

WSR 23-09-006

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed April 6, 2023, 2:14 p.m., effective May 7, 2023]

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

Purpose: The purpose of this change is to establish rules for the department of licensing to implement the requirements of the Public Records Act, chapter 42.56 RCW. The department adopts these rules to provide full access to public records concerning the conduct of government, mindful of individuals' privacy rights. RCW 42.56.120 was updated in 2017 to clarify and expand what agencies may charge for creating copies of records. This rule change adopts 2017 changes into rule and updates the rules to align with existing processes.

Citation of Rules Affected by this Order: Repealing WAC 308-10-020 Operations and procedures, 308-10-042 Processing of public records requests—Electronic records, 308-10-050 Exemptions and 308-10-070 Communications with department; and amending WAC 308-10-005 Authority and purpose, 308-10-010 Definitions, 308-10-015 Function—Organization—Administrative offices—General inquiries to the office, 308-10-025 Public records available, 308-10-030 Public records officer, 308-10-040 Requests for public records, 308-10-041 Processing of public records requests—General, 308-10-045 Costs of providing copies of public records, 308-10-055 Review of denials of public records, 308-10-060 Protection of public records, 308-10-075 Disclosure of vehicle owner information, and 308-93-087 Disclosure of vessel owners information.

Statutory Authority for Adoption: RCW 46.01.110; and chapter 42.56 RCW.

Adopted under notice filed as WSR 23-03-114 on January 18, 2023.

Changes Other than Editing from Proposed to Adopted Version: The department received rule-making comments alerting the agency to an error in the revisions of WAC 308-10-065 Records index and 308-10-067 Public records indexing system. Therefore, the department has chosen not to amend these respective sections of the chapter. Future updates may still be needed to modernize these sections of the chapter; however, that would take place in a future rule-making effort.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 10, Repealed 4.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 11, Repealed 4; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: April 6, 2023.

Ellis Starrett
Rules and Policy Manager

OTS-4094.3

AMENDATORY SECTION (Amending WSR 10-10-040, filed 4/27/10, effective 5/28/10)

WAC 308-10-005 Authority and purpose. ((1) RCW 42.56.070(1) requires each agency to make available for inspection and copying non-exempt "public records" in accordance with published rules. The act defines "public record" to include any "writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained" by the agency.

(2) The purpose of these rules is to establish the procedures the department of licensing will follow in order to provide full access to public records. These rules provide information to persons wishing to request access to public records of the department of licensing and establish processes for both requestors and the department of licensing staff that are designed to best assist members of the public in obtaining such access.

(3) The purpose of the act is to provide the public full access to information concerning the conduct of government, mindful of individuals' privacy rights and the desirability of the efficient administration of government. The act and these rules will be interpreted in favor of disclosure. In carrying out its responsibilities under the act, the department of licensing will be guided by the provisions of the act describing its purposes and interpretation.)) (1) The purpose of this chapter is to establish rules for the department of licensing to implement the requirements of the Public Records Act, chapter 42.56 RCW.

(2) The department adopts these rules to provide full access to public records concerning the conduct of government, mindful of individuals' privacy rights. The department is guided by the provisions describing its purpose and interpretation when carrying out responsibilities under chapter 42.56 RCW.

[Statutory Authority: RCW 42.56.040, [42.56.]070, and 46.01.110. WSR 10-10-040, § 308-10-005, filed 4/27/10, effective 5/28/10. Statutory Authority: RCW 42.17.260, 42.17.250, and 46.01.110. WSR 06-16-039, § 308-10-005, filed 7/26/06, effective 8/26/06. Statutory Authority: RCW 42.17.250. WSR 92-09-107, § 308-10-005, filed 4/20/92, effective 5/21/92; Order MV 348, § 308-10-005, filed 12/24/75.]

AMENDATORY SECTION (Amending WSR 14-20-101, filed 9/30/14, effective 10/31/14)

WAC 308-10-010 Definitions. (1) The definitions set forth in RCW 42.56.010 ((shall)) apply to this chapter.

(2) ((Commercial purpose" means using or intending to use information for the purpose of facilitating a profit expecting business activity.

(3) The "department of licensing" is the agency created pursuant to chapter 46.01 RCW. The department of licensing shall hereinafter be referred to as the department)) **Department** means the department of

licensing. Where appropriate, ((the term department)) it also refers to the staff and employees of the department of licensing.

((4)) (3) "Designee" ((is)) means a department employee authorized by the public records officer to receive and respond to a public records request.

((5)) (4) "Director" means the director of the department of licensing as appointed by the governor.

((6)) (5) "Individual" means a natural person.

