, national origin, ancestry, the presence of any sensory, mental, or physical disability, marital status, sexual orientation, or honorably discharged veteran or military status.

(d) This exemption is not subject to the provisions of RCW 84.36.805.

(4) **Application and renewal.** This exemption is available beginning with property taxes levied in the 2017 assessment year (for collection in the 2018 tax year) through the 2026 assessment year (for collection in the 2027 tax year). RCW 82.32.805(1).

(a) Initial application. In order to be considered timely, initial applications must be received on or before:

(i) March 31st for taxes to be collected in the following year; or

(ii) Within sixty days of either acquiring the property or converting the property to an exempt use, whichever is later.

(b) Retroactive application. Retroactive applications to claim the exemption for prior years will be accepted up to a maximum of three years from the date taxes were due on the property. The last day to file a retroactive application for this exemption is April 30, 2030, for taxes that were due in the 2027 tax year. The applicant must:

(i) Provide the department with acceptable proof that the property qualified for exemption during the pertinent assessment years; and

(ii) Pay the late filing penalties under RCW 84.36.825.

(c) Renewal application. After the department approves an initial or retroactive application, the exemption applies for one year and must be renewed by March 31st of each year to exempt the property from taxes due the following year. See WAC 458-16-110 *Applications—Who must file, initial applications, annual declarations, appeals, filing fees, penalties, and refunds*, for more information about procedures property owners must follow to apply for and renew property tax exemptions.

(5) **Loss of exemption.** If the property is used for a non-qualifying purpose, it is subject to property tax for the remaining part of the assessment year. See RCW 84.40.360.

WSR 19-10-045

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed April 29, 2019, 9:25 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 19-06-047.

Title of Rule and Other Identifying Information: The department is proposing to amend WAC 388-444-0030 Are able-bodied adults without dependents (ABAWD) subject to additional work requirements and time limits to be eligible for basic food?

Hearing Location(s): On June 4, 2019, 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 June 5, 2019.

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., June 4, 2019.

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 May 21, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The community services division is proposing to amend WAC 388-444-0030 to reflect the annual update to Washington's supplemental nutrition assistance program state plan concerning ABAWD time limits, work requirements, and current United States Department of Agriculture Food and Nutrition Services-approved waivers for certain geographic areas of Washington state.

Reasons Supporting Proposal: DSHS incorporates regulations from the federal agencies, exercises state options, and implements approved waivers of federal regulatory requirements by adopting administrative rules for food assistance programs administered under the Washington basic food program.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.08.090, and 74.08A.120.

Statute Being Implemented: None.

Rule is necessary because of federal law, 7 C.F.R. § 273.24.

Name of Proponent: DSHS, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Glenn Haynes, P.O. Box 45470, Olympia, WA 98504-5470, 360-725-4556.

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. These amendments are exempt as allowed under RCW 34.05.328 (5)(b)(vii) which states in part, "this section does not apply to ... rules of the department of social and health services 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 19.85.025.

Explanation of exemptions: The proposed rule does not have an economic impact on small businesses.

April 25, 2019
Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 18-02-037, filed 12/22/17, effective 1/22/18)

WAC 388-444-0030 Are able-bodied adults without dependents (ABAWD) subject to additional work requirements and time limits to be eligible for basic food?

(1) An able-bodied adult without dependents (ABAWD) is a person who:

(a) Is age eighteen through forty-nine;

(b) Is fit for work and not exempted under WAC 388-444-0035; and

(c) Does not receive food assistance in an assistance unit (AU) that includes a minor child (we will consider the AU to include a minor child even if the minor child is not eligible to receive food assistance).

(2) If you are an ABAWD, you must participate in work activities under subsection (4) of this section.

(3) Nonexempt ABAWDs who live outside of King County or on the Muckleshoot Tribal Reservation may continue to receive food assistance until December 31, ~~((2018))~~ 2019 even if they fail to participate in work-related activities.

(4) A nonexempt ABAWD is not eligible to receive food assistance for more than three full months (which do not have to be consecutive months), not including any partial benefit months in a thirty-six month period, unless the ABAWD:

(a) Works an average of eighty hours per month, including:

(i) Work in exchange for money;

(ii) Work in exchange for goods or services ("in kind" work);

(iii) Unpaid work that is verified according to department requirements; or

(iv) Any combination of (a)(i) through (iii) of this subsection;

(b) Participates in one of the following work programs and is meeting the requirements of that work program:

(i) The Workforce Innovation and Opportunity Act of 2014;

(ii) Section 236 of the Trade Act of 1974;

(iii) A state-approved employment and training program at least an average of eighty hours per month; or

(c) Participates in an unpaid work program as provided in WAC 388-444-0040.

WSR 19-10-056
PROPOSED RULES
DEPARTMENT OF LICENSING

[Filed April 30, 2019, 7:36 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 19-06-016.

Title of Rule and Other Identifying Information: New WAC 308-500-010 Semiautomatic assault rifle fee.

Hearing Location(s): On Tuesday, June 4, 2019, at 1:30 p.m., in the Columbia Room, Washington State Capitol Building, 416 Sid Snyder Avenue S.W., Olympia, WA 98504. For information about capitol campus including parking please visit www.des.wa.gov.

Date of Intended Adoption: June 5, 2019.

Submit Written Comments to: Jennifer Richards, P.O. Box 9649, Olympia, WA 98507-9649, email Firearms@dol.wa.gov (reference Initiative 1639 (I-1639) fee), please reference "I-1639" in the subject line, by June 4, 2019.

Assistance for Persons with Disabilities: Contact Jennifer Richards, phone 360-664-6611, email Firearms@dol.wa.gov, please reference "I-1639 Hearing" in the subject line.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: With the passage of I-1639, the department of licensing is proposing rule making related to a fee the agency may require firearms dealers to collect from each semiautomatic assault rifle purchaser or transferee.

Reasons Supporting Proposal: I-1639 authorizes the department to require firearms dealers to collect this fee.

Statutory Authority for Adoption: RCW 9.41.090.

Statute Being Implemented: RCW 9.41.090.

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

Name of Proponent: Department of licensing, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Jennifer Richards, P.O. Box 9649, Olympia, WA 98507-9649, 360-664-6611.

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 under RCW 34.05.328 (5)(b)(v) because it is explicitly and specifically dictated by statute.

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.

April 30, 2019
Damon Monroe
Agency Rules Coordinator

Chapter 308-500 WAC
FIREARMS PROGRAM

NEW SECTION

WAC 308-500-010 Semiautomatic assault rifle fee.

(1) Dealers shall charge each semiautomatic assault rifle purchaser or transferee an eighteen dollar fee per semiautomatic assault rifle purchase or transfer of ownership. The fee must be collected by dealers and remitted to the department of licensing.

(2) For purposes of this section:

(a) "Dealer" has the same meaning as provided in RCW 9.41.010.

(b) "Semiautomatic assault rifle" has the same meaning as provided in RCW 9.41.010.

WSR 19-10-058
PROPOSED RULES
DEPARTMENT OF REVENUE

[Filed April 30, 2019, 9:20 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 19-04-103.

Title of Rule and Other Identifying Information: WAC 458-40-660 Timber excise tax—Stumpage value tables—Stumpage value adjustments.

Hearing Location(s): On June 12, 2019, at 10:00 a.m., at Conference Room 114C, 6400 Linderson Way S.W., Tumwater, WA 98501. Copies of draft rules are available for viewing and printing on our web site at dor.wa.gov. Call-in option can be provided upon request no later than three days before the hearing date.

Date of Intended Adoption: June 19, 2019.

Submit Written Comments to: Brenton M. Madison, P.O. Box 47453, Olympia, WA 98504-7453, email BrentonM@dor.wa.gov, fax 360-534-1606, by June 14, 2019.

Assistance for Persons with Disabilities: Contact Julie King or Renee Cosare, phone 360-704-5733 or 360-704-5734, TTY 800-833-6384.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: RCW 84.33.091 requires the department to revise the stumpage value tables every six months. The department establishes the stumpage value tables to apprise timber harvesters of the timber values used to calculate the timber excise tax. The values in the proposed rule will apply beginning July 1 through December 2019.

Reasons Supporting Proposal: This proposal provides the revised stumpage value tables for July 1 through December 31, 2019.

Statutory Authority for Adoption: RCW 82.01.060(2) and 84.33.096.

Statute Being Implemented: RCW 84.33.091.

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

Name of Proponent: Department of revenue, governmental.

Name of Agency Personnel Responsible for Drafting: Brenton M. Madison, 6400 Linderson Way S.W., Tumwater, WA, 360-534-1583; Implementation and Enforcement: Randy Simmons, 6400 Linderson Way S.W., Tumwater, WA, 360-534-1605.

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 Brenton M. Madison, Interpretations and Technical Advice Division, P.O. Box 47453, Olympia, WA 98504-7453, phone 360-534-1583, fax 360-534-1606.

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. Only large businesses are required to use the values contained in the rules, small businesses have other statutory authority for their tax reporting obligations.

April 30, 2019
Kevin Dixon
Program Manager

AMENDATORY SECTION (Amending WSR 19-02-069, filed 12/28/18, effective 1/1/19)

WAC 458-40-660 Timber excise tax—Stumpage value tables—Stumpage value adjustments. (1) **Introduction.** This rule provides stumpage value tables and stumpage value adjustments used to calculate the amount of a harvester's timber excise tax.

(2) **Stumpage value tables.** The following stumpage value tables are used to calculate the taxable value of stumpage harvested from ~~((January))~~ July 1 through ~~((June 30))~~ December 31, 2019:

Washington State Department of Revenue
WESTERN WASHINGTON STUMPAGE VALUE TABLE
 ((January)) July 1 through ((June 30)) December 31, 2019
 Stumpage Values per Thousand Board Feet Net Scribner Log
 Scale⁽¹⁾

Starting January 1, 2019, there are no Haul Zone adjustments.

Species Name	Species Code	SVA (Stumpage Value Area)	Stumpage Values		
Douglas-fir ⁽²⁾	DF	1	\$(507) 452		
		2	((590)) 494		
		3	((576)) 495		
		4	((635)) 577		
		5	((620)) 474		
		9	((493)) 438		
		Western Hemlock and Other Conifer ⁽³⁾	WH	1	((384)) 286
				2	((474)) 396
				3	((375)) 384
4	((408)) 344				
5	((512)) 339				
Western Red-cedar ⁽⁴⁾	RC	1-5	((1251)) 1045		
		9	((1237)) 1031		
		Ponderosa Pine ⁽⁵⁾	PP	1-5	((207)) 187
9	((193)) 173				
Red Alder	RA	1-5	((664)) 655		
		9	((647)) 641		
Black Cottonwood	BC	1-5	((90)) 79		
		9	((76)) 65		

Species Name	Species Code	SVA (Stumpage Value Area)	Stumpage Values
Other Hardwood	OH	1-5	((335)) 337
		9	((321)) 323
Douglas-fir Poles & Piles	DFL	1-5	((845)) 758
		9	((831)) 744
Western Red-cedar Poles	RCL	1-5	((1483)) 1428
		9	((1469)) 1414
Chipwood ⁽⁶⁾	CHW	1-5	((16)) 15
		9	((14)) 13
RC Shake & Shingle Blocks ⁽⁷⁾	RCS	1-9	285
Posts ⁽⁸⁾	LPP	1-9	0.35
DF Christmas Trees ⁽⁹⁾	DFX	1-9	0.25
Other Christmas Trees ⁽⁹⁾	TFX	1-9	0.50

- (1) Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
- (2) Includes Western Larch.
- (3) Includes all Hemlock, Spruce and true Fir species, or any other conifer not listed on this page.
- (4) Includes Alaska-Cedar.
- (5) Includes all Pines in SVA 1-5 & 9.
- (6) Stumpage value per ton.
- (7) Stumpage value per cord.
- (8) Includes Lodgepole posts and other posts, Stumpage value per 8 lineal feet or portion thereof.
- (9) Stumpage value per lineal foot.

Washington State Department of Revenue
EASTERN WASHINGTON STUMPAGE VALUE TABLE
 ((January)) July 1 through ((June 30)) December 31, 2019
 Stumpage Values per Thousand Board Feet Net Scribner Log
 Scale⁽¹⁾

Starting January 1, 2019, there are no Haul Zone adjustments.

Species Name	Species Code	SVA	
		(Stumpage Value Area)	Stumpage Values
Douglas-fir ⁽²⁾	DF	6	\$(315)) <u>296</u>
		7	((329)) <u>310</u>
Western Hemlock and Other Conifer ⁽³⁾	WH	6	((272)) <u>302</u>
		7	((286)) <u>316</u>
Western Redcedar ⁽⁴⁾	RC	6	((193)) <u>1037</u>
		7	((1207)) <u>1051</u>
Ponderosa Pine ⁽⁵⁾	PP	6	((193)) <u>173</u>
		7	((207)) <u>187</u>
Other Hardwood	OH	6	9
		7	9
Western Redcedar Poles	RCL	6	((1444)) <u>1373</u>
		7	((1458)) <u>1387</u>
Chipwood ⁽⁶⁾	CHW	6	1
		7	1
Small Logs ⁽⁶⁾	SML	6	((23)) <u>21</u>
		7	((25)) <u>23</u>
RC Shake & Shingle Blocks ⁽⁷⁾	RCS	6-7	285
Posts ⁽⁸⁾	LPP	6-7	0.35
DF Christmas Trees ⁽⁹⁾	DFX	6-7	0.25
Other Christmas Trees ⁽⁹⁾	TFX	6-7	0.50

(1) Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
 (2) Includes Western Larch.
 (3) Includes all Hemlock, Spruce and true Fir species, and Lodgepole Pine in SVA 6-7, or any other conifer not listed on this table.

(4) Includes Alaska-Cedar.
 (5) Includes Western White Pine in SVA 6-7.
 (6) Stumpage value per ton.
 (7) Stumpage value per cord.
 (8) Includes Lodgepole posts and other posts, Stumpage value per 8 lineal feet or portion thereof.
 (9) Stumpage value per lineal foot.

(3) **Harvest value adjustments.** The stumpage values in subsection (2) of this rule for the designated stumpage value areas are adjusted for various logging and harvest conditions, subject to the following:

(a) No harvest adjustment is allowed for special forest products, chipwood, or small logs.

(b) Conifer and hardwood stumpage value rates cannot be adjusted below one dollar per MBF.

(c) Except for the timber yarded by helicopter, a single logging condition adjustment applies to the entire harvest unit. The taxpayer must use the logging condition adjustment class that applies to a majority (more than 50%) of the acreage in that harvest unit. If the harvest unit is reported over more than one quarter, all quarterly returns for that harvest unit must report the same logging condition adjustment. The helicopter adjustment applies only to the timber volume from the harvest unit that is yarded from stump to landing by helicopter.

(d) The volume per acre adjustment is a single adjustment class for all quarterly returns reporting a harvest unit. A harvest unit is established by the harvester prior to harvesting. The volume per acre is determined by taking the volume logged from the unit excluding the volume reported as chipwood or small logs and dividing by the total acres logged. Total acres logged does not include leave tree areas (RMZ, UMZ, forested wetlands, etc.) over 2 acres in size.

(e) A domestic market adjustment applies to timber which meet the following criteria:

(i) **Public timber** - Harvest of timber not sold by a competitive bidding process that is prohibited under the authority of state or federal law from foreign export may be eligible for the domestic market adjustment. The adjustment may be applied only to those species of timber that must be processed domestically. According to type of sale, the adjustment may be applied to the following species:

Federal Timber Sales: All species except Alaska-cedar. (Stat. Ref. - 36 C.F.R. 223.10)

State, and Other Nonfederal, Public Timber Sales: Western Redcedar only. (Stat. Ref. - 50 U.S.C. appendix 2406.1)

(ii) **Private timber** - Harvest of private timber that is legally restricted from foreign export, under the authority of The Forest Resources Conservation and Shortage Relief Act (Public Law 101-382), (16 U.S.C. Sec. 620 et seq.); the Export Administration Act of 1979 (50 U.S.C. App. 2406(i)); a Cooperative Sustained Yield Unit Agreement made pursuant to the act of March 29, 1944 (16 U.S.C. Sec. 583-583i); or Washington Administrative Code (WAC 240-15-015(2)) is also eligible for the Domestic Market Adjustment.

The following harvest adjustment tables apply from January 1 through June 30, 2019:

TABLE 9—Harvest Adjustment Table
Stumpage Value Areas 1, 2, 3, 4, 5, and 9

~~((January))~~ July 1 through ~~((June 30))~~ December 31, 2019

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of 30 thousand board feet or more per acre.	\$0.00
Class 2	Harvest of 10 thousand board feet to but not including 30 thousand board feet per acre.	-\$15.00
Class 3	Harvest of less than 10 thousand board feet per acre.	-\$35.00
II. Logging conditions		
Class 1	Ground based logging a majority of the unit using tracked or wheeled vehicles or draft animals.	\$0.00
Class 2	Cable logging a majority of the unit using an overhead system of winch driven cables.	-\$85.00
Class 3	Applies to logs yarded from stump to landing by helicopter. This does not apply to special forest products.	-\$145.00
III. Remote island adjustment:		
	For timber harvested from a remote island	-\$50.00
IV. Thinning		
Class 1	A limited removal of timber described in WAC 458-40-610 (28)	-\$100.00

TABLE 10—Harvest Adjustment Table
Stumpage Value Areas 6 and 7

~~((January))~~ July 1 through ~~((June 30))~~ December 31, 2019

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 8 thousand board feet per acre.	\$0.00
Class 2	Harvest of 8 thousand board feet per acre and less.	-\$8.00
II. Logging conditions		
Class 1	The majority of the harvest unit has less than 40% slope. No significant rock outcrops or swamp barriers.	\$0.00
Class 2	The majority of the harvest unit has slopes between 40% and 60%. Some rock outcrops or swamp barriers.	-\$50.00
Class 3	The majority of the harvest unit has rough, broken ground with slopes over 60%. Numerous rock outcrops and bluffs.	-\$75.00
Class 4	Applies to logs yarded from stump to landing by helicopter. This does not apply to special forest products.	-\$145.00

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
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Note: A Class 2 adjustment may be used for slopes less than 40% when cable logging is required by a duly promulgated forest practice regulation. Written documentation of this requirement must be provided by the taxpayer to the department of revenue.

III. Remote island adjustment:

For timber harvested from a remote island	-\$50.00
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TABLE 11—Domestic Market Adjustment

Class	Area Adjustment Applies	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
	SVAs 1 through 5 only:	\$0.00

Note: This adjustment only applies to published MBF sawlog values.

(4) **Damaged timber.** Timber harvesters planning to remove timber from areas having damaged timber may apply to the department of revenue for an adjustment in stumpage values. The application must contain a map with the legal descriptions of the area, an accurate estimate of the volume of damaged timber to be removed, a description of the damage sustained by the timber with an evaluation of the extent to which the stumpage values have been materially reduced from the values shown in the applicable tables, and a list of estimated additional costs to be incurred resulting from the removal of the damaged timber. The application must be received and approved by the department of revenue before the harvest commences. Upon receipt of an application, the department of revenue will determine the amount of adjustment to be applied against the stumpage values. Timber that has been damaged due to sudden and unforeseen causes may qualify.

(a) Sudden and unforeseen causes of damage that qualify for consideration of an adjustment include:

(i) Causes listed in RCW 84.33.091; fire, blow down, ice storm, flood.

(ii) Others not listed; volcanic activity, earthquake.

(b) Causes that do not qualify for adjustment include:

(i) Animal damage, root rot, mistletoe, prior logging, insect damage, normal decay from fungi, and pathogen caused diseases; and

(ii) Any damage that can be accounted for in the accepted normal scaling rules through volume or grade reductions.

(c) The department of revenue will not grant adjustments for applications involving timber that has already been harvested but will consider any remaining undisturbed damaged timber scheduled for removal if it is properly identified.

(d) The department of revenue will notify the harvester in writing of approval or denial. Instructions will be included for taking any adjustment amounts approved.

(5) **Forest-derived biomass,** has a \$0/ton stumpage value.

WSR 19-10-060
PROPOSED RULES
HEALTH CARE AUTHORITY

[Filed April 30, 2019, 10:36 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 18-16-049.

Title of Rule and Other Identifying Information: WAC 182-550-2900 Payment limits—Inpatient hospital services and 182-550-2950 Payment limits—Provider preventable fourteen-day readmissions.

Hearing Location(s): On June 4, 2019, at 10:00 a.m., at the Health Care Authority (HCA), Cherry Street Plaza, Pear Conference Room 107, 626 8th Avenue, Olympia, WA 98504. Metered public parking is available street side around building. A map is available at <https://www.hca.wa.gov/assets/program/Driving-parking-checkin-instructions.pdf> or directions can be obtained by calling 360-725-1000.

Date of Intended Adoption: Not sooner than June 5, 2019.

Submit Written Comments to: HCA Rules Coordinator, P.O. Box 42716, Olympia, WA 98504-2716, email arc@hca.wa.gov, fax 360-586-9727, by June 4, 2019.

Assistance for Persons with Disabilities: Contact Amber Lougheed, phone 360-725-1349, fax 360-586-9727, telecommunication relay system [services] 711, email amber.lougheed@hca.wa.gov, by May 31, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The agency is amending WAC 182-550-2900 and adding WAC 182-550-2950 to describe the parameters for fourteen-day provider preventable readmissions.

In WAC 182-550-2900 [2900 (2)](f), the agency revised the reference to WAC 182-550-3000 to clarify that subsection (7)(f) describes the agency's review of fourteen-day readmissions. The agency added WAC 182-550-2900 [(2)](g) to distinguish provider preventable fourteen-day readmissions from the fourteen-day readmissions described in WAC 182-550-2900 (2)(f).

WAC 182-550-2950 establishes the agency's payment policy for provider preventable fourteen-day readmissions and describes the types of claims that do and do not apply to this rule. The proposed rules describe provider preventable readmissions and identifies [identify] the types of claims that do not qualify as provider preventable. The proposed rules also describe the agency's post-payment utilization review, provide that clients are not financially responsible for provider preventable claims, and establish dispute resolution processes.

Reasons Supporting Proposal: This WAC will decrease unnecessary hospital readmissions, improve the quality of care, and contribute to better use of health care dollars.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Statute Being Implemented: RCW 41.05.021, 41.05.160.

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

Name of Proponent: HCA, governmental.

Name of Agency Personnel Responsible for Drafting: Melinda Froud, P.O. Box 42716, Olympia, WA 98504-2716,

360-725-1408; Implementation and Enforcement: Joan Chappell, P.O. Box 45506, Olympia, WA 98504-5506, 360-725-1071.

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. RCW 34.05.328 does not apply to HCA rules unless requested by the joint administrative rules review committee or applied voluntarily.

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 impose any costs on businesses.

April 30, 2019
 Wendy Barcus
 Rules Coordinator

AMENDATORY SECTION (Amending WSR 18-11-074, filed 5/16/18, effective 7/1/18)

WAC 182-550-2900 Payment limits—Inpatient hospital services. (1) To be eligible for payment for covered inpatient hospital services, a hospital must:

(a) Have a core-provider agreement with the medicaid agency; and

(b) Be an in-state hospital, a bordering city hospital, a critical border hospital, or a distinct unit of that hospital, as defined in WAC 182-550-1050; or

(c) Be an out-of-state hospital that meets the conditions in WAC 182-550-6700.

(2) The agency does not pay for any of the following:

(a) Inpatient care or services, or both, provided in a hospital or distinct unit to a client when a managed care organization (MCO) plan is contracted to cover those services.

(b) Care or services, or both, provided in a hospital or distinct unit provided to a client enrolled in the hospice program, unless the care or services are completely unrelated to the terminal illness that qualifies the client for the hospice benefit.

(c) Ancillary services provided in a hospital or distinct unit unless explicitly spelled out in this chapter.

(d) Additional days of hospitalization on a non-DRG claim when:

(i) Those days exceed the number of days established by the agency or mental health designee under WAC 182-550-2600, as the approved length of stay (LOS); and

(ii) The hospital or distinct unit has not received prior authorization for an extended LOS from the agency or mental health designee as specified in WAC 182-550-4300(4). The agency may perform a prospective, concurrent, or retrospective utilization review as described in WAC 182-550-1700, to evaluate an extended LOS. A mental health designee may also perform those utilization reviews to evaluate an extended LOS.

(e) Inpatient hospital services when the agency determines that the client's medical record fails to support the medical necessity and inpatient level of care for the inpatient admission. The agency may perform a retrospective utilization review as described in WAC 182-550-1700, to evaluate

if the services are medically necessary and are provided at the appropriate level of care.

(f) Two separate inpatient hospitalizations if a client is readmitted to the same or affiliated hospital or distinct unit within fourteen calendar days of discharge and the agency determines that one inpatient hospitalization does not qualify for a separate payment. See WAC 182-550-3000 (7)(f) for the agency's review of fourteen-day readmissions.

(g) Inpatient claims for fourteen-day readmissions considered to be provider preventable as described in WAC 182-550-2950.

(h) A client's day(s) of absence from the hospital or distinct unit.

~~((h))~~ (i) A nonemergency transfer of a client. See WAC 182-550-3600 for hospital transfers.

~~((i))~~ (j) Charges related to a provider preventable condition (PPC), hospital acquired condition (HAC), serious reportable event (SRE), or a condition not present on admission (POA). See WAC 182-502-0022.

~~((j))~~ (k) An early elective delivery as defined in WAC 182-500-0030. The agency may pay for a delivery before thirty-nine weeks gestation, including induction and cesarean section, if medically necessary under WAC 182-533-0400 (20).

(3) This section defines when the agency considers payment for an interim billed inpatient hospital claim.

(a) When the agency is the primary payer, each interim billed nonpsychiatric claim must:

(i) Be submitted in sixty calendar day intervals, unless the client is discharged before the next sixty calendar day interval.

(ii) Document the entire date span between the client's date of admission and the current date of services billed, and include the following for that date span:

- (A) All inpatient hospital services provided; and
- (B) All applicable diagnosis codes and procedure codes.

(iii) Be submitted as an adjustment to the previous interim billed hospital claim.

(b) When the agency is not the primary payer:

(i) The agency pays an interim billed nonpsychiatric claim when the criteria in (a) of this subsection are met; and

(ii) Either of the following:

(A) Sixty calendar days have passed from the date the agency became the primary payer; or

(B) A client is eligible for both medicare and medicaid and has exhausted the medicare lifetime reserve days for inpatient hospital care.

(c) For psychiatric claims, (a)(i) and (b)(i) of this subsection do not apply.

(4) The agency considers for payment a hospital claim submitted for a client's continuous inpatient hospital admission of sixty calendar days or less upon the client's formal release from the hospital or distinct unit.

(5) To be eligible for payment, a hospital or distinct unit must bill the agency using an inpatient hospital claim:

(a) Under the current national uniform billing data element specifications:

(i) Developed by the National Uniform Billing Committee (NUBC);

(ii) Approved or modified, or both, by the Washington state payer group or the agency; and

(iii) In effect on the date of the client's admission.

(b) Under the current published international classification of diseases clinical modification coding guidelines;

(c) Subject to the rules in this section and other applicable rules;

(d) Under the agency's published billing instructions and other documents; and

(e) With the date span that covers the client's entire hospitalization. See subsection (3) of this section for when the agency considers and pays an initial interim billed hospital claim and any subsequent interim billed hospital claims;

(f) That requires an adjustment due to, but not limited to, charges that were not billed on the original paid claim (e.g., late charges), through submission of an adjusted hospital claim. Each adjustment to a paid hospital claim must provide complete documentation for the entire date span between the client's admission date and discharge date, and include the following for that date span:

(i) All inpatient hospital services provided; and

(ii) All applicable diagnosis codes and procedure codes; and

(g) With the appropriate NUBC revenue code specific to the service or treatment provided to the client.

(6) When a hospital charges multiple rates for an accommodation room and board revenue code, the agency pays the hospital's lowest room and board rate for that revenue code. The agency may request the hospital's charge master. Room charges must not exceed the hospital's usual and customary charges to the general public, as required by 42 C.F.R. Sec. 447.271.

(7) The agency allows hospitals an all-inclusive administrative day rate for those days of a hospital stay in which a client no longer meets criteria for the acute inpatient level of care. The agency allows this day rate only when an appropriate placement outside the hospital is not available.

(8) The agency pays for observation services according to WAC 182-550-6000, 182-550-7200, and other applicable rules.

(9) The agency determines its actual payment for an inpatient hospital admission by making any required adjustments from the calculations of the allowed covered charges. Adjustments include:

(a) Client participation (e.g., spenddown);

(b) Any third-party liability amount, including medicare part A and part B; and

(c) Any other adjustments as determined by the agency.

(10) The agency pays hospitals less for services provided to clients eligible under state-administered programs, as provided in WAC 182-550-4800.

(11) All hospital providers must present final charges to the agency according to WAC 182-502-0150.

NEW SECTION

WAC 182-550-2950 Payment limits—Provider preventable fourteen-day readmissions. (1) Introduction. The rules in this section establish the medicaid agency's payment policy for inpatient claims for provider preventable fourteen-

day readmissions and do not apply to any other rules regarding payment for hospital admissions.

(2) **Applicability.** The rules in this section apply to inpatient hospital claims made for clients enrolled in the fee-for-service program and to clients enrolled in an agency-contracted managed care organization (MCO).

(a) The rules in this section do not apply to:

(i) Professional claims submitted for services rendered in the inpatient setting during a readmission; or

(ii) Claims submitted by critical access hospitals.

(b) The rules in this section apply only to provider preventable readmissions and not to other types of fourteen-day hospital inpatient readmissions that do not qualify for payment for other reasons.

(3) **Provider preventable readmission.**

(a) For the purpose of this section, readmission means an inpatient hospital admission to the same or an affiliated hospital within fourteen calendar days of a discharge from a prior admission and clinically related to the prior admission.

(b) Inpatient claims from hospitals for fourteen-day readmissions that the agency or the agency's designee considers to be provider preventable do not qualify for payment.

(c) A readmission is provider preventable if the agency or the agency's designee determines there is a reasonable expectation the hospital could have prevented the readmission by one or more of the following:

(i) Quality of care provided during the index (initial) hospitalization. The quality of care provided during the index hospitalization must follow current, evidence-based standards of care for the health care specialty at issue and must be:

(A) Safely administered without physically harming the client;

(B) Free from medical error that subsequently results in readmission due to that error;

(C) Evidence based, producing outcomes that are supported by evidence and effective in treating the client. The quality of care must follow the hospital's current standards for care of the client's diagnosis during that treatment period;

(D) Client-centered, focusing on the client's individual needs. The quality of care must be appropriate for the diagnosis and involve the patient in the planning of their care;

(E) Timely, with treatment that did not result in a delay of care, and the client was not prematurely discharged;

(F) Medically necessary for treatment of a diagnosis recognized by the current International Statistical Classification of Diseases and Related Health Problems (ICD); and

(G) Equitable in quality for all clients, regardless of differences in personal characteristics or beliefs.

(ii) Discharge planning. Discharge planning must occur as directed in the Centers for Medicare and Medicaid Services' (CMS) interpretive guidelines for 42 C.F.R. Sec. 482.43, in Publication #100-07 State Operations Manual (Rev. 183, October 12, 2018), Appendix A, Section 482.43, Conditions of Participation: Discharge planning (CMS Manual). Discharge planning must include, but is not limited to:

(A) A clearly written discharge plan that actively involves the client or client's representative in the discharge process; and

(B) An assessment of the client's capability for postdischarge care and follow up including, but not limited to:

(I) The client's functional status and cognitive ability;

(II) The type of posthospital care the client requires, and whether such care requires the services of health care professionals or facilities;

(III) The availability of the required posthospital health care services to the client; and

(IV) The availability and capability of family, or friends, or both to provide follow-up care in the home.

(iii) Discharge process. Upon discharge, the provider must meet the following discharge components:

(A) Provide the client with all required prescriptions and provide education regarding the appropriate use of these medications; and

(B) Provide the client with written instructions in the client's primary language.

(I) If written instructions cannot be provided, the hospital must provide verbal instructions through an interpreter and document that the client's questions were answered.

(II) Written instructions must include home care instructions including, but not limited to:

- Contact numbers for discharge-related questions;

- Information describing when the client should call the provider with concerns and when to call 911;

- Dietary restrictions;

- Wound care, when applicable; and

- Activity limitations.

(iv) Postdischarge follow-up. Postdischarge follow-up documents must include:

(A) A complete discharge summary, including case management discharge summaries and a risk assessment score that is accessible by outpatient clinics for ease in care coordination.

(B) Dates and contact numbers for follow-up appointments arranged with the primary care provider for all intensive and high-risk clients before the client leaves the hospital.

(C) Arrangements for medical supplies, equipment, and home care services, as needed, before the client leaves the hospital.

(4) **Exclusions.** The following types of inpatient readmission claims are exempt or do not qualify as provider preventable readmissions:

(a) Inpatient psychiatric care;

(b) Readmissions not clinically related to the index (initial) admission;

(c) Readmissions that are planned or scheduled including, but not limited to:

(i) Admissions for repetitive treatments such as cancer chemotherapy or other required treatments for cancer, transfusions for chronic anemia, burn therapy, dialysis, or other planned treatments for renal failure;

(ii) Planned therapeutic or procedural admissions following diagnostic admissions, when the therapeutic treatment clinically could not occur during the same case; or

(iii) Planned admissions on the same day to a different hospital unit for continuing care (including transfers for mental health, chemical dependency, rehabilitation, and similar transfers that may be technically coded as discharge/admission for billing purposes).

(d) Admissions for required cancer treatments, including treatment-related toxicities or care for advanced-stage cancer;

(e) End of life and hospice care;

(f) Claims for clients who left against medical advice from index admission;

(g) Obstetrical claim admissions after an antepartum admission;

(h) Claims for readmission with a primary diagnosis of mental health or substance use disorder;

(i) Neonatal inpatient services;

(j) Transplant services, when the admission occurs within one hundred eighty days of transplant;

(k) Claims from a different hospital system other than where the index admission occurred;

(l) Claims to resume care for a client because the client did not comply with the discharge plan; or

(m) Readmissions resulting from the client's refusal of the recommended discharge plan and the index hospital making a less appropriate alternative plan to accommodate client preferences.

(5) **Postpayment utilization review.** The agency or the agency's designee performs a postpayment utilization review of the index hospital admission and all fourteen-day readmissions to determine what claims may qualify for recovery.

(6) **Client financial responsibility.** Clients are not financially liable for claims denied based on provider preventable fourteen-day readmissions that would have otherwise been paid by the agency or the agency's designee.

(7) **Dispute resolution.**

(a) Fee-for-service readmissions. If a hospital disputes a determination regarding fee-for-service readmissions, the agency follows the process in chapter 182-502A WAC and the administrative hearing procedure described in chapter 182-526 WAC.

(b) Managed care organization readmissions. MCOs must have an internal dispute resolution process for disputes arising out of a readmission. A hospital must access the MCO's internal dispute resolution process to dispute a provider preventable readmission determination by the MCO, as described in the hospital's individual contract with the MCO.

(c) Final determination review process. If the hospital has exhausted the MCO's internal dispute resolution process and the hospital continues to dispute the determination, the MCO and agency will follow the process regarding the fourteen-day readmission review program as described in the apple health managed care contract.

WSR 19-10-062
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed April 30, 2019, 11:41 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 16-16-106.

Title of Rule and Other Identifying Information: Chapter 296-27 WAC, Recordkeeping and reporting (Recordkeeping and Reporting Phase 3).

Hearing Location(s): On June 4, 2019, at 8:30 a.m., at the Department of Labor and Industries (L&I), Room S119, 7273 Linderson Way S.W., Tumwater, WA 98501.

Date of Intended Adoption: August 20, 2019.

Submit Written Comments to: Tari Enos, Administrative Regulations Analyst, P.O. Box 44620, Olympia, WA 98504, email tari.enos@lni.wa.gov, fax 360-902-5619, by June 11, 2019.

Assistance for Persons with Disabilities: Contact Tari Enos, phone 360-902-5541, fax 360-902-5619, email tari.enos@lni.wa.gov, by May 21, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: L&I is proposing to update certain sections of chapter 296-27 WAC, Recordkeeping and reporting, to make sure we are at-least-as-effective-as the Occupational Safety and Health Administration (OSHA). Over the past few years, federal OSHA has made multiple updates, the latest changes occurring in January 2019. OSHA's multiple rule-making projects impacted these specific sections:

- 29 C.F.R. 1904.35 Employee involvement (WAC 296-27-02111).
- 29 C.F.R. 1904.36 Prohibition against discrimination (WAC 296-27-02113).
- 29 C.F.R. 1904.40 Providing records to government representatives (WAC 296-27-03101).
- 29 C.F.R. 1904.41 Annual electronic submission of occupational injury and illness records; which now applies to all state plan states (WAC 296-27-03103).

One of the most significant changes federal OSHA made was to now require all establishments/employers operating in state plan states (and who meet the specified criteria) to comply with the annual electronic records submission requirements. Other housekeeping amendments are also being proposed in this chapter. Please see below for the proposed changes:

AMENDED SECTIONS:

WAC 296-27-01103 through 296-27-03101.

- Housekeeping changes through the chapter that do not change the effect of the rule. These changes include updating "you," "you are" or "you have" to "the employer," "the employer is" or "the employer has" where applicable for consistency purposes across all WAC, as well as clarification for users of this chapter.

WAC 296-27-01101 Recording criteria.

- The proposal corrects an inadvertent error from past rule making that references recordkeeping criteria under WAC 296-27-01109 through 296-27-01115 for specific cases related to needlestick and sharps injuries, medical removal cases, occupational hearing loss cases, and work-related tuberculous cases. The proposed rule updates the reference to "musculoskeletal disorder" with the correct reference to "tuberculosis" in subsection (2).

WAC 296-27-02111 Employee involvement.

- Revises the existing requirement that employers establish procedures for employees to report occupational injuries and illness, to clarify that these procedures must be "reasonable" and not deter or discourage reporting.
- Requires employers to inform employees of their right to report work-related injuries and illnesses free from retaliation.
- Incorporates the existing statutory prohibition on retaliating against employees for reporting work-related injuries or illnesses.
- Updates existing language to clarify the rights of employees and their representatives to access the injury and illness records.

WAC 296-27-02113 Prohibition against discrimination.

- Update the existing language to clarify that the WISH Act prohibits employers from discriminating against an employee for reporting a work-related fatality, injury or illness, as well as protects the employee who files a safety and health complaint or asks for access to the chapter 296-27 WAC records, or otherwise exercises any rights afforded under the WISH Act.

WAC 296-27-03103 Annual OSHA injury and illness survey.

- Update title of this WAC section to "Electronic submission of injury and illness records to OSHA."
- Add new note at the beginning of the section that reads: Note: The information required by this section is reported and tracked by OSHA for their own injury and illness data analysis. The division of occupational safety and health is not notified when employers submit this information to OSHA.
- Updates existing requirements requiring certain employers to submit injury and illness data to OSHA to address electronic submission. Remove all original language from this section and replace it with new language from OSHA, in a new format, outlining the requirements of electronic submission. The latest OSHA updates from January 2019 are represented in our updates. The new language will be at-least-as-effective-as OSHA.

NEW SECTIONS:**WAC 296-27-001 Definitions.**

- Move the definitions section from the end of the chapter to the beginning for clarification purposes, as well as to align with the changes being made for the eRules rule-making project.

WAC 296-27-071 Appendix B—Annual electronic submission of OSHA Form 300A; Table 3: Designated Industries.

- Add an OSHA identical table to this new section. Please see the proposed language for Table 3.

REPEALED SECTIONS:**WAC 296-27-051 Definitions and 296-27-05101 Definitions.**

Reasons Supporting Proposal: The reasons supporting the proposal of updating the current recordkeeping and

reporting rules is to ensure L&I is at-least-as-effective-as OSHA.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, and 49.17.050.

Statute Being Implemented: Chapter 49.17 RCW.

Rule is necessary because of federal law, 29 C.F.R. 1904.35.

Name of Proponent: L&I, governmental.

Name of Agency Personnel Responsible for Drafting: Chris Miller, Tumwater, Washington, 360-902-5516; Implementation and Enforcement: Anne Soiza, Tumwater, Washington, 360-902-5090.

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. According to RCW 34.05.328 (5)(b)(iii) and (iv), no cost-benefit analysis is required for this rule making.

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: Citation and description: 29 C.F.R. 1904.35, Employee Involvement. If L&I doesn't adopt the new regulations, we would not be as-effective-as federal OSHA.

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.

April 30, 2019

Joel Sacks
Director

NEW SECTION

WAC 296-27-001 Definitions. Amputation. The traumatic loss of an appendage, such as an upper or lower limb (or part of the limb) or other external body part that has been severed or cut off either completely or partially at the time of the injury, or is surgically removed due to irreparable damage. Amputations may or may not include bone loss.

Note: Amputations include fingertips and amputations of body parts that have since been reattached. Amputations do not include loss of an eye, broken or chipped teeth, scalpings, or avulsions, such as degloving, where the skin and tissue have been torn away from the underlying subcutaneous tissue, tendons, muscle, or bone.

Authorized employee representative. An authorized collective bargaining agent of employees.

Authorized government representative. A representative of the Secretary of Labor, conducting an inspection or investigation under the act, a representative of the Secretary of Health and Human Services (including the National Institute for Occupational Safety and Health (NIOSH)) conducting an investigation under section 20(b) of the act, or a divi-

sion of occupational safety and health (DOSH) representative of the state department of labor and industries.

Department. The Washington state department of labor and industries.

Employer. A person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and employs one or more employees or who contracts with one or more persons, the essence of which is the personal labor of such person or persons and includes the state, counties, cities, and all municipal corporations, public corporations, political subdivisions of the state, and charitable organizations. Provided that any persons, partnership, or business entity not having employees, and who is covered by the Industrial Insurance Act, must be considered both an employer and employee.

Establishment. A single physical location where business is conducted or where services or industrial operations are performed. For activities where employees do not work at a single physical location, such as construction; transportation; communications, electric, gas and sanitary services; and similar operations, the establishment is represented by main or branch offices, terminals, stations, etc., that either supervise such activities or are the base from which personnel carry out these activities.

(a) Normally, one business location has only one establishment. Under limited conditions, the employer may consider two or more separate businesses that share a single location to be separate establishments. You may divide one location into two or more establishments only when:

- (i) Each of the establishments represents a distinctly separate business;
- (ii) Each business is engaged in a different economic activity;
- (iii) No one industry description in the North American Industrial Classification System applies to the joint activities of the establishments; and

(iv) Separate reports are routinely prepared for each establishment on the number of employees, their wages and salaries, sales or receipts, and other business information. For example, if an employer operates a construction company at the same location as a lumber yard, the employer may consider each business to be a separate establishment.

(b) You may combine two or more physical locations into a single establishment only when:

- (i) You operate the locations as a single business operation under common management;
- (ii) The locations are all located in close proximity to each other; and
- (iii) You keep one set of business records for the locations, such as records on the number of employees, their wages and salaries, sales or receipts, and other kinds of business information. For example, one manufacturing establishment might include the main plant, a warehouse a few blocks away, and an administrative services building across the street.

(c) For employees who telecommute from home, the employee's home is not a business establishment, and a separate OSHA 300 Log is not required. Employees who telecom-

mute must be linked to one of your establishments under WAC 296-27-02101(4).

First aid. For the purpose of this chapter, first aid only includes the following:

(a) Using a nonprescription medication at nonprescription strength (for medications available in both prescription and nonprescription form, a recommendation by a physician or other licensed health care professional to use a nonprescription medication at prescription strength is considered medical treatment for recordkeeping purposes);

(b) Administering tetanus immunizations (other immunizations, such as Hepatitis B vaccine or rabies vaccine, are considered medical treatment);

(c) Cleaning, flushing, or soaking wounds on the surface of the skin;

(d) Using wound coverings such as bandages, Band-Aids™, gauze pads, etc., or using butterfly bandages or Steri-Strips™ (other wound closing devices such as sutures, staples, etc., are considered medical treatment);

(e) Using hot or cold therapy;

(f) Using any nonrigid means of support, such as elastic bandages, wraps, nonrigid back belts, etc., (devices with rigid stays or other systems designed to immobilize parts of the body are considered medical treatment for recordkeeping purposes);

(g) Using temporary immobilization devices while transporting an accident victim (e.g., splints, slings, neck collars, back boards, etc.);

(h) Drilling of a fingernail or toenail to relieve pressure, or draining fluid from a blister;

(i) Using eye patches;

(j) Removing foreign bodies from the eye using only irrigation or a cotton swab;

(k) Removing splinters or foreign material from areas other than the eye by irrigation, tweezers, cotton swabs, or other simple means;

(l) Using finger guards;

(m) Using massages (physical therapy or chiropractic treatment are considered medical treatment for recordkeeping purposes); or

(n) Drinking fluids for relief of heat stress.

Injury or illness. An abnormal condition or disorder. Injuries include cases such as, but not limited to, a cut, fracture, sprain, or amputation. Illnesses include both acute and chronic illnesses, such as, but not limited to, a skin disease, respiratory disorder, or poisoning. Injuries and illness are recordable only if they are new, work-related cases that meet one or more of this section's recording criteria.

Inpatient hospitalization. To be admitted into a hospital or equivalent facility for medical treatment.

Loss of an eye(s). The physical removal of an eye occurring either at the time of injury or is surgically removed due to irreparable damage. The loss of sight without the removal is not reportable, unless the worker is admitted as an inpatient hospitalization after losing sight as a result of a worker-related incident, then it is reportable within the eight-hour time frame specified in WAC 296-27-031(1).

Medical treatment. The management and care of a patient to combat disease or disorder. For the purposes of this section, medical treatment does not include:

(a) Visits to a physician or other licensed health care professional solely for observation or counseling;

(b) The conduct of diagnostic procedures, such as X rays and blood tests, including the administration of prescription medications used solely for diagnostic purposes (e.g., eye drops to dilate pupils); or

(c) First aid (see definition of first aid).

OSHA. Occupational Safety and Health Administration.

Other potentially infectious materials. Includes all of the following:

(a) The following human body fluids: Semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids;

(b) Any unfixed tissue or organ (other than intact skin) from a human (living or dead);

(c) HIV-containing cell or tissue cultures, organ cultures, and HIV- or HBV-containing culture medium or other solutions; and blood, organs, or other tissues from experimental animals infected with HIV or HBV; and

(d) Blood and tissues of experimental animals infected with bloodborne pathogens.

Personal representative. Any person that the employee or former employee designates as such in writing, or the legal representative of a deceased or legally incapacitated employee or former employee.

Physician or other licensed health care professional. A physician or other licensed health care professional whose legally permitted scope of practice (i.e., license, registration, or certification) allows them to independently perform, or be delegated the responsibility to perform, the activities described by this regulation.

Preexisting condition. An injury or illness that resulted solely from a nonwork-related event or exposure.

Routine functions. For recordkeeping purposes, routine functions are those work activities the employee regularly performs at least once per week.

WISHA (WISH Act). The Washington Industrial Safety and Health Act.

Work environment. The establishment and other locations where one or more employees are working or are present as a condition of their employment. The work environment includes not only physical locations, but also the equipment or materials used by the employee during the course of their work.

You. An employer (see definition of employer).

AMENDATORY SECTION (Amending WSR 15-11-066, filed 5/19/15, effective 7/1/15)

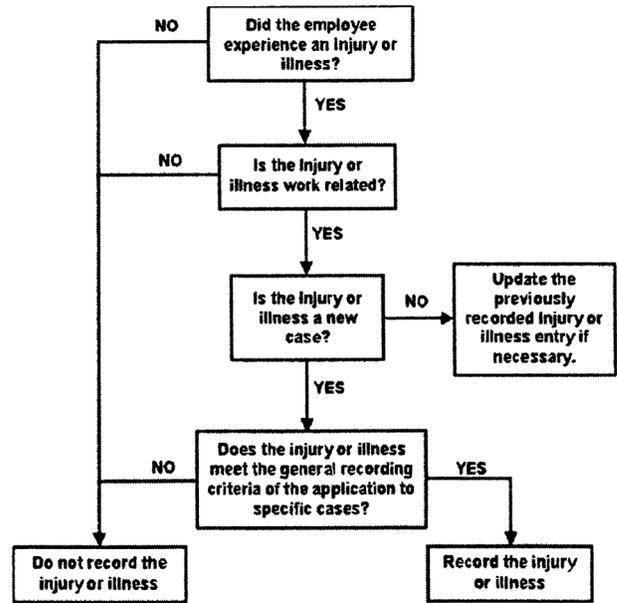
WAC 296-27-01101 Recording criteria. (1) Employers required to keep records by this chapter must record each fatality, injury and illness that:

- (a) Is work-related, see WAC 296-27-01103;
- (b) Is a new case, see WAC 296-27-01105; and
- (c) Meets one or more of the general recording criteria of WAC 296-27-01107.

(2) Additional criteria for specific cases such as needle-stick and sharps injury cases, hearing loss cases, medical removal cases, and (~~(musculoskeletal disorder))~~ tuberculosis cases are located in WAC 296-27-01109 through 296-27-01115.

Note: The decision tree for recording work-related injuries and illnesses below shows the steps involved in determining whether a particular injury or illness is reportable.

Decision Tree



AMENDATORY SECTION (Amending WSR 15-11-066, filed 5/19/15, effective 7/1/15)

WAC 296-27-01103 Determination of work-relatedness. (1) ~~(You)~~ The employer must consider an injury or illness to be work-related if an event or exposure in the work environment either caused or contributed to the resulting condition or significantly aggravated a preexisting injury or illness. Work-relatedness is presumed for injuries and illnesses resulting from events or exposures occurring in the work environment, unless an exception in subsection (2)(a) through (i) of this section specifically applies.

(2) An injury or illness occurring in the work environment is not recordable or considered work-related if it meets one of the following exceptions:

(a) At the time of the injury or illness, the employee was present in the work environment as a member of the public rather than as an employee.

(b) The injury or illness involves signs or symptoms that surface at work but result solely from a nonwork-related event or exposure that occurs outside the work environment.

(c) The injury or illness results solely from voluntary participation in a wellness program or in a medical, fitness, or recreational activity such as blood donation, physical examination, flu shot, exercise class, racquetball, or baseball.

(d) The injury or illness is solely the result of an employee eating, drinking, or preparing food or drink for personal consumption (whether bought on the employer's prem-

ises or brought in). For example, if the employee is injured by choking on a sandwich while in the employer's establishment, the case would not be considered work-related.

(e) The injury or illness is solely the result of an employee doing personal tasks (unrelated to their employment) at the establishment outside of the employee's assigned working hours.

(f) The injury or illness is solely the result of personal grooming, self-medication for a nonwork-related condition, or is intentionally self-inflicted.

(g) The injury or illness is caused by a motor vehicle accident and occurs on a company parking lot or company access road while the employee is commuting to or from work.

(h) The illness is the common cold or flu.

(i) The illness is a mental illness. Mental illness will not be considered work-related unless the employee voluntarily provides the employer with an opinion from a physician or other licensed health care professional with appropriate training and experience (psychiatrist, psychologist, psychiatric nurse practitioner, etc.) stating that the employee has a mental illness that is work-related.

- Notes:
1. If the employee is made ill by ingesting food contaminated by workplace contaminants (such as lead), or gets food poisoning from food supplied by the employer, the case would be considered work-related.
 2. Contagious diseases such as tuberculosis, brucellosis, hepatitis A, or plague are considered work-related if the employee is infected at work.

(3) If it is not obvious whether an event or exposure was work-related, ~~((you))~~ the employer must evaluate the employee's work duties and work environment to determine if the event or exposure was work-related and resulted in either a new injury or illness or it significantly aggravated a preexisting condition. A preexisting condition is an injury or illness that is significantly aggravated by the event or exposure occurring in the work environment if it results in any of the following:

(a) Death, provided that the preexisting injury or illness would likely not have resulted in death but for the occupational event or exposure.

(b) Loss of consciousness, provided that the preexisting injury or illness would likely not have resulted in loss of consciousness but for the occupational event or exposure.

(c) One or more days away from work, or days of restricted work, or days of job transfer that otherwise would not have occurred but for the occupational event or exposure.

(d) Medical treatment in a case where no medical treatment was needed for the injury or illness before the workplace event or exposure, or a change in medical treatment was necessitated by the workplace event or exposure.

(4) Injuries and illnesses that occur while an employee is on travel status are work-related if, at the time of the injury or illness, the employee was engaged in work activities "in the interest of the employer." Examples include travel to and from customer contacts, conducting job tasks, and entertaining or being entertained to transact, discuss, or promote business (work-related entertainment includes only entertainment activities being engaged in at the direction of the employer). Injuries or illnesses that occur when the employee is on travel

status do not have to be recorded if they meet one of the exceptions listed in Table 2 of this subsection:

Table 2
Determining Work-Related Injuries or Illnesses During Travel Status

If the employee has:	((You)) <u>The employer</u> may use the following to determine if an injury or illness is work-related.
Checked into a hotel or motel for one or more days	When a traveling employee checks into a hotel, motel, or into another temporary residence, they establish a "home away from home." ((You)) <u>The employer</u> must evaluate the employee's activities after they check into the hotel, motel, or other temporary residence for their work-relatedness in the same manner as you evaluate the activities of a nontraveling employee. When the employee checks into the temporary residence, they are considered to have left the work environment. When the employee begins work each day, they reenter the work environment. If the employee has established a "home away from home" and is reporting to a fixed worksite each day, ((you also do)) <u>the employer also does</u> not consider injuries or illnesses work-related if they occur while the employee is commuting between the temporary residence and the job location.
Taken a detour for personal reasons	Injuries or illnesses are not considered work-related if they occur while the employee is on a personal detour from a reasonably direct route of travel (e.g., has taken a side trip for personal reasons).

(5) Injuries and illnesses that occur while an employee is working at home are considered work-related if the injury or illness occurs while the employee is performing work for pay or compensation in the home, and the injury or illness is directly related to the performance of work and not to the home environment.

- Note:
- Examples of recordable injury and illnesses that occur when an employee works at home:
1. If an employee drops a box of work documents and injures their foot, the case is considered work-related.
 2. If an employee's fingernail is punctured by a needle from a sewing machine used to perform garment work at home, becomes infected and requires medical treatment, the injury is considered work-related.
 3. If an employee is injured because they trip on the family dog while rushing to answer a work phone call, the case is not considered work-related.
 4. If an employee working at home is electrocuted because of faulty home wiring, the injury is not considered work-related.

AMENDATORY SECTION (Amending WSR 15-11-066, filed 5/19/15, effective 7/1/15)

WAC 296-27-01105 Determination of new cases. (1) ~~((You))~~ The employer must consider an injury or illness to be a "new case" if:

(a) The employee has not previously experienced a recorded injury or illness of the same type that affects the same part of the body; or

(b) The employee previously experienced a recorded injury or illness of the same type that affected the same part of the body but had recovered completely (all signs and symptoms had disappeared) from the previous injury or illness, and an event or exposure in the work environment caused the signs or symptoms to reappear.

(2) For occupational illnesses where the signs or symptoms may recur or continue in the absence of an exposure in the workplace, the case must only be recorded once. Examples may include occupational cancer, asbestosis, byssinosis and silicosis.

(3) When an employee experiences the signs or symptoms of an injury or illness as a result of an event or exposure in the workplace, such as an episode of occupational asthma, ~~((you))~~ the employer must treat the episode (even if the episode is a recurrence) as a new case.

(4) ~~((You are))~~ The employer is not required to seek the advice of a physician or other licensed health care professional. However, if ~~((you do))~~ the employer does seek such advice, ~~((you))~~ they must follow the physician's or other licensed health care professional's recommendation about whether the case is a new case or a recurrence. If ~~((you))~~ the employer receives recommendations from two or more physicians or other licensed health care professionals, ~~((you))~~ the employer must make a decision as to which recommendation is the most authoritative (best documented, best reasoned, or most authoritative), and record the case based upon that recommendation.

AMENDATORY SECTION (Amending WSR 15-11-066, filed 5/19/15, effective 7/1/15)

WAC 296-27-01107 General recording criteria. (1) ~~((You))~~ The employer must consider an injury or illness to meet the general recording criteria, and therefore to be recordable, if it results in any of the following:

- (a) Death;
- (b) Days away from work;
- (c) Restricted work or transfer to another job;
- (d) Medical treatment beyond first aid;
- (e) Loss of consciousness for any length of time.

(2) ~~((You))~~ The employer must also record any case that involves a **significant injury or illness** (see WAC 296-27-01107(21)) diagnosed by a physician or other licensed health care professional, even if it does not result in death, days away from work, restricted work, job transfer, medical treatment beyond first aid, or loss of consciousness.

(3) ~~((You))~~ The employer must record an injury or illness that results in death by entering a check mark on the OSHA 300 Log in the space for cases resulting in death.

(4) When an injury or illness involves one or more days away from work, ~~((you))~~ the employer must record the injury or illness on the OSHA 300 Log with a check mark in the space for cases involving days away and an entry for the number of calendar days away from work in the number of days column. If the employee is out for an extended period, ~~((you))~~ the employer must enter an estimate for the number of days that the employee will be away, and update the day count when the actual number of days is known.

(5) ~~((You))~~ The employer begins counting days away on the day after the injury occurred or the illness began.

(6) To record an injury or illness for which the employee comes to work against the physician's or other licensed health care professional's recommendation, ~~((you))~~ the employer must do the following:

(a) Record these injuries and illnesses on the OSHA 300 Log using the check box for cases with days away from work and enter the number of calendar days away recommended by the physician or other licensed health care professional.

(b) Record the days away whether the injured or ill employee follows the physician or licensed health care professional's recommendation or not.

- Notes:
1. If ~~((you))~~ the employer receives recommendations from two or more physicians or other licensed health care professionals, ~~((you))~~ the employer may make a decision as to which recommendation is the most authoritative and record the case based upon that recommendation.
 2. Encourage your employee to follow the recommendation.

(7) When an employee decides to stay at home after the date a physician or other licensed health care professional recommends that the employee return to work, ~~((you))~~ the employer must end the count of days away from work on the date the physician or other licensed health care professional recommends that the employee return to work.

(8) ~~((You))~~ The employer must count the number of calendar days the employee was unable to work as a result of the injury or illness, regardless of whether or not the employee was scheduled to work on those day(s). Weekend days, holidays, vacation days or other days off are included in the total number of days recorded if the employee would not have been able to work on those days because of a work-related injury or illness.

(9) When a worker is injured or becomes ill on a Friday and reports to work on a Monday, and was not scheduled to work on the weekend, ~~((you))~~ the employer only needs to record this case if ~~((you))~~ they receive information from a physician or other licensed health care professional indicating that the employee should not have worked, or should have performed only restricted work, during the weekend. If so, ~~((you))~~ the employer must record the injury or illness as a case with days away from work or restricted work and enter the day counts as appropriate.

(10) If a worker is injured or becomes ill on the day before scheduled time off such as a holiday, a planned vacation, or a temporary plant closing, ~~((you))~~ the employer only needs to record the case if ~~((you))~~ they receive information from a physician or other licensed health care professional indicating that the employee should not have worked, or should have performed only restricted work, during the scheduled time off. If so, ~~((you))~~ the employer must record the injury or illness as a case with days away from work or restricted work and enter the day counts as appropriate.

(11) ~~((You are))~~ The employer is not required to keep track of the number of calendar days away from work if the injury or illness resulted in more than one hundred eighty calendar days away from work or days of job transfer or restriction. In such a case, entering one hundred eighty in the total days away column will be considered adequate.

(12) If the employee leaves your company for some reason unrelated to the injury or illness, such as retirement, a plant closing, or to take another job, ~~((you))~~ the employer may stop counting days away from work, days of restriction, or days of job transfer. If the employee leaves your company because of the injury or illness, ~~((you))~~ the employer must estimate the total number of days away, days of restriction, or days of job transfer and enter the day count on the OSHA 300 Log.

(13) If a case occurs in one calendar year but results in days away during the next calendar year, ~~((you))~~ the employer only records the injury or illness once. ~~((You))~~ The employer must enter the number of calendar days away for the injury or illness on the OSHA 300 Log for the year in which the injury or illness occurred. If the employee is still away from work because of the injury or illness when you prepare the annual summary, estimate the total number of calendar days you expect the employee to be away from work. Then use this number to calculate the total for the annual summary. Update the initial log entry later when the day count is known or reaches the one hundred eighty day cap.

(14) ~~((You))~~ The employer must meet the following requirements for recording restricted work or job transfer.

(a) When an injury or illness involves restricted work or job transfer but does not involve death or days away from work, ~~((you))~~ the employer must record the injury or illness on the OSHA 300 Log by placing a check mark in the space for job transfer or restriction and enter the number of restricted or transferred days in the restricted workdays column.

(b) Restricted work occurs when, as the result of a work-related injury or illness:

(i) ~~((You))~~ The employer keeps the employee from performing one or more of the routine functions of their job, or from working the full workday that they would otherwise have been scheduled to work; or

(ii) A physician or other licensed health care professional recommends that the employee not perform one or more of the routine functions of their job, or not work the full workday that they would otherwise have been scheduled to work.

(c) ~~((You do))~~ The employer does not have to record restricted work or job transfers if you, the physician, or other licensed health care professional impose the restriction or transfer only for the day on which the injury occurred or the illness began.

(d) A recommended work restriction is recordable only if it affects one or more of the employee's routine job functions. To determine whether this is the case, ~~((you))~~ the employer must evaluate the restriction in light of the routine functions of the injured or ill employee's job. If the restriction from you, the physician, or other licensed health care professional keeps the employee from performing one or more of their routine job functions, or from working the full workday the injured or ill employee would otherwise have worked, the employee's work has been restricted and you must record the case.

(e) If an employee works only for a partial work shift because of the work-related injury or illness, ~~((you))~~ the employer must record the partial day of work as a day of job

transfer or restriction. However, ~~((you))~~ the employer need not record the partial day of work if it is the same day the injury occurred or the illness began.

Note: The case is considered restricted work only if the worker does not perform all of the routine functions (see definition in this chapter) of their job or does not work the full shift that they would otherwise have worked.

(15) If ~~((you are))~~ the employer is not clear about the physician or other licensed health care professional's recommendation (i.e., engage only in "light duty" or "take it easy for the week"), ~~((you))~~ the employer may ask the physician or other licensed health care professional:

(a) "Can the employee do all of their routine job functions?"

(b) "Can the employee work all of their normally assigned work shift?"

(i) If the answer to both of these questions is "Yes," then the case does not involve a work restriction and does not have to be recorded.

(ii) If the answer to one or both of these questions is "No," the case involves restricted work and must be recorded as a restricted work case.

(iii) If ~~((you are))~~ the employer is unable to obtain this additional information from the physician or other licensed health care professional who recommended the restriction, record the injury or illness as a case involving restricted work.

(16) To record an injury or illness for which a physician or other licensed health care professional recommends a job restriction, but the employee does all of their routine job functions, ~~((you))~~ the employer must do the following:

(a) Record the injury or illness on the OSHA 300 Log as a restricted work case.

(b) Record this job restriction even if the employee chooses to do all of their routine job functions.

Notes: 1. If you receive recommendations from two or more physicians or other licensed health care professionals, you may make a decision as to which recommendation is the most authoritative and record the case based upon that recommendation.
2. If a physician or other licensed health care professional recommends a job restriction, you should ensure that the employee complies with that restriction.

(17) If ~~((you))~~ the employer assigns an injured or ill employee to a job other than their regular job for part of the day, ~~((you))~~ the employer must record the case as a job transfer.

Notes: 1. This does not include the day on which the injury or illness occurred.

2. Transfers to another job are recorded in the same way as restricted work cases on the OSHA 300 Log. Example: If you assign, or a physician or other licensed health care professional recommends that you assign, an injured or ill worker to their routine job duties for part of the day and to another job for the rest of the day, the injury or illness involves a job transfer. You must record an injury or illness that involves a job transfer by placing a check in the box for job transfer.

(18) ~~((You))~~ The employer counts days of job transfer or restriction in the same way ~~((you))~~ they count days away from work. The only difference is that, if ~~((you))~~ the

employer permanently assigns the injured or ill employee to a job that has been modified or permanently changed in a manner that eliminates the routine functions the employee was restricted from performing, ~~((you))~~ the employer may stop the day count when the modification or change is made permanent. ~~((You))~~ The employer must count at least one day of restricted work or job transfer for such cases.

(19) If a work-related injury or illness results in medical treatment beyond first aid, ~~((you))~~ the employer must record the case on the OSHA 300 Log. If the injury or illness did not involve death, one or more days away from work, one or more days of restricted work, or one or more days of job transfer, ~~((you))~~ the employer enters a check mark in the box for cases where the employee received medical treatment but remained at work and was not transferred or restricted.

Note: The professional status of the person providing treatment has no effect on what is considered first aid or medical treatment as defined in WAC 296-27-051.

(20) ~~((You))~~ The employer must record a case even if the injured or ill employee does not follow the physician or other licensed health care professional's recommendation for medical treatment.

(21) ~~((You))~~ The employer must record "significant" diagnosed injuries or illnesses, such as work-related cases involving cancer, chronic irreversible disease, a fractured or cracked bone, or a punctured eardrum at the time of diagnosis by a physician or other licensed health care professional even if it does not result in death, days away from work, restricted work or job transfer, medical treatment beyond first aid, or loss of consciousness.

Note: OSHA believes that most significant injuries and illnesses will result in one of the criteria listed in WAC 296-27-01107(1): Death, days away from work, restricted work or job transfer, medical treatment beyond first aid, or loss of consciousness. However, there are some significant injuries, such as a punctured eardrum or a fractured toe or rib, for which neither medical treatment nor work restrictions may be recommended. In addition, there are some significant progressive diseases, such as byssinosis, silicosis, and some types of cancer, for which medical treatment or work restrictions may not be recommended at the time of diagnosis but are likely to be recommended as the disease progresses. Cancer, chronic irreversible diseases, fractured or cracked bones, and punctured eardrums are generally considered significant injuries and illnesses, and must be recorded at the initial diagnosis, even if medical treatment or work restrictions are not recommended, or are postponed, in a particular case.

AMENDATORY SECTION (Amending WSR 15-11-066, filed 5/19/15, effective 7/1/15)

WAC 296-27-01109 Recording criteria for needlestick and sharps injuries. (1) ~~((You))~~ The employer must record all work-related needlestick injuries and cuts from sharp objects that are contaminated with another person's blood or other potentially infectious material (as defined in this chapter and by chapter 296-823 WAC, Occupational exposure to bloodborne pathogens). ~~((You))~~ The employer must enter the case on the OSHA 300 Log as an injury. To protect the employee's privacy, ~~((you))~~ the employer may not enter the employee's name on the OSHA 300 Log (see the

requirements for privacy concern cases in WAC 296-27-01119 (3) and (4)).

(2) ~~((You))~~ The employer must record cuts, lacerations, punctures, and scratches only if they are work-related and involve contamination with another person's blood or other potentially infectious material. If the cut, laceration, or scratch involves a clean object, or a contaminant other than blood or other potentially infectious material, ~~((you))~~ the employer needs to record the case only if it meets one or more of the general recording criteria in WAC 296-27-01107.

(3) If after recording the initial injury, the employee is later diagnosed with an infectious bloodborne disease, ~~((you))~~ the employer must update both of the following on the OSHA 300 Log if it resulted in death, days away from work, restricted work, or job transfer:

(a) The classification of the case from an injury to an illness; and

(b) The description to identify the infectious disease.

(4) ~~((You))~~ The employer must record incidents where an employee is splashed or exposed to blood or other potentially infectious material without being cut or scratched on the OSHA 300 Log as an illness if:

(a) It results in the diagnosis of a bloodborne illness, such as HIV, hepatitis B, or hepatitis C; or

(b) It meets one or more of the general recording criteria in WAC 296-27-01107.

AMENDATORY SECTION (Amending WSR 15-11-066, filed 5/19/15, effective 7/1/15)

WAC 296-27-01111 Recording criteria for medical removal cases. (1) ~~((Under the medical surveillance requirements, you))~~ The employer must record any case that involves the medical removal of an employee on the OSHA 300 Log under the medical surveillance requirements.

(2) ~~((You))~~ The employer must enter each medical removal case as either a case involving days away from work or a case involving restricted work activity. For medical removal cases that resulted from chemical exposure, you must check the "poisoning" column.

Notes:

- Standards that do not include medical removal provisions include bloodborne pathogens and noise.
- Standards that cover specific chemical substances have medical removal provisions. These standards include, but are not limited to, lead, cadmium, methylene chloride, formaldehyde, and benzene.
- If you voluntarily remove an employee from exposure before the medical removal criteria are met, you do not have to record the case.

AMENDATORY SECTION (Amending WSR 15-11-066, filed 5/19/15, effective 7/1/15)

WAC 296-27-01113 Recording criteria for occupational hearing loss cases. (1) ~~((You))~~ The employer must record a hearing loss case on the OSHA 300 Log by checking the column for hearing loss if an employee's hearing test (audiogram) reveals that a recordable threshold shift (RTS) in one or both ears has occurred.

(2) ~~((To determine whether a RTS has occurred, you))~~ The employer must evaluate the employee's current audio-

gram with their baseline audiogram to determine whether a RTS has occurred. If the employee has previously experienced a recorded hearing loss, you must compare the employee's current audiogram with the audiogram reflecting the employee's previously recorded hearing loss case.

Note: Audiometric test results reflect the employee's overall hearing ability in comparison to audiometric zero. Therefore, using the employee's current audiogram, you must use the average hearing level at 2000, 3000, and 4000 Hz to determine whether or not the employee's total hearing level is 25 dB or more.

(3) To determine whether RTS has occurred, ~~((you))~~ the employer may age adjust the employee's current audiogram results by using Tables A-1 or A-2 in Appendix A of this chapter. ~~((You))~~ The employer may not use an age adjustment when determining whether the employee's total hearing level is 25 dB or more above audiometric zero.

(4) ~~((You are))~~ The employer is not required to record the hearing loss case on the OSHA 300 Log if ~~((you))~~ they retest the employee's hearing within thirty days of the first test, and the retest does not confirm the RTS. If the retest confirms the RTS, ~~((you))~~ the employer must record the hearing loss illness within seven calendar days of the retest. If subsequent audiometric testing indicates that an RTS is not persistent, ~~((you))~~ the employer may erase or line-out the recorded entry.

(5) ~~((You))~~ The employer must consider the case to be work-related if an event or exposure in the work environment either caused or contributed to the hearing loss or significantly aggravated a preexisting hearing loss.

(6) ~~((You are))~~ The employer is not required to consider the case work-related or recordable if a physician or other licensed health care professional determines that the hearing loss is not work-related or has not been significantly aggravated by occupational noise exposure.

AMENDATORY SECTION (Amending WSR 15-11-066, filed 5/19/15, effective 7/1/15)

WAC 296-27-01115 Recording criteria for work-related tuberculosis cases. ~~((You))~~ The employer must record a tuberculosis (TB) case on the OSHA 300 Log by checking the "respiratory condition" column if any employee has been occupationally exposed to anyone with a known case of active TB, and that employee subsequently develops a TB infection that is confirmed by a positive skin test or diagnosis by a physician or other licensed health care professional.

Notes:

1. ~~((You do))~~ The employer does not have to record a positive TB skin test result obtained at a preemployment physical because the employee was not occupationally exposed to a known case of active TB in your workplace.
2. ~~((You))~~ The employer may line-out or erase a TB case from the log under the following circumstances:
 - a. The worker contracted TB while living in a household with a person who had been previously diagnosed with active TB;
 - b. The public health department has identified the worker as a contact of an individual with a case of active TB unrelated to the workplace; or
 - c. A medical investigation shows that the employee's infection was caused by exposure to TB away from work, or proves that the case was not related to the workplace TB exposure.

AMENDATORY SECTION (Amending WSR 15-11-066, filed 5/19/15, effective 7/1/15)

WAC 296-27-01119 Forms. (1) ~~((You))~~ The employer must use the following OSHA forms (or equivalent forms), for recording work-related injuries and illnesses:

- (a) OSHA 300, Log of Work-Related Injuries and Illnesses;
- (b) OSHA 300-A, Summary of Work-Related Injuries and Illnesses; and
- (c) OSHA 301, Injury and Illness Incident Report.

(2) ~~((You))~~ The employer must complete the OSHA forms as follows:

(a) At the top of the OSHA 300 Log, enter your business information and enter a one or two line description for each recordable injury or illness. Summarize this information on the OSHA 300-A form at the end of the year.

(b) Complete an OSHA 301 Incident Report form, or an equivalent form, for each recordable injury or illness entered on the OSHA 300 Log.

(c) Enter each recordable injury or illness on the OSHA 300 Log and 301 Incident Report within seven calendar days of receiving information that a recordable injury or illness has occurred.

Note: You may keep your injury and illness forms on a computer if you can produce equivalent forms when they are needed, as described under WAC 296-27-02111, 296-27-03101(1), and 296-27-03103.

(3) ~~((For privacy concern cases, you))~~ The employer must follow these requirements for **privacy concern cases** when filling out the OSHA 300 Log:

(a) ~~((You))~~ The employer may not enter the employee's name on the OSHA 300 Log. Instead, enter "privacy case" in the space normally used for the employee's name in order to protect the identity of the injured or ill employee when another employee, a former employee, or an authorized employee representative is provided access to the OSHA 300 Log under WAC 296-27-02111.

(b) ~~((You))~~ The employer must keep a separate, confidential list of the case numbers and employee names for ~~((you))~~ their privacy concern cases so ~~((you))~~ they can update the cases and provide the information to the government if asked to do so.

(c) The following injuries or illnesses are the **only** types of privacy concern cases recognized by this section:

- (i) An injury or illness to an intimate body part or the reproductive system;
- (ii) An injury or illness resulting from a sexual assault;
- (iii) Mental illnesses;
- (iv) HIV infection, hepatitis, or tuberculosis;
- (v) Needlestick injuries and cuts from sharp objects that are contaminated with another person's blood or other potentially infectious material (see definition in WAC 296-27-051 of this chapter); **and**
- (vi) Other illnesses if the employee independently and voluntarily requests that their name not be entered on the log.

(4) If ~~((you have))~~ the employer has a reasonable basis to believe that information describing the privacy concern case may be personally identifiable even though the employee's name has been omitted, ~~((you))~~ they may use discretion in

describing the injury or illness on both the OSHA 300 and 301 forms. ~~((You))~~ The employer must enter enough information to identify the cause of the incident and the general severity of the injury or illness, but ~~((you))~~ they do not need to include details of an intimate or private nature. For example, a sexual assault case could be described as "injury from assault," or an injury to a reproductive organ could be described as "lower abdominal injury."

(5) If ~~((you))~~ the employer decides to voluntarily disclose the forms to persons other than government representatives, employees, former employees or authorized representatives (as required by WAC 296-27-02111 and 296-27-03103), ~~((you))~~ the employer must remove or hide the employees' names and other personally identifying information, except for the following cases. ~~((You))~~ The employer may disclose the forms with personally identifying information only:

(a) To an auditor or consultant hired by the employer to evaluate the safety and health program;

(b) To the extent necessary for processing a claim for workers' compensation or other insurance benefits; or

(c) To a public health authority or law enforcement agency for uses and disclosures for which consent, an authorization, or opportunity to agree or object is not required under Department of Health and Human Services Standards for Privacy of Individually Identifiable Health Information, 45 C.F.R. 164.512.

(6) Falsification, failure to keep records or reports.

(a) RCW 49.17.190(2) of the act provides that "whoever knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this chapter shall, upon conviction be guilty of a gross misdemeanor and be punished by a fine of not more than ten thousand dollars, or by imprisonment for not more than six months or by both."

(b) Failure to maintain records or file reports required by this chapter, or in the detail required by the forms and instructions issued under this chapter, may result in the issuance of citations and assessment of penalties as provided for in chapter 296-900 WAC, Administrative rules.

AMENDATORY SECTION (Amending WSR 15-11-066, filed 5/19/15, effective 7/1/15)

WAC 296-27-02101 Multiple business establishments. (1) ~~((You))~~ The employer must keep a separate OSHA 300 Log for each establishment that is expected to be in operation for one year or longer.

(2) ~~((You))~~ The employer must keep injury and illness records for short-term establishments (i.e., establishments that will exist for less than a year). ~~((You do))~~ The employer does not have to keep a separate OSHA 300 Log for each such establishment. ~~((You))~~ The employer may keep one OSHA 300 Log that covers all of your short-term establishments. ~~((You))~~ The employer may also include the short-term establishments' recordable injuries and illnesses on an OSHA 300 Log that covers short-term establishments for individual company divisions or geographic regions.

(3) If ~~((you))~~ the employer keeps records for an establishment at ~~((your))~~ their headquarters or other central location, ~~((you))~~ the employer must be able to:

(a) Transmit information about the injuries and illnesses from the establishment to the central location within seven calendar days of receiving information that a recordable injury or illness has occurred; **and**

(b) Produce and send the records from the central location to the establishment within the time frames required by WAC 296-27-02111, 296-27-03101(1), and 296-27-03103 when ~~((you are))~~ the employer is required to provide records to a government representative, employees, former employees, or employee representatives.

(4) If ~~((you have))~~ the employer has employees that work at different locations or do not work at any of ~~((your))~~ their establishments, ~~((you))~~ they must link each of ~~((your))~~ their employees with one of ~~((your))~~ their establishments for recordkeeping purposes. ~~((You))~~ The employer must record the injury and illness on the OSHA 300 Log of the injured or ill employee's establishment, or on an OSHA 300 Log that covers that employee's short-term establishment.

(5) If an employee of one of your establishments is injured or becomes ill while visiting or working at another of your establishments, or while working away from any of your establishments, ~~((you))~~ the employer must record the injury or illness on the OSHA 300 Log of the establishment at which the injury or illness occurred. If the employee is injured or becomes ill and is not at one of your establishments, ~~((you))~~ the employer must record the case on the OSHA 300 Log at the establishment at which the employee normally works.

AMENDATORY SECTION (Amending WSR 15-11-066, filed 5/19/15, effective 7/1/15)

WAC 296-27-02103 Covered employees. (1) ~~((You))~~ The employer must record on the OSHA 300 Log the recordable injuries and illnesses of all employees on ~~((your))~~ their payroll, whether they are labor, executive, hourly, salary, part-time, seasonal, or migrant workers. ~~((You))~~ The employer also must record the recordable injuries and illnesses that occur to employees who are not on ~~((your))~~ their payroll if you supervise these employees on a day-to-day basis. If ~~((you))~~ the employer's business is organized as a sole proprietorship or partnership, the owner or partners are not considered employees for recordkeeping purposes.

Note: If a self-employed person is injured or becomes ill while working for you, ~~((you are))~~ the employer is not required to report the injury or illness because they are not covered under WISHA or the recordkeeping requirements.

(2) ~~((You))~~ The employer must record injuries and illnesses of employees from a temporary help service, employee-leasing service, or personnel supply service if ~~((you))~~ they supervise these employees on a day-to-day basis.

(3) ~~((You))~~ The employer must record an injury or illness of a contractor's employee who is working in your establishment if ~~((you))~~ they supervise them on a day-to-day basis. However, if the contractor's employee is under the day-to-day supervision of the contractor, the contractor is responsible for recording the injury or illness.

(4) ~~((You))~~ The employer must make sure that each injury and illness is recorded only once:

(a) Either on ~~((your))~~ their OSHA 300 Log (if ~~((you))~~ they provide day-to-day supervision); or

(b) On the other employer's OSHA 300 Log (if that company provides day-to-day supervision).

AMENDATORY SECTION (Amending WSR 15-11-066, filed 5/19/15, effective 7/1/15)

WAC 296-27-02105 Annual summary. (1) At the end of each calendar year, ~~((you))~~ the employer must:

(a) Review the OSHA 300 Log to verify that the entries are complete and accurate, and correct any deficiencies identified;

(b) Use the OSHA 300-A Log or equivalent form of your recorded injuries and illnesses to create your annual summary;

(c) Certify the annual summary; and

(d) Post the annual summary.

(2) ~~((You))~~ The employer must complete the annual summary by doing the following:

(a) Total the columns on the OSHA 300 Log (if you had no recordable cases, enter zeros for each column total); and

(b) Enter the calendar year covered, the company's name, establishment name, establishment address, annual average number of employees covered by the OSHA 300 Log, and the total hours worked by all employees covered by the OSHA 300 Log.

(c) Include the employee access and employer penalty statements found on the OSHA 300-A summary form when using an equivalent form as permitted by this chapter. For the definition of "equivalent form" see WAC 296-27-051.

(3) A company executive must certify that they have examined the OSHA 300 Log and that they reasonably believe, based on their knowledge of the process by which the information was recorded, that the annual summary is correct and complete.

(4) The company executive who certifies the log must be one of the following persons:

(a) An owner of the company (only if the company is a sole proprietorship or partnership);

(b) An officer of the corporation;

(c) The highest ranking company official working at the establishment; or

(d) The immediate supervisor of the highest ranking company official working at the establishment.

(5) ~~((You))~~ The employer must post a copy of the annual summary in each establishment in a conspicuous place or places where notices to employees are customarily posted. ~~((You))~~ The employer must ensure that the posted annual summary is not altered, defaced or covered by other material.

(6) ~~((You))~~ The employer must post the summary no later than February 1 of the year following the year covered by the records and keep the posting in place until April 30.

AMENDATORY SECTION (Amending WSR 15-11-066, filed 5/19/15, effective 7/1/15)

WAC 296-27-02107 Retention and updating. (1) ~~((You))~~ The employer must save the OSHA 300 Log, the pri-

vacy case list (if one exists), the OSHA 300-A Annual Summary, and the OSHA 301 Incident Report forms for five years following the end of the calendar year that each of these records cover.

(2) ~~((You))~~ The employer must update your stored OSHA 300 Logs during the five-year retention period to include newly discovered recordable injuries or illnesses and to show any changes that have occurred in the classification of previously recorded injuries and illnesses. If the description or outcome of a case changes, ~~((you))~~ the employer must remove or line-out the original entry and enter the new information.

Note: During the five-year retention period, ~~((you are))~~ the employer is not required to update the OSHA 300-A Annual Summary of Work-Related Injuries or Illnesses, or the OSHA 301 Incident Reports, but you may do so if you wish.

AMENDATORY SECTION (Amending WSR 15-11-066, filed 5/19/15, effective 7/1/15)

WAC 296-27-02111 Employee involvement. (1) Your employees and their representatives must be involved in the recordkeeping system in several ways. ~~((You))~~ The employer must do the following:

(a) ~~((Establish a process for how employees report work-related injuries and illnesses to you.~~

~~((b)))~~ Inform each employee of how they are to report an injury or illness to you.

(b) Provide employees with the information described in subsection (2) of this section.

(c) Provide ~~((limited))~~ access to your injury and illness records for your employees and their representatives as described in subsection (3) of this section.

(2) The employer must do the following to ensure employees report work-related injuries and illnesses to them:

(a) Establish a reasonable procedure for employees to report work-related injuries and illnesses promptly and accurately. A procedure is not reasonable if it would deter or discourage a reasonable employee from accurately reporting a workplace injury or illness;

(b) Inform each employee of your procedure for reporting work-related injuries and illnesses;

(c) Inform each employee that:

(i) Employees have the right to report work-related injuries and illnesses; and

(ii) The employer is prohibited from discharging or, in any manner, discriminating against employees for reporting work-related injuries or illnesses.

(d) The employer must not discharge or, in any manner, discriminate against any employee for reporting a work-related injury or illness.

(3) Your employees, former employees, their personal representatives, and their authorized employee representatives have the right to access the OSHA injury and illness records, with some limitations, as discussed in subsections ~~((3))~~ (4) through ~~((7))~~ (8) of this section.

~~((3))~~ (4) When an employee, former employee, personal representative, or authorized employee representative asks for copies of your current or stored OSHA 300 Log(s) for an establishment the employee or former employee has

worked in, ~~((you))~~ the employer must give the ~~((requester))~~ requestor a copy of the relevant OSHA 300 Log(s) by the end of the next business day.

~~((4))~~ ~~(You)~~ (5) The employer must leave employee names and any other information on the OSHA 300 Log before giving copies to an employee, former employee, or an employee representative. However, to protect the privacy of injured and ill employees, ~~((you))~~ the employer may not record the employee's name on the OSHA 300 Log for certain "privacy concern cases," as specified in WAC 296-27-01119(3).

~~((5))~~ (6) When an employee, former employee, or personal representative asks for a copy of the OSHA 301 Incident Report describing an injury or illness to that employee or former employee, ~~((you))~~ the employer must give the ~~((requester))~~ requestor a copy of the OSHA 301 Incident Report containing that information by the end of the next business day.

~~((6))~~ (7) When an authorized employee representative asks for copies of the OSHA 301 Incident Reports for an establishment where the agent represents employees under a collective bargaining agreement, ~~((you))~~ the employer must give copies of those forms to the authorized employee representative within seven calendar days. ~~((You are))~~ The employer is only required to give the authorized employee representative information from the OSHA 301 Incident Report section titled "Tell us about the case." ~~((You))~~ The employer must remove all other information from the copy of the OSHA 301 Incident Report or the equivalent substitute form that ~~((you))~~ they give to the authorized employee representative.

~~((7))~~ ~~(You)~~ (8) The employer may not charge for these copies the first time they are provided. However, if one of the designated persons asks for additional copies, ~~((you))~~ the employer may assess a reasonable charge for retrieving and copying the records. An example of what a "reasonable charge" would be is what a print company would charge for copying the same documents.

AMENDATORY SECTION (Amending WSR 15-11-066, filed 5/19/15, effective 7/1/15)

WAC 296-27-02113 Prohibition against discrimination. (1) ~~((Employers are prohibited))~~ The WISH Act prohibits its employers from discriminating against an employee for reporting a work-related fatality, injury or illness. ~~((Employees are also protected when they))~~ It also protects the employee who files a safety and health complaint, or asks for access to chapter 296-27 WAC records ((which are required to be maintained by this section or exercise rights extended)), or otherwise exercises any rights afforded under ((WISHA)) this act.

(2) DOSH may not issue an injury and illness recordkeeping variance to a private sector employer. However, DOSH must recognize all recordkeeping variances issued by federal OSHA.

(3) DOSH may only grant an injury and illness recording and reporting variance to a state or local government employer within the state after obtaining approval to grant the variance from federal OSHA.

AMENDATORY SECTION (Amending WSR 15-11-066, filed 5/19/15, effective 7/1/15)

WAC 296-27-02117 Variances from the recordkeeping rule. (1) If ~~((you wish))~~ the employer wishes to keep records in a different manner from that prescribed in this section, ~~((you))~~ the employer may submit a variance petition to the Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, Washington, DC 20210. ~~((You))~~ The employer can obtain a variance only if ~~((you))~~ they can show that ~~((your))~~ their alternative recordkeeping system:

(a) Collects the same information as this section requires;

(b) Meets the purposes of the federal Occupational Safety and Health Act; and

(c) Does not interfere with the administration of the federal Occupational Safety and Health Act.

(2) ~~((You))~~ The employer must include the following items in ~~((your))~~ their variance petition:

(a) ~~((Your))~~ The employer's name and address;

(b) A list of the state(s) where the variance would be used;

(c) The address(es) of the business establishment(s) involved;

(d) A description of why ~~((you are))~~ the employer is seeking a variance;

(e) A description of the different recordkeeping procedures you propose to use;

(f) A description of how ~~((your))~~ the employer's proposed procedures will collect the same information as would be collected by this section and achieve the purpose of the act; and

(g) A statement that ~~((you have))~~ the employer has informed ~~((your))~~ their employees of the petition by giving them or their authorized representative a copy of the petition and by posting a statement summarizing the petition in the same way as notices are posted under 29 C.F.R. 1903.2(a).

(3) The assistant secretary will take the following steps to process your variance petition.

(a) The assistant secretary will offer your employees and their authorized representatives an opportunity to submit written data, views, and arguments about your variance petition.

(b) The assistant secretary may allow the public to comment on your variance petition by publishing the petition in the *Federal Register*. If the petition is published, the notice will establish a public comment period and may include a schedule for a public meeting on the petition.

(c) After reviewing your variance petition and any comments from your employees and the public, the assistant secretary will decide whether or not your proposed recordkeeping procedures will meet the purposes of the act, will not otherwise interfere with the act, and will provide the same information as required by this section. If your procedures meet these criteria, the assistant secretary may grant the variance subject to such conditions as he or she finds appropriate.

(d) If the assistant secretary grants your variance petition, OSHA will publish a notice in the *Federal Register* to announce the variance. The notice will include the practices

the variance allows you to use, any conditions that apply, and the reasons for allowing the variance.

(4) ~~((You))~~ The employer must comply with this section's requirements while the assistant secretary is reviewing ~~((you))~~ their variance petition.

(5) The assistant secretary may elect not to review your variance petition if it includes an element for which you have been cited and the citation is still under review by a court, an administrative law judge (ALJ), or the OSH Review Commission.

(6) A variance may be revoked for good cause. The variance revocation procedures are the same as those followed to request the exception. In cases of willfulness or where necessary for public safety, the assistant secretary will:

(a) Notify you in writing of the facts or conduct that may warrant revocation of your variance; and

(b) Provide you, your employees, and authorized employee representatives with an opportunity to participate in the revocation procedures.

(7) DOSH must recognize any recordkeeping or reporting variance issued by federal OSHA.

AMENDATORY SECTION (Amending WSR 16-23-138, filed 11/22/16, effective 12/23/16)

WAC 296-27-031 Reporting fatalities, inpatient hospitalizations, amputations, and losses of an eye as the result of work-related incidents. (1) ~~((You))~~ The employer must report to DOSH within eight hours of a work-related incident that results in:

(a) A fatality; or

(b) An inpatient hospitalization of any employee.

Notes:

1. Secure the scene of work-related events that result in the death or inpatient hospitalization of any worker, refer to WAC 296-800-320.
2. Do not move equipment involved (i.e., personal protective equipment (PPE), tools, machinery or other equipment), unless it is necessary to remove the victim or prevent further injuries, refer to WAC 296-800-32010.

(2) ~~((You))~~ The employer must report to DOSH within twenty-four hours of a work-related incident that results in either an amputation or the loss of an eye that does not require inpatient hospitalization.

Notes:

1. If the amputation or loss of an eye requires inpatient hospitalization, follow the eight-hour reporting requirement in WAC 296-27-031(1).
2. Inpatient hospitalization that involves only observation or diagnostic testing is not a reportable inpatient hospitalization.

(3) If ~~((you do))~~ the employer does not learn about a reportable fatality, inpatient hospitalization, amputation, or loss of an eye at the time it takes place, ~~((you))~~ the employer must make the report to DOSH within the following time periods after the fatality, inpatient hospitalization, amputation, or loss of an eye is reported to you or any of your agents:

(a) Eight hours for a fatality or an inpatient hospitalization of one or more employees.

(b) Twenty-four hours for an amputation or a loss of an eye that does not require inpatient hospitalization.

(4) If ~~((you do))~~ the employer does not learn right away that the reportable fatality, inpatient hospitalization, amputa-

tion, or loss of an eye was the result of a work-related incident, ~~((you))~~ the employer must make the report to DOSH within the following time periods after you or any of your agents learn that the reportable fatality, inpatient hospitalization, amputation, or loss of an eye was the result of a work-related incident:

(a) Eight hours for a fatality or an inpatient hospitalization of one or more employees.

(b) Twenty-four hours for an amputation or a loss of an eye that does not require inpatient hospitalization.

(5) ~~((You))~~ The employer must report the fatality, inpatient hospitalization, amputation, or loss of an eye in the required time frame using one of the following methods:

(a) By telephone to the department's toll-free telephone number, 1-800-4BE-SAFE (1-800-423-7233) or in person to the Labor and Industries' Division of Occupational Safety and Health (DOSH) office located nearest to the site of the incident;

(b) By telephone to the OSHA toll-free telephone number, 1-800-321-OSHA (1-800-321-6742); or

(c) To DOSH by any other means.

(6) If the local office is closed, ~~((you))~~ the employer must report a fatality, inpatient hospitalization, amputation, or the loss of an eye incident by:

(a) Calling the department at 1-800-4BE-SAFE (1-800-423-7233); or

(b) Calling OSHA's toll-free telephone number at 1-800-321-6742.

(7) ~~((You))~~ The employer must provide DOSH with the following information for each fatality, inpatient hospitalization, amputation, or loss of an eye:

(a) The establishment name;

(b) The location of the work-related incident;

(c) The time and date of the work-related incident;

(d) The type of reportable event (i.e., fatality, inpatient hospitalization, amputation, or loss of an eye);

(e) The number of employees who suffered a fatality, inpatient hospitalization, amputation, or loss of an eye;

(f) The names of the employees who suffered a fatality, inpatient hospitalization, amputation, or loss of an eye;

(g) Your contact person and their phone number; and

(h) A brief description of the work-related incident.

(8) If a fatality does not occur during or right after the work-related incident, ~~((you))~~ the employer must only report it to DOSH if the fatality occurs within thirty days of the work-related incident.

(9) ~~((You do))~~ The employer does not have to report an incident that resulted in a fatality, inpatient hospitalization, amputation, or loss of an eye to DOSH if it occurred on a commercial or public transportation system (e.g., airplane, train, subway, or bus). However, the fatality, inpatient hospitalization, amputation, or loss of an eye must be recorded on your OSHA injury and illness records, if ~~((you are))~~ the employer is required to keep such records.

(10) ~~((You))~~ The employer must report to DOSH when a heart attack occurs in the work environment that results in a fatality or inpatient hospitalization. DOSH will decide whether to investigate the event, depending on the circumstances of the heart attack.

(11) ~~((You))~~ The employer must only report to DOSH each inpatient hospitalization that involves medical care or treatment. Inpatient hospitalization involving only observation or diagnostic testing need not be reported.

AMENDATORY SECTION (Amending WSR 15-11-066, filed 5/19/15, effective 7/1/15)

WAC 296-27-03101 Providing records to government representatives. (1) The employer must provide copies of the records within four business hours when an authorized government representative asks for the records you keep under this section(~~(, you must provide copies of the records within four business hours)~~).

(2) If ~~((you))~~ the employer maintains the records at a location in a different time zone, ~~((you))~~ they may use the business hours of the establishment at which the records are located when calculating the deadline.

AMENDATORY SECTION (Amending WSR 15-11-066, filed 5/19/15, effective 7/1/15)

WAC 296-27-03103 ~~((Annual OSHA injury and illness survey.))~~ Electronic submission of injury and illness records to OSHA. ~~((1) If you receive OSHA's annual survey form, you must fill it out and send it to OSHA or OSHA's designee, as stated on the survey form. You must report the following information for the year described on the form:~~

~~((a) The number of workers you employed;
(b) The number of hours worked by your employees; and
(c) The requested information from the records that you keep under this section.~~

~~((2) Each year, OSHA sends injury and illness survey forms to employers in certain industries. You do not have to send injury and illness data to OSHA unless you receive a survey form.~~

~~((3) You must send the survey reports to OSHA, or OSHA's designee, by mail or other means described in the survey form, within thirty calendar days, or by the date stated in the survey form, whichever is later.~~

~~((4) If you are exempt from keeping injury and illness records under WAC 296-27-00103 through 296-27-00107, OSHA may inform you in writing that it will be collecting injury and illness information from you in the following year. If you receive such a letter, you must keep the injury and illness records required by WAC 296-27-01103 through 296-27-01115 and make a survey report for the year covered by the survey.~~

~~((5) Washington state employers must respond to the OSHA survey form if they receive one.~~

~~((6) Nothing in this section affects DOSH's or federal OSHA's statutory authority to investigate conditions related to occupational safety and health.))~~

Note: The information required by this section is reported and tracked by OSHA for their own injury and illness data analysis. DOSH is not notified when employers submit this information to OSHA.

(1) Summary of basic requirements.

(a) Annual electronic submission of OSHA Form 300A Summary of Work-Related Injuries and Illnesses by estab-

lishments that employed two hundred fifty or more different employees. If your establishment employed two hundred fifty or more different employees during the course of the previous calendar year, and this chapter requires your establishment to keep records, then you must electronically submit information from OSHA Form 300A Summary of Work-Related Injuries and Illnesses to OSHA or OSHA's designee.

(b) Annual electronic submission of OSHA Form 300A Summary of Work-Related Injuries and Illnesses by establishments that both; employed twenty to two hundred forty-nine different employees, and are in designated industries. If your establishment employed twenty to two hundred forty-nine different employees during the course of the previous calendar year, and your establishment is in a designated industry listed in WAC 296-27-071 Appendix B, then you must electronically submit information from OSHA Form 300A Summary of Work-Related Injuries and Illnesses to OSHA or OSHA's designee.

(c) Electronic submission of OSHA 300A records upon notification. All establishments not meeting the criteria of (a) or (b) of this subsection, must, upon notification; electronically submit the information from your OSHA 300A to OSHA or OSHA's designee.

(d) Electronic submission of the employer identification number (EIN). When electronically reporting injury and illness records, the employer must also provide the EIN or federal tax identification number used by the establishment.

(2) Basic requirements.

(a) Categories of employers that must submit OSHA Form 300A information to OSHA.

(i) First, if your establishment had two hundred fifty or more total employees over the course of the previous calendar year, and this chapter requires your establishment to keep injury and illness records; then you must submit the required information to OSHA once a year. This information is due before the date listed in subsection (3) of this section.

(ii) Second, if your establishment had twenty or more, but fewer than two hundred fifty total employees over the course of the previous calendar year, and your establishment is in a designated industry listed in WAC 296-27-071 Appendix B; then you must submit the required information to OSHA once a year. This information is due before the date listed in subsection (3) of this section.

(iii) Third, if your establishment is not in either of the two categories above, then you must submit information to OSHA only when OSHA notifies you to do so for an individual calendar year. OSHA's notification will provide instructions for when this information is due.

(b) Categories of employees included under (a) of this subsection requirement.

Employers must count all full-time, part-time, seasonal, and temporary workers towards their running count of individual employees for the year. Each individual employed in the establishment during any part of the previous calendar year counts as one employee.

(c) Notification from OSHA for a subsection (1)(c) of this section employer to submit records electronically.

OSHA will only notify subsection (1)(c) of this section employers by mail when they must submit information as part of an individual data collection. OSHA will also

announce individual data collections through publication in the Federal Register the OSHA newsletter, and announcements on the OSHA web site. If you are an employer who must routinely submit information per subsection (1)(a) and (b) of this section, then OSHA will not notify you about your routine submittal.

(d) Due date for the above mentioned information.

Employers required to submit information under subsection (1)(a) or (b) of this section, must submit the information once a year, by the date listed in subsection (3) of this section - Effective reporting date of this section of the year after the calendar year covered by the form or forms. Employers submitting information because OSHA notified them to submit information as part of an individual data collection under subsection (1)(c) of this section, must submit the information as specified in OSHA's notification.

(e) Process for employers to submit the above mentioned information.

Employers must submit the information electronically. OSHA will provide a secure web site for the electronic submission of information. For individual data collections under subsection (1)(c) of this section, OSHA will include the web site's location in the notification for the data collection.

(f) Partially exempt establishments from the recordkeeping rule itself, under WAC 296-27-00103 and/or 296-27-00105.

Employers that are partially exempt from keeping injury and illness records under WAC 296-27-00103 and/or 296-27-00105 do not have to routinely submit OSHA Form 300A information under subsection (1)(a) and (b) of this section. However, these employers must submit information under subsection (1)(c) of this section if OSHA informs you in writing that OSHA is collecting injury and illness information from you for any specific year. If you receive such a notification, then you must keep the injury and illness records required by this part and submit that information as directed by OSHA.

(g) Enterprise or corporate entities electronically submitting OSHA Form 300A records on behalf of its establishment(s).

Enterprise or corporate offices which, have ownership of, or control over, one or more establishments required to submit information under subsection (1) of this section; may collect and electronically submit the information on behalf of the establishment(s).

(3) Effective reporting date.

Employers must begin submitting the above mentioned information to OSHA by the following date and schedule.

Beginning in calendar year 2020, establishments which are required to submit under subsection (1)(a) and (b) of this section must routinely submit the required information by March 2nd, for the previous calendar year. For example employers will electronically report calendar year 2019 information to OSHA after; OSHA begins accepting calendar year 2019 information, and before March 2, 2020.

NEW SECTION

WAC 296-27-071 Appendix B—Annual electronic submission of OSHA Form 300A.