((7)) (6) "Legitimate business," for purposes of RCW 46.12.630, means a company with a valid and unexpired business license that is:

(a) A licensed Washington business; or

(b) Not required to be licensed in this state, but has a federal employer identification number, federal tax number, or uniform business identifier (UBI).

((8)) (7) "Listing (list)" means an item-by-item series of names, figures, words, or numbers written or printed one after the other.

((9) "Profession" when applied to department records, or the release of department record information, means any state regulated business, profession or occupation administered by the assistant director, business and professions division.)

[Statutory Authority: RCW 46.01.110 and 46.12.630. WSR 14-20-101, § 308-10-010, filed 9/30/14, effective 10/31/14. Statutory Authority: RCW 42.56.040, [42.56.]070, and 46.01.110. WSR 10-10-040, § 308-10-010, filed 4/27/10, effective 5/28/10. Statutory Authority: RCW 42.17.260, 42.17.250, and 46.01.110. WSR 06-16-039, § 308-10-010, filed 7/26/06, effective 8/26/06. Statutory Authority: RCW 46.01.110. WSR 99-17-031, § 308-10-010, filed 8/11/99, effective 9/11/99. Statutory Authority: RCW 42.17.250. WSR 96-05-036, § 308-10-010, filed 2/15/96, effective 3/17/96; WSR 92-09-107, § 308-10-010, filed 4/20/92, effective 5/21/92; Order MV 348, § 308-10-010, filed 12/24/75.]

AMENDATORY SECTION (Amending WSR 10-10-040, filed 4/27/10, effective 5/28/10)

WAC 308-10-015 ((Location of administrative office.)) Function—Organization—Administrative officers—General inquiries to the office.
((The administrative office of the department and its director and staff is located in the Highways-Licenses Building, 1125 Washington Street Southeast, Olympia 98504. The administrative office of the public records officer is located at 8005-A River Drive Southeast, Olympia 98501.)) (1) Function, organization, and administrative offices. The department of licensing administers laws relating to the licensing and regulation of professions, businesses, and other activities in addition to administering laws relating to the licensing and regulation of vehicles and vehicle operators, dealers, and manufacturers. More information about the department's roles is available at www.dol.wa.gov.

The main office of the department and its director is located in the Highways-Licenses Building, 1125 Washington Street Southeast, Olympia, WA 98504. The administrative office of the public records officer is located at 8005-A River Drive Southeast, Olympia, WA 98501.

(2) General inquiries and correspondence unrelated to a Public Records Act request to the office. Inquiries and correspondence concerning a matter unrelated to a Public Records Act request should be directed to the Olympia main office or by visiting www.dol.wa.gov.

[Statutory Authority: RCW 42.56.040, [42.56.]070, and 46.01.110. WSR 10-10-040, § 308-10-015, filed 4/27/10, effective 5/28/10. Statutory Authority: RCW 42.17.250. WSR 92-09-107, § 308-10-015, filed 4/20/92, effective 5/21/92; Order MV 348, § 308-10-015, filed 12/24/75.]

AMENDATORY SECTION (Amending WSR 10-10-040, filed 4/27/10, effective 5/28/10)

WAC 308-10-025 Public records available. All public records of the department are ((deemed to be)) available for public inspection and copying during normal business hours pursuant to these rules, except as otherwise provided by chapters 42.56 and 46.12 RCW, WAC 308-10-050 and 308-93-087. For the purposes of this chapter, the normal business hours ((shall be)) are from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

[Statutory Authority: RCW 42.56.040, [42.56.]070, and 46.01.110. WSR 10-10-040, § 308-10-025, filed 4/27/10, effective 5/28/10. Statutory Authority: RCW 42.17.260, 42.17.250, and 46.01.110. WSR 06-16-039, § 308-10-025, filed 7/26/06, effective 8/26/06. Statutory Authority: RCW 42.17.250. WSR 96-05-036, § 308-10-025, filed 2/15/96, effective 3/17/96; WSR 92-09-107, § 308-10-025, filed 4/20/92, effective 5/21/92; Order MV 348, § 308-10-025, filed 12/24/75.]

AMENDATORY SECTION (Amending WSR 10-10-040, filed 4/27/10, effective 5/28/10)

WAC 308-10-030 Public records officer. The ((department's)) director designates the public records officer ((shall be designated by the director and is)) as the point of contact for public records requests. The ((person so designated shall be)) records officer is located in the administrative office mentioned in WAC 308-10-015. The public records officer ((shall be)) is responsible for ((the following)):

(1) The implementation of the department's rules regarding release of public records((, coordinating the staff of the department in this regard, maintaining, keeping current, and publishing an index of all agency records and));

(2) The publishing and maintenance of the department's public records index of all agency records; and

(3) Ensuring the department's compliance with the public records disclosure act requirements.