**Table 3
Designated Industries**

NAICS	INDUSTRY
11	Agriculture, forestry, fishing and hunting
22	Utilities
23	Construction
31-33	Manufacturing
42	Wholesale trade
4413	Automotive parts accessories, and tire stores
4421	Furniture stores
4422	Home furnishings stores
4441	Building material and supplies dealers
4442	Lawn and garden equipment and supplies stores
4451	Grocery stores
4452	Specialty food stores
4521	Department stores
4529	Other general merchandise stores
4533	Used merchandise stores
4542	Vending machine operators
4543	Direct selling establishments
4811	Scheduled air transportation
4841	General freight trucking
4842	Specialized freight trucking
4851	Urban transit systems
4852	Interurban and rural bus transportation
4853	Taxi and limousine service
4854	School and employee bus transportation
4855	Charter bus industry
4859	Other transit and ground passenger transportation
4871	Scenic and sightseeing transportation, land
4881	Support activities for air transportation
4882	Support activities for rail transportation
4883	Support activities for water transportation
4884	Support activities for road transportation
4889	Other support activities for transportation
4911	Postal service
4921	Couriers and express delivery services
4922	Local messengers and local delivery
4931	Warehousing and storage
5152	Cable and other subscription programming
5311	Lessors of real estate
5321	Automotive equipment rental and leasing
5322	Consumer goods rental
5323	General rental centers

NAICS	INDUSTRY
5617	Services to buildings and dwellings
5621	Waste collection
5622	Waste treatment and disposal
5629	Remediation and other waste management services
6219	Other ambulatory health care services
6221	General medical and surgical hospitals
6222	Psychiatric and substance abuse hospitals
6223	Specialty (except psychiatric and substance abuse) hospitals
6231	Nursing care facilities
6232	Residential mental retardation, mental health and substance abuse facilities
6233	Community care facilities for the elderly
6239	Other residential care facilities
6242	Community food and housing, and emergency and other relief services
6243	Vocational rehabilitation services
7111	Performing arts companies
7112	Spectator sports
7121	Museums, historical sites, and similar institutions
7131	Amusement parks and arcades
7132	Gambling industries
7211	Traveler accommodation
7212	RV (recreational vehicle) parks and recreational camps
7213	Rooming and boarding houses
7223	Special food services
8113	Commercial and industrial machinery and equipment (except automotive and electronic) repair and maintenance
8123	Dry-cleaning and laundry services

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 296-27-051 Definitions.
- WAC 296-27-05101 Definitions.

WSR 19-10-066
PROPOSED RULES
SECRETARY OF STATE
 [Filed April 30, 2019, 1:58 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 18-21-178.

Title of Rule and Other Identifying Information: Permanent adoption of changes to WAC 434-250-030, 434-250-070, 434-250-080, 434-250-095, 434-250-105, 434-250-110, 434-250-120, 434-324-005, 434-324-026, 434-324-028, 434-324-031, 434-324-036, 434-324-076, 434-215-005, 434-230-015, 434-262-031 and 434-262-032, necessary to update and clarify procedures, and implement recent legislative changes.

Hearing Location(s): On June 4, 2019, at 2:00 p.m., at 520 Union Avenue, Olympia, 98504.

Date of Intended Adoption: June 5, 2019.

Submit Written Comments to: Sheryl Moss, P.O. Box 40229, Olympia, WA 98504, email sheryl.moss@sos.wa.gov, fax 360-664-4169, by June 3, 2019.

Assistance for Persons with Disabilities: Contact Sheryl Moss, phone 360-902-4146, fax 360-664-4169, email Sheryl.moss@sos.wa.gov, by June 3, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To adjust timelines and create procedures required to implement expanded voter registration periods up to and including the day of each primary or election. The new and revised rules establish the hierarchy of ballots to allow counting of the most recent ballot for each voter, while protecting against counting more than one ballot per voter.

Reasons Supporting Proposal: Necessary to preserve the integrity of the voting system and provide additional opportunities for citizens to register to vote and for registered voters to update voter information following a change of address. The voter registration period, and address update period, are expanded to include the day of each primary and election.

Statutory Authority for Adoption: RCW 29A.04.611.

Statute Being Implemented: RCW 29A.08.110, [29A.08].140, [29A.08].410, 29A.32.031, 29A.40.160.

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

Name of Proponent: Mark Neary, assistant secretary of state, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Lori Augino, Olympia, 360-902-4151.

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 19.85.025(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party.

April 30, 2019

Mark Neary

Assistant Secretary of State

AMENDATORY SECTION (Amending WSR 11-24-064, filed 12/6/11, effective 1/6/12)

WAC 434-215-005 Filing information—Questionnaire—Compiling and dissemination. (1) Prior to February 1, the county auditor shall send a questionnaire to the administrative authority of each local jurisdiction for which the auditor is the candidate filing officer subject to the provisions of RCW 29A.04.321 and 29A.04.330. The questionnaire must be sent during the twelve months before the local jurisdiction is scheduled to elect officers. The purpose of the questionnaire shall be to confirm information which the auditor must use to properly conduct candidate filings for each office. The questionnaire should request, at a minimum, confirmation of offices to be filled at the general election that year, the name of the incumbent, and the annual salary for the position at the time of the filing period. Responses should be received prior to March 1 of that year so that the filing information can be compiled and disseminated to the public at least two weeks prior to the candidate filing period.

(2) If a jurisdiction fails to notify the county auditor prior to the regular candidate filing period that an office is to be filled at the general election and therefore the office is not included in the regular candidate filing period, the county auditor shall:

(a) Open the position during the remainder of the regular filing period if the county auditor is notified in time to provide at least three days in the regular filing period. The county auditor must post information online and notify the press; or

(b) Open the position during a special three-day filing period and treat the election as though there is a void in candidacy per RCW 29A.24.181.

AMENDATORY SECTION (Amending WSR 18-24-007, filed 11/26/18, effective 12/27/18)

WAC 434-230-015 Ballots and instructions. (1) Each ballot shall specify the county, the date, and whether the election is a primary, special or general.

(2) Each ballot must include instructions directing the voter how to mark the ballot, including write-in votes if candidate races appear on the ballot.

(3) Instructions that accompany a ballot must:

(a) Instruct the voter how to cancel a vote by drawing a line through the text of the candidate's name or ballot measure response;

(b) Notify the voter that, unless specifically allowed by law, more than one vote for an office or ballot measure will be an overvote and no votes for that office or ballot measure will be counted;

(c) Explain how to complete and sign the ballot declaration. The following declaration must accompany the ballot:

"I do solemnly swear or affirm under penalty of perjury that I am:

A citizen of the United States;

A ~~((legal))~~ resident of the state of Washington and meet the requirements for voting mandated by state law;

At least 18 years old on election day;

Voting only once in this election;

Not under the authority of the Department of Corrections for a Washington felony conviction;

Not disqualified from voting due to a court order; and

Not voting in any other jurisdiction in the United States for this election.

It is illegal to forge a signature or cast another person's ballot. Attempting to vote when not qualified, attempting to vote more than once, or falsely signing this declaration is a felony punishable by a maximum imprisonment of five years, a maximum fine of \$10,000, or both."

The declaration must include space for the voter to sign and date the declaration, for the voter to write his or her phone number, and for two witnesses to sign if the voter is unable to sign.

(d) Explain how the voter may make a mark, witnessed by two other people, if the voter is unable to write their signature;

(e) Explain that a power of attorney cannot be used to sign a ballot for someone else;

(f) Explain how to place the ballot in the security envelope/sleeve and place the security envelope/sleeve in the return envelope;

(g) Explain how to obtain a replacement ballot if the original ballot is destroyed, spoiled, or lost;

(h) Explain how the voter may update their address;

(i) If applicable, include language with the reissued ballot notifying the voter that the reissued ballot is their current ballot;

(j) If applicable, explain that postage is required, or exactly how much postage is required. See WAC 434-250-200 on return postage;

~~((+))~~ (k) Explain that, in order for the ballot to be counted, it must be either postmarked no later than election day or deposited at a ballot drop box no later than 8:00 p.m. election day;

~~((+))~~ (l) Explain how to learn about the locations, hours, and services of voting centers and ballot drop boxes, including the availability of accessible voting equipment;

~~((+))~~ (m) Include, for a primary election that includes a partisan office other than a presidential primary race, a notice on an insert explaining:

"In each race, you may vote for any one candidate listed. The two candidates who receive the most votes in the primary will advance to the general election.

Each candidate for partisan office may state a political party that he or she prefers. A candidate's preference does not imply that the candidate is nominated or endorsed by the party, or that the party approves of or associates with that candidate."

~~((+))~~ (n)(i) Include, for a general election that includes a partisan office, the following explanation:

"If a primary election was held for an office, the two candidates who received the most votes in the primary advanced to the general election.

Each candidate for partisan office may state a political party that he or she prefers. A candidate's preference does not imply that the candidate is nominated or endorsed by the

party, or that the party approves of or associates with that candidate."

(ii) In a year that president and vice president appear on the general election ballot, the following must be added to the statement required by ~~((H))~~ (n)(i) of this subsection:

"The election for president and vice president is different. Candidates for president and vice president are the official nominees of their political party."

(4) Instructions that accompany a special absentee ballot authorized by RCW 29A.40.050 must also explain that the voter may request and subsequently vote a regular ballot, and that if the regular ballot is received by the county auditor, the regular ballot will be tabulated and the special absentee ballot will be voided.

(5) Each ballot must explain, either in the general instructions or in the heading of each race, the number of candidates for whom the voter may vote (e.g., "vote for one").

(6)(a) If the ballot includes a partisan office other than a presidential primary race, the ballot must include the following notice in bold print immediately above the first partisan congressional, state or county office: "READ: Each candidate for partisan office may state a political party that he or she prefers. A candidate's preference does not imply that the candidate is nominated or endorsed by the party, or that the party approves of or associates with that candidate."

(b) When the race for president and vice president appears on a general election ballot, instead of the notice required by (a) of this subsection, the ballot must include the following notice in bold print after president and vice president but immediately above the first partisan congressional, state or county office: "READ: Each candidate for president and vice president is the official nominee of a political party. For other partisan offices, each candidate may state a political party that he or she prefers. A candidate's preference does not imply that the candidate is nominated or endorsed by the party, or that the party approves of or associates with that candidate."

(c) The same notice may also be listed in the ballot instructions.

(7) Counties may use varying sizes and colors of ballots, provided such size and color is used consistently throughout a region, area or jurisdiction (e.g., legislative district, commissioner district, school district, etc.). Varying color and size may also be used to designate various types of ballots.

(8) Ballots shall be formatted as provided in RCW 29A.36.170.

(9) Removable stubs are not considered part of the ballot.

(10) If ballots are printed with sequential numbers or other sequential identifiers, the county auditor must take steps to prevent ballots from being issued sequentially, in order to protect secrecy of the ballot.

Counties may use ballot envelopes ~~((and instruction in stock until May 31, 2019))~~ with the previous declaration through December 2020.

AMENDATORY SECTION (Amending WSR 19-01-102, filed 12/18/18, effective 1/18/19)

WAC 434-250-030 Special absentee ballots. (1) As authorized by RCW 29A.40.050, requests for a special absentee ballot must be made in writing and each county auditor must provide the applications. The form must include:

(a) A space for the voter to print ~~((his or her))~~ the voter's name and address where registered to vote;

(b) A postal or mailing address;

(c) A space for an overseas or service voter not registered to vote in Washington to indicate ~~((his or her))~~ the voter's last residential address in Washington;

(d) A checkbox indicating that the voter will be unable to vote and return a regular ballot by normal delivery within the period provided for regular ballots; and

(e) A checkbox requesting that a regular ballot be forwarded as soon as possible.

(2) The county auditor shall honor any application for a special absentee ballot that is in substantial compliance with the provisions of this section. Any application for a special absentee ballot received more than ninety days prior to a primary or general election may be either returned to the applicant with the explanation that the request is premature or held by the auditor until the appropriate time for processing. When regular mail ballots are available, a signed request for a special absentee ballot is not required.

(3) Upon receipt of a special absentee ballot request, a regular ballot is mailed if available. If regular ballots are not available, the county auditor shall immediately send a special absentee ballot containing the known offices and measures scheduled to appear on the ballot; space for the voter to write in the name of any eligible candidate for each office and vote on any measure; and a list of any known candidates and issues referred to the ballot.

(4) If a regular ballot is returned, the special ballot is not counted.

(5) Write-in votes on special ballots are counted in the same manner as other valid write-in votes for declared candidates.

AMENDATORY SECTION (Amending WSR 11-24-064, filed 12/6/11, effective 1/6/12)

WAC 434-250-070 Forwarding ballots. (1) ~~((If the county auditor chooses to forward ballots,))~~ The county auditor must utilize postal service endorsements that allow ((the)) ballots to be forwarded, allow the county auditor to receive the updated address information for forwarded ballots, and allow the return of ballots not capable of being forwarded. A voter may only vote a ballot specific to the address where he or she is currently registered to vote, rather than a ballot specific to a new address.

(2) ~~((If the county auditor does not forward ballots, the envelope must clearly indicate the ballot is not to be forwarded and is to be returned to the county auditor with any available address updates. If the county auditor receives updated address information from the post office, the county auditor may send the voter a ballot specific to the address where the voter is registered to vote.~~

~~(3))~~ If a ballot is returned or forwarded, the county auditor must, following certification of the election, either:

(a) Transfer the voter registration and send the voter an acknowledgment notice, if the updated address is within the county; or

(b) Place the voter on inactive status and send the voter a confirmation notice to all known addresses, if no updated address information was received or the updated address is outside the county.

AMENDATORY SECTION (Amending WSR 18-10-003, filed 4/19/18, effective 5/20/18)

WAC 434-250-080 Replacement and reissued ballots. The county auditor shall issue a replacement ballot, as authorized by RCW 29A.40.070, if the request is received prior to 8:00 p.m. on election day. Requests may be made in person, in writing, by telephone, or electronically, by the voter, a family member, or a registered domestic partner.

The request for a replacement ballot does not update the voter's ballot type or style. The replacement ballot becomes the voter's current ballot and the original ballot is suspended. However, should the original ballot be received first, it shall be processed.

The county auditor shall reissue a new ballot when the registered voter has taken action to update their voter registration and the ballot type or style has changed. After the deadline for mail and online registration, a person who is already registered to vote in Washington must request a reissued ballot in person. The reissued ballot becomes the current ballot and all other ballots are suspended.

No additional ballot may be issued to a voter whose ballot has already been accepted. If the voter asserts they have not voted and requests a ballot, then a provisional ballot must be issued pursuant to WAC 434-262-032.

Each county auditor shall allow access to an electronic ballot system to both active and inactive voters for replacement ballots no later than the eighth day prior to election day.

If a voter appears in person at a county auditor's office before 8:00 p.m. election day and requests a ballot, the county auditor must determine if the voter is registered to vote in Washington.

(1) If the voter is registered in the same county, issue a replacement or reissued ballot.

(2) If the voter is registered in another county, and the voter does not wish to update their registration, access and print a replacement ballot from that county, if the electronic ballot system is available.

(3) If the voter is not registered within the state (~~or the electronic ballot system is not available~~), the county auditor (~~must offer the voter a provisional~~) shall register the voter and issue a current ballot.

~~((Replacement ballots or the original ballot, whichever is received first,))~~ The current ballot shall be ((credited to the voter's registration file and tabulated)) accepted for initial processing if the ballot meets all requirements for tabulation. If the auditor receives additional ballots from a voter, as indicated by the fact that the (~~voter is already credited with voting~~) voter's cast ballot has been accepted, the additional ballots shall not be counted and shall be forwarded to the county

canvassing board for (~~rejection~~) informational purposes only.

(4) When a voter's ballot has been accepted, additional ballots are considered invalid and shall not be rejected by the county canvassing board.

AMENDATORY SECTION (Amending WSR 14-06-040, filed 2/26/14, effective 3/29/14)

WAC 434-250-095 Direct recording electronic voting devices. (1) Before a direct recording electronic voting device may be used by a voter, an election officer must verify:

(a) The paper printer or paper canister is secured so that the paper record may not be removed from the device by anyone other than an election officer;

(b) Only a blank portion of the paper record is visible to the voter as he or she approaches the device; and

(c) The paper printer or paper canister is sealed with a numbered seal to ensure the paper tape cannot be removed by the voter.

(2) Before a direct recording electronic voting device may be used by a voter, an election officer must confirm that (~~the voter has not already returned a voted ballot~~) a ballot has not been accepted for that voter. Confirmation that (~~the voter~~) a ballot has not already ((returned a voted ballot)) been accepted may be achieved by accessing the (~~county~~) voter registration system by electronic, telephonic, or other means. (~~In order to prevent multiple voting, the voter must be immediately credited or otherwise flagged as having voted.~~) If the county auditor is unable to confirm whether (~~the voter has already returned a voted ballot~~) a ballot has been accepted for that voter, the voter may not vote on a direct recording electronic voting device. The voter may vote a paper provisional ballot. If a voted (~~mail~~) paper ballot is subsequently (~~returned~~) received after a ballot is cast on the direct recording electronic voting device, the (~~mail~~) paper ballot must not be counted.

(3)(a) If a ballot on a direct recording electronic device has not been cast but has been printed by the voter, the election officer may cast the ballot.

(b) If a ballot on a direct recording electronic device has not been printed nor cast by the voter, the election officer must cancel the ballot and make a corresponding notation in the accountability form.

(4) If any seal or lock on a direct recording electronic device, including seals for the paper printer or paper canister, has been broken or tampered with, the direct recording electronic device and paper printer must be removed from service for the remainder of the election. A written report regarding the circumstances of the removal from service must be sent to the county canvassing board.

(5) If the paper printer for a direct recording electronic device malfunctions or runs out of paper, the following must occur:

(a) If the election officer has confirmed that no ballots have been cast after the printer ran out of paper or malfunctioned, he or she must remove the direct recording electronic device and paper printer from service, and document the problem. The direct recording electronic device and paper

printer may be returned to service only if the problem has been corrected.

(b) If the election officer is unable to confirm that no ballots were cast after the printer ran out of paper or malfunctioned, or if the problem cannot be corrected, the direct recording electronic device and paper printer must be removed from service for the remainder of the election. The auditor must present a written report regarding the circumstances of the removal from service to the county canvassing board.

(6) If an electronic ballot has been cast without a readable corresponding paper record, the county auditor may print the ballot image stored on the device for use as a paper record for that device, in the case of an audit or manual recount. This may require printing all ballot images from that machine.

(7) A provisional ballot may only be voted on a direct recording electronic voting device if the voting system has been certified by the secretary of state for provisional voting and the county auditor has submitted approved procedures to the secretary of state.

(8)(a) If a direct recording electronic voting device must be transferred from a voting center that is not in the same location as the counting center, the paper records must be either:

(i) Placed in transfer containers; or

(ii) Transferred in the paper printer or paper canister if the paper printer or paper canister is sealed so the paper record cannot be removed without breaking the seal.

(b) Paper records must be accompanied by a transmittal sheet which must include at a minimum:

(i) The voting center where the direct recording electronic device was utilized;

(ii) The seal number from the paper printer; and

(iii) The serial number or other identifier of the direct recording electronic device if distinctly unique from the seal number on the paper record printer or paper canister.

(c) If paper records are placed in a transfer container, the election officer must sign the transmittal sheet and place it in the transfer container. The number of paper record tapes included in the container must be recorded on the transmittal sheet. A unique prenumbered seal must be applied to the container.

(d) The data pack or cartridge of the direct recording device must be transported to the counting center in a sealed container.

AMENDATORY SECTION (Amending WSR 16-13-063, filed 6/13/16, effective 7/14/16)

WAC 434-250-105 Voting centers. (1) If a location offers replacement ballots, reissued ballots, provisional ballots, or voting on a direct recording electronic device, it is considered a voting center. ~~((The requirements for staffed ballot deposit sites apply to voting centers.))~~

(2) At least one voting center must be open during business hours during the voting period, which begins eighteen days before, and ends at 8:00 p.m. on the day of the special, primary, or general election. Additional voting centers, and additional locations that are not voting centers, established by

the county auditor to provide other services are not required to be open for the full eighteen-day voting period. In addition to the requirements of RCW 29A.40.160, each voting center must:

(a) Be an accessible location. "Accessible" means the combination of factors which create an environment free of barriers to the mobility or functioning of voters. The environment consists of the routes of travel to and through the buildings or facilities used for voting. The Americans with Disabilities Act Checklist for Polling Places shall be used when determining the accessibility of a voting center. A voting center is fully accessible if all responses in each category are "Yes";

(b) Be located in a public building or building that is leased by a public entity including, but not limited to, libraries;

(c) Be marked with signage outside the building indicating the location as a place for voting;

~~((e))~~ (d) Issue ballots that include a declaration in the ballot materials;

~~((f))~~ (e) Offer disability access voting in a location or manner that provides for voter privacy. For each voting center, the county auditor must have a contingency plan to accommodate accessible voting in the event that an accessible voting unit malfunctions or must be removed from service;

~~((g))~~ (f) Offer provisional ballots, which may be sample ballots that meet provisional ballot requirements;

~~((h))~~ (g) Have electronic or telephonic access to the voter registration system, consistent with WAC 434-250-095, if the voting center offers voting on a direct recording electronic voting device. The county auditor shall require the voter to print and sign the ballot declaration provided in WAC 434-230-015. Ballot declaration signatures may not be maintained in the order in which they were signed. Before the voter may vote on a direct recording electronic voting device, the county auditor must either:

(i) Verify the signature on the ballot declaration against the signature in the voter registration record; or

(ii) Require the voter to provide photo identification, consistent with RCW 29A.40.160(~~(g)~~);

~~((g))~~.

(h) Provide either a voters' pamphlet or sample ballots;

~~((h))~~ (i) Provide voter registration ~~((forms))~~ services pursuant to RCW 29A.08.140. If the voter registration system is unable to process applications, the county auditor shall offer conditional registration and balloting services;

~~((i))~~ (j) Display a HAVA voter information poster, containing an example of an actual ballot or a sample ballot in substantially the same format as an actual ballot;

~~((j))~~ (k) Display the date of that election;

~~((k))~~ (l) During a primary that includes a partisan office, ~~((display the notice provided in WAC 434-230-015 (3)(j);))~~ and ~~((during))~~ a general election that includes a partisan office, display the appropriate party preference notice provided in WAC 434-230-015 ~~((3)(k))~~. The party preference notices may also be posted on-screen in direct recording electronic voting devices;

~~((l))~~ (m) Provide instructions on how to properly mark the ballot; and

~~((m))~~ (n) Provide election materials in alternative languages if required by the Voting Rights Act.

~~((2))~~ (3) Where it appears that a particular voter is having difficulty casting ~~(his/her)~~ their vote, and as a result, is impeding other voters from voting, the staff may provide assistance to that voter in the same manner as provided by law for those voters who request assistance. Where it appears that a voter is impeding other voters from voting to simply cause delay, the staff shall ask the voter to expedite the voting process. In the event the voter refuses to cooperate, the staff shall, whenever practical, contact the county auditor, who may request assistance from the appropriate law enforcement agencies if he or she deems such action necessary.

~~((3))~~ (4) At exactly 8:00 p.m. on election day, all ballot boxes must be emptied or secured to prevent the deposit of additional ballots; however, any voter who is in a voting center or in line at a voting center at 8:00 p.m. must be allowed to vote and deposit ~~(his or her)~~ their ballot. Voted ballots, including provisional, mail-in, and direct recording electronic and paper records, must be placed into secured transport carriers for return to the county auditor's office or another designated location.

(5) The requirements for staffed ballot deposit sites per WAC 434-250-100 apply to voting centers.

(6) The county auditor may establish which services will be provided at additional locations, which days and hours the additional locations will be open, and shall publish the information for voters.

AMENDATORY SECTION (Amending WSR 19-01-102, filed 12/18/18, effective 1/18/19)

WAC 434-250-110 Processing ballots. (1) Ballot processing definitions:

(a) "Initial processing" means all steps taken to prepare ballots for tabulation.

~~((Initial processing includes, but is not limited to:~~

~~(a))~~ (b) "Final processing" means the reading of ballots by an optical scan voting system for the purpose of producing returns of votes cast, but does not include tabulation.

(c) "Tabulation" means the production of returns of votes cast for candidates or ballot measures in a form that can be read by a person, whether as precinct totals, partial cumulative totals, or final cumulative totals.

(d) "Conditional" means a ballot issued when the voter registration system is unable to process an application submitted in person. The voter is conditionally registered and the voter's current ballot shall be accepted only after the application has been processed.

(2) Prior to initial processing of ballots, the county auditor shall notify the county chair of each major political party of the time and date on which processing shall begin, and shall request that each major political party appoint official observers to observe the processing and tabulation of ballots. If any major political party has appointed observers, such observers may be present for initial processing, final processing, or tabulation, if they so choose, but failure to appoint or attend shall not preclude the processing or tabulation of ballots.

(3) Initial processing includes, but is not limited to:

(a) Identification and receipt of current and suspended ballots:

(i) Current ballots are received and prepared for signature verification;

(ii) Suspended ballots are received and held until the seventh day following election day to allow time for a voter's current ballot to be received.

(b) Sorting of suspended ballots due to voter registration transfers:

(i) In-county suspended ballots are secured and held;

(ii) Out-of-county suspended ballots are sent with expedited shipping to the voter's new county in Washington. The suspended ballot must be sent to the new county as soon as possible, but not more than two business days after receipt. Suspended ballots received between seven days after election day and prior to certification shall be mailed to the voter's new county within one day of receipt. Following certification, suspended ballots are mailed to the voter's new county for retention.

(c) Processing of current and suspended ballots:

(i) If the voter's current ballot is received and accepted for tabulation prior to the seventh day after election day, the suspended ballot becomes invalid;

(ii) If the voter's current ballot is not received prior to the seventh day after election day, duplicate the suspended ballot onto the precinct ballot that matches the voter's current registration record.

(d) Verification of the signature and postmark on the ballot declaration by the county of current registration;

~~((b))~~ (e) Removal of the security envelope or sleeve from the return envelope;

~~((e))~~ (f) Removal of the ballot from the security envelope;

~~((d))~~ (g) Manual inspection for damage, write-in votes, and incorrect or incomplete marks;

~~((e))~~ (h) Duplication of ballots;

~~((f))~~ (i) Digital scanning and resolution of ballots by batch where tabulation does not take place; and

~~((g))~~ (j) Other preparation of ballots for final processing.

~~((2) "Final processing" means the reading of ballots by an optical scan voting system for the purpose of producing returns of votes cast, but does not include tabulation.~~

~~(3) "Tabulation" means the production of returns of votes cast for candidates or ballot measures in a form that can be read by a person, whether as precinct totals, partial cumulative totals, or final cumulative totals.~~

~~(4) Prior to initial processing of ballots, the county auditor shall notify the county chair of each major political party of the time and date on which processing shall begin, and shall request that each major political party appoint official observers to observe the processing and tabulation of ballots. If any major political party has appointed observers, such observers may be present for initial processing, final processing, or tabulation, if they so choose, but failure to appoint or attend shall not preclude the processing or tabulation of ballots.~~

~~((5))~~ (4) Initial processing of voted ballots may begin as soon as voted ballots are received. Initial processing includes

digital scanning and resolution of ballots where tabulation does not take place. All ballots must be kept in secure storage until final processing. Secure storage must employ the use of numbered seals and logs, or other security measures which will detect any inappropriate or unauthorized access to the secured ballot materials when they are not being prepared or processed by authorized personnel. The county auditor must ensure that all security envelopes and return envelopes are empty, either by a visual inspection of the punched hole to confirm that no ballots or other materials are still in the envelopes, or by storing the envelopes with a tie, string, or other object through the holes.

~~((6))~~ (5) Final processing of voted ballots, which may include scanning ballots on an optical scan voting system, may begin after 7:00 a.m. on the day of the election. Final processing may begin after 7:00 a.m. the day before the election if the county auditor follows a security plan that has been submitted by the county auditor and approved by the secretary of state to prevent tabulation until after 8:00 p.m. on the day of the election.

~~((7))~~ (6) Tabulation may begin after 8:00 p.m. on the day of the election.

~~((8))~~ (7) In counties tabulating ballots on an optical scan vote tallying system, the vote tallying system must reject all overvotes and blank ballots.

(a) All rejected ballots shall be outstacked for additional manual inspection.

(b) The outstacked ballots shall be inspected in a manner similar to the original inspection with special attention given to stray marks, erasures, and other conditions that may have caused the vote-tallying device to misread and reject the ballot.

(c) If inspection reveals that a ballot must be duplicated in order to be read correctly by the vote tallying system, the ballot must be duplicated.

AMENDATORY SECTION (Amending WSR 19-05-041, filed 2/14/19, effective 3/17/19)

WAC 434-250-120 Verification of the signature and return date. (1) A ~~((mail))~~ ballot shall be counted if:

(a) The voter has not already cast a ballot that has been accepted in the election;

(b) The ballot declaration is signed with a valid signature. A valid signature may be the voter's name or a distinctive mark or symbol signed by the voter~~((:))~~;

(i) If the voter is unable to sign ~~((his or her))~~ their name, the voter may make a mark or symbol with two witnesses' signatures. A signature stamp accompanied by two witness signatures is an acceptable mark~~((:))~~;

(ii) A power of attorney cannot be used as a signature for a voter~~((:))~~;

~~((b))~~;

(c) The signature has been verified by the county of current registration pursuant to WAC 434-379-020; and

~~((e))~~ (d)(i) The envelope is postmarked not later than the day of the election and received not later than the day before certification of the election. A postmark is any official mark, imprint, or application that verifies when a ballot entered the U.S. postal system. The postmark on the envelope

is the official date of mailing. If there are two postmarks, the earlier postmark is the date of mailing. A hand cancellation by an agent of the U.S. Postal Service is a postmark.

If the postmark is illegible or missing, the date of the voter's signature is the date of mailing as per RCW 29A.40.110. If the postmark is illegible or missing and the voter did not include a date with their signature, county auditors may use available U.S. Postal Service tools to verify the date of mailing;

(ii) The ballot is deposited in a ballot drop box no later than 8:00 p.m. on election day; or

(iii) For service and overseas voters, the ballot is received by fax or email no later than 8:00 p.m. on election day. Only service and overseas voters can submit ballots by fax or email.

(2) Postage that includes a date, such as meter postage or a dated stamp, does not qualify as a postmark. If an envelope lacks a postmark or if the postmark is unreadable, the date to which the voter has attested on the ballot declaration determines the validity of the ballot, per RCW 29A.40.110. If a ballot is from a service or overseas voter, the date to which the voter has attested on the ballot declaration determines the validity of the ballot, per RCW 29A.40.100.

(3) Consistent with WAC 434-250-080, the voter's current ballot and signed declaration shall be accepted for initial processing; ballots previously or subsequently received are not counted nor rejected by the county canvassing board. Such ballots shall be invalid and categorized as informational only.

(a) If the first ballot received is identical to the voter's current ballot because the voter submitted a replacement ballot, the replacement ballot shall be referred to signature verification for initial processing.

(b) If the first ballot received is suspended because of a voter registration update, the suspended ballot shall be held by the county of current registration. The county of registration may choose to manually check the suspended ballot for signature issues and send a cure form, while allowing time for the current ballot to be received and accepted.

(4) The signature on the ballot declaration must be compared with the signature in the voter's voter registration file using the standards established in WAC 434-379-020. The signature on a ballot declaration may not be rejected merely because the signature is not dated, unless the date is necessary to validate the timeliness of the ballot. The signature on a ballot declaration may not be rejected merely because the name in the signature is a variation of the name on the voter registration record. The canvassing board may designate in writing representatives to perform this function. All personnel assigned to the duty of signature verification shall subscribe to an oath administered by the county auditor regarding the discharge of ~~((his or her))~~ their duties. Personnel shall be instructed in the signature verification process prior to actually canvassing any signatures. Local law enforcement officials may instruct those employees in techniques used to identify forgeries.

~~((4))~~ (5) For service and overseas ballots returned by fax or email, the county auditor must apply procedures to protect the secrecy of the ballot. If returned by email, the county auditor must print the email and attachments; the

printed email and signed declaration page must be processed and retained like other ballot declarations, and the printed ballot must be processed and retained like other ballots. The electronic versions of the email, ballot declaration, and ballot are exempt from public disclosure in order to maintain secrecy of the ballot. Voted service and overseas ballots returned by email may be returned with multiple attachments or in multiple emails.

(a) Service and overseas ballots returned by fax or email with a missing or mismatched signature are processed as established in RCW 29A.60.165 and WAC 434-261-050.

(b) Only service and overseas voters are eligible to return a ballot electronically. For electronic ballots received from voters who are not service or overseas voters the county auditor must:

(i) Contact the voter immediately if a fax or email ballot is received to notify the voter that they must return their ballot by mail or ballot drop box.

(ii) Count only the ballot received by mail or ballot drop box if the voter returns both an electronic ballot and a ballot by mail or ballot drop box.

(iii) Send the electronic ballot to the canvassing board for rejection if the voter did not return a ballot by mail or ballot drop box.

~~((5))~~ (6) The signature verification process shall be open to the public, subject to reasonable procedures adopted and promulgated by the canvassing board to ensure that order is maintained and to safeguard the integrity of the process.

AMENDATORY SECTION (Amending WSR 16-13-063, filed 6/13/16, effective 7/14/16)

WAC 434-262-031 Rejection of ballots or parts of ballots. (1) The disposition of provisional ballots is governed by WAC 434-262-032. The county canvassing board must reject any ballot cast by a voter who was not qualified to vote, or for other reasons required by law or administrative rule. A log must be kept of all voted ballots rejected, and must be included in the minutes of each county canvassing board meeting.

(2) Ballots or parts of ballots shall be rejected by the canvassing board in the following instances:

(a) ~~((Where a voter has already voted one ballot;~~

~~((b))~~ Where two voted ballots are returned together:

(i) If the two ballots are returned with only one valid signature on the ballot declaration, the races and measures voted the same on both ballots may be counted once~~((:))~~;

(ii) If the two ballots are returned with two valid signatures on the ballot declaration, both ballots may be counted in their entirety~~((:))~~.

~~((e))~~ (b) Where a ballot or parts of a ballot are marked in such a way that it is not possible to determine the voter's intent consistent with WAC 434-261-086;

~~((d))~~ (c) Where the voter has voted for candidates or issues for whom he or she is not entitled to vote;

~~((e))~~ (d) Where the voter has overvoted;

~~((f) Where the voter validly transferred out of the county;~~

~~((g))~~ (e) Where the ballot was created for a prior election.

AMENDATORY SECTION (Amending WSR 16-13-063, filed 6/13/16, effective 7/14/16)

WAC 434-262-032 Provisional ballots—Disposition.

Upon receipt of the provisional ballot, including provisional ballots from other counties or states, the county auditor must investigate the circumstances surrounding the provisional ballot prior to certification of the primary or election. A voted ballot received from an unregistered voter, other than a service ~~((or))~~, overseas, or conditionally registered voter, is considered a provisional ballot. A provisional ballot cannot be counted unless the voter's name, signature and the date of birth, if available, matches a voter registration record. Once the provisional ballot has been investigated, disposition of the ballot is as follows:

(1) ~~((If there is no record of the voter ever having been registered, the voter must be offered the opportunity to register and the provisional ballot is not counted.~~

~~((2))~~ (2) If the voter was previously registered and later canceled and the auditor determines that the cancellation was in error, the voter's registration must be immediately restored and the provisional ballot counted.

~~((3))~~ (2) If the voter was previously registered and later canceled and the auditor determines that the cancellation was not in error, ~~((the voter must be offered the opportunity to reregister and the provisional ballot is not counted))~~ register the voter and count the ballot.

~~((4))~~ (3) If ~~((the voter is))~~ a registered voter ~~((but))~~ has voted a ballot ~~((other than the one which the voter would have received for his or her precinct))~~ for a previous address, the auditor must ensure that only those votes for the positions and measures for which the voter was eligible to vote are counted.

~~((5))~~ (4) If the voter is ~~((a))~~ registered ~~((voter))~~ in another county, the auditor shall immediately forward the ballot ~~((and a corresponding voter guide, or other means by which the ballot can be interpreted,))~~ to the elections official for the jurisdiction in which the voter is registered. The provisional ballot must be forwarded within seven calendar days after a primary or special election and fourteen calendar days after a general election, and as soon as possible if past that date.

~~((6))~~ (5) If the voter voted a regular ballot and a provisional ballot, the provisional ballot is not counted if the regular ballot has already been counted. The regular ballot is not counted if the provisional ballot has already been counted.

~~((7))~~ (6) If the voter voted a provisional ballot because he or she failed to produce identification at a voting center, the ballot is counted if the signature on the envelope matches the signature in the voter registration record.

~~((8))~~ (7) If the voter voted a provisional ballot because the voter is provisionally registered and the voter's registration record is still flagged as requiring verification of identity, the provisional ballot is not counted.

~~((9))~~ (8) Provisional ballots voted for reasons not covered by this section or state statute must be determined by the county canvassing board.

AMENDATORY SECTION (Amending WSR 11-24-064, filed 12/6/11, effective 1/6/12)

WAC 434-324-005 Definitions. As used in this chapter:

(1) "Accepted" means the voter's ballot has been signature verified and is ready for initial processing.

(2) "Active status" means a designation assigned to voters with complete voter registration records signifying that the voter is eligible to vote.

~~((2))~~ (3) "Applicant" means a person who has applied, or is applying, to become a registered voter in the state of Washington.

~~((3))~~ (4) "Auditor" means "county auditor" and means the county auditor in a noncharter county or the officer in a charter county, irrespective of title, having the overall responsibility to maintain voter registration to conduct state and local elections.

~~((4))~~ "County election management system" means software used by county auditors to manage computer files pertaining to elections and includes, but is not limited to, voter registration records.

~~((5))~~ (5) "County registration number" means an identifier assigned to each registered voter by the county auditor. (5) "Conditional registration" means an in-person voter registration application submitted when the voter registration system is unable to process applications. Conditionally registered voters are issued a current ballot for their precinct whenever possible; they are not issued a provisional ballot.

(6) "Current ballot" means the ballot which matches the precinct in which the voter is currently registered to vote. This is the most recently issued ballot type or style.

(7) "Electronic registration" means the electronic submission of voter registration applications.

~~((7))~~ (8) "Extraction," as used in this chapter, means the creation of an electronic list of specific information from the entire official statewide voter registration database.

~~((8))~~ (9) "New county" means a county in Washington state that a registered voter is moving to from another county within Washington state.

~~((9))~~ (10) "Previous county" means a county in Washington state that a registered voter lived in prior to moving to a new county.

~~((10))~~ (11) "Pending status" means a voter registration record is not yet complete, and the applicant is not yet a registered voter.

~~((11))~~ (12) "Pending cancellation" means the registered voter's registration record must be canceled within a specified amount of time and he or she is not eligible to vote.

~~((12))~~ (13) "Received" means the voter's ballot has been returned to the county and entered into the system, but not yet accepted.

(14) "Registered voter" means any elector who has completed the statutory registration procedures established by Title 29A RCW.

~~((13))~~ (15) "Registration number" means a unique identifier assigned to each registered voter, pursuant to RCW 29A.08.125.

(16) "Reissued ballot" means a new ballot issued to a voter due to an address update within the state that changes the voter's ballot type or style. A reissued ballot becomes the current ballot and all other ballots are suspended.

(17) "Replacement ballot" means a ballot that is the same type or style as the most recently issued. The request for a replacement ballot does not update the voter's current ballot type or style.

(18) "Secretary" means secretary of state or any other person authorized by the secretary of state to act on his or her behalf.

~~((14))~~ "State registration number" means a unique identifier assigned to each registered voter by the state, pursuant to RCW 29A.08.125. (19) "Suspended ballot" means any ballot that is not the current ballot. The suspended ballot may be accepted when the current ballot is not received or accepted.

AMENDATORY SECTION (Amending WSR 17-12-090, filed 6/6/17, effective 7/7/17)

WAC 434-324-026 Voter registration form.

((

Fold and seal, or use an envelope

Instructions

Use this form to register to vote or update your current registration.

Print all information clearly using black or blue pen. Mail this completed form to your county elections office (address on back).

Deadline

This registration will be in effect for the next election if postmarked no later than the Monday four weeks before Election Day.

Voting

You will receive your ballot in the mail. Contact your county elections office for accessible voting options.

Public Information

Your name, address, gender, and date of birth will be public information.

Notice

Knowingly providing false information about yourself or your qualifications for voter registration is a class C felony punishable by imprisonment for up to 5 years, a fine of up to \$10,000, or both.

Public Benefits Offices

If you received this form from a public benefits office, where you received the form will remain confidential and will be used for voter registration purposes only.

Registering or declining to register will not affect the assistance provided to you by any public benefits office. If you decline to register, your decision will remain confidential.

If you believe someone interfered with your right to register, or your right to privacy in deciding whether to register, you may file a complaint with the Washington State Elections Division.

Contact Information

If you would like help with this form, contact the Washington State Elections Division.

web www.vote.wa.gov
call (800) 448-4881
email elections@sos.wa.gov
mail PO Box 40229
Olympia, WA 98504-0229

For official use:

2/2016

Washington State Voter Registration Form

Register online at www.myvote.wa.gov.

1 Personal Information

last first middle suffix
date of birth (mm/dd/yyyy) gender
residential address in Washington apt #
city ZIP
mailing address, if different
city state and ZIP
phone number (optional) email address (optional)

2 Qualifications

If you answer no, do not complete this form.
I am a citizen of the United States of America.
I will be at least 18 years old by the next election.

3 Military / Overseas Status

I am currently serving in the military.
I live outside the United States.

4 Identification - Washington Driver License, Permit, or ID

Grid for driver license/ID and Social Security number (xx xx - xx xx)

5 Change of Name or Address

This information will be used to update your current registration, if applicable.
former last name first middle
former residential address city state and ZIP

6 Declaration

I declare that the facts on this voter registration form are true. I am a citizen of the United States, I will have lived at this address in Washington for at least thirty days immediately before the next election at which I vote, I will be at least 18 years old when I vote, I am not disqualified from voting due to a court order, and I am not under Department of Corrections supervision for a Washington felony conviction.

sign here [] date here []

))

Fold and seal, or use an envelope

Instructions

Use this form to register to vote or update your current registration.

Print all information clearly using black or blue pen. Mail this completed form to your county elections office (address on back).

Deadline

This registration will be in effect for the next election if received by the elections office no later than eight days before Election Day.

Voting

You will receive your ballot in the mail. Contact your county elections office for accessible voting options.

Public Information

Your name, address, gender, and date of birth will be public information if you are at least eighteen years of age.

Notice

Knowingly providing false information about yourself or your qualifications for voter registration is a class C felony punishable by imprisonment for up to five years, a fine of up to \$10,000, or both.

Public Benefits Offices

If you received this form from a public benefits office, where you received the form will remain confidential and will be used for voter registration purposes only.

Registering or declining to register will not affect the assistance provided to you by any public benefits office. If you decline to register, your decision will remain confidential.

If you believe someone interfered with your right to register, or your right to privacy in deciding whether to register, you may file a complaint with the Washington State Elections Division.

Contact Information

If you would like help with this form, contact the Washington State Elections Division.

- web www.votewa.gov
call (800) 448-4881
email elections@sos.wa.gov
mail PO Box 40229 Olympia, WA 98504-0229

For official use:

3/2019

Washington State Voter Registration Form

Register online at www.votewa.gov.

1 Personal Information

Form fields for personal information: last, first, middle, suffix, date of birth, gender, residential address, apt #, city, ZIP, mailing address, city, state and ZIP, phone number, email address.

2 Qualifications

If you answer no, do not complete this form. I am a citizen of the United States of America. I am at least eighteen years old, or at least sixteen years old and will vote only after I turn eighteen.

3 Military / Overseas Status

I am currently serving in the military. Includes National Guard and Reserves, and spouses or dependents away from home due to service. I live outside the United States.

4 Identification - Washington Driver License, Permit, or ID

Form fields for identification: grid for driver license/ID, Social Security number fields.

5 Change of Name or Address

This information will be used to update your current registration, if applicable. former last name, first, middle, former residential address, city, state and ZIP.

6 Declaration

I declare that the facts on this voter registration form are true. I am a citizen of the United States, I will have lived at this address in Washington for at least thirty days immediately before the next election at which I vote, I will be at least eighteen years old when I vote, I am not disqualified from voting due to a court order, and I am not under Department of Corrections supervision for a Washington felony conviction.

Signatures and dates: sign here, date here.

AMENDATORY SECTION (Amending WSR 14-06-040, filed 2/26/14, effective 3/29/14)

WAC 434-324-028 ((Illegible or missing postmarks.)) Date of application. ((+)) Consistent with RCW 29A.08.-020, ((if the postmark on a voter registration application submitted by mail is illegible or missing,)) the date of receipt by

((the)) an elections ((office)) official is considered the date of voter registration application. ((If an application is received by the elections official by the close of business on the fifth day after the cutoff date for voter registration, the application is considered to have arrived by the voter registration deadline.))

(2) ~~Postage that contains a date, such as metered postage or a dated stamp, is not a postmark. If an application has dated postage and no postmark, it is an application missing a postmark.~~)

AMENDATORY SECTION (Amending WSR 11-24-064, filed 12/6/11, effective 1/6/12)

WAC 434-324-031 Electronic voter registration. (1) The secretary of state's electronic voter registration web page must have the capability to:

(a) Reject applicants without a Washington state driver's license ~~((or))~~, state identification card, or valid tribal identification as defined by RCW 29A.08.123 and 29A.40.160;

(b) Require the applicant to affirmatively assent to the use of his or her driver's license ~~((or))~~, state identification card, or tribal identification card signature for voter registration purposes;

(c) Require the applicant to attest to the truth of the information provided on the application;

(d) Retrieve a digital copy of each applicant's driver's license or state identification card signature from the department of licensing or from an issuer of tribal identification that has agreed to make digitized signature information available for this purpose, and include it with the other information required for each applicant's voter registration; and

(e) Electronically transfer all information required for each applicant's voter registration to his or her county auditor for entry into the statewide voter registration database through the county election management system.

(2) Once election registration information is entered into county election management systems, the same timelines and processes used for registration by mail apply to electronic registration. A county auditor ~~((may allow voters registering))~~ shall accept online and by mail applications no later than eight days before an election, and in-person ((at the county auditor's office between twenty-nine days before an election and eight days before an election to register using the electronic voter registration system)) applications at locations designated by the county auditor until 8:00 p.m. on election day.

AMENDATORY SECTION (Amending WSR 12-14-074, filed 7/2/12, effective 8/2/12)

WAC 434-324-036 County-to-county transfers. A registered voter may transfer his or her registration to another county by submitting a new voter registration application, or returning a signed confirmation notice that provides the new address.

The county auditor shall expedite the mailing of a confirmation notice to complete the county-to-county transfer.

The minimum information necessary to complete the transfer to the new county is:

- (1) Name;
- (2) Residential address;
- (3) A signature on the oath in RCW 29A.08.230; and
- (4) Either date of birth ~~((, county voter ID number,))~~ or ~~((state))~~ voter ID number. The new county may request additional information to confirm that the registration application is a transfer.

When a voter requests to transfer after ballots have been mailed, the county auditor shall verify that a ballot has not been accepted for that voter. If a ballot has not been accepted, complete the transfer and issue the voter a current ballot.

AMENDATORY SECTION (Amending WSR 14-06-040, filed 2/26/14, effective 3/29/14)

WAC 434-324-076 Voter registration updates. (1) Pursuant to RCW 29A.08.140, a person already registered to vote in Washington may update their registration by submitting an address change using a registration application or making notification via any non-in-person method that is physically received by an election official no later than eight days before election day, or by appearing in person no later than 8:00 p.m. on election day.

(2) The county auditor may request additional identifying information before processing a voter registration update submitted on behalf of a family or household member.

~~((2))~~ (3) If a voter submits a registration transfer to a new county by the statutory deadline, but the voter's previous county ~~((issues))~~ issued the voter a ballot before the transfer is processed and the ~~((voter votes the))~~ voter's ballot issued by the previous county was received but not yet accepted, the previous county must ~~((treat the voted ballot as if it is a provisional ballot and forward it))~~ mail the suspended ballot to the voter's new county. ~~((The previous county does not need to forward the ballot if none of the races or issues on the voted ballot from the previous county is on a ballot in the voter's new county.))~~ If any races or issues on the suspended ballot from the ~~((old))~~ previous county are applicable to the voter's residential address in the new county, the votes on those races and issues should ~~((only))~~ be counted by the new county ~~((if))~~ only when the voter does not vote and return a current ballot ((issued by the new county)), or when the current ballot is not accepted.

WSR 19-10-079

PROPOSED RULES

HEALTH CARE AUTHORITY

[Filed May 1, 2019, 11:00 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 18-15-036.

Title of Rule and Other Identifying Information: WAC 182-512-0550 SSI-related medical—All other excluded resources and 182-512-0700 SSI-related medical—Income eligibility.

Hearing Location(s): On June 4, 2019, at 10:00 a.m., at the Health Care Authority (HCA), Cherry Street Plaza, Pear Conference Room 107, 626 8th Avenue, Olympia, WA 98504. Metered public parking is available street side around building. A map is available at <https://www.hca.wa.gov/assets/program/Driving-parking-checkin-instructions.pdf> or directions can be obtained by calling 360-725-1000.

Date of Intended Adoption: Not sooner than June 5, 2019.

Submit Written Comments to: HCA Rules Coordinator, P.O. Box 42716, Olympia, WA 98504-2716, email arc@hca.wa.gov, fax 360-586-9727, by June 4, 2019.

Assistance for Persons with Disabilities: Contact Amber Loughheed, phone 360-725-1349, fax 360-586-9727, telecommunication relay services 711, email amber.loughheed@hca.wa.gov, by May 31, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The agency plans to replace references to retirement, survivors, disability insurance (RSDI) and Social Security disability insurance (SSDI) with old age, survivors, and disability insurance (OASDI). This change is to provide consistent references to the OASDI benefits provided under Title II of the Social Security Act in the agency's SSI-related income and resource rules for medicaid. Both of these WAC refer to the same three types of benefits that the Social Security Administration (SSA) pays to eligible beneficiaries. A person who receives one or more of these cash payments is automatically related by category to one or more medicaid eligibility groups. A common term for these SSA benefits is the OASDI program. During the course of this review, the agency may identify additional changes that are required in order provide clarity.

Reasons Supporting Proposal: See purpose.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Statute Being Implemented: RCW 41.05.021, 41.05.160.

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

Name of Proponent: HCA, governmental.

Name of Agency Personnel Responsible for Drafting: Amy Emerson, P.O. Box 42716, Olympia, WA 98504-2716, 360-725-1348; Implementation and Enforcement: Stephen Kozak, P.O. Box 45534, Olympia, WA 98504-5534, 360-725-1343.

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. RCW 34.05.328 does not apply to HCA rules unless requested by the joint administrative rules review committee or applied voluntarily.

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. Amendments to WAC 182-512-0550 and 182-512-0700 do not impose additional compliance costs or requirements on providers.

May 1, 2019
Wendy Barcus
Rules Coordinator

AMENDATORY SECTION (Amending WSR 14-07-059, filed 3/14/14, effective 4/14/14)

WAC 182-512-0550 SSI-related medical—All other excluded resources. All resources described in this section are excluded resources for SSI-related medical programs. Unless otherwise stated, interest earned on the resource amount is counted as unearned income.

(1) Resources necessary for a person who is blind or disabled to fulfill a self-sufficiency plan approved by the agency.

(2) Retroactive payments from SSI or (~~RSDI~~) old age, survivors, and disability insurance (OASDI), including benefits a person receives under the interim assistance reimbursement agreement with the Social Security Administration, are excluded for nine months following the month of receipt. This exclusion applies to:

(a) Payments received by the person, the person's spouse, or any other person financially responsible for the person;

(b) SSI payments for benefits due for the month(s) before the month of continuing payment;

(c) (~~RSDI~~) OASDI payments for benefits due for a month that is two or more months before the month of continuing payment; and

(d) Proceeds from these payments as long as they are held as cash, or in a checking or savings account. The funds may be commingled with other funds, but must remain identifiable from the other funds for this exclusion to apply. This exclusion does not apply once the payments have been converted to any other type of resource.

(3) All resources specifically excluded by federal law, such as those described in subsections (4) through (11) of this section as long as such funds are identifiable.

(4) Payments made under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

(5) The excluded resources described in WAC 182-512-0770 and other resources of American Indians/Alaska Natives that are excluded by federal law.

(6) Restitution payment and any interest earned from this payment to persons of Japanese or Aleut ancestry who were relocated and interned during war time under the Civil Liberties Act of 1988 and the Aleutian and Pribilof Islands Restitution Act.

(7) Funds received from the Agent Orange Settlement Fund or any other funds established to settle Agent Orange liability claims.

(8) Payments or interest accrued on payments received under the Radiation Exposure Compensation Act received by the injured person, the surviving spouse, children, grandchildren, or grandparents.

(9) Payments or interest accrued on payments received under the Energy Employees Occupational Illness Compensation Act of 2000 (EEOICA) received by the injured person, the surviving spouse, children, grandchildren, or grandparents.

(10) Payments from:

(a) The Dutch government under the Netherlands' Act on Benefits for Victims of Persecution (WUV).

(b) The Victims of Nazi Persecution Act of 1994 to survivors of the Holocaust.

(c) Susan Walker vs. Bayer Corporation, et al., 96-C-5024 (N.D. Ill.) (May 8, 1997) settlement funds.

(d) Ricky Ray Hemophilia Relief Fund Act of 1998 P.L. 105-369.

(11) The unspent social insurance payments received due to wage credits granted under sections 500 through 506 of the Austrian General Social Insurance Act.

(12) Tax refunds and earned income tax credit refunds and payments are excluded as resources for twelve months after the month of receipt.

(13) Payments from a state administered victim's compensation program for a period of nine calendar months after the month of receipt.

(14) Cash or in-kind items received as a settlement for the purpose of repairing or replacing a specific excluded resource are excluded:

(a) For nine months. This includes relocation assistance provided by state or local government.

(b) Up to a maximum of thirty months, when:

(i) The person intends to repair or replace the excluded resource; and

(ii) Circumstances beyond the control of the settlement recipient prevented the repair or replacement of the excluded resource within the first or second nine months of receipt of the settlement.

(c) For an indefinite period, if the settlement is from federal relocation assistance.

(d) Permanently, if the settlement is assistance received under the Disaster Relief and Emergency Assistance Act or other assistance provided under a federal statute because of a catastrophe which is declared to be a major disaster by the President of the United States, or is comparable assistance received from a state or local government or from a disaster assistance organization. Interest earned on this assistance is also excluded from resources. Any cash or in-kind items received as a settlement and excluded under this subsection are ~~((considered as))~~ available resources when not used within the allowable time periods.

(15) Insurance proceeds or other assets recovered by a Holocaust survivor.

(16) Pension funds owned by an ineligible spouse. Pension funds are defined as funds held in a(n):

(a) Individual retirement account (IRA) as described by the IRS code; or

(b) Work-related pension plan (including plans for self-employed persons, known as Keogh plans).

(17) Cash payments received from a medical or social service agency to pay for medical or social services are excluded for one calendar month following the month of receipt.

(18) SSA- or division of vocational rehabilitation (DVR)-approved plans for achieving self-support (PASS) accounts, allowing blind or disabled persons to set aside resources necessary for the achievement of the plan's goals, are excluded.

(19) Food and nutrition programs with federal involvement. This includes Washington Basic Food, school reduced and free meals and milk programs and WIC.

(20) Gifts to, or for the benefit of, a person under eighteen years old who has a life-threatening condition, from an organization described in section 501 (c)(3) of the Internal Revenue Code of 1986 which is exempt from taxation under section 501(a) of that code, as follows:

(a) In-kind gifts that are not converted to cash; or

(b) Cash gifts up to a total of two thousand dollars in a calendar year.

(21) Veteran's payments made to, or on behalf of, natural children of Vietnam veterans regardless of their age or marital status, for any disability resulting from spina bifida suffered by these children.

(22) The following are among assets that are not ~~((considered))~~ resources and as such are neither excluded nor counted:

(a) Home energy assistance/support and maintenance assistance;

(b) Retroactive in-home supportive services payments to ineligible spouses and parents; and

(c) Gifts of domestic travel tickets.

(23) For a more complete list, please see ~~((POMS @))~~ the program operations manual system (POMS) at <http://policy.ssa.gov/poms.nsf/lnx/0501130050>.

AMENDATORY SECTION (Amending WSR 14-07-059, filed 3/14/14, effective 4/14/14)

WAC 182-512-0700 SSI-related medical—Income eligibility. (1) In order to be eligible, a person is required to do everything necessary to obtain any income to which he or she is entitled including (but not limited to):

(a) Annuities;

(b) Pensions;

(c) Unemployment compensation;

(d) Retirement; and

(e) Disability benefits; even if their receipt makes the person ineligible for agency services, unless the person can provide evidence showing good reason for not obtaining the benefits.

(2) The agency does not count this income until the person begins to receive it. Income is budgeted prospectively for all Washington apple health (WAH) health care programs.

(3) Anticipated nonrecurring lump sum payments other than retroactive SSI/SSDI payments are considered income in the month received, subject to reporting requirements in WAC 182-504-0110. Any unspent portion is considered a resource the first of the following month.

(4) The agency follows income and resource methodologies of the supplemental security income (SSI) program defined in federal law when determining eligibility for WAH SSI-related medical or medicare savings programs unless the agency adopts rules that are less restrictive than those of the SSI program.

(5) Exceptions to the SSI income methodology:

(a) Lump sum payments from a retroactive ~~((SSDI))~~ old age, survivors, and disability insurance (OASDI) benefit, when reduced by the amount of SSI received during the period covered by the payment, are not counted as income;

(b) Unspent retroactive lump sum money from SSI or ~~((SSDI))~~ OASDI is excluded as a resource for nine months following receipt of the lump sum; and

(c) Both the principal and interest portions of payments from a sales contract, that meet the definition in WAC 182-512-0350(10), are unearned income.

(6) To be eligible for WAH categorically needy (CN) SSI-related health care coverage, a person's countable

income cannot exceed the WAH CN program standard described in:

(a) WAC 182-512-0010 for noninstitutional WAH coverage unless living in an alternate living facility; or

(b) WAC ((~~182-513-1305(2)~~)) 182-513-1205 for noninstitutional WAH CN coverage while living in an alternate living facility; or

(c) WAC 182-513-1315 for institutional and waiver services coverage.

(7) To be eligible for SSI-related health care coverage provided under the WAH medically needy (MN) program, a person must:

(a) Have countable income at or below the effective WAH MN program standard as described in WAC 182-519-0050;

(b) Satisfy spenddown requirements described in WAC 182-519-0110;

(c) Meet the requirements for noninstitutional WAH MN coverage while living in an alternate living facility (ALF). See WAC ((~~182-513-1305(3)~~)) 182-513-1205; or

(d) Meet eligibility for institutional WAH MN coverage described in WAC 182-513-1315.

WSR 19-10-082
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed May 1, 2019, 11:15 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 18-18-081.

Title of Rule and Other Identifying Information: Proposed amendments to the electrical rules in chapter 296-46B WAC, Electrical safety standards, administration, and installation.

Hearing Location(s): On June 5, 2019, at 9:00 a.m., at the Department of Labor and Industries (L&I), 7273 Linderston Way S.W., Room S119, Tumwater, WA 98501.

Date of Intended Adoption: July 23, 2019.

Submit Written Comments to: Alicia Curry, L&I, P.O. Box 44400, Olympia, WA 98504-4400, email Alicia.Curry@Lni.wa.gov, fax 360-902-6244 [360-902-5292], by 5 p.m., June 5, 2019.

Assistance for Persons with Disabilities: Contact Alicia Curry, phone 360-902-6244, fax 360-902-5292, email Alicia.Curry@Lni.wa.gov, by May 22, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: L&I's electrical program is proposing amendments to the electrical rules in chapter 296-46B WAC, Electrical safety standards, administration, and installation. The program performed a review of the rules to update and clarify existing rules, implement new legislation, adopt new safety codes by reference with an effective date, make housekeeping changes, and consider other rule changes.

Proposed amendments to this chapter will:

- Adopt new safety code requirements. This includes:
 - Adopting the 2020 edition of the National Electrical Code (NEC) National Fire Protection Agency (NFPA) (NFPA 70-2020 including Annex A, B, and C) on July 1, 2020, to replace the 2017 edition; and
 - Allowing the acceptance of International Electrotechnical Commission standards for electric motors, as these standards for motors are similar to National Electrical Manufacturer's Association standards.
- Amend the existing rules to align with NEC requirements and to eliminate redundancy and rule conflicts, such as:
 - Eliminating obsolete language for service and feeder conductor clearance over residential covered porch roofs, as NEC 230.24(A) exception no. 5 has a similar allowance for a roof that is guarded or not readily accessible;
 - Eliminating requirements regarding location of emergency disconnecting means for fuel dispensers as NEC 514.11 now eliminates the need for the rule; and
 - Creating a new requirement to clarify that NEC 410.56 does not apply to branch circuits, as branch circuit conductor installation requirements are specified in NEC, Chapter 3.
- Amend language for consistency with statutory requirements. This includes:
 - Adding the effective date of SSB 6126 that passed the legislature in 2018, and notice of coming requirements for apprenticeship or training school registration for those seeking to become journey-level electricians;
 - Providing an appeal process to the electrical board for decisions issued by a city pursuant to ESHB 1952 that passed the legislature in 2018; and
 - Eliminating the inactive status for trainees that have not completed the basic trainee classes prior to renewal with an effective date to align with RCW 19.28.161(2).
- Adopt proposals requested by stakeholders. This includes:
 - Allowing projects that result in the same load (not reduced) to be exempt from plan review;
 - Allowing reciprocal agreements for licensing of electricians with other states and require a fee for reciprocal electrician certificates that will be necessary per statute for reciprocal agreements;
 - Adding an exception to allow HVAC/R specialty to replace a disconnect switch mounted on HVAC/R equipment when doing a replacement; and
 - Creating a new requirement to streamline the process of verification for Canadian Red Seal electricians who received equivalent training and experience to that required in Washington.
- Amend the rules for clarity and consistency, such as:
 - Extending the timeline for trainees to submit their affidavits of experience from thirty days after renewal to one hundred eighty days after expiration of the certificate;

- Amending the definition of "household appliance" to clarify a confusing sentence and that water heaters are household appliances;
 - Clarifying the exception requirements for rod, pipe, and plate electrodes to eliminate rule conflicts;
 - Clarifying that individual isolation of fuel dispensers including the neutral is required for maintenance and service of dispensing equipment;
 - Clarifying that field evaluation is an allowable option for electric sign certification;
 - Clarifying that five percent increase in load is an increase of five percent of the rated capacity of the equipment for the purpose of plan review requirements;
 - Clarifying all associated low-voltage wiring, including new low-voltage wiring to a new heat pump or A/C unit is included in the same Class B label;
 - Clarifying that on-site electrical assembly, installation, removal, or replacement of a product is not allowed under the exemption for manufacturers of electrical/telecommunications products;
 - Clarifying that certificates must be displayed by supervising electricians while supervising trainees;
 - Clarifying that electrician examinations are given in multiple parts as well as admin and master exams;
 - Clarifying that electrical contractors and administrators can be suspended for incompetence;
 - Clarifying that using or allowing the use of a fraudulent license or certificate makes this violation eligible for higher penalty amounts and possible suspension or revocation of license or certificate; and
 - Eliminating the definitions for "service drop," "service entrance conductors, overhead system," "service entrance conductors, underground system," and "service lateral," as these definitions are now clear in NEC and no longer needed in the rules.
 - Adopt rules to align with other Washington state rules and requirements. This includes:
 - Aligning the rules with department of health (DOH) requirements for sewage disposal systems; and
 - Creating a new rule to align elevator disconnecting means requirements with existing rules of the elevator program.
 - Incorporate the existing policies of the department into rule. This includes:
 - Establishing a new definition for "new building" to clarify that property owners or leaseholders cannot install wiring for a mobile or manufactured home then offer it for rent, sale, or lease without electrical contractor licensing and worker certification;
 - Excluding one- and two-family dwelling service up to 400 amperes from conductor ampacity marking requirements;
 - Allowing GFCI protection for personnel to not be required for receptacles used for recreational vehicle supply equipment or for attachment of a mobile home supply cord other than 125-volt, single phase, 15- or 20-ampere receptacles;
 - Adding language to clarify grounding and bonding requirements for supply-side interconnections. Supply-side interconnections for alternate power production sources are similar to an additional service, but NEC requirements regarding grounding and bonding are not clear; and
 - Clarifying air conditioning and refrigerating equipment requirements for disconnecting means for split-systems.
 - Require identification plates, excluding one- or two-family dwelling feeders rated up to 400 amperes, showing the ampacity of conductors to be installed on equipment if the feeder conductors have a lesser ampacity than the equipment rating that they terminate in or on.
 - Increase penalty amounts for unlicensed contractors, as penalty amounts have not increased for over 30 years.
 - Add a permit exemption for animal containment fences which is already allowed as a telecommunications system, but this change eliminates confusion.
 - Create a new section to relocate some service requirements to a more appropriate location in the rules for applicability of requirements for installation of panels and sub-panels.
 - General housekeeping, reformatting and relocating of certain sections, grammatical and reference corrections, section title changes, etc.
- Reasons Supporting Proposal: See purpose statement above.
- Statutory Authority for Adoption: Chapter 19.28 RCW, Electricians and electrical installations, including RCW 19.28.031 and 19.28.251.
- Statute Being Implemented: Chapter 19.28 RCW, Electricians and electrical installations, including RCW 19.28.031 and 19.28.251.
- 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: Stephen Thornton, Program Manager, Tumwater, Washington, 360-902-6234; 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, L&I, 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. Most of the proposed rule changes are exempt from the small business economic impact analysis [statement] (SBEIS) requirements. Those changes that are not exempt from SBEIS requirement[s] include: Changes that affect certain electrical installations in one- and two-family dwellings; adding an exemption from the scope of work limitations for the HVAC/refrigeration specialty electricians; adding language to allow reciprocal agreements; and streamlining the verification process for Canadian Red Seal electricians applying for certification in Washington. The proposed changes related to individual certification requirements do not impact businesses and provide a cost-saving alternative over existing requirements. The proposed changes related to certain electrical installations in one- and two-family dwellings involve identification plates. The changes are:

- Adds new language specific to other than one- or two-family dwelling feeders rated up to 400 amperes, requiring an identification plate if the feeder conductors have a lesser ampacity than the equipment rating that they terminate in or on. Results in estimated cost for one identification plate of \$20.
- Adds an exemption from the identification plate requirement for one- or two-family dwelling feeders rated up to 400 amperes where the feeder conductors have a lesser ampacity than the equipment rating that they terminate in or on. Results in a cost-saving of \$20 for an identification plate.
- Amends the current rule that provides an alternative requirement to allow an outside disconnecting means for split system HVAC/R system[s] where the outside unit's disconnecting means is lockable, disconnects the indoor unit(s), and an indoor disconnecting means is not required by the manufacturer. The amendment adds the requirement that the outside disconnect identify the location of all indoor units. Results in estimated cost for one identification plate of \$20 for those who chose to use this alternative requirement.

May 1, 2019
Joel Sacks
Director

AMENDATORY SECTION (Amending WSR 17-12-021, filed 5/30/17, effective 7/1/17)

WAC 296-46B-010 General.

Adopted standards.

(1) The 2017 edition of the National Electrical Code (NFPA 70 - 2017) including Annex A, B, and C; Commercial Building Telecommunications Cabling Standard (ANSI/TIA-568-C series, February 2009); Commercial Building Standard for Telecommunications Pathway and Spaces (TIA-569-B, October 2004); Commercial Building Grounding and Bonding Requirements for Telecommunications (ANSI-TIA-607-B, August 2011); Residential Telecommunications Cable Standard (ANSI/TIA/EIA 570-B-2004); and the National Electrical Safety Code (NESC (~~C2-2012~~) C2-2017 excluding Appendixes A and B) are hereby adopted by reference as part of this chapter.

On July 1, 2020, the 2020 edition of the National Electrical Code (NFPA 70-2020 including Annex A, B, and C is hereby adopted by reference as part of this chapter and replaces the 2017 edition.

This chapter will be followed where there is any conflict between this chapter and the above adopted standards.

The National Electrical Code will be followed where there is any conflict between the National Electrical Code and, ANSI/TIA/EIA 568-C, ANSI/TIA/EIA 569-B, ANSI/TIA/EIA 607-B, ANSI/TIA/EIA 570-B, or the NESC C2.

Inspections - General.

(2) Electrical inspectors will give information as to the interpretation or application of the standards in this chapter, but will not lay out work or act as consultants for contractors, owners, or users.

(3) A variance from the electrical installation requirements of chapter 19.28 RCW or this chapter may be granted by the department or the city that has electrical inspection jurisdiction when it is assured that equivalent objectives can be achieved by establishing and maintaining effective safety.

(a) Any electrical permit holder may request a variance.

(b) The permit holder must make the request in writing, using a form provided by the department, to the chief electrical inspector or to the city that has electrical inspection jurisdiction. The request must include:

(i) A description of the installation as installed or proposed;

(ii) A detailed list of the applicable code violations;

(iii) A detailed list of safety violations;

(iv) A description of the proposal for meeting equivalent objectives for code and/or safety violations; and

(v) Appropriate variance application fee as listed in chapter 296-46B WAC, Part C.

(4) Electrical wiring or equipment subject to this chapter must be sufficiently accessible, at the time of inspection, to allow the inspector to visually inspect the installation to verify conformance with the NEC and any other electrical requirements of this chapter with the exception of not more than 8 feet of electrical conduit in a foundation of a one- or two-family dwelling or residential outbuilding for use as service entrance raceway.

(5) All required equipment grounding conductors installed in concealed cable or flexible conduit systems must be completely installed and made up at the time of the rough-in cover inspection.

(6) The installation of all structural elements and mechanical systems (e.g., framing, plumbing, ducting, etc.) must be complete in the area(s) where electrical inspection is

requested. Prior to completion of an exterior wall cover inspection, either:

(a) The exterior shear panel/sheathing nail inspection must be completed by the building code inspector and, where siding nails or fasteners which penetrate into the wall cavity are to be used, all siding must be installed; or

(b) All wiring and device boxes must be a minimum of 2 1/2 inches from the exterior surface of the framing member; or

(c) All wiring and device boxes must be protected by a steel plate a minimum of 1/16 inch thick and of appropriate width and height installed to cover the area of the wiring or box.

(7) In order to meet the minimum electrical safety standards for installations, all materials, devices, appliances, and equipment, not exempted in chapter 19.28 RCW, must conform to applicable electrical product standards recognized by the department, be listed, or field evaluated. For any equipment that requires an amusement operating permit under chapter 67.42 RCW, the operating permit is prima facie evidence of an appropriate standard. Other than as authorized by the chief electrical inspector or a city authorized to do electrical inspection, equipment must not be energized until such standards are met.

(8) The state department of transportation is recognized as the inspection authority for telecommunications systems installations within the rights of way of state highways provided the department of transportation maintains and enforces an equal, higher or better standard of construction, and of materials, devices, appliances, and equipment than is required for telecommunications systems installations by chapter 19.28 RCW and this chapter.

Inspection move on buildings and structures.

(9) All buildings or structures relocated into or within the state:

(a) Other than residential, wired inside the United States (U.S.) must be inspected to ensure compliance with current requirements of chapter 19.28 RCW and the rules developed by the department.

(b) Wired outside the U.S. or Canada must be inspected to ensure compliance with all current requirements of chapter 19.28 RCW and the rules developed by the department.

(10) Residential buildings or structures wired in the U.S., to NEC requirements, and moved into or within a county, city, or town must be inspected to ensure compliance with the NEC requirements in effect at the time and place the original wiring was made. The building or structure must be inspected to ensure compliance with all current requirements of chapter 19.28 RCW and the rules developed by the department if:

(a) The original occupancy classification of the building or structure is changed as a result of the move; or

(b) The building or structure has been substantially remodeled or rehabilitated as a result of the move.

(11) Residential buildings or structures wired in Canada to Canadian Electrical Code (CEC) standards and moved into or within a county, city, or town, must be inspected to ensure compliance with the following minimum safety requirements:

(a) Service, service grounding, and service bonding must comply with the current chapter 19.28 RCW and rules adopted by the department.

(b) Canadian Standards Association (CSA) listed Type NMD cable is allowed with the following qualifications:

(i) CSA listed Type NMD cable, American Wire Gauge #10 and smaller installed after 1964 utilizing an equipment grounding conductor smaller than the phase conductors, must be:

(A) Replaced with a cable utilizing a full-size equipment grounding conductor; or

(B) Protected by a ground fault circuit interrupter protection device.

(ii) CSA listed Type NMD cable, #8 AWG and larger, must:

(A) Utilize an equipment grounding conductor sized according to the requirements of the NEC in effect at the time of the installation;

(B) Be protected by a ground fault circuit interrupter protection device; or

(C) Be replaced.

(c) Other types of wiring and cable must be:

(i) Replaced with wiring listed or field evaluated in accordance with U.S. standards by a laboratory approved by the department; or

(ii) Protected by a ground fault circuit interrupter protection device and arc fault circuit protection device.

(d) Equipment, other than wiring or panelboards, manufactured and installed prior to 1997 must be listed and identified by laboratory labels approved by the department or CSA labels.

(e) All panelboards must be listed and identified by testing laboratory labels approved by the department with the following qualifications:

(i) CSA listed panelboards labeled "suitable for use as service equipment" will be considered to be approved as "suitable for use only as service equipment."

(ii) CSA listed panelboards used as panelboards as described in the NEC, must meet all current requirements of the NEC and this chapter.

(f) Any wiring or panelboards replaced or changed as a result of the move must meet current requirements of chapter 19.28 RCW and this chapter.

(g) The location, type, and ground fault circuit interrupter protection of receptacles and equipment in a bathroom, kitchen, basement, garage, or outdoor area must meet the Washington requirements in effect at the time the wiring was installed.

(h) 4, 15-ampere, kitchen small appliance circuits will be accepted in lieu of 2, 20-ampere, kitchen small appliance circuits. Receptacles will not be required to be added on kitchen peninsular or island counters.

(i) Spacing requirements for all other receptacles must meet the Washington requirements in effect at the time the wiring was installed.

(j) Receptacles installed above baseboard or fixed wall space heaters must be removed and the outlet box covered with a blank cover. The receptacle is required to be relocated as closely as possible to the existing location.

(k) Lighting outlet and switch locations must meet the Washington requirements in effect at the time the wiring was installed.

(l) Dedicated 20-ampere small appliance circuits are not required in dining rooms.

(m) Electric water heater branch circuits must be adequate for the load.

(n) The location, type, and circuit protection of feeders must meet the Washington requirements in effect at the time the wiring was installed.

Wiring methods for designated building occupancies.

(12) Wiring methods in educational or institutional facilities as defined in this chapter must be metallic or nonmetallic raceways, MI, MC, or AC cable. Places of assembly located within these facilities must comply with NEC 518.4(A).

(13) Assisted living facility generator systems may be wired and installed per NEC 517.

(14) Lawfully installed existing electrical installations that do not comply with the provisions of this chapter and remain in compliance with the code at the time of the installation, will be permitted to be continued without change (i.e., without circuitry or occupancy change). Additions, alterations, modifications, or repairs to the electrical system must conform to the current requirements of this chapter.

(15) See WAC 296-46B-406R for tamper-resistant receptacle requirements in psychiatric patient care facilities.

Traffic management systems.

(16) The department or city authorized to do electrical inspections will perform the electrical inspection and acceptance of traffic management systems within its jurisdiction. A traffic management system includes:

- (a) Traffic illumination systems;
- (b) Traffic signal systems;
- (c) Traffic monitoring systems;
- (d) The electrical service cabinet and all related components and equipment installed on the load side of the service cabinet supplying electrical power to the traffic management system; and
- (e) Signalization system(s) necessary for the operation of a light rail system.

A traffic management system can provide signalization for controlling vehicular traffic, pedestrian traffic, or rolling stock.

(17) The department or city authorized to do electrical inspections recognizes that traffic signal conductors, pole and bracket cables, signal displays, traffic signal controllers/cabinets and associated components used in traffic management systems are acceptable for the purpose of meeting the requirements of chapter 19.28 RCW provided they conform with the following standards or are listed on the Washington state department of transportation (WSDOT) qualified products list.

- (a) WSDOT/APWA standard specifications and plans;
- (b) WSDOT *Design Manual*;
- (c) International Municipal Signal Association (IMSA);
- (d) National Electrical Manufacturer's Association (NEMA);
- (e) Federal Standards 170/Controller Cabinets;
- (f) Manual for *Uniform Road, Bridge, and Municipal Construction*;

(g) Institute of Transportation Engineers (ITE); or

(h) Manual of *Uniform Traffic Control Devices (MUTCD)*.

(18) Associated induction detection loop or similar circuits will be accepted by the department or city authorized to do electrical inspections without inspection.

(19) For the licensing requirements of chapter 19.28 RCW, jurisdictions will be considered owners of traffic management systems when doing electrical work for another jurisdiction(s) under a valid interlocal agreement, as permitted by chapter 39.34 RCW. Interlocal agreements for traffic management systems must be filed with the department or city authorized to do electrical inspections prior to work being performed for this provision to apply.

(20) Jurisdictions, with an established electrical inspection authority, and WSDOT may perform electrical inspection on their rights of way for each other by interlocal agreement. They may not perform electrical inspection on other rights of way except as allowed in chapter 19.28 or 39.34 RCW.

(21) Underground installations.

(a) In other than open trenching, raceways will be considered "fished" according to the NEC and do not require visual inspection.

(b) The department or city authorized to do electrical inspections will conduct inspections in open trenching within its jurisdiction. The electrical work permit purchaser must coordinate the electrical inspection. A written request (e.g., letter, email, fax, etc.) for inspection, made to the department or city authorized to do electrical inspections office having the responsibility to perform the inspection, must be made a minimum of two working days prior to the day inspection is needed (e.g., two working days 10:00 a.m. Tuesday request for a 10:00 a.m. Thursday inspection, excluding holidays and weekends).

If, after proper written request, the department or city authorized to do electrical inspections fails to make an electrical inspection at the time requested, underground conduit may be covered after inspection by the local government jurisdiction's project inspector/designee. Written documentation of a local government jurisdiction inspection must be provided to the department or city authorized to do electrical inspections when requested. Written documentation will include:

- (i) Date and time of inspection;
- (ii) Location;
- (iii) Installing firm;
- (iv) Owner;
- (v) Type of conduit;
- (vi) Size of conduit;
- (vii) Depth of conduit; and
- (viii) Project inspector/designee name and contact information.

(22) Identification of traffic management system components. Local government jurisdictions or WSDOT may act as the certifying authority for the safety evaluation of all components.

(a) An electrical service cabinet must contain only listed components. The electrical service cabinet enclosure is not

required to be listed but will conform to the standards in subsection (17) of this section.

(b) The local government jurisdiction must identify, as acceptable, the controller cabinet or system component(s) with an identification plate. The identification plate must be located inside the cabinet and may be attached with adhesive.

(23) Conductors of different circuits in same cable, enclosure, or raceway. All traffic management system circuits will be permitted to occupy the same cable, enclosure, or raceway without regard to voltage characteristics, provided all conductors are insulated for the maximum voltage of any conductor in the cable, enclosure, or raceway.

AMENDATORY SECTION (Amending WSR 17-12-021, filed 5/30/17, effective 7/1/17)

WAC 296-46B-100 General definitions. All definitions listed in the National Electrical Code and chapter 19.28 RCW are recognized in this chapter unless other specific definitions are given in this chapter and chapter 19.28 RCW. The definitions in this section apply to all parts of this chapter. Some sections may have definitions specific to that section.

"Accreditation" is a determination by the department that a laboratory meets the requirements of this chapter and is therefore authorized to evaluate electrical products that are for sale in the state of Washington.

"Administrative law judge" means an administrative law judge (ALJ) appointed pursuant to chapter 34.12 RCW and serving in board proceedings pursuant to chapter 19.28 RCW and this chapter.

"ANSI" means American National Standards Institute. Copies of ANSI standards are available from the National Conference of States on Building Codes and Standards, Inc.

"Appeal" is a request for review of a department action by the board as authorized by chapter 19.28 RCW.

"Appellant" means any person, firm, partnership, corporation, or other entity that has filed an appeal or request for board review.

"Appliance" means household appliance.

"ASTM" means the American Society for Testing and Materials. Copies of ASTM documents are available from ASTM International.

"AWG" means American Wire Gauge.

"Basement" means that portion of a building that is partly or completely below grade plane. A basement will be considered as a story above grade plane and not a basement where the finished surface of the floor above the basement is:

(a) More than 6 feet above grade plane;

(b) More than 6 feet above the finished ground level for more than 50% of the total building perimeter; or

(c) More than 12 feet above the finished ground level at any point. Also see "mezzanine" and "story."

"Board" means the electrical board established and authorized under chapter 19.28 RCW.

"Category list" is a list of manufacturing safety standards or product types determined by the department.

A "certified electrical product" is an electrical product to which a laboratory, accredited by the state of Washington, has the laboratory's certification mark attached.

A "certification mark" is a specified laboratory label, symbol, or other identifying mark that indicates the manufacturer produced the product in compliance with appropriate standards or that the product has been tested for specific end uses.

"Certificate of competency" includes the certificates of competency for master journey level electrician, master specialty electrician, journey level, and specialty electrician.

A laboratory "certification program" is a specified set of testing, inspection, and quality assurance procedures, including appropriate implementing authority, regulating the evaluation of electrical products for certification marking by an electrical products certification laboratory.

A "complete application" includes the submission of all appropriate fees, documentation, and forms.

"Chapter" means chapter 296-46B WAC unless expressly used for separate reference.

"Construction," for the purposes of chapter 19.28 RCW, means electrical construction.

"Coordination (selective)" as defined in NEC 100 must be determined and documented by a professional engineer registered under chapter 18.43 RCW.

"Department" means the department of labor and industries of the state of Washington.

"Director" means the director of the department, or the director's designee.

"Egress - Unobstructed (as applied to NEC 110.26 (C)(2)(a))" means an egress path that allows a worker to travel to the exit from any other area in the room containing the equipment described in NEC 110.26 (C)(2) without having to pass through that equipment's required working space.

"Electrical equipment" includes electrical conductors, conduit, raceway, apparatus, materials, components, and other electrical equipment not exempted by RCW 19.28.-006(9). Any conduit/raceway of a type listed for electrical use is considered to be electrical equipment even if no wiring is installed in the conduit/raceway at the time of the conduit/raceway installation.

An "electrical products certification laboratory" is a laboratory or firm accredited by the state of Washington to perform certification of electrical products.

An "electrical products evaluation laboratory" is a laboratory or firm accredited by the state of Washington to perform on-site field evaluation of electrical products for safety.

"Field evaluated" means an electrical product to which a field evaluation mark is attached. Field evaluation must include job site inspection unless waived by the department, and may include component sampling and/or laboratory testing.

"Field evaluation mark" is a specified laboratory label, symbol, or other identifying mark indicating the manufacturer produced the product in essential compliance with appropriate standards or that the product has been evaluated for specific end uses.

A "field evaluation program" is a specified set of testing, inspection, and quality assurance procedures, including appropriate implementing authority regulating the testing and evaluation of electrical products for field evaluation marking.

The "filing" is the date the document is actually received in the office of the chief electrical inspector.

"Final judgment" means any money that is owed to the department under this chapter, including fees and penalties, or any money that is owed to the department as a result of an individual's or contractor's unsuccessful appeal of a citation.

"Fished wiring" is when cable or conduit is installed within the finished surfaces of an existing building or building structure (e.g., wall, floor or ceiling cavity).

"Household appliance" means utilization equipment installed in a dwelling unit that is built in standardized sizes or types and is installed or connected as a unit to perform one or more household functions such as ~~((cooking and other equipment))~~ food preparation, cooking, and cleaning. Includes appliances typically installed in a dwelling unit kitchen, clothes ((drying, clothes)) washing, drying, and water heating appliances, portable room air conditioning units and portable heaters, etc. Fixed electric space-heating equipment covered in NEC 424 (furnaces, baseboard and wall heaters, electric heat cable, etc.) and fixed air-conditioning/heat pump equipment (NEC 440) are not household appliances. Household appliance does not mean any utilization equipment that:

(a) Supplies electrical power, other than Class 2, to other utilization equipment; or

(b) Receives electrical power, other than Class 2, through other utilization equipment.

HVAC/refrigeration specific definitions:

(a) "HVAC/refrigeration" means heating, ventilation, air conditioning, and refrigeration.

(b) "HVAC/refrigeration component" means electrical power and limited energy components within the "HVAC/refrigeration system," including, but not limited to: Pumps, compressors, motors, heating coils, controls, switches, thermostats, humidistats, low-voltage damper controls, outdoor sensing controls, outside air dampers, stand-alone duct smoke detectors, air monitoring devices, zone control valves and equipment for monitoring of HVAC/refrigeration control panels and low-voltage connections. This definition excludes equipment and components of non-"HVAC/refrigeration control systems."

(c) "HVAC/refrigeration control panel" means an enclosed, manufactured assembly of electrical components designed specifically for the control of a HVAC/refrigeration system. Line voltage equipment that has low voltage, NEC Class 2 control or monitoring components incidental to the designed purpose of the equipment is not an HVAC/refrigeration control panel (e.g., combination starters).

(d) "HVAC/refrigeration control system" means a network system regulating and/or monitoring a HVAC/refrigeration system. Equipment of a HVAC/refrigeration control system includes, but is not limited to: Control panels, data centers, relays, contactors, sensors, and cables related to the monitoring and control of a HVAC/refrigeration system(s).

(e) "HVAC/refrigeration equipment" means the central unit primary to the function of the "HVAC/refrigeration system." HVAC/refrigeration includes, but is not limited to: Heat pumps, swamp coolers, furnaces, compressor packages, and boilers.

(f) "HVAC/refrigeration system" means a system of HVAC/refrigeration: Wiring, equipment, and components integrated to generate, deliver, or control heated, cooled, fil-

tered, refrigerated, or conditioned air. This definition excludes non-HVAC/refrigeration control systems (e.g., fire alarm systems, intercom systems, building energy management systems, and similar non-HVAC/refrigeration systems).

"IBC" means the International Building Code. Copies of the IBC are available from the International Code Council.

An "individual" or "party" or "person" means an individual, firm, partnership, corporation, association, government subdivision or unit thereof, or other entity.

An "installation" includes the act of installing, connecting, repairing, modifying, or otherwise performing work on an electrical system, component, equipment, or wire except as exempted by WAC 296-46B-925. An installation is not the passive testing or operational programming of an electrical system, component, equipment, or wire. See "passive testing."

An "identification plate" is suitable for the environment and is a printed or etched adhesive label approved by the department or a phenolic or metallic plate or other similar material engraved in block letters at least 1/4 inch high unless specifically required to be larger by this chapter, suitable for the environment and application. The letters and the background must be in contrasting colors. Screws, rivets, permanent adhesive, or methods specifically described in this chapter must be used to affix an identification plate to the equipment or enclosure.

"Job site" means a specific worksite having a single address or specific physical location (e.g., a single-family residence, a building, a structure, a marina, an individual apartment building with a specific address, etc.).

"Journey level electrician" means a person who has been issued a journey level electrician certificate of competency by the department. The terms "journey level" and "journey-person" in chapter 19.28 RCW are synonymous.

"Labeled" means an electrical product that bears a certification mark issued by a laboratory accredited by the state of Washington.

A "laboratory" may be either an electrical product(s) certification laboratory or an electrical product(s) evaluation laboratory.

A "laboratory operations control manual" is a document to establish laboratory operation procedures and may include a laboratory quality control manual.

"License" means a license required under chapter 19.28 RCW.

"Like-in-kind" means having the same overcurrent protection requirements and similar characteristics such as voltage requirement, current draw, short circuit characteristics, and function within the system and being in the same location. Like-in-kind also includes any equipment component authorized by the manufacturer as a suitable component replacement part.

For the purpose of WAC 296-46B-940, a "lineworker" is a person employed by a serving electrical utility or employed by a licensed general electrical contractor who carries, on their person, evidence that they:

(a) Have graduated from a department-approved lineworker's apprenticeship course; or

(b) Are currently registered in a department-approved lineworker's apprenticeship course and are working under the

direct one hundred percent supervision of a journey level electrician or a graduate of a lineworker's apprenticeship course approved by the department. The training received in the lineworker's apprenticeship program must include training in applicable articles of the currently adopted National Electrical Code.

"Listed" means equipment has been listed and identified by a laboratory approved by the state of Washington for the appropriate equipment standard per this chapter.

"Low voltage" means:

(a) NEC, Class 1 power limited circuits at 30 volts maximum.

(b) NEC, Class 2 circuits powered by a Class 2 power supply as defined in NEC 725.121(A).

(c) NEC, Class 3 circuits powered by a Class 3 power supply as defined in NEC 725.121(A).

(d) Circuits of telecommunications systems as defined in chapter 19.28 RCW.

"Member of the firm" means the member(s) on file with the department of licensing for sole proprietorships/partnerships or with the secretary of state for corporations.

"Mezzanine" is the intermediate level or levels between the floor and ceiling of any story with an aggregate floor area of not more than one-third of the area of the room or space in which the level or levels are located. Also see "basement" and "story."

"NEC" means National Electrical Code. Copies of the NEC are available from the National Fire Protection Association.

"NEMA" means National Electrical Manufacturer's Association. Copies of NEMA standards are available from the National Electrical Manufacturer's Association.

"NEC" means National Electrical Safety Code. Copies of the NEC are available from the Institute of Electrical and Electronics Engineers, Inc.

"NETA" means International Electrical Testing Association, Inc. Copies of the NETA standards and information are available from the International Electrical Testing Association, Inc.

"NFPA" means the National Fire Protection Association. Copies of NFPA documents are available from the National Fire Protection Association.

"NRTL" means Nationally Recognized Testing Laboratory accredited by the federal Occupational Safety and Health Administration (OSHA) after meeting the requirements of 29 C.F.R. 1910.7.

A "new building" for the purposes of RCW 19.28.261 includes the setting of a manufactured, mobile, or modular building.

"Passive testing" (e.g., pressing of test buttons, use of testing equipment like voltage testers, clamp-on meters, removal of a device head where the wiring is terminated on a separate base plate, etc.) means testing that does not require any:

(a) Physical modification to the electrical system wiring; or

(b) Wiring to be disconnected or terminated, except as necessary for an approved electrical testing laboratory or approved engineer performing an equipment evaluation.

"Point of contact" or "point of connection" means the service point.

"Proceeding" means any matter regarding an appeal before the board including hearings before an administrative law judge.

"Public area or square" is an area where the public has general, clear, and unrestricted access.

A "quality control manual" is a document to maintain the quality control of the laboratory's method of operation. It consists of specified procedures and information for each test method responding to the requirements of the product standard. Specific information must be provided for portions of individual test methods when needed to comply with the standard's criteria or otherwise support the laboratory's operation.

"RCW" means the Revised Code of Washington. Copies of electrical RCW are available from the department and the office of the code reviser.

"Readily accessible" means the definition as defined in NEC 100. In addition, it means that, except for keys, no tools or other devices are necessary to gain access (e.g., covers secured with screws, etc.).

~~((Service specific definitions replacing those found in NEC Article 100:~~

~~(a) "Service drop" means the overhead service conductors from the service point to the connection to the service entrance conductors at the building or other structure.~~

~~(b) "Service entrance conductors, overhead system" means the service conductors between the terminals of the service equipment and a point usually outside the building, clear of building walls, where joined by tap or splice to the service drop or service point.~~

~~(c) "Service entrance conductors, underground system" means the service conductors between the terminals of the service equipment and the point of connection to the service lateral or service point. Where the service equipment is located outside the building walls, there may be no service entrance conductors or they may be entirely outside the building.~~

~~(d) "Service lateral" means the underground service conductors from the service point to the point of connection to the service entrance conductors in a terminal box, meter, or other enclosure. Where there is not a terminal box, meter, or other enclosure, the point of connection is the point of entrance of the service conductors into the building.~~

~~A "stand-alone amplified sound or public address system" is a system that has distinct wiring and equipment for audio signal generation, recording, processing, amplification, and reproduction. This definition does not apply to telecommunications installations.))~~

"Service" or "served" means that as defined in RCW 34.05.010(19) when used in relation to department actions or proceedings.

A "sign," when required by the NEC, for use as an identification method (e.g., legibly marked, legible warning notice, marked, field marked, permanent plaque/directory, etc.) means "identification plate."

A "stand-alone amplified sound or public address system" is a system that has distinct wiring and equipment for audio signal generation, recording, processing, amplification,

and reproduction. This definition does not apply to telecommunications installations.

"Story" is that portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. Next above means vertically and not necessarily directly above. Also see "basement" and "mezzanine."

"Structure," for the purposes of this chapter and in addition to the definition in the NEC, means something constructed either in the field or factory that is used or intended for supporting or sheltering any use or occupancy as defined by the IBC.

"Supervision" for the purpose of supervising electrical trainees, means that the appropriately certified supervising electrician is on the same job site as the trainee being supervised. The trainee is not considered to be on the same job site if the supervising electrician and the trainee are working:

(a) In separate buildings at a single address (e.g., a campus, multibuilding industrial complex, multibuilding apartment complex, etc.) except for a single-family residence; or

(b) On an outdoor project (e.g., irrigation system, farm, street lighting, traffic signalization, etc.) where the trainee is more than 1000 feet from the supervising electrician or where the trainee is more than 200 feet from the supervising electrician and out of sight.

"System design review" means a set of design documents that include the manufacturer's installation information, a legible one-line diagram of the system design, and calculations used to determine voltage and current within the system. The one-line diagram must show the system equipment, devices, overcurrent protection, conductor sizing, grounding, ground fault protection if required, and any system interconnection points. The review must be available to the inspector during all inspections.

A "telecommunications local service provider" is a regulated or unregulated (e.g., by the Federal Communications Commission or the utilities and transportation commission as a telephone or telecommunications provider) firm providing telecommunications service ahead of the telecommunications network demarcation point to an end-user's facilities.

"TIA/EIA" means the Telecommunications Industries Association/Electronic Industries Association which publishes the TIA/EIA Telecommunications Building Wiring Standards. Standards and publications are adopted by TIA/EIA in accordance with the American National Standards Institute (ANSI) patent policy.

A "training school" is a public community or technical college or not-for-profit nationally accredited technical or trade school licensed by the work force training and education coordinating board under chapter 28C.10 RCW.

"Under the control of a utility" for the purposes of RCW 19.28.091 and 19.28.101 is when electrical equipment is not owned by a utility and:

(a) Is located in a vault, room, closet, or similar enclosure that is secured by a lock or seal so that access is restricted to the utility's personnel; or

(b) The utility is obligated by contract to maintain the equipment and the contract provides that access to the equipment is restricted to the utility's personnel or other qualified personnel.

"UL" means Underwriters Laboratory.

"Utility" means an electrical utility.

"Utility system" means electrical equipment owned by or under the control of a serving utility that is used for the transmission or distribution of electricity from the source of supply to the point of contact and is defined in section 90.2 (b)(5) of the National Electrical Code, 1981 edition (see RCW 19.28.010(1)).

"Utilization voltage" means the voltage level employed by the utility's customer for connection to lighting fixtures, motors, heaters, or other electrically operated equipment other than power transformers.

"Variance" is a modification of the electrical requirements as adopted in chapter 19.28 RCW or any other requirements of this chapter that may be approved by the chief electrical inspector if assured that equivalent objectives can be achieved by establishing and maintaining effective safety.

"WAC" means the Washington Administrative Code. Copies of this chapter of the WAC are available from the department and the office of the code reviser.

AMENDATORY SECTION (Amending WSR 17-12-021, filed 5/30/17, effective 7/1/17)

WAC 296-46B-210 Wiring and protection—Branch circuits.

008(A) Dwelling units GFCI requirements.

(1) In a garage or unfinished basement, a red receptacle, with a red cover plate, supplying a fire alarm system is not required to have ground-fault circuit-interrupter protection. The receptacle must be identified for use only with the fire alarm system by an identification plate or engraved cover with letters at least 1/4 inch high.

(2) All fixed electrical equipment with exposed grounded metal parts within an enclosed shower area or within 5 feet of the top inside edge of a bathtub must have ground fault circuit interrupter protection.

008(B) Other than dwelling units - GFCI requirements.

(3) GFCI requirements. GFCI protection for personnel will not be required for:

(a) Three-phase receptacles unless specifically required elsewhere in the NEC; or

(b) Receptacles used for recreational vehicle supply equipment or for attachment of a mobile home supply cord other than 125-volt, single phase, 15- or 20-ampere receptacles.

For the purposes of NEC 210.8(B), kitchen means any area where utensils, dishes, etc., are cleaned or where food or beverages are prepared or cooked.

011 Branch circuits.

(4) A raceway system or one dedicated 15-ampere minimum, 120 volt circuit must be taken to all unfinished space areas adaptable to future dwelling unit living areas that are not readily accessible to the service or branch circuit panel-board. One circuit or raceway is required for each 480 square feet or less of unfinished space area. If the total adjacent unfinished space area is less than 480 square feet, the circuit can be an extension of an existing circuit. The circuits must terminate in a suitable box(es). The box must contain an identification of the intended purpose of the circuit(s). The branch

circuit panelboard must have adequate space and capacity for the intended load(s).

013 Ground fault protection of equipment.

(5) Equipment ground fault protection systems required by the NEC must be tested prior to being placed into service to verify proper installation and operation of the system as determined by the manufacturer's published instructions. A firm having qualified personnel and proper equipment must perform the tests required. A copy of the manufacturer's performance testing instructions and a written performance acceptance test record signed by the person performing the test must be available at the time of inspection. The performance acceptance test record must include test details including, but not limited to, all trip settings and measurements taken during the test.

025 Common area branch circuits.

(6) For the purpose of NEC 210.25, loads for septic or water well systems that are shared by no more than two dwelling units may be supplied from either of the two dwelling units if approved by the local building official and local health department.

052 (A)(2) Dwelling unit receptacle outlets.

(7) For the purpose of NEC 210.52 (A)(2)(1), "similar openings" include the following configurations that are a permanent part of the dwelling configuration or finish:

- (a) Window seating; and
- (b) Bookcases or cabinets that extend from the floor to a level at least 5 feet 6 inches above the floor.

Any outlets eliminated by such window seating, bookcases, or cabinets must be installed elsewhere within the room.

052(C) Countertops.

(8) A receptacle in a wall countertop space shall be permitted to serve as the receptacle for a peninsular countertop space where the spaces are contiguous and the receptacle is located within 8 feet of the outside edge of the peninsular countertop.

AMENDATORY SECTION (Amending WSR 14-11-075, filed 5/20/14, effective 7/1/14)

WAC 296-46B-215 Wiring and protection—Feeders.

002 Minimum rating and size.

(1) For other than one- or two-family dwelling feeders rated up to 400 amperes, if the feeder conductors have a lesser ampacity than the equipment rating that they terminate in or on, an identification plate showing conductor ampacity stating: "Feeder conductor ampacity: _____" must be installed on the equipment at the load end of the feeder conductors.

005 Diagrams of feeders.

((+)) (2) Other than plan review projects, the installer must provide a one-line diagram showing the service and feeder details for the project before the initial inspection can be approved for all nondwelling services or feeders:

- (a) Larger than 400 amperes; or
- (b) Over 600 volts.

The diagram must be signed and dated by the project owner if the owner is doing the work, the assigned administrator or master electrician if an electrical contractor is doing

the work, or stamped with an engineer's mark and signature who is registered under chapter 18.43 RCW. The diagram must show:

(c) All services including: Wire size(s), wire type(s), service size(s) (e.g., voltage, phase, ampacity), overcurrent protection, available symmetrical fault current at the service point, equipment short-circuit rating, total load before and after demand factors have been applied including any demand factors used, and a panel schedule where multiple disconnecting devices are present; and

(d) All feeders including: Wire size(s), wire type(s), feeder size(s) (e.g., voltage, phase, ampacity), overcurrent protection, total calculated load before and after demand factors have been applied including any demand factors used, and a panel schedule(s) where multiple disconnecting devices are present.