[Statutory Authority: RCW 42.56.040, [42.56.]070, and 46.01.110. WSR 10-10-040, § 308-10-030, filed 4/27/10, effective 5/28/10. Statutory Authority: RCW 42.17.260, 42.17.250, and 46.01.110. WSR 06-16-039, § 308-10-030, filed 7/26/06, effective 8/26/06. Statutory Authority: RCW 42.17.250. WSR 96-05-036, § 308-10-030, filed 2/15/96, effective

3/17/96; WSR 92-09-107, § 308-10-030, filed 4/20/92, effective 5/21/92; Order MV 348, § 308-10-030, filed 12/24/75.]

AMENDATORY SECTION (Amending WSR 10-10-040, filed 4/27/10, effective 5/28/10)

WAC 308-10-040 Requests for public records. In accordance with ((requirements of)) chapter 42.56 RCW, ((that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:))

(1) A request shall be made in writing upon the department's public records request form or by letter, fax, or email addressed to the public records officer or designee where the record is held. The request shall include the following information:

(a) The name and address of the person requesting the record.

(b) The calendar date on which the request is made.

(c) The nature of the request.

(d) A reference to the requested record as it is described in the current department record index.

Note: If the material is not identifiable by reference to the department's current index, an accurate description of the record is required.

(e) The signature and other contact information including telephone number and any email address. A signature is not required for requests submitted by email.

(f) If for a "motor vehicle record" as defined in 18 U.S.C. 2725, a statement of the allowable use under 18 U.S.C. 2721 that will be made of the requested record.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the staff member to whom the request is made to assist the member of the public in appropriately identifying the public record requested.)) the public may inspect or copy nonexempt public records, or obtain copies of such records.

(1) Submit a request through one of the following methods:

(a) DOL's preferred method through the department's online portal located at <https://wadolpublicrecords.nextrequest.com/>; or

(b) Email addressed to the public records officer or designee sent to recordrequests@dol.wa.gov; or

(c) Send a written request, using the department's public records request form or a letter to P.O. Box 2957, Olympia, WA 98507-2957; or

(d) Verbally by phone or in person.

(2) DOL may request the following information before releasing certain records:

(a) The name and address of the person requesting the record.

(b) The calendar date on which the request is made.

(c) The nature of the request.

(d) A specific description of the requested record or type of record as described in the current department record index.

(e) The signature and other contact information including telephone number and any email address.

(f) If the request is for a record with legal protections, a statement of intended use may be required.

(3) Persons authorized by law to obtain lists of names of individuals from public records will be required to complete a statement agreeing not to release or use the information for commercial purposes.

(4) ((If the requestor wishes to have)) Requestor should indicate if they want copies of the records made instead of simply inspecting them, ((he or she should so indicate and make arrangements)) and arrange to pay for copies of the records under WAC 308-10-045.

(5) ((The public records officer or designee may accept requests for public records that contain the above information by telephone or in person. If the public records officer or designee accepts such a request, he or she will confirm, in writing, receipt of the information and the substance of the request.)) The department is committed to providing the fullest assistance possible.

[Statutory Authority: RCW 42.56.040, [42.56.]070, and 46.01.110. WSR 10-10-040, § 308-10-040, filed 4/27/10, effective 5/28/10. Statutory Authority: RCW 42.17.260, 42.17.250, and 46.01.110. WSR 06-16-039, § 308-10-040, filed 7/26/06, effective 8/26/06. Statutory Authority: RCW 42.17.250. WSR 96-05-036, § 308-10-040, filed 2/15/96, effective 3/17/96; WSR 92-09-107, § 308-10-040, filed 4/20/92, effective 5/21/92; Order MV 348, § 308-10-040, filed 12/24/75.]

AMENDATORY SECTION (Amending WSR 10-10-040, filed 4/27/10, effective 5/28/10)

WAC 308-10-041 Processing of public records requests—General.

(1) ((Providing "fullest assistance." The department is charged by statute with adopting rules which provide for how it will "provide full access to public records," "protect records from damage or disorganization," "prevent excessive interference with other essential functions of the agency," provide "fullest assistance" to requestors, and provide the "most timely possible action" on public records requests.)) The department will provide full access to public records in accordance with RCW 42.56.100, the public records officer or designee will process requests in ((the order allowing the most requests to be processed in the most efficient manner.

((2) Acknowledging receipt of request. Within five business days of receipt of the request, the public records officer or designee will do one or more of the following:

- ((a) Make the records available for inspection or copying;
- ((b) If copies are requested and payment for the copies, if any, is made or terms of payment are agreed upon, send the copies to the requestor;
- ((c) Provide a reasonable estimate of when records will be available; or
- ((d) If the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor. Such clarification may be requested and provided in a letter, by telephone or email. The public records officer or designee may revise the estimate of when records will be available; or
- ((e) Deny)) an efficient order depending on the size and complexity of the request.

((3) ~~Consequences of~~) (2) Failure to respond. If the department does not respond in writing within five business days of receipt of the request for disclosure, the requestor ((should consider contacting)) can contact the public records officer or designee to determine the reason for the failure to respond.

((4) ~~Protecting rights of others. In the event that the~~) (3) ~~Third-party notification.~~ If requested records contain information that may affect rights of others and may be exempt from disclosure, the public records officer may ((prior to providing the records, give notice to such others whose rights may be affected by the disclosure)) provide notice to persons named in the records, before providing the records to the requestor. Such notice should ((be given so as to make it possible)) provide time for those other persons to contact the requestor and ask ((him or her)) them to revise the request, or, if necessary, seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include a copy of the request. Fulfillment of the request may be delayed while third parties consider or pursue their legal options.

((5)) (4) Inspection of physical records.

(a) ((Consistent with other demands,)) The department ((shall promptly)) will provide space to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any document. The requestor ((shall)) must indicate which documents ((he or she wishes)) they want the agency to copy.

(b) The requestor must ((claim or review the assembled)) review assembled records or collect copied records within ((thirty)) 30 days of the department's notification to ((him or her)) them that the records are available ((for inspection or copying)). The department ((will)) may notify the requestor in writing of this requirement and ((inform the requestor that he or she should contact the department to)) ask them to make arrangements to ((claim)) collect or review the records.

(c) The department may close the request and refile the assembled records if the requestor or ((a)) their representative ((of the requestor)) fails to claim or review the records or make other arrangements within ((the thirty-day period or make other arrangements, the department may close the request and refile the assembled records. Other public records requests can be processed ahead of a subsequent request by the same person for the same or almost identical records, which can be processed as a new request)) 30 days of the department's notice.

((6)) (5) Providing copies of records. After inspection is complete, the public records officer or designee ((shall)) will make the requested copies or arrange for copying.

((7) ~~Providing records in installments. When the request is for a large number of records,~~) (6) ~~Retrieving records.~~ The public records officer or designee ((will)) may provide access for inspection and copying in installments((, if he or she reasonably determines that it would be practical to provide the records in that way. If, within thirty days, the requestor fails to inspect the entire set of records or one or more of the installments,)). The public records officer or designee may stop searching for the remaining records and close the request after 30 days if the requestor fails to inspect the entire set of records or one or more of the installments.

((8) ~~Completion of inspection. When the inspection of the requested records is complete and all requested copies are provided, the public records officer or designee will indicate that the department~~

has completed a diligent search for the requested records and made any located nonexempt records available for inspection.

(9)) (7) Closing withdrawn or abandoned requests. (When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records or pay the deposit or final payment for the requested copies, the public records officer or designee will close the request and indicate to the requestor that the department has closed the request.

(10) Later discovered documents. If, after the department has informed the requestor that it has provided all available records, the department becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requestor of the additional documents and provide them on an expedited basis.) The public records officer or designee will close the request and notify the requestor if the request is withdrawn, the records are not inspected, or the deposit is not paid.

[Statutory Authority: RCW 42.56.040, [42.56.]070, and 46.01.110. WSR 10-10-040, § 308-10-041, filed 4/27/10, effective 5/28/10. Statutory Authority: RCW 42.17.260, 42.17.250, and 46.01.110. WSR 06-16-039, § 308-10-041, filed 7/26/06, effective 8/26/06.]

AMENDATORY SECTION (Amending WSR 10-10-040, filed 4/27/10, effective 5/28/10)

WAC 308-10-045 Costs of providing copies of public records.

((1) No fee shall be charged for the inspection of public records. The department shall charge a fee in the amount necessary to reimburse the department for its actual costs incident to providing copies of public records. The schedule of charges is:

ITEM	FEES
Copies produced on copying and duplicating equipment including scanning	15 cents per page
Computer generated listing, magnetic tapes or labels	Cost of services and media
Microfilm copies	75 cents per page
Postal charges	May be added to any copy of a public record if applicable
Compact discs	Cost

(2) Before beginning to make the copies, the public records officer or designee may require a deposit of up to ten percent of the estimated costs of copying all the records selected by the requestor. The public records officer or designee may also require the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing that installment. The department will not charge sales tax when it makes copies of public records.

(3) Payment may be made by check or money order to the department.

(4) When it is in the fiscal and administrative interest of the state, the public records officer or designee may waive charges of \$4.50 or less.))