If the installer deviates, in any way, from the service/feeder design shown on the diagram, a supplemental diagram must be supplied to the inspector showing the most recent design before inspection can proceed. Load reductions and moving branch circuit locations within a panelboard do not require a supplemental diagram. Written documentation must also be provided to the inspector that the supplemental diagram was provided to the project owner at the time of submission to the inspector.

The diagram must be available on the job site during the inspection process.

010 Ground fault protection testing.

((2)) (3) Equipment ground fault protection systems required by the NEC must be tested prior to being placed into service to verify proper installation and operation of the system as determined by the manufacturer's published instructions. This test or a subsequent test must include all system feeders unless the installer can demonstrate, in a manner acceptable to the inspector, that there are no grounded conductor connections to the feeder(s). A firm having qualified personnel and proper equipment must perform the tests required. A copy of the manufacturer's performance testing instructions and a written performance acceptance test record signed by the person performing the test must be available at the time of inspection. The performance acceptance test record must include test details including, but not limited to, all trip settings and measurements taken during the test.

AMENDATORY SECTION (Amending WSR 13-03-128, filed 1/22/13, effective 3/1/13)

WAC 296-46B-225 Wiring and protection—Outside branch circuits and feeders.

019 Clearances from buildings for conductors.

(1) Add the following exception to NEC 225.19(A): Where the voltage between conductors does not exceed 300 and the roof area is guarded or isolated, a reduction in clearance to 3 feet shall be permitted.

030 Number of supplies.

((+)) (2) For the purposes of NEC 225.30(A) and this section, a building/structure that is supplied from a remote service, may be supplied by no more than six feeders originating from the service equipment and with each feeder terminating in a single disconnecting means at the build-

ing/structure. The service equipment must contain overcurrent protection appropriate to each feeder. The building disconnecting means required by NEC 225.32 must be grouped, within sight, and all be within 10' of each other.

032 Location of outside feeder disconnecting means.

~~((2))~~ (3) The disconnecting means required by NEC 225.32 must be provided to disconnect all ungrounded conductors that supply or pass through a building/structure in accordance with the requirements of NEC 225.32 with the following exceptions.

(a) Outside location: A feeder disconnecting means, including that required by NEC 700, 701, or 702 for a generator, is considered in the building if installed on the outside of the building/structure or within sight and within fifteen feet of the building/structure. The building disconnecting means may supply only one building/structure unless the secondary building(s)/structure(s) has a separate building disconnecting means meeting the requirements of the NEC and this subsection. The disconnecting means must have an identification plate with at least one-half-inch high letters identifying:

- (i) The building/structure served; and
- (ii) Its function as the building/structure main disconnect(s).

(b) Inside location: The feeder disconnecting means may be installed anywhere inside a building or structure when there is a feeder disconnecting means, located elsewhere on the premises, with overcurrent protection sized for the feeder conductors.

~~((3))~~ **036 Suitable for use as service equipment.**

(4) A generator disconnecting means installed per subsection ~~((2))~~ (3)(a) or (b) of this section, is not required to be suitable for use as service equipment.

AMENDATORY SECTION (Amending WSR 17-12-021, filed 5/30/17, effective 7/1/17)

WAC 296-46B-230 Wiring and protection—Services.

001 General service requirements.

(1) The owner, the owner's agent, or the electrical contractor making the installation must consult the serving utility regarding the utility's service entrance requirements for equipment location and meter equipment requirements before installing the service and equipment. Provisions for a meter and related equipment, an attachment of a service drop, or an underground service lateral must be made at a location acceptable to the serving utility. The point of contact for a service drop must permit the clearances required by the NEC.

(2) A firewall must have a minimum two-hour rating as defined by the local building official to be considered a building separation in accordance with Article 100 NEC.

(3) The height of the center of the service meter must be as required by the serving utility. Secondary instrument transformer metering conductor(s) are not permitted in the service raceway.

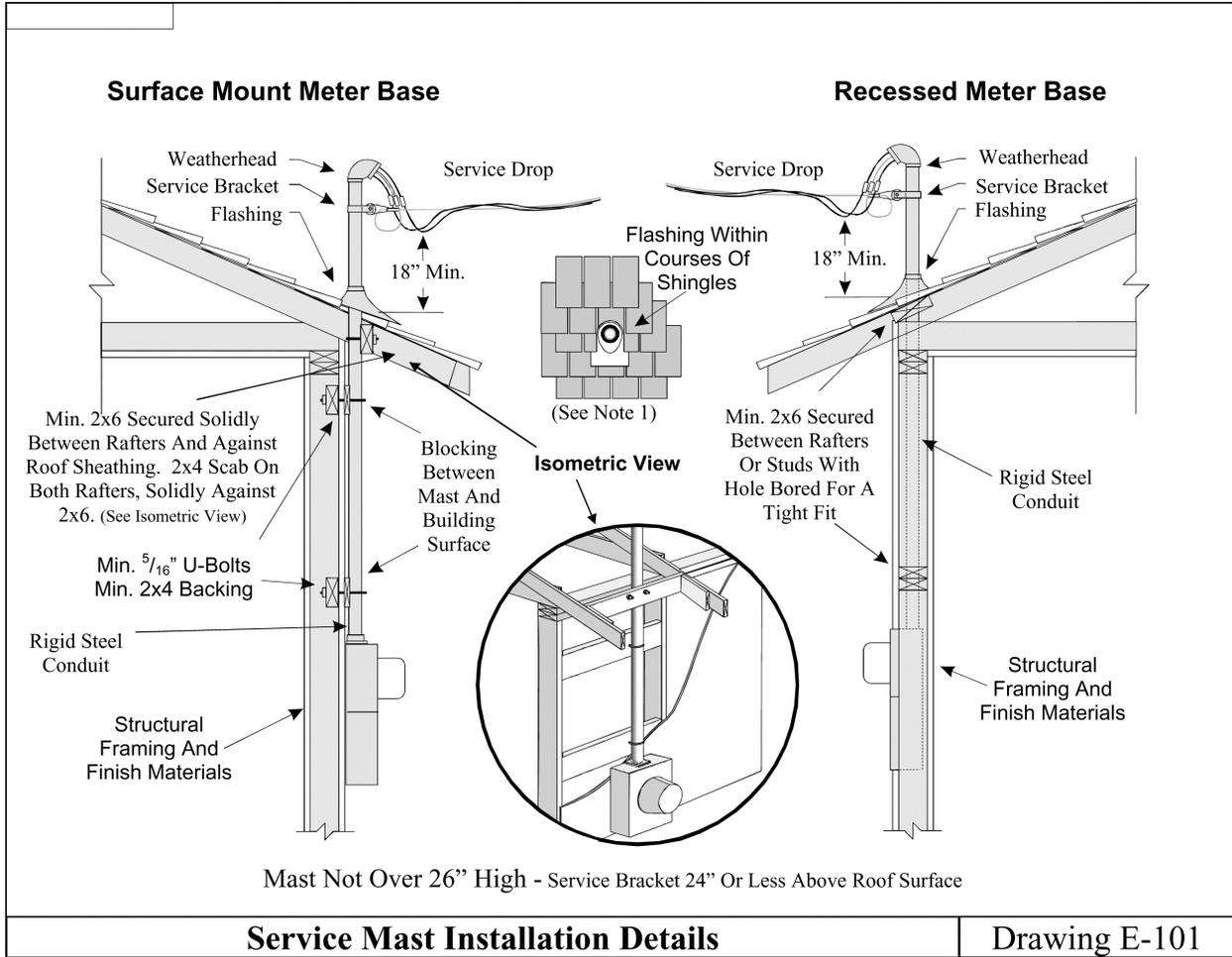
028 Service or other masts.

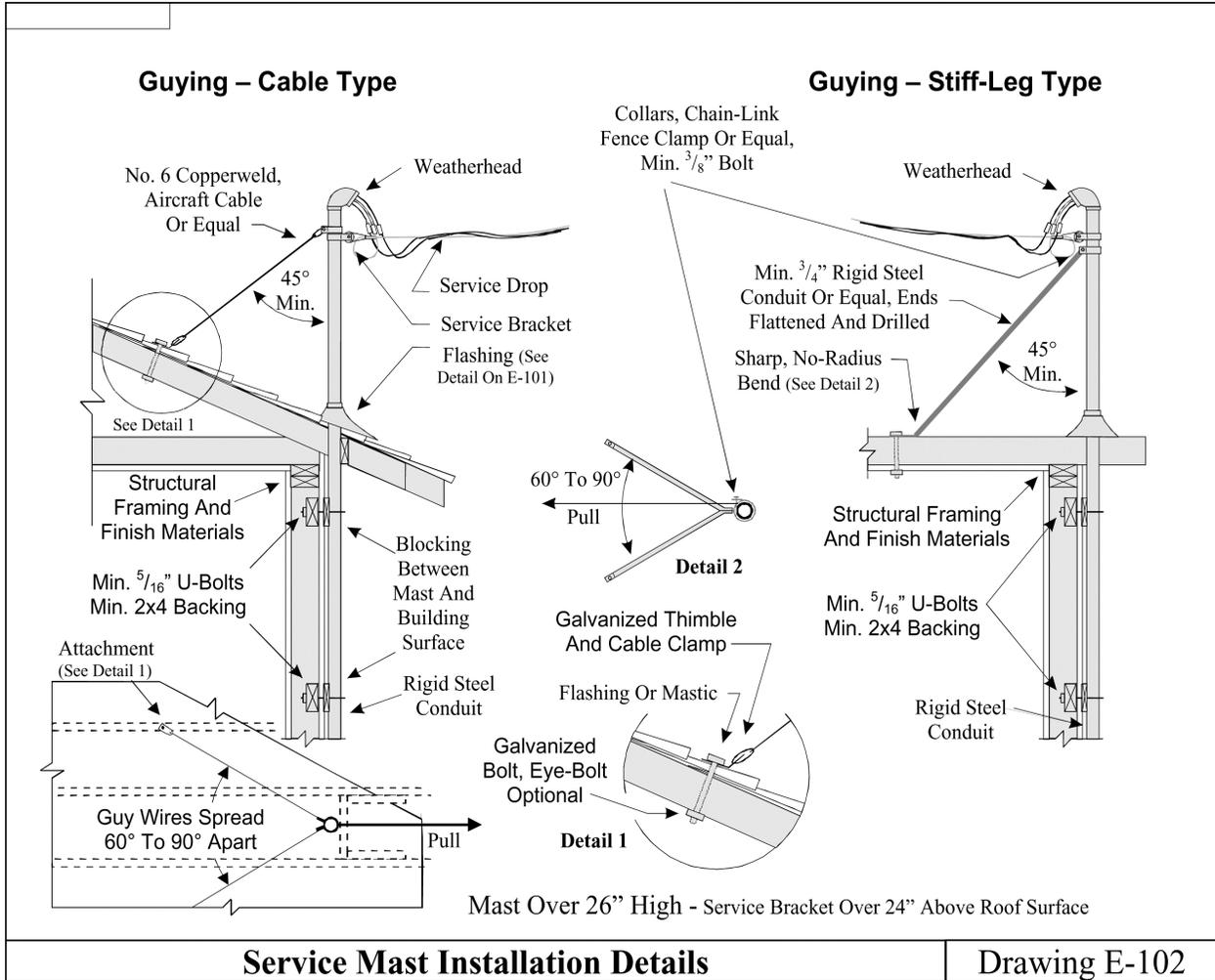
(4) Conduit extended through the roof to provide means of attaching:

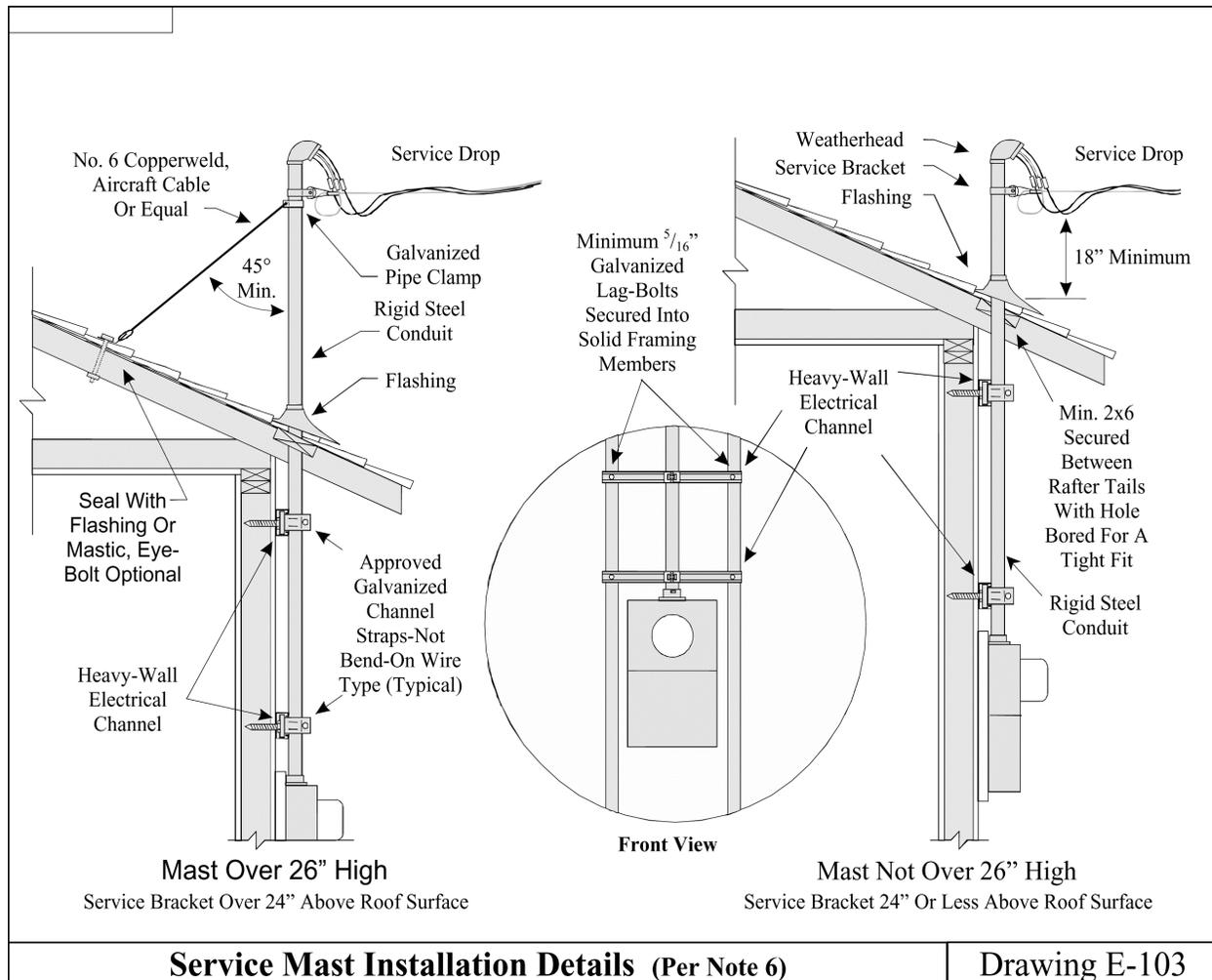
(a) All overhead drops for service, feeder, or branch circuits exceeding #1 AWG aluminum or #3 AWG copper must be rigid steel galvanized conduit no smaller than 2 inches.

(b) All overhead drops for service, feeder or branch circuits not exceeding #1 AWG aluminum or #3 AWG copper must be rigid steel galvanized conduit no smaller than 1 1/4 inches. The installation must comply with drawings E-101 and/or E-102, or must provide equivalent strength by other approved means. Masts for altered or relocated installations will be permitted to comply with drawing E-103.

~~((c) For the purposes of NEC 225.19 and 230.24, a residential patio cover, that is not over one story and not over 12 feet in height and is used only for recreation or outdoor living purposes and not as a carport, garage, storage room or habitable room as described in Appendix Chapter 1 in the IBC and Appendix Chapter II in the IRC, is not considered a roof. Overhead conductor spans must maintain a minimum 36 inches clearance above these covers.))~~







Notes to drawings E-101, E-102, and E-103

- (1) An approved roof flashing must be installed on each mast where it passes through a roof. Plastic, nonhardening mastic must be placed between lead-type flashings and the conduit. Neoprene type flashings will also be permitted to be used.
- (2) Masts must be braced, secured, and supported in such a manner that no pressure from the attached conductors will be exerted on a roof flashing, meter base, or other enclosures.
- (3) Utilization of couplings for a mast is permitted only below the point the mast is braced, secured, or supported. There must be a minimum of two means of support above any couplings used. A properly installed cable or stiff leg type support qualifies as one of the two required means of support.
- (4) Except as otherwise required by the serving utility, service mast support guys must be installed if the service drop attaches to the mast more than 24 inches above the roof line or if the service drop is greater than 100 feet in length from the pole or support. Masts for support of other than service drops must comply with this requirement as well.
- (5) Intermediate support masts must be installed in an approved manner with methods identical or equal to those required for service masts.
- (6) For altered services, where it is impractical to install U bolt mast supports due to interior walls remaining closed, it will be permissible to use other alternate mast support methods such as heavy gauge, galvanized, electrical channel material that is secured to two or more wooden studs with 5/16 inch diameter or larger galvanized lag bolts.
- (7) Conductors must extend at least 18 inches from all mast-heads to permit connection to the connecting overhead wiring.

040 Service conductors - Two-family and multiple-occupancy buildings.

- (5) Two-family and multiple-occupancy buildings. A second or additional service drop or lateral to a building having more than one occupancy will be permitted to be installed at a location separate from other service drops or laterals to the building provided that all the following conditions are complied with:

(a) Each service drop or lateral must be sized in accordance with the NEC for the calculated load to be served by the conductors;

(b) Each service drop or lateral must terminate in listed metering/service equipment;

(c) Each occupant must have access to the occupant's service disconnecting means;

(d) No more than six service disconnects may be supplied from a single transformer;

(e) All service drops or laterals supplying a building must originate at the same transformer or power supply;

(f) A permanent identification plate must be placed at each service disconnect location that identifies all other service disconnect locations in or on the building, the area or units served by each, the total number of service disconnecting means on the building/structure and the area or units served. If a structure consists of multiple buildings (i.e., by virtue of fire separation), all service disconnects in or on the entire structure must be labeled to identify all service disconnects in or on the structure; and

(g) A permanent identification plate must be placed at each feeder disconnecting means identifying the area or units served if the feeder disconnecting means is remote from the area or unit served.

042 Service conductor - Size and rating.

(6) For other than one- or two-family dwelling services rated up to 400 amperes, if the service conductors have a lesser ampacity than the overcurrent protection, permitted by NEC 230.90 or NEC 310.15, or the equipment rating that they terminate in or on, an identification plate showing the ampacity of the conductors stating: "Service conductor ampacity: _____" must be installed on the service equipment.

043 Wiring methods for 1000 volts, nominal or less.

(7) The installation of service conductors not exceeding 1000 volts, nominal, within a building or structure is limited to the following methods: Galvanized or aluminum rigid metal conduit; galvanized intermediate metal conduit; wireways; busways; auxiliary gutters; minimum schedule 40 rigid polyvinyl chloride conduit; cablebus; or mineral-insulated, metal-sheathed cable (type MI).

(8) Electrical metallic tubing must not be installed as the wiring method for service entrance conductors inside a building. Existing electrical metallic tubing, installed prior to October 1984, which is properly grounded and used for service entrance conductors may be permitted to remain if the conduit is installed in a nonaccessible location and is the proper size for the installed conductors.

(9) In addition to methods allowed in the NEC, the grounded service conductor is permitted to be identified with a yellow jacket or with one or more yellow stripes.

070 Service equipment - Disconnecting means.

(10) ~~(In addition to the requirements of NEC 230.70(A), service equipment, subpanels, and similar electrical equipment must be installed so that they are readily accessible and may not be installed in clothes closets, toilet rooms, or shower rooms. All indoor service equipment and subpanel equipment must have adequate working space and be adequately illuminated.~~

~~(H))~~ The service disconnecting means must be installed at a readily accessible location in accordance with (a) or (b) of this subsection.

(a) Outside location: Service disconnecting means will be permitted on the building or structure or within sight and within fifteen feet of the building or structure served. The building disconnecting means may supply only one building/structure. The service disconnecting means must have an identification plate with one-half-inch high letters identifying:

(i) The building/structure served; and

(ii) Its function as the building/structure main service disconnect(s).

(b) Inside location: When the service disconnecting means is installed inside the building or structure, it must be located so that the service raceway extends no more than fifteen feet inside the building/structure.

095 Ground-fault protection of equipment.

~~((12))~~ (11) Equipment ground-fault protection systems required by the NEC must be tested prior to being placed into service to verify proper installation and operation of the system as determined by the manufacturer's published instructions. This test or a subsequent test must include all service voltage feeders unless the installer can demonstrate, in a manner acceptable to the department, that there are no grounded conductor connections to the feeder(s). A firm having qualified personnel and proper equipment must perform the tests required. A copy of the manufacturer's performance testing instructions and a written performance acceptance test record signed by the person performing the test must be available for the inspector at the time of inspection. The performance acceptance test record must include test details including, but not limited to, all trip settings and measurements taken during the test.

200 Wiring methods exceeding 1000 volts.

~~((13))~~ (12) The installation of service conductors exceeding 1000 volts, nominal, within a building or structure must be limited to the following methods: Galvanized rigid metal conduit, galvanized intermediate metal conduit, schedule 80 polyvinyl chloride conduit, metal-clad cable that is exposed for its entire length, cablebus, or busways.

~~((14))~~ (13) In addition to methods allowed in the NEC, the grounded service conductor is permitted to be identified with a yellow jacket or with one or more yellow stripes.

AMENDATORY SECTION (Amending WSR 17-12-021, filed 5/30/17, effective 7/1/17)

WAC 296-46B-250 Wiring and protection—Grounding and bonding.

028 (D)(3) Separately derived system with more than one enclosure.

(1) NEC 250.28 (D)(3) is amended to read: Where a separately derived system supplies more than a single enclosure, the system bonding jumper for each enclosure shall be sized in accordance with 250.28 (D)(1) based on the largest ungrounded feeder/tap conductor serving that enclosure, or a single system bonding jumper shall be installed at the source and sized in accordance with 250.28 (D)(1) based on the equivalent size of the largest supply conductor determined by

the largest sum of the areas of the corresponding conductors of each set.

052 Grounding electrodes.

(2) Except for mobile/manufactured homes, a concrete encased grounding electrode must be installed and used at each new building or structure that is built upon a permanent concrete foundation. The electrode must comply, with NEC 250.52 (A)(3). Inspection of the electrode may be accomplished by the following methods:

(a) At the time of inspection of other work on the project, providing the concrete encased electrode is accessible for a visual inspection;

(b) At the time of the service inspection providing the installer has provided a method so the inspector can verify the continuity of the electrode conductor along its entire length, with a minimum 20 foot linear span between testing points (e.g., attaching a length of copper wire to one end of the electrode that reaches the location of the grounding electrode conductor that will enable the inspector to measure the resistance with a standard resistance tester). The concrete encased electrode does not have to be accessible for a visual inspection; or

(c) Other method when prior approval, on a job site basis, is given by the inspector.

If a special inspection trip is required to inspect a grounding electrode conductor, a trip fee will be charged for that inspection in addition to the normal permit fee.

Exception: If the concrete encased grounding electrode is not available for connection, a ground ring must be installed per NEC 250 or other grounding electrode installed per NEC 250 verified to measure 25 ohms or less to ground. Resistance verification testing must be performed by an independent firm having qualified personnel and proper equipment. A copy of the testing procedures used and a written resistance test record signed by the person performing the test must be available at the time of inspection. The resistance test record must include test details including, but not limited to, the type of test equipment used, the last calibration date of the test equipment, and all measurements taken during the test.

053 (A)(2) Resistance of rod, pipe, and plate electrodes.

(3) For rod, pipe, and plate electrodes other than those installed in accordance with the exception in subsection (2) of this section, if a ground resistance test is not performed to ensure a resistance to ground of 25 ohms or less, two or more electrodes as specified in NEC 250.52 must be installed a minimum of 6 feet apart. A temporary construction service is not required to have more than one made electrode.

(4) For services only, when multiple buildings or structures are located adjacent, but structurally separate from each other, any installed rod, pipe, or plate electrodes used for those services must be installed so that each building's or structure's electrodes are not less than 6 feet apart from the adjacent building's or structure's electrodes.

064 Grounding electrode conductor installation - Physical protection.

(5) Grounding electrode conductors will be considered to be not exposed to physical damage when the conductor(s) are:

(a) Buried more than 12 inches deep in the earth outside the building's footprint;

(b) Encased or covered by 2 inches of concrete or asphalt;

(c) Located inside the building footprint and protected by the building's structural elements or when inside and determined, by the inspector, to not be subject to physical damage; or

(d) Enclosed by a metal or nonmetallic raceway or enclosure. The raceway or enclosure must be approved to protect from severe physical damage if it is not protected by appropriate physical barriers from contact with vehicles, lawn mowers, and other equipment that might damage the conductor or enclosure.

068 Accessibility.

(6) The termination point of a grounding electrode conductor tap to the grounding electrode conductor must be accessible unless the connection is made using an exothermic or irreversible compression connection.

090 Bonding.

(7) Metallic stubs or valves used in nonmetallic plumbing systems are not required to be bonded to the electrical system unless required by an electrical equipment manufacturer's instructions.

(8) Hot and cold water plumbing lines are not required to be bonded together if, at the time of inspection, the inspector can determine the lines are mechanically and electrically joined by one or more metallic mixing valves.

104(B) Bonding - Other metal piping.

(9) For flexible metal gas piping, installed new or extended from an existing rigid metal piping system, either:

(a) Provide a copy of the manufacturer's bonding instructions to the inspector at the time of inspection and follow those instructions; or

(b) The bonding conductor for the gas system must:

(i) Be a minimum 6 AWG copper; and

(ii) Terminate at:

(A) An accessible location at the gas meter end of the gas piping system on either a solid iron gas pipe or a cast flexible gas piping fitting using a listed grounding connector; and

(B) Either the service equipment enclosure, service grounding electrode conductor or electrode, or neutral conductor bus in the service enclosure.

184 Solidly grounded neutral systems over 1000 volts.

(10) In addition to the requirements of NEC 250.184(A), the following applies for:

(a) Existing installations.

(i) The use of a concentric shield will be allowed for use as a neutral conductor for extension, replacement, or repair, if all of the following are complied with:

(A) The existing system uses the concentric shield as a neutral conductor;

(B) Each individual conductor contains a separate concentric shield sized to no less than thirty-three and one-half percent of the ampacity of the phase conductor for three-phase systems or one hundred percent of the ampacity of the phase conductor for single-phase systems;

(C) The new or replacement cable's concentric shield is enclosed inside an outer insulating jacket; and

(D) Existing cable (i.e., existing cable installed directly in the circuit between the work and the circuit's overcurrent device) successfully passes the following tests:

- A cable maintenance high potential dielectric test. The test must be performed in accordance with the cable manufacturer's instruction or the 2011 NETA maintenance test specifications; and
- A resistance test of the cable shield. Resistance must be based on the type, size, and length of the conductor used as the cable shield using the conductor properties described in NEC Table 8 Conductor Properties.

An electrical engineer must provide a specific certification to the electrical plan review supervisor in writing that the test results of the maintenance high potential dielectric test and the resistance test have been reviewed by the electrical engineer and that the cable shield is appropriate for the installation. The electrical engineer must stamp the certification document with the engineer's stamp and signature. The document may be in the form of a letter or electrical plans.

Testing results are valid for a period of seven years from the date of testing. Cable will not be required to be tested at a shorter interval.

(ii) A concentric shield used as a neutral conductor in a multigrounded system fulfills the requirements of an equipment grounding conductor.

(b) New installations.

(i) New installations do not include extensions of existing circuits.

(ii) The use of the concentric shield will not be allowed for use as a neutral conductor for new installations. A listed separate neutral conductor meeting the requirements of NEC 250.184(A) must be installed.

NEW SECTION

WAC 296-46B-408 Equipment for general use—Switchboards, switchgear, and panelboards. In addition to the requirements of NEC 230.70(A), service equipment, subpanels, and similar electrical equipment must be installed so that they are readily accessible and may not be installed in clothes closets, toilet rooms, or shower rooms.

AMENDATORY SECTION (Amending WSR 17-12-021, filed 5/30/17, effective 7/1/17)

WAC 296-46B-410 Equipment for general use—Luminaires.

010 Luminaires.

(1) All luminaires within an enclosed shower area or within five feet of the waterline of a bathtub must be enclosed, unless specifically listed for such use; these luminaires, with exposed metal parts that are grounded, must be ground fault circuit interrupter protected.

042 Exposed luminaire (fixture) parts.

(2) Replacement luminaires that are directly wired or attached to boxes supplied by wiring methods that do not provide a ready means for grounding and that have exposed conductive parts will be permitted only where the luminaires are provided with ground-fault circuit-interrupter protection and marked "no equipment ground."

056 Protection of conductors and insulation.

(3) Requirements for stranded conductors in NEC 410.56(E) do not apply to branch-circuit conductors.

062 Flexible cord connection of electric discharge luminaires.

~~((3))~~ (4) A ground-type attachment plug cap and receptacle connection at the source junction box is not required when the flexible cord complies with NEC 410.62 and the following:

(a) Connection to a source junction box must utilize an approved cable connector or clamp;

(b) The maximum length of the cord for a suspended pendant drop from a permanently installed junction box to a suitable tension take-up device above the pendant luminaire must not exceed 6 feet;

(c) The flexible cord must be supported at each end with an approved cord grip or strain relief connector fitting/device that will eliminate all stress on the conductor connections;

(d) The flexible cord must be a minimum #14 AWG copper;

(e) The flexible cord ampacity must be determined in NEC Table 400.5(A) column A;

(f) The flexible cord must be hard or extra hard usage; and

(g) A vertical flexible cord supplying electric discharge luminaires must be secured to the luminaire support as per NEC 334.30(A).

AMENDATORY SECTION (Amending WSR 08-24-048, filed 11/25/08, effective 12/31/08)

WAC 296-46B-430 Motors, motor circuits, and controllers.

007 Marking on motors and multimotor equipment.

Except as required by the National Electrical Code, there is no requirement for motors to be identified for use or listed/field evaluated by a laboratory. All motors must be manufactured according to National Electrical Manufacturer's Association (NEMA), or International Electrotechnical Commission (IEC) standards for motors except motors that:

(1) Are a component part of equipment listed or field evaluated by a laboratory; or

(2) Are a component part of industrial utilization equipment approved by the department per WAC 296-46B-903.

AMENDATORY SECTION (Amending WSR 17-12-021, filed 5/30/17, effective 7/1/17)

WAC 296-46B-440 Air conditioning and refrigerating equipment.

014 Disconnecting means.

In one- and two-family dwelling units, a disconnecting means is required for the indoor units(s) of a split system HVAC/R system, unless the outside unit's disconnecting means is lockable, disconnects the indoor ~~((unit))~~ unit(s), identifies the location of all indoor units, and an indoor disconnecting means is not required by the manufacturer.

AMENDATORY SECTION (Amending WSR 06-05-028, filed 2/7/06, effective 5/1/06)

WAC 296-46B-501 Special occupancies NEC Class I locations.

001 Sewage disposal systems.

(1) Pumping chambers for sewage, effluent, or grinder pumps in on-site and septic tank effluent pump (S.T.E.P.) disposal systems will be considered unclassified when not more than five residential units are connected to the system, residential units are connected to a utility sewage system, or when nonresidential systems have residential loading characteristics and all of the following general installations requirements are complied with:

(a) The pumping chamber must be adequately vented. Venting may be accomplished through the building or structure plumbing vents where the system venting has been approved by the local jurisdiction authority or by a direct two-inch minimum vent to the atmosphere;

(b) Equipment that in normal operation may cause an arc or spark must not be installed in any pumping chamber;

(c) Float switches installed in a pumping chamber must be hermetically sealed to prevent the entrance of gases or vapors;

(d) Junction boxes, conduits and fittings installed in the septic atmosphere must be of a noncorrosive type, installed to prevent the entrance of gases or vapors;

(e) Where a conduit system is installed between the pumping chamber and the control panel, motor disconnect, or power source, an approved sealing method must be installed to prevent the migration of gases or vapors from the pumping chamber, and must remain accessible; and

(f) Wire splices in junction boxes installed in pumping chambers must be suitable for wet locations.

(2) Residential wastewater loading characteristics in a nonresidential installation:

(a) For systems that process less than three thousand five hundred gallons of wastewater per day may be certified by:

(i) An on-site wastewater designer licensed under chapter 18.210 RCW; or

(ii) A professional engineer, engaged in the business of on-site wastewater system design, licensed under chapter 18.43 RCW.

(b) For systems that process three thousand five hundred gallons or more of wastewater per day may be certified by a professional engineer, engaged in the business of on-site wastewater system design, licensed under chapter 18.43 RCW.

Written documentation must be signed and stamped by the designer or engineer and provided to the electrical inspector prior to inspection.

(3) Any residential or nonresidential system that has building or structure floor drains being discharged into the system is classified as Class I Division 1. Drains from any commercially made tub, shower, basin, sink, or toilet are not considered floor drains.

(4) Pumping chamber access covers can be covered by gravel, light aggregate, or noncohesive granulated soil, and must be accessible for excavation. Access covers that are buried must have their exact location identified at the electrical

panel or other prominent location by an identification plate. The authority having jurisdiction for performing electrical inspections must approve the identification plate location.

(5) Indoor grinder pumps installed in chambers with less than fifty gallons capacity are not required to meet the requirements of this section, except for the venting requirements in subsection (1)(a) of this section. Indoor grinder pumps installed in chambers with less than fifty gallons capacity are not classified systems as described in Article 500 NEC.

(6) Secondary treatment effluent pumping chambers such as sand filters are unclassified, and require no special wiring methods.

(7) Inspection approval is required prior to covering or concealing any portion of the septic electrical system, including the pump. New septic and effluent tanks containing electrical wires and equipment must be inspected and approved prior to being loaded with sewage.

(8) On-site sewage disposal systems using pumps must have audible and visual alarms designed to alert the resident of a malfunction. The alarm must be placed on a circuit independent of the pump circuit.

AMENDATORY SECTION (Amending WSR 17-12-021, filed 5/30/17, effective 7/1/17)

WAC 296-46B-514 Special occupancies—Motor fuel dispensing facilities.

001 General.

(1) In addition to the scope included in NEC 514.1, Article 514 NEC must be complied with for all liquefied flammable gas storage or transfer facilities.

003 Classifications of locations.

(2) For the purposes of NEC 514.3 (D)(2), delete Exception No. 1 and No. 2 and replace with:

Dock, pier, or wharf sections that do not support fuel dispensers and may abut a section(s) that supports a fuel dispenser(s) are permitted to be unclassified where documented air space between the sections is provided and where flammable liquids or vapors cannot travel to these sections. See NEC 500.4(A) for documentation requirements.

011 Emergency disconnecting means - Dispensing and service stations.

(3) An emergency disconnecting means or operator must be provided to disconnect the pump or dispensing equipment serving gasoline, volatile flammable liquids, or liquefied flammable gases. The emergency disconnecting means or operator must disconnect all conductors of the circuit supplying all station dispensers and/or pumps (including the grounded conductor) simultaneously from the source(s) of supply.

(4) For installations with only one dispensing device, the emergency disconnecting means/operator may be used to satisfy subsection (3) of this section.

(5) For multicircuit installations, an electrically held normally open contactor operated by a push-button may serve as the disconnecting means to satisfy subsection (3) of this section. If a disconnecting pushbutton is used, the pushbutton may not function as the resetting mechanism for the electrically held contactor. The resetting means must be:

- (a) Located at least 15 feet or out of sight from the disconnecting pushbutton;
- (b) Installed behind a cover or guard; and
- (c) Identified with an identification plate that is substantially black in color.

(6) The disconnecting means satisfying subsection (3) of this section must be labeled with an identification plate, with letters at least 1 inch high, as the emergency disconnecting means. The disconnecting means or operator must be(~~(a))~~

~~(a)) substantially red in color(;~~
~~(b) For attended facilities—Must be readily accessible and must be located outdoors and within sight of the pump or dispensing equipment it controls; or~~

~~(c) For unattended facilities—Must be readily accessible and must be located within sight, but at least 20 feet from the pump or dispensing equipment it controls).~~

013 Maintenance and service of dispensing equipment.

(7) The means to remove all external voltage sources for maintenance and service of dispensing equipment required by NEC 514.13 must be capable of isolating each dispenser individually from all external voltage sources including the grounded conductor, while all other dispensers remain operational.

AMENDATORY SECTION (Amending WSR 17-12-021, filed 5/30/17, effective 7/1/17)

WAC 296-46B-600 Special equipment—Electric signs and outline lighting.

001 Electrical signs - General.

(1) All electrical signs and outline lighting, regardless of voltage, must be listed or field evaluated by a testing laboratory accredited by the department to the applicable ANSI UL Standard. Installations will be inspected for compliance with installation instructions and the NEC.

(2) Luminaires in outdoor awnings must be suitable for wet locations and be connected by a wiring method suitable for wet locations.

(3) Fluorescent luminaires must be located at least 6 inches from the awning fabric. Incandescent lamps or luminaires must be located at least 18 inches from the awning fabric. A disconnecting means must be installed per Article 600 NEC.

(4) Listed awning signs must be installed in compliance with the manufacturer's instructions and the NEC.

(5) Retrofitting signs. When listed signs or listed outline lighting are retrofitted to an LED light source, a licensed (01) general electrical contractor or (04) sign contractor using properly certified individuals or properly supervised trainees may make the retrofit in place so long as all the retrofit components and retrofit kit are listed and installation instructions applicable to the sign for making the retrofit are available for the inspector's use at the time of the inspection and physical access is provided to allow the inspector access to all components of the retrofit kit.

004 Markings.

(6) In addition to the markings required by the NEC, retrofit signs and outline lighting shall be marked with a label, made of a background color contrasting to the listed product,

in a location visible during servicing near the listed retrofit subassembly that states, "This equipment contains a retrofit subassembly that may present a risk of electrical hazard. Replace parts only with same type and rating." The label's font must be Arial size 16 bold. This label may be an identification plate as described in WAC 296-46B-100 or an adhesive label approved by the electrical inspector. This label is in addition to any labeling required by the manufacturer's instructions or the UL Standard used to manufacture the retrofit kit.

007 Grounding and bonding.

(7) Remote metal parts of a section sign or outline lighting system only supplied by a remote Class 2 power supply that is listed or is a recognized component in a listed section sign or outline lighting is not required to be bonded to an equipment grounding conductor.

010 Portable or mobile outdoor electrical signs.

(8) A GFCI receptacle outlet that is weatherproof with the supply cord connected must be installed within 6 feet of each portable or mobile electrical sign.

(9) Extension cords are not permitted to supply portable outdoor signs.

(10) All portable outdoor electrical signs must be listed by a qualified electrical testing laboratory accredited by the department.

030 Neon tubing.

(11) NEC 600, Part II, Field-Installed Skeleton Tubing, will apply to the installation of all neon tubing and neon circuit conductors.

(12) Field-installed skeleton tubing is not required to be listed. Installations will be inspected for compliance with installation instructions and the NEC.

NEW SECTION

WAC 296-46B-620 Special equipment—Elevators.

051 Disconnecting means.

In accordance with WAC 296-96-02460, elevator section:

(1) The main line disconnect(s) must be located per NFPA 70, Article 620.51(C) and:

(a) Inside the machine room door on the strike side of the machine or control room door;

(b) Not more than twenty-four inches from the door to the operating handle; and

(c) Be at a height not less than thirty-six inches 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 swing out and the switch(es) shall be located on the wall adjacent to the hinge side of the active door panel.

(4) 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.

AMENDATORY SECTION (Amending WSR 14-11-075, filed 5/20/14, effective 7/1/14)

WAC 296-46B-690 Solar photovoltaic systems.

002 Definitions.

(1) Building integrated means: Photovoltaic cells, modules, panels, or arrays that are integrated into the outer surface or structure of a building and serve as the outer protective surface of that building, such as the roof, skylights, windows, or facades.

004 Installation.

(2) Support structure or foundation. For the purposes of this section, those portions of the structure support or foundation that are exclusively mechanical and are not part of a bonding or grounding path will not be considered part of the photovoltaic system as defined by this section. Such structural support or foundation may be done by the owner, registered general contractor, or licensed electrical contractor without electrical permit or inspection.

(3) A photovoltaic system design review must be available at the time of the first inspection.

(4) The entity placing a building integrated cell, module, panel, or array is not subject to the requirements for electrical inspection, licensing, or certification so long as the work is limited to the placement and securing of the device and an electrical work permit has been previously obtained for the electrical work related to the equipment by an entity authorized to do that electrical work.

(5) All electrical work, including wiring installation, terminations, etc., necessary to complete the electrical installations must be completed by the entity authorized to do the electrical work (i.e., owner or appropriate electrical contractor).

007 Maximum voltage.

(6) The open-circuit voltage temperature coefficients supplied in the instructions of listed photovoltaic modules will be used to determine the maximum direct current photovoltaic system voltage. Otherwise the voltage will be calculated using Table 690.7 of the NEC. For the purposes of this calculation, a temperature correction factor of 1.25 will be used unless another factor can be justified and is approved by the authority having jurisdiction.

~~**(053 Direct current photovoltaic power source.**~~

~~(7) All photovoltaic equipment and disconnecting means must be permanently identified as to their purpose, maximum voltages, and type of current within the system with an identification plate. All photovoltaic circuits must be identified at each overcurrent protection device(s) and panel directory(ies).)~~

AMENDATORY SECTION (Amending WSR 17-12-021, filed 5/30/17, effective 7/1/17)

WAC 296-46B-700 Emergency systems.

001 Emergency systems - General.

(1) In all health or personal care facilities defined in this chapter, educational facilities, institutional facilities, hotels, motels, and places of assembly for one hundred or more persons, all exit and emergency lights must be installed in accordance with Article 700 NEC and located as required in stan-

dards adopted by the state building code council under chapter 19.27 RCW.

007 Signs.

(2) The sign(s) required in NEC 700.7 must be placed at the service disconnecting means and the meter base if the service disconnecting means and meter base are not located within sight and within 5 feet of each other.

~~**(009) 010 Emergency systems - Equipment identification.**~~

(3) All exit and emergency lights, whether or not required by the NEC, must be installed in accordance with Article 700 NEC.

(4) All boxes and enclosures, for Article 700 NEC systems, larger than 6 inches by 6 inches, including transfer switches, generators, and power panels for emergency systems and circuits must be permanently identified with an identification plate that is substantially orange in color, except in existing health care facilities the existing nameplate identification color scheme can be retained for transfer switches, generators, and power panels for existing emergency systems that are not being replaced or modified. All other device and junction boxes for emergency systems and circuits must be substantially orange in color, both inside and outside.

032 Coordination.

(5) The requirements for selective coordination described in NEC 700.32 are not required where the emergency system was installed prior to June 1, 2006. For new emergency systems that are supplied from an existing emergency system installed prior to June 1, 2006, the new portion of the emergency system must comply with NEC 700.32. The ground fault sensing function of overcurrent protective devices will only be required to selectively coordinate with the ground fault sensing functions of other overcurrent protective devices.

AMENDATORY SECTION (Amending WSR 17-12-021, filed 5/30/17, effective 7/1/17)

WAC 296-46B-705 Interconnected electric power production sources.

(1) For utility interactive systems, any person making interconnections between a power production source and the utility distribution network must consult the serving utility and is required to meet all additional utility standards.

031 Location of overcurrent protection.

(2) In addition to the requirements of NEC 705.31, electric power production source conductors connected to the supply side of the service disconnecting means must be installed using wiring methods specified for service conductors in WAC 296-46B-230(7). The disconnecting means providing overcurrent protection for the electric power production source conductors is not required to be grouped with the service disconnecting means for the building or structure. Grounding and bonding must be in accordance with all applicable requirements for an additional service disconnect.

AMENDATORY SECTION (Amending WSR 17-12-021, filed 5/30/17, effective 7/1/17)

WAC 296-46B-900 Electrical plan review.

Definition of occupancies.

(1) Occupancies are defined as follows:

(a) Educational facility refers to a building or portion of a building used primarily for educational purposes by six or more persons at one time for twelve hours per week or four hours in any one day. Educational occupancy includes: Schools (preschool through grade twelve), colleges, academies, universities, and trade schools.

(b) Institutional facility refers to a building or portion of a building used primarily for detention or correctional occupancies where some degree of restraint or security is required for a time period of twenty-four or more hours. Such occupancies include, but are not restricted to: Penal institutions, reformatories, jails, detention centers, correctional centers, and residential-restrained care.

(c) Health or personal care facility. Health or personal care facility refers to buildings or parts of buildings that contain, but are not limited to, facilities that are required to be licensed by the department of social and health services or the department of health (e.g., hospitals, nursing homes, private alcoholism hospitals, private psychiatric hospitals, boarding homes, alcoholism treatment facilities, maternity homes, birth centers or childbirth centers, residential treatment facilities for psychiatrically impaired children and youths, and renal hemodialysis clinics) and medical, dental, or chiropractic offices or clinics, outpatient or ambulatory surgical clinics, and such other health care occupancies where patients who may be unable to provide for their own needs and safety without the assistance of another person are treated.

(i) "Hospital" means any institution, place, building, or agency providing accommodations, facilities, and services over a continuous period of twenty-four hours or more, for observation, diagnosis, or care of two or more individuals not related to the operator who are suffering from illness, injury, deformity, abnormality, or from any other condition for which obstetrical, medical, or surgical services would be appropriate for care or diagnosis.

(ii) "Nursing home," "nursing home unit" or "long-term care unit" means a group of beds for the accommodation of patients who, because of chronic illness or physical infirmities, require skilled nursing care and related medical services but are not acutely ill and not in need of the highly technical or specialized services ordinarily a part of hospital care.

(iii) "Boarding home" means any home or other institution, however named, which is advertised, announced, or maintained for the express or implied purpose of providing board and domiciliary care to seven or more aged persons not related by blood or marriage to the operator. It must not include any home, institution, or section thereof which is otherwise licensed and regulated under the provisions of state law providing specifically for the licensing and regulation of such home, institution, or section thereof.

(iv) "Enhanced service facility (ESF)" means a facility, or a portion of a facility, that provides treatment and services to persons for whom acute inpatient treatment is not medically necessary and who have been determined by the depart-

ment to be inappropriate for placement in other licensed facilities due to the complex needs that result in behavioral and security issues. For the purposes of this chapter, an enhanced services facility is not an evaluation and treatment facility certified under chapter 71.05 RCW.

(v) "Private alcoholism hospital" means an institution, facility, building, or equivalent designed, organized, maintained, or operated to provide diagnosis, treatment, and care of individuals demonstrating signs or symptoms of alcoholism, including the complications of associated substance use and other medical diseases that can be appropriately treated and cared for in the facility and providing accommodations, medical services, or other necessary services over a continuous period of twenty-four hours or more for two or more individuals unrelated to the operator, provided that this chapter will not apply to any facility, agency, or other entity which is owned and operated by a public or governmental body.

(vi) "Private psychiatric hospital" means a privately owned and operated establishment or institution which: Provides accommodations and services over a continuous period of twenty-four hours or more, and is expressly and exclusively for observing, diagnosing, or caring for two or more individuals with signs or symptoms of mental illness who are not related to the licensee.

(vii) "Maternity home" means any home, place, hospital, or institution in which facilities are maintained for the care of four or more women, not related by blood or marriage to the operator, during pregnancy or during or within ten days after delivery: Provided, however, that this definition will not apply to any hospital approved by the American College of Surgeons, American Osteopathic Association, or its successor.

(viii) "Birth center" or "childbirth center" means a type of maternity home which is a house, building, or equivalent organized to provide facilities and staff to support a birth service provided that the birth service is limited to low-risk maternal clients during the intrapartum period.

(ix) "Ambulatory surgical facility" means a facility, not a part of a hospital, providing surgical treatment to patients not requiring inpatient care in a hospital.

(x) "Hospice care center" means any building, facility, place, or equivalent, organized, maintained, or operated specifically to provide beds, accommodations, facilities, or services over a continuous period of twenty-four hours or more for palliative care of two or more individuals, not related to the operator, who are diagnosed as being in the latter stages of an advanced disease which is expected to lead to death.

(xi) "Renal hemodialysis clinic" means a facility in a building or part of a building which is approved to furnish the full spectrum of diagnostic, therapeutic, or rehabilitative services required for the care of renal dialysis patients (including inpatient dialysis furnished directly or under arrangement). (NEC: Ambulatory Health Care Occupancy.)

(xii) "Medical, dental, and chiropractic clinic" means any clinic or physicians' office where patients are not regularly kept as bed patients for twenty-four hours or more. Electrical plan review is not required.

(xiii) "Residential treatment facility" means a facility licensed and operated twenty-four hours per day to provide

health care to persons receiving services for a mental disorder or substance abuse.

(xiv) "Group care facility" means a facility other than a foster-family home maintained or operated for the care of a group of children on a twenty-four-hour basis.

Plan review for educational, institutional, or health care facilities/buildings.

(2) Plan review is a part of the electrical inspection process; its primary purpose is to determine:

- (a) That service/feeder conductors are calculated and sized according to the proper NEC or WAC article or section;
- (b) The classification of hazardous locations; and
- (c) The proper design of emergency and standby systems.

(3) Electrical plan review.

(a) Electrical plan review is not required for:

- (i) Low voltage systems;
- (ii) Lighting specific projects that do not result in an electrical load (~~((reduction on each))~~) increase on any feeder involved in the project;
- (iii) Heating and cooling specific retrofit projects that do not result in an electrical load (~~((reduction on each))~~) increase on any existing feeder involved in the project, provided there is not a corresponding increase in the available fault current in any feeder.

(iv) Stand-alone utility fed services that do not exceed 250 volts, 400 amperes where the project's distribution system does not include:

(A) Emergency systems other than listed unit equipment per NEC 700.12(F);

(B) An essential electrical system defined in NEC 517.2; or

(C) A required fire pump system.

(v) Modifications to existing electrical installations where all of the following conditions are met:

(A) Service or distribution equipment involved is rated not more than 400 amperes and does not exceed 250 volts or for lighting circuits not exceeding 277 volts to ground;

(B) Does not involve emergency systems other than listed unit equipment per NEC 700.12(F);

(C) Does not involve branch circuits or feeders of an essential electrical system as defined in NEC 517.2; and

(D) Service or feeder loads (~~((calculations))~~) are not increased by (~~((5% or less))~~) more than 5% of the rated capacity of the electrical equipment supplying the modified load(s).