(1) The department does not charge a fee for the inspection of public records.

(2) Pursuant to RCW 42.56.120(2), the department declares that, for the following reasons, it would be unduly burdensome to calculate the actual costs for providing copies of public records:

(a) Funds were not allocated to perform a study to calculate actual costs, and the agency lacks the necessary funds to perform a study;

(b) Staff resources are insufficient to perform a study and to calculate such actual costs;

(c) A study would interfere with and disrupt other essential department's functions.

(3) The department may charge fees for production of copies of public records consistent with the fee schedule established in RCW 42.56.120 and published in the fee schedule available on the department's website at www.dol.wa.gov.

(4) The department will charge the actual amount charged by an external vendor for records copied. This includes records in nonstandard sizes; or in formats identified in the department's fee schedule available on the department of licensing's website at www.dol.wa.gov.

(5) Before copying public records, the public records officer or designee may require the requestor to:

(a) Pay a deposit of up to 10 percent of the estimated costs to copy all the requested records;

(b) Pay the remainder of the copying costs before providing all the records; or

(c) Pay the costs of copying an installment before providing the installment.

(6) At the department's discretion, the department may provide:

(a) Customized data services if the request would require the time of specialized program staff to prepare data compilations; or

(b) Customized electronic access services when such compilations and customized access services are not used by department of licensing for other agency purposes.

(c) Customized data services incur an hourly fee based on the complexity of the service.

(7) At the discretion of the public records officer, the department may waive any charges for providing public records. This determination will be made on a case-by-case basis.

[Statutory Authority: RCW 42.56.040, [42.56.]070, and 46.01.110. WSR 10-10-040, § 308-10-045, filed 4/27/10, effective 5/28/10. Statutory Authority: RCW 42.17.260, 42.17.250, and 46.01.110. WSR 06-16-039, § 308-10-045, filed 7/26/06, effective 8/26/06. Statutory Authority: RCW 46.01.110 and 42.17.260. WSR 99-09-045, § 308-10-045, filed 4/19/99, effective 5/20/99. Statutory Authority: RCW 42.17.250. WSR 96-05-036, § 308-10-045, filed 2/15/96, effective 3/17/96; WSR 92-09-107, § 308-10-045, filed 4/20/92, effective 5/21/92; Order MV 348, § 308-10-045, filed 12/24/75.]

AMENDATORY SECTION (Amending WSR 10-10-040, filed 4/27/10, effective 5/28/10)

WAC 308-10-055 Review of denials of public records. (1) Petition for internal administrative review of denial of access. Any per-

son who objects to the initial denial or partial denial of a records request may ((petition in writing (including email) to the public records officer for a review of that decision. The petition shall)) send a written request for the department to review the decision. The requestor must send the written request to the public records officer. The request must include a copy of or reasonably identify the written statement by the public records officer or designee denying the request.

(2) Consideration of petition for review. The public records officer ((shall)) will promptly provide ((the)) written petitions and any other relevant information to the ((manager of administration, finance and administration division)) administrative services assistant director or designee. That person will ((immediately)) consider the petition and either affirm or reverse the denial within ((ten)) 10 business days following the department's receipt of the petition, or within such other time as the department and the requestor mutually agree ((to)).

(3) Review by the attorney general's office. Pursuant to RCW 42.56.530, ((if the department denies a requestor access to public records because it claims the record is exempt in whole or in part from disclosure, the requestor may request the attorney general's office to review the matter)) any persons may request the attorney general to review the matter when the department concludes that a public record is exempt from disclosure. The attorney general has adopted rules on such requests in WAC 44-06-160.

(4) Judicial review. ((Any person may obtain court review of denials of public records requests pursuant to RCW 42.56.550.)) Pursuant to RCW 42.56.550, a requestor may request a judicial review of the department's denial of public records request.

[Statutory Authority: RCW 42.56.040, [42.56.]070, and 46.01.110. WSR 10-10-040, § 308-10-055, filed 4/27/10, effective 5/28/10. Statutory Authority: RCW 42.17.260, 42.17.250, and 46.01.110. WSR 06-16-039, § 308-10-055, filed 7/26/06, effective 8/26/06. Statutory Authority: RCW 42.17.250. WSR 92-09-107, § 308-10-055, filed 4/20/92, effective 5/21/92; Order MV 348, § 308-10-055, filed 12/24/75.]

AMENDATORY SECTION (Amending WSR 92-09-107, filed 4/20/92, effective 5/21/92)

WAC 308-10-060 Protection of public records. ((The department is primarily a licensing agency. The records consist mainly of operational files that are subject to high usage. In order to ensure that essential functions of the agency are continually carried out, and the public records are not damaged, altered, disorganized, or lost, access to the record storage areas is restricted. Public records will be inspected in the offices in which they are filed and maintained. Inspection shall be in the presence of an authorized department staff employee. Inspection shall be denied and the records will be withdrawn if the individual inspecting the records is doing so in a manner to damage, alter, or substantially disorganize them. Inspection shall be denied and records withdrawn if the individual inspecting the records attempts to remove them from the prescribed location or is excessively interfering or will unduly interfere with other essential functions of

~~the department.) Pursuant to RCW 42.56.100 the following requirements will apply when inspecting public records held by the department:~~

~~(1) The department must have a designated department employee present while a requestor inspects department records.~~

~~(2) Requestors must not:~~

~~(a) Remove any public record from department premises.~~

~~(b) Mark or deface a public record in any manner during inspection.~~

~~(c) Dismantle public records maintained in a file or jacket, or in chronological or other filing order which would constitute excessive interference with the department's essential functions.~~

~~(d) Stay longer than their scheduled appointment to prevent excessive interference with other essential functions of the agency.~~

~~(3) Access to file cabinets, shelves, vaults, or other storage areas is restricted to department employees, unless other arrangements are made with the public records officer and designee.~~

[Statutory Authority: RCW 42.17.250. WSR 92-09-107, § 308-10-060, filed 4/20/92, effective 5/21/92; Order MV 348, § 308-10-060, filed 12/24/75.]

AMENDATORY SECTION (Amending WSR 14-01-051, filed 12/12/13, effective 1/12/14)

WAC 308-10-075 Disclosure of vehicle owner information. (1)

~~((What vehicle record)) Laws protecting vehicle owner information ((is protected)) from disclosure(?)~~. Vehicle record information may be protected from disclosure ((is the same as)) under chapters 42.56 and 46.12 RCW, and 18 U.S.C. Sec. 2721.

~~(2) ((Who may receive vehicle owner names and addresses?)) Dis-~~
closing names and addresses of vehicle owners.

~~(a) Government agencies; or~~

~~(b) Business entities ((that require the information in their normal course of conducting business;)) who provide proof of business verification; or~~

~~(c) Vehicle manufacturers and vehicle component manufacturers that require vehicle ownership information for recall of their own product(s); or~~

~~(d) Individuals who provide proof of ((personal identification:~~

~~(i) For vehicles currently registered in their name; or~~

~~(ii) For vehicles for which they can provide a bill of sale or acceptable documents indicating they purchased the vehicle.~~

~~(e) Please see subsection (3) of this section for additional restrictions.~~

~~Business and government agencies requesting disclosure of individual vehicle owner names and addresses must enter into a disclosure agreement with the department.~~

~~(3) When both a mailing and residence address are recorded on the vehicle record, which address will be disclosed?~~ When both a mailing address and residence address are recorded on the vehicle record and are different, only the mailing address will be disclosed. Both addresses will be disclosed in response to requests from courts, law enforcement agencies, or government agencies with enforcement, investigative, or taxing authority and only for use in the normal course of conducting business.

(4) What documentation does the department require to disclose vehicle owner name(s) and address(es)? The department requires:

- (a) A signed vehicle/vessel information disclosure request form provided by the department and completed by the requestor indicating the specific purpose for which the information will be used; and
- (b) A disclosure agreement with the department as required by RCW 46.12.635.

(c) Acceptable business verification; or

(d) A contract with the department.

(5) What is acceptable business verification? For purposes of this section, acceptable business verification includes:

- (a) If the requestor is a licensed Washington business, a copy of its current master business license;
- (b) If the requestor is a business that is not required to be licensed in this state, its federal employer identification number/federal tax number (or Uniform Business Identifier) on official letterhead with a signature of the owner or an authorized representative;
- (c) If an attorney, a copy of the current bar card; or
- (d) If a private investigator, a copy of the current private investigator's license.

(6) Does a business need to supply a new form and copy of the business license each time vehicle information is requested? Yes, each time a request is made for vehicle information a new form and copy of the business license is needed, unless an unexpired contract exists between the business and the department.

(7) Are businesses allowed individual owner information on vehicle records? Yes, if a business requires individual owner information to conduct its normal business and qualifies under RCW 46.12.635 and 18 U.S.C. 2721 (commonly known as Driver Privacy Protection Act), it may receive individual vehicle owner information.

(8) Who may release the vehicle owner name and address information?

- (a) The public disclosure unit of the driver and vehicle services division of the department of licensing; or
- (b) Agents and subagents, but only when disclosing information for purposes described in subsection (2)(d) of this section.