(vi) Electric power production source(s) such as solar photovoltaic, fuel cell, or wind electric system(s) with a total rating of 9600 watts or less.

(vii) For installations in (a)(ii), (iii), and (v) of this subsection to be considered, the following must be available to the electrical inspector before the work is initiated:

(A) A clear and adequate description of the project's scope;

(B) A load calculation(s);

(C) What the load changes are, providing both before and after panel schedules as needed; and

(D) Provide information showing that the service and feeder(s) supplying the panel(s) where the work is taking

place has adequate capacity for any increased load and has code compliant overcurrent protection for that supply.

(b) Electrical plan review is required for all other new or altered electrical projects in educational, institutional, or health care occupancies defined in this chapter.

(c) If a review is required, the electrical plan must be submitted for review and approval before the electrical work is begun.

(d) Electrical plans.

(i) The plan must be submitted for plan review prior to beginning any electrical inspection. If a plan is rejected during the plan review process, no electrical inspection(s) may proceed until the plan is resubmitted and a conditional acceptance is granted.

(ii) The submitted plan will receive a preliminary review within seven business days after receipt by the department or city authorized to do electrical inspections.

(iii) If the submitted plan:

(A) Is rejected at the preliminary review, no inspection(s) will be made on the project.

(B) Receives conditional acceptance, the permit holder may request a preliminary inspection(s) in writing to the department or city authorized to do electrical inspections. The request must note that the preliminary inspection(s) is conditional and subject to any alterations required from the final plan review process.

(iv) Once the submitted plan has preliminary plan review approval, a copy of the submitted plan must be available on the job site for use by the electrical inspector.

(v) The final approved plan must be available on the job site, for use by the electrical inspector, after it is approved, but no later than prior to the final electrical inspection.

(vi) If the final approved plan requires changes from the conditionally accepted plan, alterations to the project may be required to make the project comply with the approved plan.

(vii) If the installer deviates from the service/feeder design shown on the final approved plan, a supplemental plan must be submitted for review before inspection can proceed. Load reductions or moving branch circuit locations within a panelboard do not require resubmission.

(e) All electrical plans for educational facilities, hospitals, and nursing homes must be prepared by, or under the direction of, a consulting engineer registered under chapter 18.43 RCW, and chapters 246-320, 180-29, and 388-97 WAC and stamped with the engineer's mark and signature.

(f) Refer plans for review to the Electrical Section, Department of Labor and Industries, P.O. Box 44460, Olympia, Washington 98504-4460 or the city authorized to do electrical inspections.

(g) Plans for projects within cities that perform electrical inspections must be submitted to that city for review.

(h) Plans to be reviewed must be legible, identify the name and classification of the facility, clearly indicate the scope and nature of the installation and the person or firm responsible for the electrical plans. The plans must clearly show the electrical installation or alteration in floor plan view, include all switchboard and panelboard schedules and when a service or feeder is to be installed or altered, must include a riser diagram, load calculation, fault current calculation, and interrupting rating of equipment. Where existing

electrical systems are to supply additional loads, the plans must include documentation that proves adequate capacity and ratings. The plans must be submitted with a plan review submittal form available from the department or city authorized to do electrical inspections. Fees must be calculated based on the date the plans are received by the department or city authorized to do electrical inspections.

(i) The department may perform the plan review for new or altered electrical installations of other types of construction when the owner or electrical contractor makes a voluntary request for review. A city authorized to do electrical inspections may require a plan review of any electrical system.

(j) For existing structures where additions or alterations to feeders and services are proposed, NEC 220.87(1) may be used. If NEC 220.87(1) is used, the following is required:

(i) The date of the measurements.

(ii) A statement attesting to the validity of the demand data, signed by a professional electrical engineer or the electrical administrator of the electrical contractor performing the work.

(iii) A diagram of the electrical system identifying the point(s) of measurement.

(iv) Building demand measured continuously on the highest-loaded phase of the feeder or service over a thirty-day period, with the demand peak clearly identified. Demand peak is defined as the maximum average demand over a fifteen-minute interval.

Notes to Tables 900-1 and 900-2.
1. A city authorized to do electrical inspections may require plan review on facility types not reviewed by the department.

**Table 900-1
Health or Personal Care Facilities**

Health or Personal Care Facility Type	Plan Review Required
Hospital	Yes
Nursing home unit or long-term care unit	Yes
Boarding home	Yes
Assisted living facility	Yes
Private alcoholism hospital	Yes
Private psychiatric hospital	Yes
Maternity home	Yes
Ambulatory surgery facility	Yes
Renal hemodialysis clinic	Yes
Residential treatment facility	Yes
Enhanced service facility	Yes
Adult residential rehabilitation center	Yes

Table 900-2

Educational and Institutional Facilities, Places of Assembly, or Other Facilities

Educational, Institutional, or Other Facility Types	Plan Review Required
Educational	Yes
Institutional	Yes

AMENDATORY SECTION (Amending WSR 17-12-021, filed 5/30/17, effective 7/1/17)

WAC 296-46B-901 General—Electrical work permits and fees.

General.

(1) When an electrical work permit is required by chapter 19.28 RCW or this chapter, inspections may not be made, equipment must not be energized, or services connected unless:

(a) A valid electrical work permit is obtained and posted per subsection (5) of this section;

(b) The classification or type of facility to be inspected and the exact scope and location of the electrical work to be performed are clearly shown on the electrical work permit;

(c) The address where the inspection is to be made is clearly identifiable from the street, road or highway that serves the premises; and

(d) Driving directions are provided for the inspectors' use.

(2) Except as allowed for annual permits and two-family dwellings, an electrical work permit is valid for only one specific job site address.

Permit - Responsibility for.

(3) Each person, firm, partnership, corporation, or other entity must furnish a valid electrical work permit for the installation, alteration, or other electrical work performed or to be performed solely by that entity. When the original purchaser is replaced, another entity may request, in writing, written approval from the chief electrical inspector to take responsibility for the work of the original installing entity under the original permit. If permission is not granted the entity must obtain a new permit for the remaining work.

Two or more entities may never work under the same permit. Each electrical work permit application must be signed by the electrical contractor's administrator (or designee) or the person, or authorized representative of the firm, partnership, corporation, or other entity that is performing the electrical installation or alteration. Permits purchased electronically do not require a handwritten signature. An entity designated to sign electrical permits must provide written authorization of the purchaser's designation when requested by the department or city that is authorized to do electrical inspections.

(4) Permits to be obtained by customers. Whenever a serving electrical utility performs work for a customer under one of the exemptions in WAC 296-46B-925 and the work is subject to inspection, the customer is responsible for obtaining all required permits.

(5) Except as allowed for Class B permits, where an electrical work permit is required, the work permit must be obtained and posted at the job site or the electrical work permit number must be conspicuously posted and identified as the electrical work permit number on or adjacent to the electrical service or feeder panel supplying power to the work prior to beginning any electrical work and at all times until the electrical inspection process is completed.

Exceptions:

(a) For an owner, an electrical work permit for emergency like-in-kind repairs to an existing electrical system(s) must be obtained no later than the next business day after the work is begun.

(b) For an electrical contractor, in a city's jurisdiction where the city is authorized to do electrical inspections and does not have a provisional permit system, an electrical work permit for emergency like-in-kind repairs to an existing electrical system(s) must be obtained and posted, per the city's requirements at the job site no later than the next business day after the work is begun.

(6) Fees must be paid in accordance with the inspection fee schedule in Part C of this chapter. The amount of the fee due is calculated based on the fee effective at the date payment is made. If the project is required to have an electrical plan review, the plan review fees will be based on the fees effective at the date the plans are received by the department for review. In a city where the department is doing inspections as the city's contractor, a supplemental fee may apply.

Permit - Requirements for.

(7) As required by chapter 19.28 RCW or this chapter, an electrical work permit is required for the installation, alteration, or maintenance of all electrical systems or equipment except for:

(a) Travel trailers;

(b) Class A basic electrical work which includes:

(i) The **like-in-kind replacement** of lamps; a single set of fuses; a single battery smaller than 150 amp hour; contactors, relays, timers, starters, circuit boards, or similar control components; one household appliance; circuit breakers; single-family residential luminaires; a maximum of five snap switches, dimmers, receptacle outlets, thermostats, heating elements, luminaire ballasts or drivers/power supplies for single LED luminaires with an exact same ballast or driver/power supply; component(s) of electric signs, outline lighting, or skeleton neon tubing when replaced on-site by an appropriate electrical contractor and when the sign, outline lighting or skeleton neon tubing electrical system is not modified; one ten horsepower or smaller motor.

For the purposes of this section, "circuit breaker" means a circuit breaker that is used to provide overcurrent protection only for a branch circuit, as defined in NEC 100.

(ii) Induction detection loops described in WAC 296-46B-300(2) and used to control gate access devices;

(iii) Heat cable repair; and

(iv) Embedding premanufactured heat mats in tile grout where the mat is listed by an approved testing laboratory and comes from the manufacturer with preconnected lead-in conductors. All listing marks and lead-in conductor labels must be left intact and visible for evaluation and inspection by the installing electrician and the electrical inspector.

(v) The disconnection of electrical circuits from their overcurrent protection device for the specific purpose of removing the electrical wiring or equipment for disposal.

Unless specifically noted, the exemptions listed do not include: The replacement of an equipment unit, assembly, or enclosure that contains an exempted component or combination of components (e.g., an electrical furnace/heat pump, industrial milling machine, etc.) or any appliance/equipment described in this section for Class B permits.

In the department's jurisdiction, a provisional electrical work permit label may be posted in lieu of an electrical work permit. If a provisional electrical work permit label is used, an electrical work permit must be obtained within two working days after posting the provisional electrical work permit label. See WAC 296-46B-907(2) for provisional label requirements.

(c) The following types of systems and circuits are considered exempt from the requirements for licensing and permitting described in chapter 19.28 RCW. The electrical failure of these systems does not inherently or functionally compromise safety to life or property.

(i) Low-voltage thermocouple derived circuits;

(ii) Low-voltage circuits for residential garage doors and built-in ((residential)) vacuum systems;

(iii) Low-voltage circuits for underground: Landscape sprinkler systems(;

~~(iv) Low voltage circuits for underground landscape lighting; and~~

~~(v) Low-voltage circuits for residential garage doors)),~~ landscape lighting, and antennas for wireless animal containment fences.

For these types of systems and circuits to be considered exempt, the following conditions must be met:

(A) The power supplying the installation must be derived from a listed Class 2 power supply;

(B) The installation and termination of line voltage equipment and conductors supplying these systems is performed by appropriately licensed and certified electrical contractors and electricians;

(C) The conductors of these systems do not pass through fire-rated walls, fire-rated ceilings or fire-rated floors in other than residential units; and

(D) Conductors or luminaires are not installed in installations covered by the scope of Article 680 NEC (swimming pools, fountains, and similar installations).

(8) An electrical work permit is required for all installations of telecommunications systems on the customer side of the network demarcation point for projects greater than ten telecommunications outlets. All backbone installations regardless of size and all telecommunications cable or equipment installations involving penetrations of fire barriers or passing through hazardous locations require permits and inspections. For the purposes of determining the inspection threshold for telecommunications projects greater than ten outlets, the following will apply:

(a) An outlet is the combination of jacks and mounting hardware for those jacks, along with the associated cable and telecommunications closet terminations, that serve one workstation. In counting outlets to determine the inspection threshold, one outlet must not be associated with more than

six standard four-pair cables or more than one twenty-five-pair cable. Therefore, installations of greater than sixty standard four-pair cables or ten standard twenty-five-pair cables require permits and inspections. (It is not the intent of the statute to allow large masses of cables to be run to workstations or spaces serving telecommunications equipment without inspection. Proper cable support and proper loading of building structural elements are safety concerns. When considering total associated cables, the telecommunications availability at one workstation may count as more than one outlet.)

(b) The installation of greater than ten outlets and the associated cables along any horizontal pathway from a telecommunications closet to work areas during any continuous ninety-day period requires a permit and inspection.

(c) All telecommunications installations within the residential dwelling units of single-family, duplex, and multi-family dwellings do not require permits or inspections. In residential multifamily dwellings, permits and inspections are required for all backbone installations, all fire barrier penetrations, and installations of greater than ten outlets in common areas.

(d) No permits or inspections are required for installation or replacement of cord and plug connected telecommunications equipment or for patch cord and jumper cross-connected equipment.

(e) Definitions of telecommunications technical terms will come from chapter 19.28 RCW, this chapter, TIA/EIA standards, and NEC.

Inspection and approval.

(9) Requests for inspections.

(a) Requests for inspections must be made no later than three working days after an entity completes its electrical/telecommunications installation or one working day after any part of the installation has been energized, whichever occurs first.

(b) Requests for after hours, weekend inspections, or temporary installations that will be energized for less than 48 hours must be made by contacting the local electrical inspection supervisor at least three working days prior to the requested date of inspection. The portal-to-portal inspection fees required for after hours or weekend inspections are in addition to the cost of the original electrical work permit.

(c) Inspections for annual electrical maintenance permits and annual telecommunications permits may be done on a regular schedule arranged by the permit holder with the department.

(10) Inspections will not be made until all permit fees are paid in full.

Permit - Duration/refunds.

(11) Electrical work permits will expire one year after the date of purchase unless permission is granted by the chief electrical inspector or when the permit is closed or completed by the inspector. Refunds are not available for:

(a) Expired electrical work permits;

(b) Electrical work permit fee items, within the department's jurisdiction, where the electrical installation has begun or an inspection requested for that work; or

(c) The first twenty-five dollars of each permit purchase - Application fee.

All refund requests must be made using the Request for Refund application form.

Permit - Annual telecommunications.

(12) The chief electrical inspector or city that is authorized to do electrical inspections can allow annual permits for the inspection of telecommunications installations to be purchased by a building owner or licensed electrical/telecommunications contractor. The owner's full-time telecommunications maintenance staff, or a licensed electrical/telecommunications contractor(s) can perform the work done under this annual permit. The permit holder is responsible for correcting all installation deficiencies. The permit holder must make available, to the electrical inspector, all records of all the telecommunications work performed and the valid electrical or telecommunications contractor's license numbers for all contractors working under the permit. Upon request, the chief electrical inspector may allow the annual permit to be used for multiple worksites or addresses.

Permit - Annual electrical.

(13) The chief electrical inspector or city that is authorized to do electrical inspections can allow annual permits for the inspection of electrical installations to be purchased by a building owner or licensed electrical contractor. This type of permit is available for commercial/industrial locations employing a full-time electrical maintenance staff or having a yearly maintenance contract with a licensed electrical contractor. Upon request, the chief electrical inspector may allow the annual permit to be used for multiple worksites or addresses.

The permit holder is responsible for correcting all installation deficiencies. The permit holder must make available, to the electrical inspector, all records of all electrical work performed.

This type of electrical permit may be used for retrofit, replacement, maintenance, repair, upgrade, and alterations to electrical systems at a plant or building location. This type of permit does not include new or increased service or new square footage.

Permit - Temporary construction project installations.

(14) For temporary electrical installations, the department will consider a permit applicant to be the owner per RCW 19.28.261 under the conditions below:

Any person, firm, partnership, corporation, or other entity registered as a general contractor under chapter 18.27 RCW will be permitted to install a single electrical service per address for the purposes of temporary power during the construction phase of a project, when all of the following conditions are met:

(a) The installation is limited to the mounting and bracing of a preassembled pole or pedestal mounted service, the installation of a ground rod or ground plate, and the connection of the grounding electrode conductor to the ground rod or plate;

(b) The total service size does not exceed 200 amperes, 250 volts nominal;

(c) The service supplies no feeders;

(d) Branch circuits not exceeding 50 amperes each are permitted, provided such branch circuits supply only recepta-

cles that are either part of the service equipment or are mounted on the same pole;

(e) The general contractor owns the electrical equipment;

(f) The general contractor has been hired by the property owner as the general contractor for the project;

(g) The general contractor must purchase an electrical work permit for the temporary service, request inspection, and obtain approval prior to energizing the service.

Posting of corrections.

(15) Electrical installations found to be not in compliance with approved standards must be corrected within fifteen calendar days of notification by the department as required in RCW 19.28.101(3). The notifications will be posted electronically on the electrical permit inspection results. A printed copy of the correction notification will be posted by the inspector at the job site for permits not purchased electronically.

AMENDATORY SECTION (Amending WSR 16-23-139, filed 11/22/16, effective 1/1/17)

WAC 296-46B-906 Inspection fees. To calculate inspection fees, the amperage is based on the conductor ampacity or the overcurrent device rating. The total fee must not be less than the number of progress inspection (one-half hour) units times the progress inspection fee rate from subsection (8) of this section, PROGRESS INSPECTIONS.

The amount of the fee due is calculated based on the fee effective at the date of a department assessed fee (e.g., plan review or fee due) or when the electrical permit is purchased.

(1) **Residential.**

(a) **Single- and two-family residential (New Construction).**

Notes:

- (1) Square footage is the area included within the surrounding exterior walls of a building exclusive of any interior courts. (This includes any floor area in an attached garage, basement, or unfinished living space.)
- (2) "Inspected with the service" means that a separate service inspection fee is included on the same electrical work permit.
- (3) "Inspected at the same time" means all wiring is to be ready for inspection during the initial inspection trip.
- (4) An "outbuilding" is a structure that serves a direct accessory function to the residence, such as a pump house or storage building. Outbuilding does not include buildings used for commercial type occupancies or additional dwelling occupancies.

(i) First 1300 sq. ft.	\$94.20
Each additional 500 sq. ft. or portion of	\$30.10
(ii) Each outbuilding or detached garage - Inspected at the same time as a dwelling unit on the property	\$39.20
(iii) Each outbuilding or detached garage - Inspected separately	\$62.00
(iv) Each swimming pool - Inspected with the service	\$62.00
(v) Each swimming pool - Inspected separately	\$94.20
(vi) Each hot tub, spa, or sauna - Inspected with the service	\$39.20
(vii) Each hot tub, spa, or sauna - Inspected separately	\$62.00
(viii) Each septic pumping system - Inspected with the service	\$39.20
(ix) Each septic pumping system - Inspected separately	\$62.00

(b) **Multifamily residential and miscellaneous residential structures, services and feeders (New Construction).**

Each service and/or feeder

Ampacity	Service/Feeder	Additional Feeder
0 to 200	\$101.60	\$30.10
201 to 400	\$126.30	\$62.00
401 to 600	\$173.50	\$86.30
601 to 800	\$222.70	\$118.60
801 and over	\$317.60	\$238.20

(c) **Single or multifamily altered services or feeders including circuits.**

(i) Each altered service and/or altered feeder

Ampacity	Service/Feeder
0 to 200	\$86.30
201 to 600	\$126.30
601 and over	\$190.40

(ii) Maintenance or repair of a meter or mast (no alterations to the service or feeder) \$46.70

(d) **Single or multifamily residential circuits only (no service inspection).**

Note:

Altered or added circuit fees are calculated per panelboard. Total cost of the alterations in an individual panel should not exceed the cost of a complete altered service or feeder of the same rating, as shown in subsection (1) RESIDENTIAL (c) (table) of this section.

- (i) 1 to 4 circuits (see note above) \$62.00
- (ii) Each additional circuit (see note above) \$6.60

(e) **Mobile homes(±) and modular homes(~~±~~, ~~mobile home parks, and RV parks~~).**

- (i) Mobile home or modular home service or feeder only \$62.00
- (ii) Mobile home service and feeder \$101.60

(f) **Mobile home park sites and RV park sites.**

Note:

For master service installations, see subsection (2) COMMERCIAL/INDUSTRIAL of this section.

- (i) First site service or site feeder \$62.00
- (ii) Each additional site service; or additional site feeder inspected at the same time as the first service or feeder \$39.20

(2) **Commercial/industrial.**

(a) **New service or feeder, and additional new feeders inspected at the same time (includes circuits).**

Note:

For large COMMERCIAL/INDUSTRIAL projects that include multiple feeders, "inspected at the same time" can be interpreted to include additional inspection trips for a single project. The additional inspections must be for electrical work specified on the permit at the time of purchase. The permit fee for such projects must be calculated using this section. However, the total fee must not be less than the number of progress inspection (one-half hour) units times the progress inspection fee rate from subsection (8) PROGRESS INSPECTIONS of this section.

Ampacity	Service/Feeder	Additional Feeder
0 to 100	\$101.60	\$62.00
101 to 200	\$123.70	\$79.00
201 to 400	\$238.20	\$94.20
401 to 600	\$277.60	\$110.80

Ampacity	Service/Feeder	Additional Feeder
601 to 800	\$359.10	\$151.00
801 to 1000	\$438.40	\$182.70
1001 and over	\$478.30	\$255.00

(b) Altered services/feeders (no circuits).

(i) Service/feeder

Ampacity	Service/Feeder
0 to 200	\$101.60
201 to 600	\$238.20
601 to 1000	\$359.10
1001 and over	\$398.90

(ii) Maintenance or repair of a meter or mast (no alterations to the service or feeder) \$86.30

(c) Circuits only.

Note:

Altered/added circuit fees are calculated per panelboard. Total cost of the alterations in a panel (or panels) should not exceed the cost of a new feeder (or feeders) of the same rating, as shown in subsection (2) COMMERCIAL/INDUSTRIAL (2)(a)(table) above.

- (i) First 5 circuits per branch circuit panel \$79.00
- (ii) Each additional circuit per branch circuit panel \$6.60
- (d) **Over 600 volts surcharge per permit.** \$79.00

(3) Temporary service(s).

Notes:

- (1) See WAC 296-46B-590 for information about temporary installations.
- (2) Temporary stage or concert inspections requested outside of normal business hours will be subject to the portal-to-portal hourly fees in subsection (11) OTHER INSPECTIONS. The fee for such after hours inspections will be the greater of the fee from this subsection or the portal-to-portal fee.

Temporary services, temporary stage or concert productions.

Ampacity	Service/Feeder	Additional Feeder
0 to 60	\$54.30	\$27.80
61 to 100	\$62.00	\$30.10
101 to 200	\$79.00	\$39.20
201 to 400	\$94.20	\$46.80
401 to 600	\$126.30	\$62.00
601 and over	\$143.30	\$71.30

(4) Irrigation machines, pumps, and equipment.

Irrigation machines.

- (a) Each tower - When inspected at the same time as a service and feeder from (2) COMMERCIAL/INDUSTRIAL \$6.60
- (b) Towers - When not inspected at the same time as a service and feeder - 1 to 6 towers \$94.20
- (c) Each additional tower \$6.60

(5) Miscellaneous - Commercial/industrial and residential.

(a) **A Class 2 low-voltage thermostat** and its associated cable controlling a single piece of utilization equipment or a single furnace and air conditioner combination.

- (i) First thermostat \$46.80
- (ii) Each additional thermostat inspected at the same time as the first \$14.50

(b) Class 2 or 3 low-voltage systems and telecommunications systems. Includes all telecommunications installations, fire alarm, nurse call, energy management control systems, industrial and automation control systems, lighting control systems, and similar Class 2 or 3 low-energy circuits and equipment not included in WAC 296-46B-908 for Class B work.

- (i) First 2500 sq. ft. or less \$54.30
- (ii) Each additional 2500 sq. ft. or portion thereof \$14.50

(c) Signs and outline lighting.

- (i) First sign (no service included) \$46.80
- (ii) Each additional sign inspected at the same time on the same building or structure \$22.10

(d) Berth at a marina or dock.

Note:

Five berths or more will be permitted to have the inspection fees based on appropriate service and feeder fees from section (2) COMMERCIAL/INDUSTRIAL above.

- (i) Berth at a marina or dock \$62.00
- (ii) Each additional berth inspected at the same time \$39.20

(e) Yard pole, pedestal, or other meter loops only.

- (i) Yard pole, pedestal, or other meter loops only \$62.00
- (ii) Meters installed remote from the service equipment and inspected at the same time as a service, temporary service or other installations \$14.50

(f) Inspection appointment requested for outside of normal working hours.

Regular fee plus surcharge of: \$118.60

(g) Generators.

Note:

Permanently installed generators: Refer to the appropriate residential or commercial new/altered service or feeder section.

Portable generators: Permanently installed transfer equipment for portable generators \$86.30

(h) Electrical - Annual permit fee.

Note:

See WAC 296-46B-901(13).

For commercial/industrial location employing full-time electrical maintenance staff or having a yearly maintenance contract with a licensed electrical contractor. Note, all yearly maintenance contracts must detail the number of contractor electricians necessary to complete the work required under the contract. This number will be used as a basis for calculating the appropriate fee. Each inspection is based on a 2-hour maximum.

	Inspections	Fee
1 to 3 plant electricians	12	\$2,284.20
4 to 6 plant electricians	24	\$4,571.00
7 to 12 plant electricians	36	\$6,856.20
13 to 25 plant electricians	52	\$9,143.00
More than 25 plant electricians	52	\$11,429.80

(i) Telecommunications - Annual permit fee.

Notes:

- (1) See WAC 296-46B-901(12).
- (2) Annual inspection time required may be estimated by the purchaser at the rate for "OTHER INSPECTIONS" in this section, charged portal-to-portal per hour.

For commercial/industrial location employing full-time telecommunications maintenance staff or having a yearly maintenance contract with a licensed electrical/telecommunications contractor.

2-hour minimum \$188.80

Each additional hour, or portion thereof, of portal-to-portal inspection time	\$94.20
(j) Permit requiring ditch cover inspection only.	
Each 1/2 hour, or portion thereof	\$46.80
(k) Cover inspection for elevator/conveyance installation. This item is only available to a licensed/registered elevator contractor.	
(6) Carnival inspections.	
(a) First carnival field inspection each calendar year.	
(i) Each ride and generator truck	\$22.10
(ii) Each remote distribution equipment, concession, or gaming show	\$6.60
(iii) If the calculated fee for first carnival field inspection above is less than \$100.50, the minimum inspection fee will be:	\$118.60
(b) Subsequent carnival inspections.	
(i) First ten rides, concessions, generators, remote distribution equipment, or gaming show	\$118.60
(ii) Each additional ride, concession, generator, remote distribution equipment, or gaming show	\$6.60
(c) Concession(s) or ride(s) not part of a carnival.	
(i) First field inspection each year of a single concession or ride, not part of a carnival	\$94.20
(ii) Subsequent inspection of a single concession or ride, not part of a carnival	\$62.00
(7) Trip fees.	
(a) Requests by property owners to inspect existing installations. (This fee includes a maximum of one hour of inspection time. All inspection time exceeding one hour will be charged at the rate for progressive inspections.)	\$94.20
(b) Submitter notifies the department that work is ready for inspection when it is not ready.	\$46.80
(c) Additional inspection required because submitter has provided the wrong address or incomplete, improper or illegible directions for the site of the inspection.	\$46.80
(d) More than one additional inspection required to inspect corrections; or for repeated neglect, carelessness, or improperly installed electrical work.	\$46.80
(e) Each trip necessary to remove a noncompliance notice.	\$46.80
(f) Corrections that have not been made in the prescribed time, unless an exception has been requested and granted.	\$46.80
(g) Installations that are covered or concealed before inspection.	\$46.80
(8) Progress inspections.	
Note:	
The fees calculated in subsections (1) through (6) of this section will apply to all electrical work. This section will be applied to a permit where the permit holder has requested additional inspections beyond the number supported by the permit fee calculated at the rate in subsections (1) through (6) of this section.	
On partial or progress inspections, each 1/2 hour.	\$46.80
(9) Plan review.	
(a) Plan review fee is 35% of the electrical work permit fee as determined by WAC 296-46B-906.	35%
(b) Plan review submission fee .	\$79.00

(c) Supplemental submissions of plans per hour or fraction of an hour of review time.	\$94.20
(d) Plan review handling fee.	\$22.10
(10) Out-of-state inspections.	
(a) Permit fees will be charged according to the fees listed in this section.	
(b) Travel expenses:	
All travel expenses and per diem for out-of-state inspections are billed following completion of each inspection(s). These expenses can include, but are not limited to: Inspector's travel time, travel cost and per diem at the state rate. Travel time is hourly based on the rate in subsection (11) of this section.	
(11) Other inspections.	
Inspections not covered by above inspection fees must be charged portal-to-portal per hour:	\$94.20
(12) Variance request processing fee.	
Variance request processing fee. This fee is nonrefundable once the transaction has been validated.	\$94.20
(13) Class B basic electrical work labels.	
(a) Block of twenty Class B basic electrical work labels (not refundable).	\$258.70
(b) Reinspection of Class B basic electrical work to assure that corrections have been made (per 1/2 hour timed from leaving the previous inspection until the reinspection is completed). See WAC 296-46B-908(5).	\$46.80
(c) Reinspection of Class B basic electrical work because of a failed inspection of another Class B label (per 1/2 hour from previous inspection until the reinspection is completed). See WAC 296-46B-908(5).	\$46.80
(14) Provisional electrical work permit labels.	
Block of twenty provisional electrical work permit labels.	\$258.70

AMENDATORY SECTION (Amending WSR 17-12-021, filed 5/30/17, effective 7/1/17)

WAC 296-46B-908 Class B permits.

Class B electrical work permit - Use.

(1) The Class B basic electrical random inspection process (Class B process) may only be used by:

(a) Licensed electrical/telecommunication contractors; or

(b) Health care, commercial, or industrial facilities using an employee(s) who is an appropriately certified electrician(s) after requesting, in writing, and receiving permission from the chief electrical inspector.

Each entity doing work must use a separate label.

(2) The Class B random inspection process is only available if the label is validated and the label or label number is posted before beginning the work.

(a) For Class B labels obtained after February 28, 2013:

(i) Prior to, or immediately upon posting the Class B label/number, the purchaser must use the department's online Class B system to enter the job site information for an unused Class B label obtained by the purchaser. If the posting occurs on a weekend or a federal/state holiday, the purchaser must use the online system to enter the information no later than the first business day after posting the label/number;

(ii) The person identified as the installer on the Class B label must post the Class B label or label number, in a conspicuous permanent manner, at the:

(A) Main service/feeder location supplying the structure or system; or

(B) Purchaser's equipment, or on the equipment conductors if the equipment is not in place.

(iii) The Class B label is valid immediately upon the purchaser completing the job site information in the department's online Class B system, and posting of the Class B label or label number per (a)(ii) of this subsection.

(b) For Class B labels obtained before March 1, 2013:

(i) The purchaser must fully enter the job site information on the job site and contractor portions of the Class B label.

(ii) The person identified as the installer on the Class B label must post the completed job site copy, in a conspicuous permanent manner, at the:

(A) Main service/feeder location supplying the structure or system;

(B) Purchaser's equipment, or on the conductors if the equipment is not available.

(iii) The purchaser must return the contractor copy to the Department of Labor and Industries, Electrical Section, Chief Electrical Inspector, P.O. Box 44460, Olympia, WA 98504-4460 within fifteen working days after the job site portion of the Class B installation label is affixed.

(iv) The Class B label is valid immediately upon posting on the job site.

(3) Class B labels will be sold in blocks and are non-refundable and nontransferable.

(4) Class B label installations will be inspected on a random basis as determined by the department.

(5) A progress inspection fee is required for any inspection required when a correction(s) is issued as a result of the inspection of a Class B label.

(6) Any entity using the Class B process may be audited for compliance with the provisions for purchasing, inspection, reporting of installations, and any other requirement of usage.

(7) A separate label is required for each line item listed below in subsection (10) of this section. For example, if the work includes an item under subsection (10)(a) and (b)(i) of this section, two labels are required.

(8) An entity using a Class B basic inspection label is restricted to using no more than two labels per week per job site.

(9) All Class B work must be completed within fifteen days after the label is validated. If the work is not completed, another Class B may be posted.

Except that, in a one- or two-family residential structure, a label is valid for ninety days after the label is validated, so long as all work described on the label is performed by the purchaser.

(10) Class B work includes the following:

(a) Extension of not more than one branch electrical circuit limited to 120 volts and 20 amps each where:

(i) No cover inspection is necessary. For the purposes of this section, cover inspection does not include work covered

by any surface that may be removed for inspection without damaging the surface; and

(ii) The extension does not supply more than two outlets as defined by the NEC.

(b) Single like-in-kind replacement of:

(i) A motor larger than 10 horsepower; or

(ii) The internal wiring of a furnace, air conditioner, refrigeration unit or household appliance; or

(iii) An electric/gas/oil furnace not exceeding 240 volts and 100 amps and associated Class 2 low voltage wiring (i.e., altered and/or new low-voltage control wiring from the furnace to an existing and/or new thermostat, heat pump, air conditioner, condenser, etc.), when the furnace is connected to an existing branch circuit. For the purposes of this section, a boiler is not a furnace; or

(iv) An individually controlled electric room heater (e.g., baseboard, wall, fan forced air, etc.), air conditioning unit, heat pump unit, or refrigeration unit not exceeding 240 volts, 40 minimum circuit amps and associated Class 2 low voltage wiring when the unit is connected to an existing branch circuit; or

(v) Circuit modification required to install not more than five residential load control devices in a residence where installed as part of an energy conservation program sponsored by an electrical utility and where the circuit does not exceed 240 volts and 40 amps; or

(vi) A single, line-voltage flexible supply whip associated with (b)(i), (iii), or (iv) of this subsection, not over 6 feet in length, provided there are no modifications to the branch circuit/feeder load being supplied by the whip. May be done on the same Class B label with the replacement unit if done at the same time.

(c) The following low voltage systems:

(i) Repair and replacement of devices not exceeding 100 volt-amperes in Class 2, Class 3, or power limited low voltage systems in one- and two-family dwellings; or

(ii) Repair and replacement of devices not exceeding 100 volt-amperes in Class 2, Class 3, or power limited low voltage systems in other buildings, provided the equipment is not for fire alarm or nurse call systems and is not located in an area classified as hazardous by the NEC; or

(iii) The installation of Class 2 or 3 device(s) or wiring for thermostat, audio, security, burglar alarm, intercom, amplified sound, public address, or access control systems where the installation does not exceed twenty devices or five thousand square feet. This does not include fire alarm, nurse call, lighting control, industrial automation/control or energy management systems; or

(iv) Telecommunications cabling and equipment requiring inspection in RCW 19.28.470 where the installation does not exceed twenty devices or five thousand square feet;

(d) The replacement of not more than ten standard receptacles with GFCI or AFCI receptacles;

(e) The conversion of not more than ten snap switches to dimmers or occupancy sensors for the use of controlling a luminaire(s) conversion;

(f) The like-in-kind replacement of a maximum of twenty: Paddle fans, luminaires not exceeding 277 volts and 20 amperes; snap switches, dimmers, receptacle outlets, line voltage thermostats, heating elements, luminaire ballasts, or drivers/power supplies for single LED luminaires;

(g) The replacement of not more than two luminaires with paddle fans if a listed fan box has been previously installed to support the luminaires;

(h) The replacement of not more than four batteries rated not larger than 150 amp hours each that supply power to a single unit of equipment (e.g., uninterruptible power supply, photovoltaic storage system, control panel, etc.);

(i) The installation or repair of equipment powered by a stand-alone solar photovoltaic source where the:

(i) Electrical equipment requires no field assembly except for the attachment and electrical connection of the solar photovoltaic source to the equipment, the installation and attachment to a grounding electrode, and the placement of the equipment on a pad, pole, or other structure;

(ii) Solar photovoltaic source and the equipment operates at less than 15 volts DC;

(iii) Solar photovoltaic source is the only source of external power; and

(iv) Equipment and the solar photovoltaic source are appropriately labeled as a single unit. The label must be by an approved electrical testing laboratory or for equipment used for traffic control labeled according to WAC 296-46B-010(21).

(j) The installation or replacement of a single electric sign on an existing single 120-volt, 20-amp maximum branch circuit.

(11) Class B basic electrical work does not include any work in:

(a) Areas classified as Class I, Class II, Class III, or Zone locations per NEC 500; or

(b) Areas regulated by NEC 517 or 680; or

(c) Any work where electrical plan review is required; or

(d) Fire alarm, nurse call, lighting control, industrial automation/control or energy management systems.

AMENDATORY SECTION (Amending WSR 16-23-139, filed 11/22/16, effective 1/1/17)

WAC 296-46B-909 Electrical/telecommunications contractor's license, administrator certificate and examination, master electrician certificate and examination, electrician certificate and examination, copy, and miscellaneous fees.

- Notes:**
- (1) The department will deny renewal of a license, certificate, or permit if an individual owes money as a result of an outstanding final judgment(s) to the department or is in revoked status. The department will deny application of a license, certificate, or permit if an individual is in suspended status or owes money as a result of an outstanding final judgment(s) to the electrical program.
 - (2) Certificates may be prorated for shorter renewal periods in one-year increments. Each year or part of a year will be calculated to be one year.
 - (3) The amount of the fee due is calculated based on the fee effective at the date payment is made.

(1) General or specialty contractor's license per twenty-four month period. (Nonrefundable after license has been issued.)	
(a) Initial application or renewal made in person, by mail, or by fax	\$277.60
(b) Renewal fully completed using the online web process	\$240.10
(c) Reinstatement of a general or specialty contractor's license after a suspension	\$56.20
(2) Master electrician/administrator/electrician/trainee certificate.	
(a) Examination application (nonrefundable)	
Administrator certificate examination application. (Required only for department administered examinations.) (Not required when testing with the department's contractor.)	\$34.70
(b) Examination fees (nonrefundable)	
Note:	
Normal examination administration is performed by a state authorized contractor. The fees for such examinations are set by contract with the department. For written examinations administered by the department, use the following fee schedule.	
(i) Master electrician or administrator first-time examination fee (when administered by the department)	\$83.80
(ii) Master electrician or administrator retest examination fee (when administered by the department)	\$98.20
(iii) Journey level or specialty electrician examination fee (first test or retest when administered by the department)	\$63.10
(iv) Certification examination review fee	\$129.90
(c) Original certificates (nonrefundable after certificate has been issued)	
(i) Electrical administrator original certificate (except 09 telecommunication)	\$125.60
(ii) Telecommunications administrator original certificate (for 09 telecommunications)	\$83.50
(iii) Master electrician exam application (includes original certificate and application processing fee) (\$34.70 is non-refundable after application is submitted)	\$160.60
(iv) Journey level ((09)), specialty, or reciprocal electrician application (includes original certificate and application processing fee) (\$34.70 is nonrefundable after application is submitted)	\$90.00
(v) Training certificate	
(A) Initial application made in person, by mail, or by fax	\$44.10
(B) Initial application fully completed online using the online web process	\$37.90
(C) 0% supervision modified training certificate. Includes trainee update of hours (i.e., submission of affidavit of experience) (\$53.40 is nonrefundable after application is submitted)	\$80.30
(D) 75% supervision modified training certificate.	\$53.40
(E) Unsupervised training certificate as allowed by RCW 19.28.161 (4)(b).	\$26.40
(d) Certificate renewal (nonrefundable)	
(i) Master electrician or administrator certificate renewal	
(A) Renewal made in person, by mail, or by fax	\$158.70
(B) Renewal fully completed using the online web process	\$137.90
(ii) Telecommunications (09) administrator certificate renewal	

(A) Renewal made in person, by mail, or by fax	\$105.70
(B) Renewal fully completed using the online web process	\$91.20
(iii) Late renewal of master electrician or administrator certificate	
(A) Renewal made in person, by mail, or by fax	\$317.50
(B) Renewal fully completed using the online web process	\$275.90
(iv) Late renewal of telecommunications (09) administrator certificate	
(A) Renewal made in person, by mail, or by fax	\$211.60
(B) Renewal fully completed using the online web process	\$182.50
(v) Journey level or specialty electrician certificate renewal	
(A) Renewal made in person, by mail, or by fax	\$83.50
(B) Renewal fully completed using the online web process	\$72.70
(vi) Late renewal of journey level or specialty electrician certificate	
(A) Renewal made in person, by mail, or by fax	\$167.20
(B) Renewal fully completed using the online web process	\$145.50
(vii) Trainee update of hours ((outside of renewal period (i.e., submission of affidavit of experience outside of the timeline in WAC 296-46B-942 (8)(d))) submitted more than 30 days after expiration of a training certificate	\$53.40
(viii) Trainee certificate renewal	
(A) Renewal made in person, by mail, or by fax	\$53.40
(B) Renewal fully completed using the online web process when the affidavit of experience is submitted per WAC 296-46B-942 (8)(d)	\$46.60
(ix) Late trainee certificate renewal	
(A) Renewal made in person, by mail, or by fax	\$74.90
(B) Renewal fully completed using the online web process	\$65.20
(e) Certificate - Reinstatement (nonrefundable)	
(i) Reinstatement of a suspended master electrician or administrator's certificate (in addition to normal renewal fee)	\$56.20
(ii) Reinstatement of suspended journey level, or specialty electrician certificate (in addition to normal renewal fee)	\$26.40
(f) Assignment/unassignment of master electrician/administrator designation (nonrefundable)	\$41.60
(3) Certificate/license.	
(a) Replacement for lost or damaged certificate/license. (Nonrefundable.)	\$18.20
(b) Optional display quality General Master Electrician certificate.	\$29.60
(4) Continuing education courses or instructors. (Non-refundable.)	
(a) If the course or instructor review is performed by the electrical board or the department	
The course or instructor review	\$53.50
(b) If the course or instructor review is contracted out by the electrical board or the department	
(i) Continuing education course or instructor submittal and approval (per course or instructor)	As set in contract
(ii) Applicant's request for review, by the chief electrical inspector, of the contractor's denial	\$130.20
(5) Copy fees. (Nonrefundable.)	
(a) Certified copy of each document (maximum charge per file):	\$59.10

(i) First page:	\$26.40
(ii) Each additional page:	\$2.10
(b) RCW or WAC printed document:	\$5.80
(6) Training school program review fees. Initial training school program review fee. (Nonrefundable.)	
(a) Initial training school program review fee submitted for approval. Valid for three years or until significant changes in program content or course length are implemented (see WAC 296-46B-971(4)).	\$615.30
(b) Renewal of training school program review fee submitted for renewal. Valid for 3 years or until significant changes in program content or course length are implemented (see WAC 296-46B-971(4)).	\$307.60

AMENDATORY SECTION (Amending WSR 17-12-021, filed 5/30/17, effective 7/1/17)

WAC 296-46B-915 Civil penalty schedule.

Notes: Each day that a violation occurs on a job site may be a separate offense.
Once a violation of chapter 19.28 RCW or chapter 296-46B WAC becomes a final judgment, any additional violation within three years becomes a "second" or "additional" offense subject to an increased penalty as set forth in the following tables.

In case of serious noncompliance or a serious violation of the provisions of chapter 19.28 RCW or as described in WAC 296-46B-990, the department may double the penalty amount, up to ten thousand dollars shown in subsections (1) through (13) of this section.

A person, firm, partnership, corporation or other entity who violates a provision of chapter 19.28 RCW or chapter 296-46B WAC is liable for a civil penalty based upon the following schedule.

(1) Offering to perform, submitting a bid for, advertising, installing or maintaining cables, conductors or equipment:

- (a) That convey or utilize electrical current without having a valid electrical contractor's license; or
- (b) Used for information generation, processing, or transporting of signals optically or electronically in telecommunications systems without having a valid telecommunications contractor's license.

First offense:	\$(500) 1,000
Second offense:	\$(1,500) 2,000
Third offense:	\$3,000
Each offense thereafter:	\$(6,000) 10,000

(2) Employing an individual for the purposes of chapter 19.28 RCW who does not possess a valid certificate of competency or training certificate to do electrical work.

First offense:	\$250
Each offense thereafter:	\$500

(3) Performing electrical work without having a valid certificate of competency or electrical training certificate.

(a) Failing to visibly display a certificate (must possess a valid, active certificate).	
First offense:	\$50
Each offense thereafter:	\$100

(b) Performing electrical work while not possessing a valid certificate or working outside the scope of a certificate.

First offense:	\$250
Each offense thereafter:	\$500

(4) Employing electricians and electrical trainees for the purposes of chapter 19.28 RCW in an improper ratio. Contractors found to have violated this section three times in a three-year period must be the subject of an electrical audit in accordance with WAC 296-46B-975.

First offense:	\$250
Each offense thereafter:	\$500

(5) Failing to provide proper supervision to an electrical trainee as required by chapter 19.28 RCW. Contractors found to have violated this section three times in a three-year period must be the subject of an electrical audit in accordance with WAC 296-46B-975.

First offense:	\$250
Each offense thereafter:	\$500

(6) Working as an electrical trainee without proper supervision as required by chapter 19.28 RCW.

First offense:	\$50
Second offense:	\$250
Each offense thereafter:	\$500

(7) Offering, bidding, advertising, or performing electrical or telecommunications installations, alterations or maintenance outside the scope of the firm's specialty electrical or telecommunications contractors license.

First offense:	\$500
Second offense:	\$1,500
Third offense:	\$3,000
Each offense thereafter:	\$6,000

(8) Selling or exchanging electrical equipment associated with spas, hot tubs, swimming pools or hydromassage bathtubs which are not listed by an approved laboratory.

First offense:	\$500
Second offense:	\$1,000
Each offense thereafter:	\$2,000

Definition:

The sale or exchange of electrical equipment associated with hot tubs, spas, swimming pools or hydromassage bathtubs includes to: "Sell, offer for sale, advertise, display for sale, dispose of by way of gift, loan, rental, lease, premium, barter or exchange."

(9) Covering or concealing installations prior to inspection.

First offense:	\$250
Second offense:	\$1,000
Each offense thereafter:	\$2,000

(10) Failing to make corrections within fifteen days of notification by the department.

Exception:

Where an extension has been requested and granted, this penalty applies to corrections not completed within the extended time period.

First offense:	\$250
Second offense:	\$1,000
Each offense thereafter:	\$2,000

(11) Failing to get an inspection or obtain an electrical/telecommunications work permit or post a provisional electrical work permit label prior to beginning the electrical/telecommunications installation or alteration.

Exception:

In cases of emergency repairs, for owners, to existing electrical/telecommunications systems, this penalty will not be charged if the permit is obtained and posted no later than the business day following beginning work on the emergency repair.

(a) Standard/provisional permit offenses:

First offense:	\$250
Second offense:	\$1,000
Each offense thereafter:	\$2,000

(b) Class B offenses:

Failure to post a Class B label or number for Class B eligible work:

First offense:	\$100
Second offense:	\$250
Each offense thereafter:	\$1,000

(c) For other Class B offenses:

First offense:	\$100
Second offense:	\$250
Each offense thereafter:	\$1,000

(12) Violating chapter 19.28 RCW duties of the electrical/telecommunications administrator or master electrician.

(a) Failing to be a member of the firm or a supervisory employee and must be available during working hours to carry out the duties of an administrator or master electrician.

First offense:	\$1,000
Second offense:	\$1,500
Each offense thereafter:	\$3,000

(b) Failing to ensure that all electrical work complies with the electrical installation laws and rules of the state.

First offense:	\$100
Second offense:	\$250
Third offense:	\$1,000
Each offense thereafter:	\$3,000

(c) Failing to ensure that the proper electrical safety procedures are used.

First offense:	\$500
Second offense:	\$1,500
Each offense thereafter:	\$3,000

(d) Failing to ensure that inspections are obtained and that all electrical labels, permits, and certificates required to perform electrical work are used.

Standard/provisional permit offenses:

First offense:	\$250
Each offense thereafter:	\$500

Class B offenses:

First offense:	\$100
Second offense:	\$250
Each offense thereafter:	\$1,000

(e) Failing to ensure that all electrical licenses, required to perform electrical work are used (i.e., work performed must be in the allowed scope of work for the contractor).

First offense:	\$500
Second offense:	\$1,500
Third offense:	\$3,000
Each offense thereafter:	\$6,000

(f) Failing to see that corrective notices issued by an inspecting authority are complied with within fifteen days.

Exception: Where an extension has been requested and granted, this penalty applies to corrections not completed within the extended time period.

First offense:	\$250
Second offense:	\$1,000
Each offense thereafter:	\$2,000

(g) Failing to notify the department in writing within ten days if the master electrician or administrator terminates the relationship with the electrical contractor.

First offense:	\$500
Second offense:	\$1,000
Each offense thereafter:	\$3,000

(13) Causing or failing to correct a serious violation.

A serious violation is a violation of chapter 19.28 RCW or 296-46B WAC that creates a hazard of fire or a danger to life safety.

First offense:	\$1,000
Second offense:	\$3,000
Each offense thereafter:	\$5,000

(14) Violating any of the provisions of chapter 19.28 RCW or chapter 296-46B WAC which are not identified in subsections (1) through (12) of this section.

(a) RCW 19.28.161 through 19.28.271 and the rules developed pursuant to them.

First offense:	\$250
Each offense thereafter:	\$500

(b) All other chapter 19.28 RCW provisions and the rules developed pursuant to them.

First offense:	\$250
Second offense:	\$750
Each offense thereafter:	\$2,000

AMENDATORY SECTION (Amending WSR 18-03-158, filed 1/23/18, effective 2/23/18)

WAC 296-46B-920 Electrical/telecommunications license/certificate types and scope of work. (1) **General electrical (01):** A general electrical license and/or certificate encompasses all phases and all types of electrical and telecommunications installations and minor plumbing under RCW 18.106.150. For the purposes of RCW 18.106.150, the like-in-kind replacement includes the appliance or any component part of the appliance (e.g., such as, but not limited to, the thermostat in a water heater).

Specialties.

(2) All specialties listed in this subsection may perform the electrical work described within their specific specialty as allowed by the occupancy and location described within the specialty's scope of work. Except for residential (02), the scope of work for these specialties does not include plumbing work regulated under chapter 18.106 RCW. See RCW 18.106.150 for plumbing exceptions for the residential (02) specialty. For the purposes of RCW 18.106.150, the like-in-kind replacement includes the appliance or any component part of the appliance (e.g., such as, but not limited to, the thermostat in a water heater). **Specialty** (limited) electrical licenses and/or certificates are as follows:

(a) **Residential (02):** Limited to the telecommunications, low voltage, and line voltage wiring of one- and two-family dwellings, or multifamily dwellings of types III, IV or

V construction when there are not more than six stories of multifamily dwellings of types III, IV or V construction above grade or above types I or II construction. All wiring is limited to nonmetallic sheathed cable, except for services and/or feeders, exposed installations where physical protection is required, and for wiring buried below grade.

(i) This specialty also includes the wiring for ancillary structures such as, but not limited to: Appliances, equipment, swimming pools, septic pumping systems, domestic water systems, limited energy systems (e.g., doorbells, intercoms, fire alarm, burglar alarm, energy control, HVAC/refrigeration, etc.), multifamily complex offices/garages, site lighting when supplied from the residence or ancillary structure, and other structures directly associated with the functionality of the residential units.

(ii) This specialty does not include wiring of:

(A) Any portion of any occupancy of types I or II construction; or

(B) Occupancies defined in WAC 296-46B-900(1), or commercial occupancies such as: Motels, hotels, offices, assisted living facilities, or stores; or

(C) Services, generators, HVAC/refrigeration equipment, fire pumps or other equipment that serve other than one- and two-family dwellings, or multifamily dwellings of types III, IV, or V construction or ancillary structures; or

(D) Interconnected electric power production sources not connected to equipment that supplies one- and two-family dwellings, or multifamily dwellings of types III, IV or V construction, or ancillary structures; or

(E) Any portion of wiring for conveyances regulated under chapter 70.87 RCW serving more than one residential dwelling unit.

(iii) For the purposes of this section, classification of types of construction are as determined by the local building official.

(iv) See RCW 18.106.150 for plumbing exceptions for the residential (02) specialty.

(b) **Pump and irrigation (03):** Limited to the electrical connection of circuits, feeders, controls, low voltage, related telecommunications, and services to supply: Domestic water systems and public water systems include but are not limited to pumps, pressurization, filtration, treatment, or other equipment and controls, and irrigation water pumps, circular irrigating system's pumps and pump houses.

This specialty may also perform the work defined in (c) of this subsection.

Also see RCW 18.106.010 (10)(c).

(c) **Domestic pump (03A):** Limited to the extension of a branch circuit, which is supplied and installed by others, to signaling circuits, motor control circuits, motor control devices, and pumps which do not exceed 7 1/2 horsepower at 250 volts AC single phase input power, regardless of motor controller output or motor voltage/phase, used in residential potable water or residential sewage disposal systems. Domestic water systems and public water systems include but are not limited to pumps, pressurization, filtration, treatment, or other equipment and controls.

Also see RCW 18.106.010 (10)(c).

(d) **Signs (04):** Limited to placement and connection of signs and outline lighting, the electrical supply, related tele-

communications, controls and associated circuit extensions thereto; and the installation of a maximum 60 ampere, 120/240 volt single phase service to supply power to a remote sign only. This specialty may service, maintain, repair, or install retrofit kits within housings of existing exterior luminaires that are mounted on a pole or other structure with like-in-kind or retrofit kit components.

(i) Electrical licensing/certification is not required to:

(A) Clean the nonelectrical parts of an electric sign;

(B) Form or pour a concrete pole base used to support a sign;

(C) Operate machinery used to assist an electrician in mounting an electric sign or sign supporting pole; or

(D) Assemble the structural parts of a billboard.

(ii) Electrical licensing/certification is required to:

Install, modify, or maintain a sign, sign supporting pole, sign face, sign ballast, lamp socket, lamp holder, disconnect switch, or any other part of a listed electric sign.

(e) **Limited energy system (06):** Limited to the installation of signaling and power limited circuits and related equipment. This specialty is restricted to low-voltage circuits. This specialty includes the installation of telecommunications, HVAC/refrigeration low-voltage wiring, fire protection signaling systems, intrusion alarms, energy management and control systems, industrial and automation control systems, lighting control systems, commercial and residential amplified sound, public address systems, and such similar low-energy circuits and equipment in all occupancies and locations.

(i) For the purposes of this section, when a line voltage connection is removed and reconnected to a replacement component located inside the control cabinet, the replacement must be like-in-kind or replaced using the equipment manufacturer's authorized replacement component. The line voltage circuit is limited to 120 volts 20 amps maximum and must have a means of disconnect.

(ii) The limited energy systems (06) specialty may repair or replace line voltage connections terminated inside the cabinet to power supplies internal to the low voltage equipment provided there are no modifications to the characteristics of the branch circuit/feeder load being supplied by the circuit.

(iii) The limited energy systems (06) specialty may not replace or modify the line voltage circuit or cabling or alter the means of connection of the line voltage circuit to the power supply or to the control cabinet.

Limited energy electrical contractors may perform all telecommunications work under their specialty (06) electrical license and administrator's certificate.

(f) **HVAC/refrigeration systems:**

(i) See WAC 296-46B-100 for specific HVAC/refrigeration definitions.

(ii) For the purposes of this section when a component is replaced, the replacement must be like-in-kind or made using the equipment manufacturer's authorized replacement component.

(iii) The HVAC/refrigeration specialties described in (f)(v) and (vi) of this subsection may:

(A) Install HVAC/refrigeration: Telecommunications, Class 2 low-voltage control circuit wiring/components in all residential occupancies;

(B) Install, repair, replace, and maintain line voltage components within HVAC/refrigeration equipment. Such line voltage components include product illumination luminaires installed within and powered from the HVAC/refrigeration system (e.g., reach-in beverage coolers, frozen food cases, produce cases, etc.) and new or replaced factory authorized accessories such as internally mounted outlets;

(C) Repair, replace, or maintain the internal components of the HVAC/refrigeration equipment disconnecting means or controller so long as the disconnecting means or controller is not located within a motor control center or panelboard;

(D) Install, repair, replace, and maintain short sections of raceway to provide physical protection for low-voltage cables. For the purposes of this section a short section cannot mechanically interconnect two devices, junction boxes, or other equipment or components; and

(E) Repair, replace, or maintain line voltage flexible supply whips not over six feet in length, provided there are no modifications to the characteristics of the branch circuit/feeder load being supplied by the whip. There is no limitation on the whip raceway method (e.g., metallic replaced by non-metallic).

(iv) The HVAC/refrigeration specialties described in (f)(v) and (vi) of this subsection may not:

(A) Install line voltage controllers or disconnect switches external to HVAC/refrigeration equipment;

Exception: If HVAC/R equipment is being replaced, this specialty may remove and replace a disconnecting means enclosure mounted on the surface of the HVAC/R equipment with a like-in-kind disconnecting means enclosure rated not more than 20 amperes and 120 volts using the existing wiring method. When performing this work, this specialty may install up to ten feet of raceway to provide physical protection for nonmetallic cables, but the raceway may not terminate in a panelboard.

(B) Install, repair, replace, or maintain:

- Integrated building control systems, other than HVAC/refrigeration systems;

- Single stand-alone line voltage equipment or components (e.g., heat cable, wall heaters, radiant panel heaters, baseboard heaters, contactors, motor starters, and similar equipment) unless the equipment or component:

Is exclusively controlled by the HVAC/refrigeration system and requires the additional external connection to a mechanical system(s) (e.g., connection to water piping, gas piping, refrigerant system, ducting for the HVAC/refrigeration system, gas fireplace flume, ventilating systems, etc. (i.e., as in the ducting connection to a bathroom fan)). The external connection of the equipment/component to the mechanical system must be required as an integral component allowing the operation of the HVAC/refrigeration system; or

Contains a HVAC/refrigeration mechanical system(s) (e.g., water piping, gas piping, refrigerant system, etc.) within the equipment (e.g., "through-the-wall" air conditioning units, self-contained refrigeration equipment, etc.);

- Luminaires that serve as a building or structure lighting source, even if mechanically connected to a HVAC/refrigeration system (e.g., troffer luminaire used as a return air

device, lighting within a walk-in cooler/freezer used for personnel illumination);

- Raceway/conduit systems;
- Line voltage: Service, feeder, or branch circuit conductors. However, if a structure's feeder/branch circuit supplies HVAC/refrigeration equipment containing a supplementary overcurrent protection device(s), this specialty may install the conductors from the supplementary overcurrent device(s) to the supplemental HVAC/refrigeration equipment if the supplementary overcurrent device and the HVAC/refrigeration equipment being supplied are located within sight of each other; or

- Panelboards, switchboards, or motor control centers external to HVAC/refrigeration system.

(v) HVAC/refrigeration **(06A)**:

(A) This specialty is not limited by voltage, phase, or amperage.

(B) No unsupervised electrical trainee can install, repair, replace, or maintain any part of a HVAC/refrigeration system that contains any circuit rated over 600 volts whether the circuit is energized or deenergized.

(C) This specialty may:

- Install HVAC/refrigeration: Telecommunications, Class 2 low-voltage control circuit wiring/components in other than residential occupancies:

That have no more than three stories on/above grade; or

Regardless of the number of stories above grade if the installation:

- Does not pass between stories;
- Is made in a previously occupied and wired space; and
- Is restricted to the HVAC/refrigeration system;
- Repair, replace, and maintain HVAC/refrigeration:

Telecommunications, Class 2 low-voltage control circuit wiring/components in all occupancies regardless of the number of stories on/above grade.

- Install a bonding conductor for metal gas piping to an existing accessible grounding electrode conductor or grounding electrode only when terminations can be made external to electrical panelboards, switchboards, or other distribution equipment.

(D) This specialty may not install, repair, replace, or maintain: Any electrical wiring governed under article(s) 500, 501, 502, 503, 504, 505, 510, 511, 513, 514, 515, or 516 NEC (i.e., classified locations) located outside the HVAC/refrigeration equipment.

(vi) HVAC/refrigeration - Restricted **(06B)**:

(A) This specialty may not perform any electrical work where the primary electrical power connection to the HVAC/refrigeration system exceeds: 250 volts, single phase, or 120 amps.

(B) This specialty may install, repair, replace, or maintain HVAC/refrigeration: Telecommunications, Class 2 low-voltage control circuit wiring/components in other than residential occupancies that have no more than three stories on/above grade.

(C) This specialty may not install, repair, replace, or maintain:

- The allowed telecommunications/low-voltage HVAC/refrigeration wiring in a conduit/raceway system; or

- Any electrical work governed under article(s) 500, 501, 502, 503, 504, 505, 510, 511, 513, 514, 515, or 516 NEC (i.e., classified locations).

(g) **Nonresidential maintenance (07)**: Limited to maintenance, repair and replacement of like-in-kind existing electrical equipment and conductors. This specialty does not include maintenance activities in residential dwellings defined in (a) of this subsection for the purposes of accumulating training experience toward qualification for the residential **(02)** specialty electrician examination.

(i) This specialty includes the installation and connections of temporary conductors and equipment for the purpose of load testing, not to exceed 600 volts.

(ii) This specialty may perform the work defined in (h), (i), (j), (k), and (l) of this subsection.

(h) **Nonresidential lighting maintenance and lighting retrofit (07A)**: Limited to working within the housing of existing nonresidential luminaires for work related to repair, service, maintenance of luminaires and installation of energy efficiency lighting retrofit upgrades. This specialty includes replacement of lamps, ballasts, sockets and the installation of listed lighting retrofit reflectors and kits. All work is limited to the luminaire body, except remote located ballasts may be replaced or retrofitted with approved products. This specialty does not include installing new luminaires or branch circuits; moving or relocating existing luminaires; or altering existing branch circuits.

(i) **Residential maintenance (07B)**: This specialty is limited to residential dwellings as defined in WAC 296-46B-920 (2)(a), multistory dwelling structures with no commercial facilities, and the interior of dwelling units in multistory structures with commercial facilities. This specialty may maintain, repair, or replace (like-in-kind) existing electrical utilization equipment, and all permit exempted work as defined in WAC 296-46B-901.

This specialty is limited to equipment and circuits to a maximum of 250 volts, 60 amperes, and single phase maximum.

This specialty may disconnect and reconnect low-voltage control and line voltage supply whips not over six feet in length provided there are no modifications to the characteristics of the branch circuit or whip.

For the purpose of this specialty, "electrical equipment" does not include electrical conductors, raceway or conduit systems external to the equipment or whip. This specialty cannot perform any plumbing work regulated under chapter 18.106 RCW.

(j) **Restricted nonresidential maintenance (07C)**: This specialty may maintain, repair, or replace (like-in-kind) existing electrical utilization equipment, and all permit exempted work as defined in WAC 296-46B-901 except for the replacement or repair of circuit breakers.

This specialty is limited to equipment and circuits to a maximum of 277 volts and 20 amperes for lighting branch circuits only and/or maximum 250 volts and 60 amperes for other circuits.

The replacement of luminaires is limited to in-place replacement required by failure of the luminaire to operate. Luminaires installed in suspended lay-in tile ceilings may be relocated providing: The original field installed luminaire

supply whip is not extended or relocated to a new supply point; or if a manufactured wiring assembly supplies luminaire power, a luminaire may be relocated no more than eight feet providing the manufactured wiring assembly circuiting is not changed.

This specialty may disconnect and reconnect low-voltage control and line voltage supply whips not over six feet in length provided there are no modifications to the characteristics of the branch circuit. For the purpose of this specialty, "electrical equipment" does not include electrical conductors, raceway or conduit systems external to the equipment or whip.

This specialty may perform the work defined in (h) and (i) of this subsection.

This specialty cannot perform any work governed under Article(s) 500, 501, 502, 503, 504, 505, 510, 511, 513, 514, 515, or 516 NEC (i.e., classified locations). This specialty cannot perform any plumbing work regulated under chapter 18.106 RCW.

(k) **Appliance repair (07D):** Servicing, maintaining, repairing, or replacing household appliances, small commercial/industrial appliances, and other small electrical utilization equipment.

(i) For the purposes of this subsection:

(A) The appliance or electrical utilization equipment must be self-contained and built to standardized sizes or types. The appliance/equipment must be connected as a single unit to a single source of electrical power limited to a maximum of 250 volts, 60 amperes, single phase.

(B) Appliances and electrical utilization equipment include, but are not limited to: Ovens, office equipment, vehicle repair equipment, commercial kitchen equipment, self-contained hot tubs and spas, grinders, and scales.

(C) Appliances and utilization equipment do not include systems and equipment such as: Alarm/energy management/similar systems, luminaires, furnaces/heaters/air conditioners/heat pumps, sewage disposal equipment, door/gate/similar equipment, or individual components installed so as to create a system (e.g., pumps, switches, controllers, etc.).

(ii) This specialty includes:

(A) The in-place like-in-kind replacement of the appliance or equipment if the same unmodified electrical circuit is used to supply the equipment being replaced. This specialty also includes the like-in-kind replacement of electrical components within the appliance or equipment;

(B) The disconnection and reconnection of low-voltage control and line voltage supply whips not over six feet in length provided there are no modifications to the characteristics of the branch circuit; and

(C) The installation of an outlet box and outlet at an existing appliance or equipment location when converting the appliance from a permanent electrical connection to a plug and cord connection. Other than the installation of the outlet box and outlet, there can be no modification to the existing branch circuit supplying the appliance or equipment.

(iii) This specialty does not include:

(A) The installation, repair, or modification of branch circuits conductors, services, feeders, panelboards, disconnect switches, or raceway/conductor systems interconnecting

multiple appliances, equipment, or other electrical components.

(B) Any work governed under Article(s) 500, 501, 502, 503, 504, 505, 510, 511, 513, 514, 515, or 516 NEC (i.e., classified locations).

(C) Any plumbing work regulated under chapter 18.106 RCW.

(l) **Equipment repair (07E):** Servicing, maintaining, repairing, or replacing utilization equipment.

See RCW 19.28.095 for the equipment repair scope of work and definitions. This specialty cannot perform any plumbing work regulated under chapter 18.106 RCW.

(m) **Telecommunications (09):** Limited to the installation, maintenance, and testing of telecommunications systems, equipment, and associated hardware, pathway systems, and cable management systems.

(i) This specialty includes:

(A) Installation of open wiring systems of telecommunications cables.

(B) Surface nonmetallic raceways designated and used exclusively for telecommunications.

(C) Optical fiber innerduct raceway.

(D) Underground raceways designated and used exclusively for telecommunications and installed for additions or extensions to existing telecommunications systems not to exceed fifty feet inside the building.

(E) Incidental short sections of circular or surface metal raceway, not to exceed ten feet, for access or protection of telecommunications cabling and installation of cable trays and ladder racks in telecommunications service entrance rooms, spaces, or closets.

(F) Audio or paging systems where the amplification is integrated into the telephone system equipment.

(G) Audio or paging systems where the amplification is provided by equipment listed as an accessory to the telephone system equipment and requires the telephone system for the audio or paging system to function.

(H) Closed circuit video monitoring systems if there is no integration of line or low-voltage controls for cameras and equipment. Remote controlled cameras and equipment are considered (intrusion) security systems and must be installed by appropriately licensed electrical contractors and certified electricians.

(I) Customer satellite and conventional antenna systems receiving a telecommunications service provider's signal. All receiving equipment is on the customer side of the telecommunications network demarcation point.

(ii) This specialty does not include horizontal cabling used for fire protection signaling systems, intrusion alarms, access control systems, patient monitoring systems, energy management control systems, industrial and automation control systems, HVAC/refrigeration control systems, lighting control systems, and stand-alone amplified sound or public address systems. Telecommunications systems may interface with other building signal systems including security, alarms, and energy management at cross-connection junctions within telecommunications closets or at extended points of demarcation. Telecommunications systems do not include the installation or termination of premises line voltage service, feeder, or branch circuit conductors or equipment. Horizontal

cabling for a telecommunications outlet, necessary to interface with any of these systems outside of a telecommunications closet, is the work of the telecommunications contractor.

(n) **Door, gate, and similar systems (10):** This specialty may install, service, maintain, repair, or replace door/gate/similar systems electrical operator wiring and equipment.

(i) For the purposes of this subsection, door/gate/similar systems electrical operator systems include electric gates, doors, windows, awnings, movable partitions, curtains and similar systems. These systems include, but are not limited to: Electric gate/door/similar systems operators, control push buttons, key switches, key pads, pull cords, air and electric treadle, air and electric sensing edges, coil cords, take-up reels, clocks, photo electric cells, loop detectors, motion detectors, remote radio and receivers, antenna, timers, lock-out switches, stand-alone release device with smoke detection, strobe light, annunciator, control panels, wiring and termination of conductors.

(ii) This specialty includes:

(A) Low-voltage, NEC Class 2, door/gate/similar systems electrical operator systems where the door/gate/similar systems electrical operator system is not connected to other systems.

(B) Branch circuits originating in a listed door/gate/similar systems electric operator control panel that supplies only door/gate/similar systems system components providing: The branch circuit does not exceed 600 volts, 20 amperes and the component is within sight of the listed door/gate/similar systems electric operator control panel.

(C) Reconnection of line voltage power to a listed door/gate/similar systems electric operator control panel is permitted provided:

- There are no modifications to the characteristics of the branch circuit/feeder;
- The circuit/feeder does not exceed 600 volts, 20 amperes; and
- The conductor or conduit extending from the branch circuit/feeder disconnecting means or junction box does not exceed six feet in length.

(iii) This specialty does not include any work governed under Article(s) 500, 501, 502, 503, 504, 505, 510, 511, 513, 514, 515, or 516 NEC (i.e., classified locations). This specialty may not install, repair, or replace branch circuit (line voltage) conductors, services, feeders, panelboards, or disconnect switches supplying the door/gate/similar systems electric operator control panel.

(3) A specialty electrical contractor, other than the (06) limited energy specialty electrical contractor, may only perform telecommunications work within the equipment or occupancy limitations of their specialty electrical contractor's license. Any other telecommunications work requires a telecommunications contractor's license.

AMENDATORY SECTION (Amending WSR 17-12-021, filed 5/30/17, effective 7/1/17)

WAC 296-46B-925 Electrical/telecommunications contractor's license.

General.

(1) The department will issue an electrical/telecommunications contractor's license that will expire twenty-four months following the date of issue to a person, firm, partnership, corporation or other entity that complies with requirements for such license in chapter 19.28 RCW. An electrical/telecommunications contractor's license will not be issued to or renewed for a person, firm, or partnership unless the Social Security number, date of birth, and legal address of each member(s) (see WAC 296-46B-100 definition for member), are submitted with the application. The department may issue an electrical/telecommunications contractor's license for a period greater or less than twenty-four months for the purpose of equalizing the number of electrical contractor's licenses that expire each month. The department may prorate the electrical/telecommunications contractor's license fee according to the license period.

The applicant, upon application and renewal, must provide the department with the Social Security number, date of birth, and legal address of each member(s).

(2) Combination specialty contractor's license. The department may issue a combination specialty contractor's license to a firm that qualifies for more than one specialty electrical contractor's license. The assigned administrator must be certified in all specialties applicable to the combination specialty contractor's license. The license will plainly indicate the specialty licenses' codes included in the combination license. An administrator assigned to a telecommunications contractor must be certified as a telecommunications administrator. A combination license will not be issued for telecommunications (09).

(3) See RCW 19.28.041(7) for a contractor doing domestic pumping work as defined in RCW 18.106.010 (10)(c).

(4) The department may deny application, renewal, change of assignment of administrator/master electrician, reinstatement, or issuance of an electrical/telecommunications contractor's license if a firm, an owner, partner, member, or corporate officer owes money as a result of an outstanding final judgment(s) under chapter 19.28 RCW.

Electrical/telecommunications contractor bond, cash or securities deposit.

(5) Bond, cash, or securities deposit.

(a) The electrical/telecommunications contractor may furnish the department with a cash or security deposit to meet the bond requirements in lieu of posting a bond. A cash or security deposit assigned to the department for bond requirements will be held in place for one year after the contractor's license is expired, revoked, or the owner notifies the department in writing that the company is no longer doing business in the state of Washington as an electrical/telecommunications contractor. Upon written request, the cash or security deposit will then be released by the department providing there is no pending legal action against the contractor under chapter 19.28 RCW of which the department has been notified.

(b) See RCW 19.28.041(7) for a contractor doing domestic pumping work as defined in RCW 18.106.010 (10)(c).

Telecommunications contractor insurance.

(6) To obtain a telecommunications contractor's license, the applicant must provide the department with an original

certificate of insurance naming the department of labor and industries, electrical section as the certificate holder. Insurance coverage must be no less than twenty thousand dollars for injury or damages to property, fifty thousand dollars for injury or damage including death to any one person, and one hundred thousand dollars for injury or damage including death to more than one person. The insurance will be considered a continuing obligation unless canceled by the insurance company. The insurance company must notify the department in writing ten days prior to the effective date of said cancellation or failure to renew.

(7) The telecommunications contractor may furnish the department with an assigned account to meet the insurance requirements in lieu of a certificate of insurance. An account assigned to the department for insurance requirements will be held in place for three years after the contractor's license is expired, revoked, or the owner notifies the department in writing that the company is no longer doing business in the state of Washington as a telecommunications contractor. Upon written request, the account then will be released by the department providing there is no pending legal action against the contractor under chapter 19.28 RCW of which the department has been notified.

Electrical/telecommunications contractor exemptions.

(8) The following types of systems and circuits are considered exempt from the requirements for licensing and permitting described in chapter 19.28 RCW. The electrical failure of these systems does not inherently or functionally compromise safety to life or property.

Low-voltage thermocouple derived circuits and low-voltage circuits for:

(a) Built-in residential vacuum systems and garage doors; and

(b) Underground; Landscape sprinkler systems((;

~~(c) Underground landscape lighting; and~~

~~(d) Residential garage doors)), landscape lighting, and antennas for wireless animal containment fences.~~

For these types of systems and circuits to be considered exempt, the following conditions must be met:

~~((c))~~ (c) The power supplying the installation must be derived from a listed Class 2 power supply;

~~((d))~~ (d) The installation and termination of line voltage equipment and conductors supplying these systems is performed by appropriately licensed and certified electrical contractors and electricians;

~~((e))~~ (e) The conductors of these systems do not pass through fire-rated walls, fire-rated ceilings or fire-rated floors in other than residential units; and

~~((f))~~ (f) Conductors or luminaires are not installed in installations covered by the scope of Article 680 NEC (swimming pools, fountains, and similar installations).

(9) Firms who clean and/or replace lamps in luminaires are not included in the requirements for licensing in chapter 19.28 RCW. This exemption does not apply to electric signs as defined in the NEC.

(10) Firms who install listed plug and cord connected utilization equipment are not included in the requirements for licensing in chapter 19.28 RCW. The plug and cord must be a single listed unit consisting of a molded plug and cord and not exceeding 250 volt 60 ampere single phase. The plug and

cord can be field installed per the manufacturer's instructions and the product listing requirements. The utilization equipment must be a single manufactured unit, including the plug and cord, that does not require any electrical field assembly except for the installation of the plug and cord and is allowed to be plug and cord connected by the NEC. Firms who perform field electrical servicing, maintaining, or repairing of plug and cord connected utilization equipment other than household appliances are not included in this exemption.

(11) Firms regulated by the Federal Communications Commission or the utilities and transportation commission, supplying telecommunications service to an end-user's property, are not required to be licensed as a telecommunications contractor under chapter 19.28 RCW for telecommunications installations made ahead of the telecommunications network demarcation point.

(12) Unregulated firms, supplying telecommunications service to an end-user's property, are not required to be licensed as a telecommunications contractor under chapter 19.28 RCW for telecommunications installations made ahead of the telecommunications network demarcation point.

(13) Leaseholders. For electrical installations, maintenance, or alterations to existing buildings only, any person, firm, partnership, corporation, or other entity holding a valid, signed lease from the property owner authorizing the leaseholder to perform electrical work, on the property the leaseholder occupies, will be allowed to purchase an electrical permit(s) and do electrical work on or within the property described in the lease. The lessee and/or his or her regularly employed employees must perform the electrical installation, maintenance and alteration.

The lessee who performs the electrical maintenance or installation work must be the sole occupant of the property or space. Property owners or leaseholders cannot perform electrical work on new buildings for rent, sale, or lease, without the proper electrical licensing and certification. For the purposes of this section, electrical work associated with setting a manufactured, mobile, or modular building is considered electrical work on a new building. Refer to RCW 19.28.261 for exemptions from licensing and certification.

(14) Assisting a householder. A friend, neighbor, relative, or other person (including a certified electrician) may assist a householder, at his/her residence in the performance of electrical work on the condition that the householder is present when the work is performed and the person assisting the householder does not accept money or other forms of compensation for the volunteer work. For the purposes of this subsection, a residence is a single-family residence.

(15) Volunteering to do electrical work. There are no exceptions from the electrical contractor's license or electrician certification requirements to allow persons to perform volunteer electrical work for anyone other than a householder or a nonprofit organization as allowed by RCW 19.28.091(7). For the purpose of this section, volunteer means that there is no remuneration or receiving of goods or services in return for electrical installations performed.

(16) Farms or place of business. See RCW 19.28.261 for licensing/certification exemptions allowed for the owner(s) of a farm or other place of business and for the employees of the owner.

(17) The licensing and certification requirements of chapter 19.28 RCW do not apply to persons or firms who remove electrical wiring and/or equipment for the purpose of disposal when all conductors, raceways, and equipment to be disposed of have been physically separated from the source of power by a properly certified electrician employed by a licensed electrical contractor, or person(s) meeting the exemptions listed in RCW 19.28.261. Removal of a component or only a portion of an equipment unit is considered electrical maintenance and does not qualify for this exemption.

Exemptions - Electrical utility and electrical utility's contractor.

(18) Electrical utility exemptions.

(a) Utility system exemption - RCW 19.28.010(1) and 19.28.091(1).

(i) Neither a serving electrical utility nor a contractor or subcontractor employed by the serving electrical utility is required to have an electrical contractor's license for work on the "utility system" or on service connections or on meters or other apparatus used to measure the consumption of electricity.

(ii) Exemption from inspection. The work of a serving electrical utility and its contractor(s) on the work exempted by NEC 90.2 (b)(5), 1981 edition, is not subject to inspection.

(b) Street/area lighting exemption - RCW 19.28.091(2)(a).

(i) On:

(A) Publicly owned streets, parks, athletic/play fields, beaches, and similar areas where the public has general, clear, and unrestricted access; or

(B) Outside area lighting installed on a utility owned pole(s) that is used to support the utility's electric distribution wiring or equipment that supplies a private property owner's property, the serving electrical utility is considered to be an owner and is not required to have an electrical contractor's license or electrical permit to install or work on wiring or equipment, owned by the utility and used in the lighting of those streets/areas.

(ii) On other privately or publicly owned property (e.g., private streets, parking lots, businesses, schools, etc.), the serving utility is not required to have an electrical contractor's license or electrical permit to install or work on outside street/area lighting where the light(s) is supplied directly from the utility system and installed according to the NESC or NEC.

This work is considered to be utility type work.

An electric utility is not allowed to install or work on street/area lighting:

(A) When the area is privately or publicly owned and the public does not have general, clear, and otherwise unrestricted access such as: Industrial property, residential property, or other property where the public's access is restricted in any manner.

(B) Where the lighting is supplied from a source of power derived from a customer-owned electrical system.

(C) Where the lighting or wiring is attached to a building or other customer-owned structure.

(D) If the utility does not directly perform the installation or work, it may only contract the work to an appropriately licensed electrical contractor(s). See RCW 19.28.091(3).

(c) Customer-owned equipment exemption - RCW 19.28.091 (2)(b). A serving electrical utility is not required to have an electrical contractor's license to work on electrical equipment owned by a commercial, industrial, or public institution customer if:

(i) The utility has not solicited such work; and

(ii) Such equipment:

(A) Is located outside a building or structure; and

(B) The work performed is ahead of the secondary side of the customer's transformer(s) which supplies power at the customer's utilization voltage.

If the utility does not directly perform the installation or work, it may only contract the work to an appropriately licensed electrical contractor(s). See RCW 19.28.091(3).

This work is considered to be utility type work.

The owner will provide the electrical work permit and be responsible for requesting inspections and for ensuring the work is installed per chapter 19.28 RCW and this chapter.

Exemptions - Electrical utility telecommunications transition equipment installations, maintenance and repair.

(19) No license, inspection or other permit will be required by the department of any electric utility or, of any person, firm, partnership or corporation or other entity employed or retained by an electric utility or its contractor, because of work in connection with the installation, maintenance, or repair of telecommunications transition equipment located ahead of the utility's telecommunications network demarcation point on the outside of a building or other structure when the work is performed by a qualified person consistent with the requirements of the National Electric Code (NEC) except as provided in (a) and (b) of this subsection:

(a) The following exceptions to the NEC will be permitted:

(i) An additional service disconnect supplying power to the transition equipment can be connected on the supply side of the main service disconnect supplying general power to the building;

(ii) Service entrance disconnects may be separated when clearly labeled;

(iii) The service disconnect used for supplying power to the transition equipment must be connected to the grounding electrode system using:

(A) #8 AWG copper or larger grounding electrode conductor if protected from physical damage; or

(B) #6 AWG copper or larger grounding electrode conductor if not protected from physical damage;

(iv) Use of equipment or materials that have been listed/field evaluated by a recognized independent testing laboratory or the department;

(v) Low-voltage circuits do not require a separate disconnecting means and may be grounded to the transition equipment grounding system;

(vi) Any other variance to the NEC must be approved by the department.

(b) A variance recommended by a joint utility standards group composed of representatives of both public and private utilities or certified by a professional engineer will be

approved by the department unless the recommendation is inconsistent with meeting equivalent objectives for public safety.

(c) For the purposes of this section, a qualified worker is employed by a utility or its contractor and is familiar with the construction or operation of such lines and/or equipment that concerns his/her position and who is proficient with respect to the safety hazards connected therewith, or, one who has passed a journey status examination for the particular branch of the electrical trades with which he/she may be connected or is in a recognized training or apprenticeship course and is supervised by a journey level person.

(d) Although the utility is responsible for inspection and approval of the installation, including the selection of material and equipment, the department reserves the right to audit worker qualifications and inspect such installations semiannually for conformance with the requirements of (a), (b) and (c) of this subsection but will not collect a permit fee for such inspection or audit.

(e) If a utility fails to meet the requirements of this section, the department may require the utility to develop and submit a remedial action plan and schedule to attain compliance with this section which may be enforced by the department.

(f) This exemption will be in addition to any other exemption provided in chapter 19.28 RCW, this chapter or other applicable law.

Exemptions - Independent electrical power production equipment exemption.

(20) An independent electrical power production entity is not required to have an electrical contractor's license to work on electrical equipment used to produce or transmit electrical power if:

(a) The entity is:

(i) The owner or operator of the generating facility is regulated by the Federal Energy Regulatory Commission (FERC);

(ii) A municipal utility, or other form of governmental electric utility, or by an electrical cooperative or mutual corporation; or

(iii) The owner or operator of the generating facility is an independent electrical power producer and the facility generates electrical power only for sale to one or more:

(A) Electrical utilities regulated by FERC, municipal utility, or other form of governmental utility, or to an electric cooperative or mutual corporation; and

(B) The electrical power generated by the facility is not used for self-generation or any other on- or off-site function other than sale to one or more utilities regulated by FERC or by one or more state public utilities commissions, or to a PUD, municipal utility, or other form of governmental electric utility, or to an electric cooperative or mutual corporation.

(b) The entity must supply the chief electrical inspector a valid master business license issued by the department of licensing, state of Washington so that the entity's status as a revenue generating business can be confirmed.

(c) The entity has entered into an agreement to sell electricity to a utility or to a third party; and

(d) The electrical equipment is used to transmit electricity from the terminals of an electrical generating unit located on premises to the point of interconnection with a utility system.

(e) The electrical power production facility's generation capacity exceeds 100 KVA.

(f) Notwithstanding that a generating facility may be granted an exemption pursuant to this section, the facility will be subject to all the requirements of chapter 19.28 RCW if the facility at any time in the future ceases to comply with the requirements for exemption. All site facilities not exclusively and directly required to generate and/or distribute the electrical power generated on the site are subject to all the licensing and inspection requirements of chapter 19.28 RCW. All facility services, feeders, and circuits not exclusively and directly required to generate and/or distribute the electrical power (e.g., lights, outlets, etc.) must comply with all requirements of chapter 19.28 RCW for licensing and inspection. Facility circuits supplied to equipment required for the function of generation equipment (e.g., block heaters, power supplies, wind generator tower circuits, etc.) must comply with all requirements of chapter 19.28 RCW for licensing and inspection up to and including the equipment termination point.

(g) The generation equipment must not be mounted on or in any building or structure not required for generation of power (e.g., schools, offices, residences, apartment buildings, hospitals, etc.).

Exemptions - Telegraph and telephone utility and telegraph and telephone utility's contractor.

(21) Telegraph and telephone utility exempted equipment and installations. No person, firm, partnership, corporation, or other entity is required to have an electrical contractor's license for work on electrical equipment and installations thereof that are exempted by RCW 19.28.151. For the purposes of this exemption, "building or buildings used exclusively for that purpose" may mean any separate building or space of a building where the space is separated from the remainder of the building by a two-hour fire wall. The telecommunications or telegraph equipment within such a space must supply telephone or telegraph service to other customer's buildings (i.e., telecommunications or telegraph equipment cannot solely supply the building containing the telephone/telegraph space).

Exemptions - Manufacturers of electrical/telecommunications products.

(22) Manufacturers of electrical/telecommunications systems products will be allowed to utilize a manufacturer's authorized factory-trained technician to perform initial calibration, testing, adjustment, modification incidental to the startup and checkout of the equipment, or replacement of components within the confines of the specific product, without permit or required licensing:

(a) Provided the product:

(i) Has not been previously energized;

(ii) Has been recalled by the Consumer Product Safety Commission;

(iii) Is within the manufacturer's written warranty period, a period not to exceed one year from date of original installation of the new product; or

(iv) The manufacturer is working under the written request and supervision of an appropriately licensed electrical contractor.

(b) Except for the replacement of individual components, as allowed above, this exemption does not include the ~~((initial))~~ on-site assembly, installation, removal, or replacement of the electrical product. Modifications to the equipment, as designated above, must not include any changes to the original intended configuration nor changes or contact with external or field-connected components or wiring.

(c) The manufacturer will be responsible for obtaining any required reapproval/recertification from the original listing or field evaluation laboratory.

(d) The manufacturer must notify the department if any modifications have been made or reapproval/recertification is required.

Premanufactured electric power generation equipment assemblies and control gear.

(23) Premanufactured electric power generation equipment assemblies and control gear.

(a) Manufacturers of premanufactured electric power generation equipment assemblies and control gear will be allowed to utilize a manufacturer's authorized factory-trained technician to perform initial calibration, testing, adjustment, modification incidental to the startup and checkout of the equipment, or replacement of components within the confines of the specific product, without permit or required licensing, provided:

(i) For transfer equipment, the product has not been previously energized or is within the manufacturer's written warranty period;

(ii) Modifications to the equipment, as designated above, must not include any changes to the original intended configuration nor changes or contact with external or field-connected components or wiring;

(iii) The manufacturer will be responsible for obtaining any required reapproval/recertification from the original listing or field evaluation laboratory; or

(iv) The manufacturer must notify the department if any modifications have been made or reapproval/recertification is required.

(b) Premanufactured electric power generation equipment assemblies are made up of reciprocating internal combustion engines and the associated control gear equipment. Control gear equipment includes control logic, metering, and annunciation for the operation and the quality of power being generated by the reciprocating internal combustion engine and does not have the function of distribution of power.

(c) Modifications of a transfer switch must not include changes to the original intended configuration or changes or contact with externally field-connected components.

(d) For the purposes of this subsection, the following work on premanufactured electric power generation equipment assemblies is not exempt from the requirements of chapter 19.28 RCW:

(i) Installation or connection of conduit or wiring between the power generation unit, transfer switch, control gear;

(ii) Installation of the transfer switch;

(iii) Connections between the power generation unit, transfer switch, control gear, and utility's transmission or distribution systems;

(iv) Connections between the power generation unit, transfer switch, control gear, and any building or structure;

(v) Test connections with any part of:

(A) The utility's transmission or distribution system; or

(B) The building or structure.

(24) The installation, maintenance, or repair of a medical device deemed in compliance with chapter 19.28 RCW is exempt from licensing requirements under RCW 19.28.091, certification requirements under RCW 19.28.161, and inspection and permitting requirements under RCW 19.28.101. This exemption does not include work providing electrical feeds into the power distribution unit or installation of conduits and raceways. This exemption covers only those factory engineers or third-party service companies with equivalent training who are qualified to perform such service.

(25) Coincidental electrical/plumbing work. See RCW 19.28.091(8) for the plumber exemption. For the purposes of RCW 19.28.091(8), the like-in-kind replacement includes the appliance or any component part of the appliance such as, but not limited to, the thermostat in a water heater.

(26) Nothing in this section will alter or amend any other exemptions from or requirement for licensure or inspection, chapter 19.28 RCW or this chapter.

Photovoltaic equipment.

(27) See WAC 296-46B-690 for specific exemptions related to photovoltaic installations.

AMENDATORY SECTION (Amending WSR 17-12-021, filed 5/30/17, effective 7/1/17)

WAC 296-46B-940 Electrician/certificate of competency required.

General.

(1) The department will deny application, renewal, reinstatement, or issuance of a certificate or permit if an individual owes money as a result of an outstanding final judgment(s) under chapter 19.28 RCW.

(2) The scope of work for electricians is described in WAC 296-46B-920.

Electrician - Certificate of competency required.

(3) To work in the electrical construction trade, an individual must possess, wear, and visibly display on the front of the upper body, a current valid:

(a) Master journey level electrician certificate of competency issued by the department;

(b) Journey level electrician certificate of competency issued by the department;

(c) Master specialty electrician certificate of competency issued by the department;

(d) Specialty electrician certificate of competency issued by the department; or

(e) Electrical training certificate, learning the trade in the proper ratio, per RCW 19.28.161, under the supervision of a certified master journey level electrician, journey level electrician, master specialty electrician working in their specialty, or specialty electrician working in their specialty.

The certificate may be worn inside the outer layer of clothing when outer protective clothing (e.g., rain gear when outside in the rain, arc flash, welding gear, etc.) is required. The certificate must be worn inside the protective clothing so that when the protective clothing is removed, the certificate is visible. A cold weather jacket or similar apparel is not protective clothing.

The certificate may be worn inside the outer layer of clothing when working in an attic or crawl space or when operating equipment (e.g., drill motor, conduit threading machine, etc.) where wearing the certificate may pose an unsafe condition for the individual.

The certificate must be immediately available for examination at all times.

When working as a certified electrician, the electrician must not display a training certificate.

When supervising a trainee(s), the supervising electrician's certificate must be appropriate for the work being performed by the trainee(s). For the purposes of this section, supervising a trainee is considered to be working in the electrical construction trade.

Any person working as an electrician or trainee must also possess a government issued photo identification and immediately present that identification when requested by the inspector.

(4) The department issues master electrician and electrician certificates of competency in the following areas of electrical work:

- (a) General journey level **(01)**;
- (b) Specialties:
 - (i) Residential **(02)**;
 - (ii) Pump and irrigation **(03)**;
 - (iii) Domestic pump **(03A)**;
 - (iv) Signs **(04)**;
 - (v) Limited energy system **(06)**;
 - (vi) HVAC/refrigeration **(06A)**;
 - (vii) HVAC/refrigeration - Restricted **(06B)**;
 - (viii) Nonresidential maintenance **(07)**;
 - (ix) Nonresidential lighting maintenance and lighting retrofit **(07A)**;
 - (x) Residential maintenance **(07B)**;
 - (xi) Restricted nonresidential maintenance **(07C)**;
 - (xii) Appliance repair **(07D)**;
 - (xiii) Equipment repair **(07E)**; and
 - (xiv) Door, gate, and similar systems **(10)**.

Original certificates of competency.

(5) The department will issue an original certificate of competency to master, journey level, or specialty electricians who meet the eligibility requirements listed in:

- (a) RCW 19.28.191 (1)(a) or (b) and chapter 19.28 RCW; and
 - (i) Submit an application for an original master electrician certificate including: Date of birth, mailing address and Social Security number; and
 - (ii) Pay all appropriate fees, as listed in WAC 296-46B-909;
- (b) RCW 19.28.191 (1)(d) and (e);
 - (i) Submit an original master electrician certification examination application including: Date of birth, mailing address and Social Security number; and

(ii) Pay all appropriate fees, as listed in WAC 296-46B-909; or

(c) RCW 19.28.191 (1)(f) through (g);

(i) Submit an original electrician certification examination application including: Date of birth, mailing address and Social Security number; and

(ii) Pay all appropriate fees, as listed in WAC 296-46B-909.

(6) An individual's original electrician certificate of competency will expire on their birth date at least two years, and not more than three years, from the date of original issue.

Renewal - Master electrician, journey level, and specialty electrician certificates of competency.

(7) An individual must apply for renewal of their electrician certificate of competency on or before the expiration date of the certificate. The individual may not apply for renewal more than ninety days prior to the expiration date. Renewed certificates are valid for three years.

(8) An individual may renew their certificate of competency within ninety days after the expiration date without reexamination if the individual pays the late renewal fee listed in WAC 296-46B-909.

(9) All applications for renewal received more than ninety days after the expiration date of the certificate of competency require that the electrician pass the appropriate competency examination before being recertified.

(10) All applicants for certificate of competency renewal must:

- (a) Submit a complete renewal application;
- (b) Pay all appropriate fees; and
- (c) Complete the continuing education requirements described in WAC 296-46B-970. Continuing education classes are only valid when all the requirements of WAC 296-46B-970 are completed.

Continuing education for pump and irrigation **(03)** and domestic pump **(03A)** electricians may be comprised of fifty percent electrical and fifty percent plumbing instruction.

(11) An individual who has not completed the required hours of continuing education can renew a certificate of competency if the individual applies for renewal before the certificate of competency expires and pays the appropriate renewal fee. However, the certificate of competency will be placed in an inactive status. The inactive certificate of competency will be returned to current status upon validation, by the department, of the required continuing education. If the certificate renewal date occurs during the inactive period, the certificate must be renewed on or before the renewal date to allow the return to current status.

(12) An individual may renew a suspended certificate of competency by submitting a complete renewal application including obtaining and submitting the continuing education required for renewal. However, the certificate will remain in a suspended status for the duration of the suspension period. Before the suspended certificate of competency can be activated, the holder must pass the appropriate electrician or master electrician competency examination in accordance with RCW 19.28.211(2).

(13) An individual may not renew a revoked certificate of competency.

Exemptions - Lineworker.

(14) When performing the work described and allowed in WAC 296-46B-925 (18)(a) or (b)(i), when employed by the serving utility or its contractor or subcontractor(s), a lineworker is exempt from the requirements of chapter 19.28 RCW.

(15) When performing the work described and allowed in WAC 296-46B-925 (18)(b)(ii) or (c), when employed by the serving utility or its licensed electrical contractor or subcontractor(s), a lineworker must meet the requirements of RCW 19.28.261 (5)(b) or be an appropriately certified electrician. See the definition of a lineworker in WAC 296-46B-100.

Exemptions - Plumbers.

(16) Coincidental electrical/plumbing work. See RCW 19.28.091(8) for the plumber exemption. For the purposes of RCW 19.28.091(8), the like-in-kind replacement includes the appliance or any component part of the appliance such as, but not limited to, the thermostat in a water heater.

Reciprocal agreements between Washington and other states.

(17) The department may negotiate reciprocal agreements with states that have equivalent requirements for certification of journey level or specialty electricians. These agreements allow electricians from those reciprocal states to become certified in the state of Washington without examination and allow Washington certified electricians to become certified in the other states without taking competency examinations. An individual may only apply for reciprocity from another state(s) one time in Washington.

(18) An individual will be issued a reciprocal electrician certificate of competency if all the following conditions are met:

(a) The department has a valid reciprocal agreement with the other state in the journey level or specialty category requested;

(b) The individual makes a complete application for a reciprocal certificate on the form provided by the department. A complete application includes:

(i) Application for reciprocal certificate of competency;

(ii) Evidence that the individual meets the eligibility requirements listed in RCW 19.28.191, by presenting a current, valid journey person or specialty electrician certificate or certified letter from the issuing state attesting to possession of such certificate by the applicant;

(A) Evidence from an apprenticeship training director that any journey level category applicant has successfully completed an apprenticeship program that is equivalent to an apprenticeship program approved under chapter 49.04 RCW approved by the department for the electrical construction trade in which the applicant worked in the electrical construction trade for a minimum of eight thousand hours; or

(B) Evidence that any journey level category applicant has worked in the electrical construction trade for a minimum of sixteen thousand hours.

(iii) All appropriate fees as listed in WAC 296-46B-909.

(c) The individual obtained the reciprocal state's certificate of competency as a journey level or specialty electrician

by examination and the individual held the reciprocal state's certificate for a period of at least one year.

(19) An individual is not eligible for a reciprocal electrician certificate of competency if the individual:

(a) Has failed to renew a similar Washington electrician certificate of competency as required in RCW 19.28.211; or

(b) Has a similar Washington electrician certificate of competency in suspended, revoked, or inactive status under this chapter; or

(c) Owes money as a result of an outstanding final judgment(s) to the department; or

(d) Has ever taken and failed a Washington exam for the certificate being applied for; or

(e) Was a resident of the state of Washington at the time the examination was taken in the other state.

AMENDATORY SECTION (Amending WSR 17-12-021, filed 5/30/17, effective 7/1/17)

WAC 296-46B-942 Training certificate required.**General.**

(1) To work in the electrical construction trade as an electrical trainee, an individual must possess, wear, and visibly display a current valid electrical training certificate, learning the trade in the proper ratio, per RCW 19.28.161, under the supervision of a certified master journey level electrician, journey level electrician, master specialty electrician working in their specialty, or specialty electrician working in their specialty.

The trainee must meet all the requirements of WAC 296-46B-940 related to visibly displaying a current certificate and having a valid photo identification on his/her person.

Beginning July 1, 2023, unless working in a specialty, apprentices and individuals learning the electrical construction trade must have in their possession proof of apprenticeship or journey level training program registration. They must show their apprenticeship or training program registration documents to an authorized representative of the department at the representative's request.

(2) An active training certificate is required for all individuals throughout the individual's enrollment and matriculation in an approved construction electrician training school program described in RCW 19.28.191. A training certificate is required to work in the electrical construction trade if an individual does not:

(a) Possess a current journey level certificate of competency issued by the department;

(b) Possess a current specialty electrician certificate of competency issued by the department while working in that specialty's scope of work; or

(c) Is not working in exempt status as allowed by chapter 19.28 RCW.

(3) Trainees who have had their training certificates revoked or suspended (during the duration of the revocation or suspension) will not be issued a training certificate.

Original training certificates.

(4) The department will issue an original training certificate when the trainee applicant submits a complete training certificate application including:

(a) Date of birth, mailing address, Social Security number; and

(b) All appropriate fees as listed in WAC 296-46B-909.

All applicants for an electrical training certificate must be at least sixteen years of age. The original training certificate will be valid for two years. If an individual has previously held an electrical training certificate, then that individual is not eligible for a subsequent original training certificate.

Specialty specific - Zero percent and seventy-five percent supervision modified training certificates.

(5) For specialties as allowed in Table 945-1 (i.e., specialties with seven hundred twenty minimum hours of work experience required to be eligible for examination):

(a) The department will approve the trainee to take the appropriate specialty competency examination necessary to qualify for a zero percent supervision modified training certificate. To qualify, the trainee applicant must submit a complete zero percent supervision modified training certificate application including:

(i) Date of birth, mailing address, Social Security number;

(ii) Affidavit of experience fulfilling the minimum work experience hours required to qualify for the specialty examination described in Table 945-1; and

(iii) All appropriate fees as listed in WAC 296-46B-909.

Upon successful completion of the appropriate examination, the trainee will be issued a nonrenewable zero percent supervision modified training certificate for the appropriate specialty. The zero percent supervision modified training certificate will be restricted in duration to the time allowed in Table 945-1, note 2.

(b) Prior to the expiration of the zero percent supervision modified training certificate, the individual must submit a complete application for a seventy-five percent supervision modified training certificate for the appropriate specialty including:

(i) Seventy-five percent supervision training certificate application including: Date of birth, mailing address, Social Security number; and

(ii) All appropriate fees as listed in WAC 296-46B-909.

(c) A trainee may possess multiple (i.e., in different specialties) modified supervision training certificates for specialties where reduced supervision is allowed in Table 945-1. Combination training certificates will not be issued.

Renewal of training certificates.

(6) An individual must apply for renewal of their training certificate on or before the expiration date of the certificate. The individual may not apply for renewal more than ninety days prior to the expiration date. Renewed certificates are valid for two years.