(9) When may the department disclose the name(s) and address(es) of vehicle owners? The department may only disclose names and addresses of vehicle owners under the provisions of chapters 42.56 and 46.12 RCW and 18 U.S.C. 2721-2725, and:

(a) The request is in writing, signed by the person requesting disclosure, contains the full legal name and address of the requesting party and/or their business, and specifies the purpose for which the information will be used; and

(b) The requesting party enters into a disclosure agreement with the department in which the parties agree that they will use the information only for the purpose stated in the request for the information.

(10) Is the department required to notify the vehicle owner when ownership information is disclosed? When the department grants a request from an attorney or private investigator for information under this section, the department will provide notice to the vehicle owner that the request has been granted. Additionally, if a contract holder releases owner information to a private investigator or attorney, they must notify the vehicle owner that a request has been granted, and provide a copy to the department's public disclosure unit.

~~(11) Who is responsible for assuring that the information is used appropriately?~~ Any person, business, agency or association that receives vehicle owner information under this section is responsible for assuring, under penalty of perjury under the laws of the state of Washington, that the information received is not used for a purpose contrary to the agreement between the person, business, agency or association and the department.) identity and:

- (i) The owner of record is requesting the information for a vehicle(s) currently registered in their name; or
- (ii) They can provide either a letter of testamentary, letter of administration, court order, or a signed and notarized department of licensing form and a death certificate of the deceased; or
- (iii) They have documentation showing how they obtained the vehicle; or
- (iv) They are following the chattel lien process as required by RCW 60.08.085.

(3) In order for the department to disclose names and addresses of individual vehicle owners, the requestor must provide:

- (a) Acceptable verification or proof of identity as stated in subsection (4) or (5) of this section; and
 - (i) A contract with the department; or
 - (ii) A disclosure form or agreement with the department as required by RCW 46.12.635.
- (b) Any other supporting documentation as requested by the department.

(4) Acceptable business verification.

- (a) If the requestor is a business, one of the following:
 - (i) A copy of its current/valid business or professional license; or
 - (ii) If the requestor is a business that is not required to be licensed, its federal employer identification number, federal tax number, or uniform business identifier number on its official business letterhead with a signature of the owner or an authorized representative.
- (b) If the requestor is an attorney, a copy of:
 - (i) Their eligibility to practice law, including proof that their license is in a current/active status; and
 - (ii) An engagement letter, notice showing the attorney is representing someone, or evidence of an active case in court.
- (c) If the requestor is a private investigator, a copy of:
 - (i) Their current/valid private investigator's license; and
 - (ii) An engagement letter, notice showing the private investigator is representing someone, or evidence of an active case in court.

(5) Proof of identity.

Acceptable forms of identification include, but are not limited to:

- (a) A current/valid driver's license or instruction permit issued by any U.S. state or foreign government. If the requestor's driver license has expired, they must also show a valid temporary driver's license with the expired card; or
- (b) A current/valid United States armed forces identification; or
- (c) A current/valid merchant marine identification card issued by the United States Coast Guard; or
- (d) A current/valid identification card issued by any foreign, federal, or state government; or
- (e) A current/valid official U.S. passport or an unexpired foreign passport; or

(f) A current/valid enrollment card issued by the governing authority of a state or federally recognized Indian tribe.

Note: The department, at its own discretion, may waive the requirement in subsection (5) of this section and accept other documentation that clearly establishes the identity of the requestor.

[Statutory Authority: RCW 46.01.110 and 46.12.635. WSR 14-01-051, § 308-10-075, filed 12/12/13, effective 1/12/14.]

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 308-10-020	Operations and procedures.
WAC 308-10-042	Processing of public records requests— Electronic records.
WAC 308-10-050	Exemptions.
WAC 308-10-070	Communications with department.

OTS-4095.2

AMENDATORY SECTION (Amending WSR 10-11-030, filed 5/11/10, effective 6/11/10)

WAC 308-93-087 Disclosure of ((names and addresses of individual)) vessel owner((s)) information. ((1) What vessel record information is protected from disclosure?

Vessel information protected from disclosure is the same as under chapters 42.56 and 46.12 RCW.

(2) Who may receive disclosure of individual vessel owner names and addresses?

- (a) Government agencies;
- (b) Any business entity that uses the name and address information in their normal course of business in accordance with these rules;
- (c) Vessel manufacturers that require vessel ownership information for recall of their own products;
- (d) A vessel owner for their own vessel; or
- (e) Individuals who meet the criteria listed in subsection (6) of this section.

(3) What documentation does the department require to disclose vessel owner names and addresses?

The department requires:

- (a) A disclosure request form provided by the department and completed by the applicant; and
- (b) Acceptable business verification.