(7) An individual may renew their training certificate after the expiration date if the individual pays the late renewal fee listed in WAC 296-46B-909.

(8) All applicants for training certificate renewal must:

(a) Submit a complete renewal application;

(b) Pay all appropriate fees; and

(c) Complete the approved basic trainee classes required by WAC 296-46B-970. Basic trainee classes are only valid

when all the requirements of WAC 296-46B-970 are completed.

(d) Within ~~((thirty))~~ one hundred eighty days after ~~((renewing))~~ the expiration date of an electrical training certificate, the individual, if not enrolled in a department approved apprenticeship program, must submit a completed, signed, and notarized affidavit(s) of experience for all hours of experience gained since the individual's last training certificate was effective.

Employers are required to provide the necessary documentation and signed affidavit of experience to the trainee within twenty days after the trainee requests the affidavit. See WAC 296-46B-942(12). See WAC 296-46B-985(4) for the penalty for providing a false or inaccurate affidavit of experience. If the individual is enrolled in a department approved apprenticeship program, the program may submit the required affidavit(s) of experience upon the individual's completion of the required experience hours without cost to the individual. The affidavit of experience must accurately attest to:

(i) The electrical installation work performed for each employer the individual worked for in the electrical trade during the previous period;

(ii) The correct electrical category the individual worked in; and

(iii) The actual number of hours worked in each category under the proper supervision of a Washington certified, master journey level electrician, journey level electrician or appropriate master specialty electrician or specialty electrician under that specific training certificate. If a trainee possesses multiple training certificates, an affidavit must be submitted for each training certificate for the hours worked under that specific training certificate.

If the individual is enrolled in a department approved apprenticeship program, the program may submit the required affidavit(s) of experience upon the individual's completion of the required experience hours without cost to the individual.

(9) Until July 1, 2020, an individual who has not completed the required hours of basic trainee class education can renew a training certificate if the individual applies for renewal before the training certificate expires and pays the appropriate renewal fee. However, the training certificate will be placed in an inactive status. The inactive training certificate will be returned to current status upon validation, by the department, of the required basic trainee class education. Effective July 1, 2020, an individual may not renew a training certificate until the required hours of basic classroom education have been completed.

(10) An individual may renew a suspended training certificate by submitting a complete renewal application including obtaining and submitting the basic trainee class education required for renewal. However, the certificate will remain in a suspended status for the duration of the suspension period.

(11) An individual will not be issued a renewed or reinstated training certificate if the individual owes the department money as a result of an outstanding final judgment under chapter 19.28 RCW.

(12) The individual should ask each employer and/or apprenticeship training director for an accurately completed,

signed, and notarized affidavit of experience for the previous certification period. The employer(s) or apprenticeship training director(s) must provide the previous period's affidavit of experience to the individual within twenty days of the request. If an individual is enrolled in an approved electrical construction trade apprenticeship program under chapter 49.04 RCW when the individual renews an electrical training certificate, the individual and their apprenticeship training director and/or each employer must give the department an accurately completed, signed, and notarized affidavit of experience accurately attesting to:

(a) The electrical installation work the individual performed in the electrical trade during the previous certification period;

(b) The correct electrical category the individual worked in; and

(c) The actual number of hours worked in each category under the proper supervision of a Washington certified master journey level electrician, journey level electrician or appropriate master specialty or specialty electrician for each employer. For apprentices enrolled in a registered apprenticeship program, the applicant and the training director are the only authorized signatures the department will accept on affidavits of experience.

(13) The individual and their employer(s) and/or apprenticeship training director(s) must sign and have notarized the affidavit of experience attesting to the accuracy of all information contained in the affidavit.

(14) The trainee, supervising electrician, contractor, and assigned administrator or master electrician are responsible for ensuring compliance with subsection (13) of this section. See WAC 296-46B-985 and 296-46B-990 (3)(c) and (f) for information about failing to submit or submitting false/fraudulent documents. Falsifying documents may be considered perjury and might result in criminal prosecution, civil penalty, or certificate revocation or suspension.

Trainees without supervision present on the job site.

(15) When the supervising electrician is found to not be present on the job site, the trainee may be given a form by the inspector that must be fully completed and returned or post-marked within twenty-four hours to the inspector. The supervising electrician must sign the statement for the trainee if appropriate supervision was provided. If the supervising electrician fails or refuses to assist the trainee in completing the form, the trainee must return the form with a signed and dated statement stating the supervising electrician's name and saying that the supervising electrician refused to assist.

Trainees seeking a journey level electrician certificate - Working with no supervision.

(16) Trainee seeking a general **(01)** journey level electrician certificate of competency. After review by the department, a trainee may be issued a six-month, nonrenewable unsupervised electrical training certificate that will allow the individual to work without supervision if the trainee:

(a) Has submitted a complete application for an unsupervised electrical training certificate;

(b) Has worked over seven thousand hours properly supervised not to include more than four thousand of specialty experience;

(c) Has successfully completed or is currently enrolled in an approved apprenticeship program or an electrical construction trade program in a school approved by the board of community and technical colleges;

(d) Has paid all appropriate training certificate fees listed in WAC 296-46B-909;

(e) Is currently working for and continues to work for a licensed electrical contractor that employs at least one certified journey level or specialty electrician in the appropriate specialty; and

(f) Has not previously failed a journey level electrician certificate of competency examination (see WAC 296-46B-960(11)).

Trainees seeking certain specialty electrician certificates - Working with reduced or no supervision.

(17) After review by the department, a trainee may be issued a nonrenewable zero percent supervision training certificate that will allow the individual to work without supervision if the trainee meets the requirements in subsection ~~((4))~~ (5) of this section.

(18) Electrical trainees may work unsupervised when installing HVAC/R thermostat cable when the HVAC/R system consists of a single thermostat in one- and two-family dwelling units where line voltage power has not been connected to the dwelling's electrical system.

AMENDATORY SECTION (Amending WSR 14-11-075, filed 5/20/14, effective 7/1/14)

WAC 296-46B-945 Qualifying for master, journey level, specialty electrician examinations. (1) General.

(a) All applicants must be at least sixteen years of age.

(b) All applicants, from in or out of state, must demonstrate the completion of basic trainee classes described in WAC 296-46B-970 (4)(c)(ii)(D).

(i) Twenty-four hours where two thousand or more; but less than four thousand hours of work experience is required.

(ii) Forty-eight hours where four thousand or more; but less than six thousand hours of work experience is required.

(iii) Seventy-two hours where six thousand or more; but less than eight thousand hours of work experience is required.

(iv) Ninety-six hours where eight thousand or more of work experience is required.

Qualifying for the master electrician examination.

(2) An individual may take the master electrician's certificate of competency examination if the individual meets the requirements described in RCW 19.28.191 (1)(d) or (e).

Qualifying for the master electrician examination from out-of-state.

(3) No credit may be applied from out-of-state toward qualifying for a master electrician certificate of competency examination.

Qualifying for the journey level electrician competency examination.

(4) Until July 1, 2023, an individual may take the journey level electrician's certificate of competency examination if the individual held a current electrical training certificate and has worked for an employer who employs at least one

certified master electrician, journey level, or specialty electrician on staff and the individual:

(a) Has been employed, in the electrical construction trade, under the direct supervision of a master electrician, journey level electrician or specialty electrician working in the appropriate specialty in the proper ratio, per RCW 19.28.161, for four years (eight thousand hours). Of the eight thousand hours:

(i) At least two years (four thousand hours) must be in new industrial and/or new commercial electrical installation (excluding all work described for specialty electricians or technicians) under the direct supervision of a master journey level electrician or journey level electrician while working for a general electrical contractor; and

(ii) Not more than a total of two years (four thousand hours) may be for work described as an electrical specialty in WAC 296-46B-920(2).

(b) Has completed a four-year apprenticeship program in the electrical construction trade that is registered with the state apprenticeship council while working under the direct supervision of a master journey level or journey level electrician in the proper ratio, per RCW 19.28.161; or

(c) Has completed a two-year electrical construction training program as described in RCW 19.28.191 for journey level electricians, and two years (four thousand hours) of work experience in new industrial and/or new commercial electrical installations (excluding work described for specialty electricians or electrical technicians) under the direct supervision of a journey level electrician while working for a general electrical contractor in the proper ratio, per RCW 19.28.161. See WAC 296-46B-971 for additional training school information.

Beginning July 1, 2023, to qualify to take the journey level electrician's certificate of competency examination, an individual must have successfully completed an apprentice-

ship program approved under chapter 49.04 RCW or equivalent apprenticeship program approved by the department for the electrical construction trade in which the applicant worked in the electrical construction trade for a minimum of eight thousand hours. Four thousand of the hours must be in industrial or commercial electrical installation under the supervision of a master journey level electrician or journey level electrician and not more than a total of four thousand hours in all specialties under the supervision of a master journey level electrician, journey level electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty.

Electrical construction training hours gained in specialties requiring less than two years (i.e., four thousand hours) will not be credited towards qualification for journey level electrician.

The trainee and their employer and/or apprenticeship training director must attest to the accuracy of all information contained on affidavits of experience and apprenticeship graduation certificates used to verify eligibility for the examination.

Qualifying for a specialty electrician certificate of competency or examination.

(5) After review and approval by the department, an individual may qualify for a specialty electrician's examination and certificate of competency if the individual held a current electrical training certificate, and has worked for an employer who employs at least one certified master journey level electrician, journey level electrician, appropriate master specialty electrician, or appropriate specialty electrician on staff and the individual:

(a) Has been employed, in the electrical construction trade, under the direct supervision of an appropriate electrician in the appropriate specialty as follows:

Table 945-1 Experience Hours

Specialty	Minimum Hours of Work Experience Required to be Eligible for Examination ⁽⁴⁾⁽⁵⁾	Minimum Hours of Work Experience Required for Certification
Residential certificate (02)	4,000 ⁽³⁾	4,000
Pump and irrigation certificate (03)	4,000 ⁽³⁾	4,000
Domestic pump certificate (03A)	720 ⁽¹⁾⁽²⁾	2,000 ⁽⁶⁾
Signs certificate (04)	4,000 ⁽³⁾	4,000
Limited energy system certificate (06)	4,000 ⁽³⁾	4,000
HVAC/refrigeration system certificate (06A)	4,000 ⁽³⁾	4,000 ⁽⁷⁾
HVAC/refrigeration - Restricted (06B)	1,000 ⁽¹⁾⁽²⁾	2,000 ⁽⁶⁾
Nonresidential maintenance certificate (07)	4,000 ⁽³⁾	4,000
Nonresidential lighting maintenance and lighting retrofit certificate (07A)	720 ⁽¹⁾⁽²⁾	2,000 ⁽⁶⁾
Residential maintenance certificate (07B)	720 ⁽¹⁾⁽²⁾	2,000 ⁽⁶⁾
Restricted nonresidential maintenance certificate (07C)	1,000 ⁽¹⁾⁽²⁾	2,000 ⁽⁶⁾
Appliance repair certificate (07D)	720 ⁽¹⁾⁽²⁾	2,000 ⁽⁶⁾
Equipment repair certificate (07E)	1,000 ⁽¹⁾⁽²⁾	2,000 ⁽⁶⁾
Door, gate, and similar systems certificate (10)	720 ⁽¹⁾⁽²⁾	2,000 ⁽⁶⁾

- Notes:
- (1) Until the examination is successfully completed, the trainee must work under one hundred percent supervision. Once the appropriate examination is successfully completed, the modified supervision trainee may work under zero percent supervision.
- (2) The trainee may have only one zero percent supervision certificate in a specialty (valid for no more than two years). If the trainee has not gained the required work experience by the time the zero percent supervision certificate has expired, the trainee must get a seventy-five percent supervision certificate and work under supervision until all required work experience hours are gained and credited towards the minimum work experience requirement.
- (3) This specialty is not eligible for unsupervised trainee status as allowed in chapter 19.28 RCW.
- (4) The trainee and their employer and/or apprenticeship training director must attest to the accuracy of all information contained on affidavits of experience used to verify eligibility for the examination.
- (5) Neither previous work experience credit nor training school credit is allowed as a substitute for the initial hours of minimum work experience required to be eligible for examination unless the trainee's work experience hours under direct supervision are provided as required in RCW 19.28.191 (1)(g)(ii).
- (6) Electrical construction training hours gained in specialties requiring two thousand hours or less for certification will not be credited towards qualification for journey level electrician or any of the four thousand hour specialties, except as allowed by (7), below.
- (7) The two thousand minimum hours of work experience required for certification as an HVAC/refrigeration-restricted (06B) specialty electrician may be credited as two thousand hours towards the four thousand minimum hours of work experience required for certification as an HVAC/refrigeration (06A) specialty electrician. Hours of work experience credited from the HVAC/refrigeration-restricted (06B) specialty cannot be credited towards qualification for taking the general electrician (01) examination or minimum work experience requirements.
- (8) Experience hours may be coincidentally credited towards qualifying for electrician and plumber certifications. See RCW 19.28.191 (1)(g)(iv).

(b) Or has completed an appropriate two-year apprenticeship program in the electrical construction trade that is registered with the state apprenticeship council while working under the direct supervision of an electrician in the appropriate specialty in the proper ratio, per RCW 19.28.161.

Qualifying for a certificate of competency when the Washington electrical work experience is exempt from certification requirements in RCW 19.28.261.

(6) After review and approval by the department, an individual may be granted work experience credit to take the journey level/specialty electrician's competency examination when an original notarized letter of work experience accompanied by verifiable documentation is provided. - See subsection (7) of this section.

For the purposes of this section, exempt work does not include work performed on property owned, in whole or part, by the individual seeking credit.

All exempt individuals must have a valid electrical training certificate when working to gain electrical work experience.

Work experience requested by an individual for telecommunications work must be gained while working for (01) general electrical, (02) residential, or (06) limited energy system electrical contractors as allowed by those scopes of work. When the work was performed, the individual must have a valid training certificate, be under the supervision of an appropriately certified journey level, residential or limited energy electrician, and be in compliance with RCW 19.28.191.

General - Qualifying hours gained by applicants seeking work experience credit without a Washington electrician training certificate.

(7) The type of on-the-job work experience must be similar to the credit being applied for and lawfully gained in the state or other entity where the work was performed. The individual must submit verifiable documentation (e.g., payroll, time sheets, permits, supervision, etc.) that the department may use to ascertain the type of work performed and the number of hours worked for each type (i.e., specialty) of work.

Training hours credited for specialties requiring less than two years (i.e., four thousand hours) may not be credited towards qualification for general journey level electrician.

The documentation must include a complete description of the individual's usual duties with percentages attributed to each type (e.g., wiring, material handling, shop, low voltage, etc.)

The department may reduce the number of hours allowed if the:

- (a) Individual did not have supervision during the training period;
- (b) Training hours are not related to electrical construction;
- (c) Training hours are not related to the specialty being applied for;
- (d) Documentation submitted by the individual does not fully verify the requested work experience; or
- (e) Work credit was not lawfully gained.

Training school credit.

(8) No more than fifty percent of the minimum work experience needed to qualify for specialty electrician certification is allowed for any training school program (e.g., a specialty requiring two thousand hours of minimum required work experience may receive no more than one thousand hours credit from an electrical construction training program).

See RCW 19.28.191 (1)(h) for training school credit allowed for journey level applicants.

See WAC 296-46B-971 for additional information on training schools.

Qualifying for the journey level/specialty electrician competency examination when work was performed in a state requiring electrician certification for the work performed.

(9) After review and approval by the department, an individual may be granted on-the-job work experience towards

qualifying to take the journey level/specialty electrician's competency examination for hours worked in the other state when the state certifies to the department:

(a) The type and number of hours of work performed within the state. Credit will not be allowed for work not done within the certifying state.

(b) That the work was legally performed under the other state's licensing and certification requirements; and

(c) The other state's certificate of competency was obtained by examination.

If the experience is for other than a new commercial or industrial installation, the individual must identify the specialty credit desired and provide verifiable documentation identifying the other state's allowed scope of work for the specialty, see subsection (7) of this section.

Qualifying for the journey level/specialty electrician competency examination when work was performed in a state that does not require electrician certification for the work performed.

(10) After review and approval by the department, an individual may be granted work experience credit to take the journey level/specialty electrician's competency examination when an original notarized letter of work experience accompanied by documentation, see subsection (7) of this section, that can be used to verify the individual has worked the hours being requested is provided by:

- (a) An appropriately state licensed electrical contractor;
- (b) Registered apprenticeship training director;
- (c) Nationally recognized contractor/labor organization;

or

- (d) The individual's lawful employer.

~~(Military/shipyard)~~ Military experience.

(11) After review and approval by the department, an individual who has worked in the electrical construction trade performing work described in WAC 296-46B-920 while serving in the armed forces of the United States may be eligible to take the examination for the certificate of competency as a journey level or specialty electrician. Credit may be allowed for hours worked or training received.

If an individual has military experience in a specialized electrical field (e.g., rating) that is similar to a specialty electrician category listed in WAC 296-46B-920, credit may be allowed toward the appropriate specialty certificate. Nuclear, marine, shipyard, shipboard, radar, weapons, aeronautical experience, or similar experience may be acceptable for no more than fifty percent of the minimum required work experience for qualifying for electrician examination.

The department will evaluate and determine whether the submitted experience is related specifically to the electrical construction/maintenance trade regulated by chapter 19.28 RCW.

Experience in another country.

(12) After review and approval by the department, and if an individual has a journey level electrician certificate from a country outside the United States that requires that at least four years of electrical construction training and certification is obtained by examination, the individual may be eligible for four thousand hours of the specialty credit allowed towards

the qualification to take the Washington journey level electrician examination.

No more than two years of the required training to become a Washington journey level electrician may be for work described for specialty electricians or technicians in WAC 296-46B-920. In addition to the maximum of four thousand hours credit that may be allowed by this subsection, an additional four thousand hours of new commercial/industrial experience must be obtained using a training certificate in the state while under the supervision of a master journey level electrician or journey level electrician.

Documentation substantiating the individual's out of country experience must be submitted in English.

(13) Out of country experience credit is not allowed toward a specialty electrician certificate.

(14) Canadian journeyperson construction electricians with at least four years of electrical construction training who have obtained a construction electrician Red Seal endorsement by successfully completing a Red Seal examination are eligible to take the examination for the journey level electrician certificate of competency if they have possessed a Red Seal endorsement for one year.

AMENDATORY SECTION (Amending WSR 14-11-075, filed 5/20/14, effective 7/1/14)

WAC 296-46B-960 Administrator and electrician certificate of competency examinations.

General.

(1) The minimum passing score on any examination or examination section is seventy percent. If examination is requested to be administered by the department, an application is required and the examination must be successfully completed within one year of application or the individual must submit a new application for exam including all appropriate fees.

(2) All examinations are open book.

(a) Candidates may use:

(i) Any original copyrighted material;

(ii) A silent, nonprinting, nonprogrammable calculator that is not designed for preprogrammed electrical calculations;

(iii) Copies of chapter 19.28 RCW and this chapter; or

(iv) A foreign language dictionary that does not contain definitions.

(b) Candidates may not use:

(i) Copies of copyrighted material;

(ii) Copies of internet publications, except for RCWs or WACs;

(iii) Personal notes; or

(iv) A personal computing device of any type other than the calculator in (a)(ii) of this subsection.

(3) Administrator, master electrician, and electrician examinations may consist of multiple sections. For all administrator examinations, all sections must be successfully completed within a one-year examination period after beginning the examination. For all master electrician and electrician examinations, all sections must be successfully completed within a one-year examination period beginning with the date of the examination approval. Within the one-year examina-

tion period, the candidate does not have to retake any sections successfully completed within the examination period. If all sections are not successfully completed within the one-year period, the candidate must begin a new examination period and retake all sections.

Special accommodations for examination.

(4) An applicant for an examination who, due to a specific physical, mental, or sensory impairment, requires special accommodation in examination procedures, may submit a written request to the chief electrical inspector for the specific accommodation needed.

(a) The applicant must also submit to the department a signed and notarized release, authorizing the specifically identified physician or other specialist to discuss the matter with the department representative. The applicant must also submit an individualized written opinion from a physician or other appropriate specialist:

- (i) Verifying the existence of a specific physical, mental, or sensory impairment;
- (ii) Stating whether special accommodation is needed for a specific examination;
- (iii) Stating what special accommodation is necessary; and
- (iv) Stating if extra time for an examination is necessary and if so, how much time is required. The maximum allowance for extra time is double the normal time allowed.

(b) The written request for special accommodation and individualized written opinion must be submitted to the department at least six weeks in advance of the examination date and must be accompanied by a completed application and fees as described in WAC 296-46B-909.

(c) Only readers and interpreters provided from the administrative office of the courts and/or approved by the department may be used for reading or interpreting the examination. The applicant will be required to bear all costs associated with providing any reading or interpretive services used for an examination.

(d) Applicants who pass the examination with the assistance of a reader or interpreter will be issued a certificate with the following printed restriction: "Requires reading supervision for product usage." A competent reader or interpreter must be present on any job site where a person with this restriction is performing electrical work as described in chapter 19.28 RCW.

Applicants who pass the examination with the assistance of a mechanical device (e.g., magnifier, etc.) will be issued a certificate with the following printed restriction: "Requires mechanical reading assistance for product usage." Appropriate mechanical reading assistance must be present on any job site where a person with this restriction is performing electrical work as described in chapter 19.28 RCW.

If a candidate successfully retakes the examination without the assistance of a reader or translator, a new certificate will be issued without the restriction.

(5) Applicants who wish to use a foreign language dictionary during an examination must obtain approval at the examination site prior to the examination. Only dictionaries without definitions will be approved for use.

Failed examination appeal procedures.

(6) Any candidate who takes an examination and does not pass the examination may request a review of the examination.

(a) The department will not modify examination results unless the candidate presents clear and convincing evidence of error in the grading of the examination.

(b) The department will not consider any challenge to examination grading unless the total of the potentially revised score would result in a passing score.

(7) The procedure for requesting an informal review of examination results is as follows:

(a) The request must be made in writing to the chief electrical inspector and must be received within twenty days of the date of the examination and must request a rescore of the examination. The written request must include the appropriate fees for examination review described in WAC 296-46B-909.

(b) The following procedures apply to a review of the results of the examination:

(i) The candidate will be allowed one hour to review their examination.

(ii) The candidate must identify the challenged questions of the examination and must state the specific reason(s) why the results should be modified with multiple published reference material supporting the candidate's position.

(iii) Within fifteen days of the candidate's review, the department will review the examination and candidate's justification and notify the candidate in writing of the department's decision.

Failing an administrator certificate exam or electrician certificate of competency examination.

(8) Anyone failing an administrator or electrician competency examination may retake the examination by making arrangements with the testing agency and paying the retesting fee.

(9) If the individual makes a failing score, the individual must wait two weeks before being eligible to retake.

(10) If the individual fails a part of an electrician (~~examination or a part of an~~), administrator, or master electrician examination three times within a one-year period, the individual must wait three months to retake the failed portion of the examination.

(11) Anyone failing an electrician competency examination may continue to work in the electrical trade if they have a valid electrical training certificate and work under the direct supervision of a certified journey level or specialty electrician in the proper ratio, per RCW 19.28.161.

Cheating on an examination.

(12) Anyone found cheating on an examination, attempting to bribe a proctor or other agent involved in administering an examination, or using inappropriate materials/equipment during an examination will be required to wait at least eleven months before being allowed to reexamine. All such reexaminations will be administered by the department in Tumwater, Washington and the candidate will be required to apply and schedule for the examination with the chief electrical inspector. The department may also file a civil penalty action under chapter 19.28 RCW.

Examination confidentiality.

(13) All examination questions are confidential. Examination candidates and persons who have taken an examination are not allowed to copy or otherwise make note of or share examination content, in any manner, outside the individual's examination environment. Examination candidates must agree, prior to beginning an examination, to keep all examination content confidential. The department may also file a civil penalty action under chapter 19.28 RCW.

AMENDATORY SECTION (Amending WSR 17-12-021, filed 5/30/17, effective 7/1/17)

WAC 296-46B-990 Failure to comply with the electrical contractor licensing, administrator certification, or electrician certification laws.

General.

(1) If the compliance officer or electrical inspector/auditor determines that an individual, employer, or employee has violated chapter 19.28 RCW or this chapter, the department will issue a citation that describes the violation.

Suspension or revocation - Of an electrical contractor's license, administrator's certificate, master electrician's certificate of competency, electrician's certificate of competency, or training certificate.

(2) The department may revoke or suspend, for such time as it determines appropriate, an electrical contractor's license, administrator's certificate, master electrician's certificate of competency, electrician's certificate of competency, or training certificate if:

(a) The license, certificate, or permit was obtained through error or fraud;

(b) The license, certificate, or permit holder is judged to be incompetent to work in the electrical construction trade as ((a)) an electrical contractor, administrator, master electrician, journey level electrician, specialty electrician, electrical technician, or electrical trainee;

(c) For serious noncompliance as described below. See RCW 19.28.241 and 19.28.341 for other grounds and procedures.

(d) The license or certificate holder incompletely or inaccurately reported continuing or basic trainee class education units on an application for renewal; or

(e) The certificate holder falsely, incompletely, or inaccurately reported previous work experience.

The department will deny an application for any license/certificate during the period of revocation or suspension of the same or another license/certificate under chapter 19.28 RCW.

(3) For the purposes of this section, serious noncompliance includes, but is not limited to, any of the following:

(a) Causing or failing to correct a serious violation. A serious violation is a violation of chapter 19.28 RCW or chapter 296-46B WAC that creates a hazard of fire or a danger to life safety. A serious violation is also a violation that presents imminent danger to the public. Imminent danger to the public is present when installations of wire and equipment that convey or utilize electric current have been installed in such a condition that a fire-hazard or a life-safety

hazard is present. Imminent danger to the public is also present when unqualified, uncertified, or fraudulently certified electricians or administrators; or unlicensed or fraudulently licensed contractors are continuously or repeatedly performing or supervising the performance of electrical work covered under chapter 19.28 RCW. For the purposes of this section, a certified electrician is considered qualified, provided the electrician is working within his or her certification;

(b) The license or certificate was obtained, used, or allowed to be used through error or fraud;

(c) Submitting a fraudulent document to the department;

(d) Continuous noncompliance with the provisions of chapter 19.28 RCW or this chapter. For the purposes of this section, continuous noncompliance will be defined as three or more citations demonstrating a disregard of the electrical law, rules, or regulations within a period of three years, or where it can be otherwise demonstrated that the contractor, master electrician, electrician, or administrator has continuously failed to comply with the applicable electrical standards;

(e) Failure to make any books or records, or certified copies thereof, available to the department for an audit to verify the hours of experience submitted by an electrical trainee;

(f) Making a false statement or material misrepresentation on an application, statement of hours, or signed statement required by the department;

(g) The certificate holder falsely or inaccurately reported continuing or basic trainee class education units on an application for renewal;

(h) Installing a shortened rod/pipe grounding electrode, improper splicing of conductors in conduits/raceways or concealed within walls, or installing a fake equipment grounding conductor;

(i) Refusing to present a government issued photo identification when requested by an electrical inspector while working as an electrician or trainee as required by WAC 296-46B-940(3);

(j) Cheating on an electrical certification examination.

For any act of serious noncompliance, the person, firm, partnership, corporation, or other entity may be referred to the county prosecutor for criminal prosecution under chapter 9A.72 RCW. The department may also file a civil action under chapter 19.28 RCW.

(4) Before a license or certificate is revoked or suspended, the certificate holder will be given written notice of the department's intention to suspend or revoke. Notification will be sent by registered mail to the certificate holder's last known address. The notification will list the allegations against the certificate holder, and provide the certificate holder with the procedures necessary to request a hearing before the electrical board as described in WAC 296-46B-995.

Confiscation - Of an electrical contractor's license, administrator certificate, electrician certificate of competency, or training certificate.

(5) The department may confiscate a license or certificate that is counterfeit, revoked, expired, suspended, or altered. The individual may be referred to the county prosecutor for criminal prosecution under chapter 9A.72 RCW. The department may also file a civil action under chapter 19.28 RCW.

AMENDATORY SECTION (Amending WSR 17-12-021, filed 5/30/17, effective 7/1/17)

WAC 296-46B-995 Electrical board—Appeal rights and hearings.

General.

(1) Chapter 19.28 RCW provides the authority for the duties and responsibilities of the electrical board. Except as provided in chapter 19.28 RCW and this chapter, all proceedings will be conducted according to chapter 34.05 RCW, Administrative Procedure Act and chapter 10-08 WAC, Model rules of procedure. See chapter 34.05 RCW, Administrative Procedure Act for specific definitions not described in this chapter.

(2) See RCW 19.28.311 for the composition of the electrical board.

(3) The board adopts the current edition of the "*Roberts' Rules of Order, Newly Revised.*"

(4) The board will hold regular meetings on the last Thursday of January, April, July, and October of each year per RCW 19.28.311.

(5) The director or the chairperson of the board may call a special meeting at any time.

(6) Each board member must be notified in writing of the agenda, date, time, and place of each regular and special meeting. "Writing" includes by electronic mail, also known as "email," if the member has provided an email address for such notice.

(7) The board or department may elect to have an appeal heard by the office of administrative hearings either tape recorded or transcribed by a court reporter; and the board may so elect regarding hearings or board reviews heard by the board as a whole.

(8) A majority of the board constitutes a quorum for purposes of rendering any decision.

(a) If a majority does not attend a hearing or board review on an appeal, the board may either continue the hearing or board review to a date certain or may hear the testimony and arguments.

(b) If the board hears the testimony and arguments, the members of the board who are absent may make their decisions after hearing the tape recording or reading the transcript, of the hearing or board review.

(c) If the board selects the method in ~~((subsection (8)))~~(b) of this ~~((section))~~ subsection, at the time of the hearing, the board will set a date certain for the absent members to complete review of the record and for the board as a whole to vote on the decision. The vote in ~~((subsection (8)))~~(b) and (c) of this ~~((section))~~ subsection may occur by U.S. mail, facsimile or by electronic mail and will be determined by the board at the hearing; the members' votes will be public record.

(9) All filings and documents for any matter before the board must be submitted to the chief electrical inspector, as secretary to the board, 7273 Linderson Way, P.O. Box 44460, Olympia, WA 98504-4460. Twenty copies of filings and documents must be submitted by ordinary mail, certified or registered mail, or by personal delivery. Filings and documents must be received no later than forty-five days prior to the scheduled meeting. When filings or documents are received

after the deadlines, the filings and documents will be presented to the board at the second regularly scheduled board meeting.

(10) All hearings before the board as a whole will be held on regularly scheduled meeting dates, as listed in subsection (4) of this section, unless the board determines that an alternate date is necessary.

(11) All notices of appeal, with a certified check payable to the department in the amount specified in subsection (12), ~~((14,))~~ (15), ~~(16)~~, or ~~((17))~~ (18) of this section if required, must be received in the office of the chief electrical inspector, as secretary to the board, at least forty-five days before the regularly scheduled board meeting at which the hearing would occur. A separate appeal fee is required for each entity's appeal of a specific violation type (e.g., for a single entity, the designated administrator, multiple alleged violations of RCW 19.28.061 (5)(a) - Designated administrator not available, RCW 19.28.061 (5)(d) - Designated administrator fails to ensure proper permit is purchased, and RCW 19.28.061 (5)(e) - Designated administrator fails to ensure corrections are made would require three of the applicable appeal amounts; one for each specific violation type). The total appeal fee for each entity seeking an appeal hearing is one thousand dollars maximum for all violation types. For original appeals to the board, the appellant must submit twenty copies of any written argument, briefs, testimony, or documents for the board's consideration at least forty-five days prior to the scheduled hearing. When appeals, written argument, briefs, testimony, or documents are received after the deadlines, the appeals, written argument, briefs, testimony, or documents will be presented to the board at the second regularly scheduled board meeting.

Appeals

(12) Appeals of penalties issued by the department.

(a) A party may appeal a penalty issued by the department, pursuant to chapter 19.28 RCW and this chapter, to the board. The appeal will be assigned to the office of administrative hearings.

(b) The appeal must be filed within twenty days after the notice of the decision or penalty is given to the assessed party either by personal service or using a method by which the mailing can be tracked or the delivery can be confirmed, sent to the last known address of the assessed party and must be made by filing a written notice of appeal with the chief electrical inspector, as secretary to the board. The request for an appeal must be accompanied with a certified check payable to the department in the sum of two hundred dollars or ten percent of the penalty amount, whichever is less, but in no event less than one hundred dollars.

(13) Appeals of proposed decisions issued by the office of administrative hearings.

(a) A party may appeal a proposed decision issued by the office of administrative hearings pursuant to chapter 19.28 RCW to the board. The appeal must be filed within twenty days after service of the decision and must be made by filing a written notice of appeal with the chief electrical inspector, as secretary to the board.

(b) The notice of appeal of a proposed decision must be received in the office of the chief electrical inspector, as secretary to the board, at least forty-five days before a regularly

scheduled board meeting. If you want the board to consider written argument, briefs, testimony, or other documents, it must be submitted at least forty-five days prior to the scheduled hearing.

(14) Appeals of penalty decisions issued through an appellant process of a city or town.

(a) A party may appeal a decision pursuant to RCW 19.28.010(4) to the board. The appeal must be filed within twenty days after service of the decision and must be made by filing a written notice of appeal with the chief electrical inspector, as secretary to the board.

(b) The notice of appeal must be received in the office of the chief electrical inspector, as secretary to the board, at least forty-five days before a regularly scheduled board meeting. If you want the board to consider written argument, briefs, testimony, or other documents, it must be submitted at least forty-five days prior to the scheduled hearing.

(15) Appeals of suspension, revocation, or nonrenewal.

(a) An appeal of the suspension or revocation of a license or certificate of competency under RCW 19.28.241 and 19.28.341 or of nonrenewal of a license or certificate of competency under this chapter will be heard by the board in accordance with chapter 34.05 RCW and not assigned to the office of administrative hearings. The board will conduct the hearing and may elect to have the assistance of an administrative law judge in the proceeding.

(b) The appeal must be filed within twenty days after the notice of suspension or revocation is served on the subject of said action, either by personal service or using a method by which the mailing can be tracked or the delivery can be confirmed, sent to the last known address of the subject and must be filed by written notice of appeal with the chief electrical inspector, as secretary to the board. The request for an appeal must be accompanied with a certified check payable to the department in the sum of two hundred dollars or, for appeals of nonrenewal due to outstanding final judgments owed to the department, the amount shall be two hundred dollars or ten percent of the outstanding penalty amount, whichever is less, but in no event less than one hundred dollars.

((15)) (16) Appeals of decisions on installation.

(a) A party may seek board review for disputes relating to the interpretation and application of electrical/telecommunications installation or maintenance standards under RCW 19.28.111, 19.28.480, and 19.28.531. The board will conduct the hearing and may elect to have the assistance of an administrative law judge in the proceeding.

(b) The notice of appeal, with the certified check payable to the department in the sum of two hundred dollars, must be received in the office of the chief electrical inspector, as secretary to the board, at least thirty days before a regularly scheduled board meeting. All parties must submit any written argument, briefs, testimony, or documents for the board's consideration at least twenty days prior to the scheduled hearing.

((16)) (17) Appeals of a continuing or basic trainee class or instructor for denials or revocations.

A party may appeal a decision issued by the department, pursuant to WAC 296-46B-970 (3)(e)(iv) to the superior court per RCW 34.05.542(3).

((17)) (18) Appeals pertaining to engineer approval or electrical testing laboratory recognition and accreditation.

(a) A party may appeal a decision issued by the department pursuant to WAC 296-46B-997 or 296-46B-999. The appeal will be heard by the board in accordance with chapter 34.05 RCW and not assigned to the office of administrative hearings. The board will conduct the hearing and may elect to have the assistance of an administrative law judge in the proceeding.

(b) The notice of appeal, with the certified check payable to the department in the sum of two hundred dollars for appeals pertaining to engineer approval or recognition and accreditation of an electrical testing laboratory, must be filed within twenty days after the notice of the department's decision is served on the subject of said action, either by personal service or using a method by which the mailing can be tracked or the delivery can be confirmed, sent to the last known address of the subject and must be filed by written notice of appeal with the chief electrical inspector, as secretary to the board.

((18)) (19) Judicial review of final decisions of the board.

A party may seek judicial review of a final order of the board within thirty days after service of the decision. Appeals of final decisions and orders must be done in accordance with chapter 34.05 RCW.

((19)) (20) If appeal(s) according to ((subsections (12), (13), (15), and (16) of)) this section are not filed or the appeal is not filed timely, the proposed decision or action becomes final with no further action on the part of the department or the board.

((20)) (21) Appeals - General requirements.

(a) Appeals according to ((subsection (12), (15), or (16) of)) this section must specify the contentions of the appellant, and must for subsection (13) or (14) of this section specify to which conclusions of law and findings of fact the party takes exception. The appeal will be based on the record of the hearing. The board will not grant a hearing de novo.

(b) In appeals under subsections (13), (14), (15), ((and)) (16), and (17) of this section, the issues to be adjudicated must be made as precise as possible, in order that the board may proceed promptly to conduct the hearing on relevant and material matter only.

(c) In all appeals of chapter 19.28 RCW and this chapter heard before the office of administrative hearings or directly by the board, the department has the burden of proof by a preponderance of the evidence.

(d) In all appeals of a decision by the office of administrative hearings to the board, the party aggrieved by the decision of the office of administrative hearings has the burden of proof by a preponderance of the evidence.

Appearance and practice before board.

((21)) (22) No party may appear as a representative in proceedings other than the following:

(a) Attorneys at law qualified to practice before the supreme court of the state of Washington;

(b) Attorneys at law qualified to practice before the highest court of record of another state, if the attorneys at law of the state of Washington are permitted to appear as represen-

tatives before administrative agencies of the other state, and if not otherwise prohibited by Washington law; or

(c) An owner, officer, partner, or full-time employee of a firm, association, organization, partnership, corporation, or other entity who appears for the firm, association, organization, partnership, corporation or other entity.

~~((22))~~ (23) All persons appearing in proceedings as a representative must conform to the standards of ethical conduct required of attorneys before the courts of Washington. If a person does not conform to these standards, the board may decline to permit the person to appear as a representative in any proceeding before the board.

WSR 19-10-083
PROPOSED RULES
CRIMINAL JUSTICE
TRAINING COMMISSION

[Filed May 1, 2019, 11:49 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 19-06-019.

Title of Rule and Other Identifying Information: Chapter 139-11 WAC, Law Enforcement Training and Community Safety Act.

Hearing Location(s): On June 6, 2019, at 10:00 a.m., at 19010 1st Avenue South, Burien, WA 98148. Public hearing and vote for adoption.

Date of Intended Adoption: June 6, 2019.

Submit Written Comments to: Alex Buijs, 19010 1st Avenue South, Burien, WA 98148, email abuijs@cjtc.state.wa.us, deinput@cjtc.state.wa.us, by June 5, 2019.

Assistance for Persons with Disabilities: Contact Alex Buijs, phone 206-835-7366, email abuijs@cjtc.state.wa.us, deinput@cjtc.state.wa.us, by June 4, 2019.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This proposal carries out the mandates of RCW 43.101.450, 46.101.452, 43.101.455, 36.28A.445 which requires the commission to establish by rule: Violence de-escalation training, mental health and first-aid training for law enforcement officers, adopt training hour requirements and curriculum including continuing training, establish means by which law enforcement officers will receive this training and guidelines for first aid training requirements in compliance with chapter 1, Laws of 2019, training requirements.

Reasons Supporting Proposal: This proposal is necessary to meet the mandates of the RCW cited above.

Statutory Authority for Adoption: Washington state criminal justice training commission is named in the relevant RCW.

Statute Being Implemented: RCW 43.101.450, 46.101.-452, 43.101.455, 36.28A.445.

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

Name of Proponent: Washington state criminal justice training commission, governmental.

Name of Agency Personnel Responsible for Drafting: Sue Rahr, 19010 1st Avenue South, Burien, WA 98148, 206-835-7300; Implementation and Enforcement: Dan Christman, 19010 1st Avenue South, Burien, WA 98148, 206-835-7300.

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 19.85.025(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party.

May 1, 2019

Alex Buijs

Program Specialist 3

Chapter 139-11 WAC

LAW ENFORCEMENT TRAINING AND COMMUNITY SAFETY ACT

NEW SECTION

WAC 139-11-010 Definitions. For the purposes of this section violence de-escalation means tactics, action, and communication methods used by officers to achieve the following objectives:

- (1) Manage the pace of an interaction;
- (2) Increase the distance between the officer and person involved;
- (3) Create shielding to protect the officer and others from an imminent threat; and
- (4) Engage in communication to gain cooperation to increase options for resolving the incident and reduce the likelihood of injury to all parties involved.

NEW SECTION

WAC 139-11-020 Requirements of training for law enforcement. This rule implements parts of Initiative Measure No. 940, passed in November 2018, and chapter 4, Laws of 2019 (SHB 1064), signed into law in February 2019. As stated in section 2 of Initiative Measure No. 940, "The intent of the people in enacting this act is to make our communities safer. This is accomplished by requiring law enforcement officers to obtain violence de-escalation and mental health training, so that officers will have greater skills to resolve conflicts without the use of physical or deadly force." While it is understood that police culture is part of the larger culture, it is critical for law enforcement training to proactively address the issue of law enforcement and its intersection with marginalized communities and contribute to changing outcomes for the better.

(1) Beginning December 7, 2019, all new general authority peace officers must complete a minimum of two hundred hours of initial violence de-escalation and mental health training in the basic law enforcement academy (BLEA). Vio-

lence de-escalation and mental health training will include the following topics:

(a) Patrol tactics, actions and communication methods that de-escalate situations when appropriate to reduce the likelihood of injury to all parties involved, avoid unnecessarily escalating situations that may lead to violence, and avoid unnecessarily placing officers in situations that require or lead to deadly force by:

(i) Increasing the distance between the officer and the persons involved;

(ii) Utilizing shielding to protect the officer and others from a threat;

(iii) Managing the pace of an interaction; and

(iv) Engaging in communication to increase options for resolving the incident and reduce the likelihood of injury to all parties involved.

(b) Recognizing and managing the impact of stress on the officer's perceptions and reactions;

(c) Understanding emotional intelligence and self-awareness;

(d) Understanding the psychology and foundational principles of procedural justice to build trust and rapport, including training on ethics;

(e) Recognizing and mitigating the impact of implicit and explicit bias on the officer's perceptions and reactions;

(f) Recognizing patterns of behavior in individuals that may be related to mental or behavioral health issue or other disability, per RCW 43.101.427(5);

(g) Use of techniques and communication strategies to calm persons who appear to be agitated or threatening due to a mental or behavioral health issue or other disability, per RCW 43.101.427(5);

(h) Proper use of nonlethal defensive tactics to gain physical control when necessary;

(i) Alternatives to the use of physical or deadly force so that de-escalation tactics and less lethal alternatives are part of the decision-making process leading up to the consideration of deadly force;

(j) Use of a decision-making simulator ("shoot don't shoot") and cognitive exercises to improve accurate recognition of threats and proper level of force response;

(k) Understand the "good faith" standard as stated in RCW 9A.16.040 (4)(a);

(l) Learning about the historical intersection of race and policing, including the institution of slavery through the Civil Rights Act of 1964, mass incarceration, the role and impacts of police in schools, and how this history impacts the criminal justice system and police interactions with the public today. This training should be supplemented by current data and research;

(m) Understanding how culture and differences in experiences, histories, and social norms impacts community perceptions of law enforcement and employing cultural humility skills;

(n) Learning to build more positive relationships with specific communities within areas officers serve by understanding how biases, stereotypes, and a lack of understanding about varying cultural norms negatively impacts police interactions with the public;

(o) Learning about the history of police interaction with the LGBTQ+ communities and learning about respectful and effective communication and interaction with these communities;

(p) Learning about effective communication and interaction with:

(i) Youth;

(ii) Individuals who have experienced domestic violence, sexual assault, or human trafficking;

(iii) Immigrant and refugee communities, and those with limited-English proficiency;

(iv) Persons who have barriers to hearing, understanding, or otherwise complying with law enforcement officers.

(q) Learning about the systemic challenges facing indigent populations, the nature of crimes and poverty, and the cycle of recidivism for those experiencing poverty;

(r) Examining alternatives to jail, booking, and arrest and the unintended impacts on members of the community and public safety;

(s) First-aid training focused on:

(i) Critical life-saving skills;

(ii) Understanding the solemn duty to preserve life by facilitating first aid at the earliest safe opportunity;

(iii) Understanding best practices for securing a scene to facilitate the safe, swift, and effective provisions for first aid to anyone injured at a scene controlled by law enforcement or as a result of law enforcement action.

(2) All peace officers certified in Washington before December 7, 2019, and lateral peace officers certified in Washington after December 7, 2019, must complete a minimum of forty hours of continuing de-escalation and mental health training every three years after receiving their initial peace officer certification. Incumbent peace officers must complete their first cycle of continuing de-escalation and mental health training by January 1, 2028. Continuing mental health and violence de-escalation training must include the following topics:

(a) Patrol tactics, actions and communication methods that de-escalate situations when appropriate to reduce the likelihood of injury to all parties involved, avoid unnecessarily escalating situations that may lead to violence, and avoid unnecessarily placing officers in situations that require or lead to deadly force by:

(i) Increasing the distance between the officer and the persons involved;

(ii) Utilizing shielding to protect the officer and others from a threat;

(iii) Managing the pace of an interaction; and

(iv) Engaging in communication to increase options for resolving the incident and reduce the likelihood of injury to all parties involved.

(b) Recognizing and managing the impact of stress on the officer's perceptions and reactions;

(c) Understanding emotional intelligence and self-awareness;

(d) Understanding the psychology and foundational principles of procedural justice to build trust and rapport, including training on ethics;

(e) Recognizing and mitigating the impact of implicit and explicit bias on the officer's perceptions and reactions;

(f) Recognizing patterns of behavior in individuals that may be related to mental or behavioral health issue or other disability, per RCW 43.101.427(5);

(g) Use of techniques and communication strategies to calm persons who appear to be agitated or threatening due to a mental or behavioral health issue or other disability, per RCW 43.101.427(5);

(h) Proper use of nonlethal defensive tactics to gain physical control when necessary;

(i) Alternatives to the use of physical or deadly force so that de-escalation tactics and less lethal alternatives are part of the decision-making process leading up to the consideration of deadly force;

(j) Use of a decision-making simulator ("shoot don't shoot") and cognitive exercises to improve accurate recognition of threats and proper level of force response;

(k) Understand the "good faith" standard as stated in RCW 9A.16.040 (4)(a);

(l) Learning about the historical intersection of race and policing, including the institution of slavery through the Civil Rights Act of 1964, mass incarceration, the role and impacts of police in schools, and how this history impacts the criminal justice system and police interactions with the public today. This training should be supplemented by current data and research;

(m) Understanding how culture and differences in experiences, histories, and social norms impacts community perceptions of law enforcement and employing cultural humility skills;

(n) Learning to build more positive relationships with specific communities within areas officers serve by understanding how biases, stereotypes, and a lack of understanding about varying cultural norms negatively impacts police interactions with the public;

(o) Learning about the history of police interaction with the LGBTQ+ communities and learning about respectful and effective communication and interaction with these communities;

(p) Learning about effective communication and interaction with:

(i) Youth;

(ii) Individuals who have experienced domestic violence, sexual assault, or human trafficking;

(iii) Immigrant and refugee communities, and those with limited-English proficiency; and

(iv) Persons who have barriers to hearing, understanding, or otherwise complying with law enforcement officers.

(q) Learning about the systemic challenges facing indigent populations, the nature of crimes and poverty, and the cycle of recidivism for those experiencing poverty;

(r) Examining alternatives to jail, booking, and arrest and the unintended impacts on members of the community and public safety;

(s) First-aid training focused on:

(i) Critical life-saving skills;

(ii) Understanding the solemn duty to preserve life by facilitating first aid at the earliest safe opportunity;

(iii) Understanding best practices for securing a scene to facilitate the safe, swift, and effective provisions for first aid

to anyone injured at a scene controlled by law enforcement or as a result of law enforcement action.

NEW SECTION

WAC 139-11-030 Exemption, waiver, extension, or variance. Any request for exemption, waiver, extension, or variance from any requirement of this chapter must be made under WAC 139-03-030. This information must be available to the public.

NEW SECTION

WAC 139-11-040 Curriculum review, development, and assessment. (1) All curricula will be reviewed and approved consistent with commission policies and procedures.

(2) All training and student performance will be assessed consistent with current commission policies and procedures.

(3) All training will utilize an effective pedagogical approach for law enforcement on sensitive issues, and the efficacy of training should be continuously assessed with before-and-after testing of officer-participant if recommended by the subject matter experts involved in developing the curriculum.

(4) Continuing training will be developed by commission staff in partnership with subject matter experts from across the state and across various related disciplines. The training will be delivered in a variety of local/regional venues including, but not limited to, classrooms, gymnasiums, simulators, ranges, online platforms, and community settings. A variety of educational methods will be employed including classroom lectures, mock scenarios, and physical skill development practice. The training will be delivered by a cadre comprised of commission certified instructors who have completed an eighty hour, "train the trainer" course and shall use to the extent possible field training officers from local agencies, as well as other trainers with unique qualifications from outside of the law enforcement profession.

NEW SECTION

WAC 139-11-050 Community input. The commission will consider consulting with community members to seek input and assistance with the development and delivery of training and the recruitment of subject matter experts. The commission will also consider developing a working roster of community members that includes, but is not limited to, representatives of stakeholder groups identified in RCW 43.101.455.

NEW SECTION

WAC 139-11-060 Miscellaneous. (1) All incumbent peace officers are required to complete forty hours of violence de-escalation and mental health training once every three years. This training may substitute for the annual twenty-four hour in-service requirement under WAC 139-05-300 in the year the officer completes the forty hour violence de-escalation training.

(2) Beginning January 2020, the commission will retain records submitted by law enforcement agencies demonstrating compliance with WAC 139-11-020 in accordance with state records retention schedules. The commission must make this information available to the public.

(3) The commission will consider developing a quarterly report on the following topics and post those reports on their web site:

(a) Hours and learning objectives for new curriculum related to the de-escalation training topics identified in WAC 139-11-020;

(b) Biographies of trainers delivering training on topics identified in WAC 139-11-020; and

(c) Waivers granted to agencies requesting credit for training that meets the requirements of WAC 139-11-030.