(4) What is acceptable business verification?

For purposes of this section acceptable business verification includes:

- (a) If a licensed Washington business, a copy of its current unexpired master business license;
- (b) If a business is not required to be licensed in this state, its federal employer identification number/federal tax number (or Uniform Business Identifier) on its official letterhead with a signature of the owner or an authorized representative;
- (c) If an attorney, a copy of the current bar card; or
- (d) If a private investigator, a copy of the current private investigator's license; or
- (e) If an out-of-state business not licensed in Washington:
 - (i) If the business is required to be licensed, a copy of its current business license issued by the governmental authority with jurisdiction over the license; or
 - (ii) If the business is not required to be licensed, its federal employer identification number/federal tax number on its official letterhead with a signature of the owner or an authorized representative.

(5) If a business has entered into an agreement with the department, is a separate request for each inquiry required?

No. If a business has entered into a written agreement with the department, a separate request for each inquiry is not required.

(6) When may an individual be provided vessel owner name and address information?

- (a) When the owner of record is requesting the information; or
- (b) When the requester presents a bill of sale or other evidence of ownership and needs the ownership information to obtain a release of interest.

(7) Who may release the vessel owner name and address information?

- (a) The department of licensing; or
- (b) Agents and subagents, only when disclosing information for purposes described in subsection (6)(b) of this section.

(8) When may the department disclose the names and addresses of vessel owners?

Notwithstanding the provisions of chapter 42.56 RCW, the department may disclose the names and addresses of vessel owners when:

- (a) The requesting party is a business that requests the information for use in their normal course of business;
- (b) The request is in writing, signed by the person requesting disclosure, contains the full legal name and address of the requesting party or their business, and specifies the purpose for which the information will be used;
- (c) The requesting party enters into a disclosure agreement with the department in which the parties:
 - (i) Agree they will use the information only for the purpose stated in the request for the information; and
 - (ii) Individuals meet the criteria listed in subsection (6) of this section.

(9) Is the department required to notify the vessel owner when ownership information is disclosed?

When the department grants a request from an attorney or private investigator, for information under this section, the department will provide notice to the vessel owner that the request has been granted. In addition, the notice will contain the name and address of the requesting party.

Additionally, if contract holders release owner information to a private investigator or attorney, they must notify the vessel owner that a request has been granted and include the name and address of

the requesting party and send a copy to the department public disclosure unit.

(10) Who is responsible for assuring that the information is used appropriately?

Any person, business, agency or association that receives vessel owner information under this section is responsible for assuring under penalty of perjury under the laws of the state of Washington that the information received is not used for a purpose contrary to the agreement between the person, business, agency or association and the department.)

(1) Laws protecting vessel owner information from disclosure.

Vessel record information may be protected from disclosure under chapters 42.56 and 46.12 RCW, and 18 U.S.C. Sec. 2721. Indian tribal vessel data is protected from disclosure under WAC 308-93-770.

(2) Disclosing names and addresses of vessel owners.

(a) Government agencies; or

(b) Business entities who provide proof of business verification; or

(c) Vessel manufacturers and vessel component manufacturers that require vessel ownership information for recall of their own product(s); or

(d) Individuals who provide proof of identity and:

(i) The owner of record is requesting the information for a vessel(s) currently registered in their name; or

(ii) They can provide either a letter of testamentary, letter of administration, court order, or a signed and notarized department of licensing form and a death certificate of the deceased; or

(iii) They have documentation showing how they obtained the vessel; or

(iv) They are following the chattel lien process as required by RCW 60.08.085.

(3) In order for the department to disclose names and addresses of individual vessel owners, the requestor must provide:

(a) Acceptable verification or proof of identity as stated in subsection (4) or (5) of this section; and

(i) A contract with the department; or

(ii) A disclosure form or agreement with the department as required by RCW 46.12.635.

(b) Any other supporting documentation as requested by the department.

(4) Acceptable business verification.

(a) If the requestor is a business, one of the following:

(i) A copy of its current/valid business or professional license; or

(ii) If the requestor is a business that is not required to be licensed, its federal employer identification number, federal tax number, or uniform business identifier number on its official business letterhead with a signature of the owner or an authorized representative.

(b) If the requestor is an attorney, a copy of:

(i) Their eligibility to practice law, including proof that their license is in a current/active status; and

(ii) An engagement letter, notice showing the attorney is representing someone, or evidence of an active case in court.

(c) If the requestor is a private investigator, a copy of:

(i) Their current/valid private investigator's license; and

(ii) An engagement letter, notice showing the private investigator is representing someone, or evidence of an active case in court.

(5) Proof of identity.

Acceptable forms of identification include, but are not limited to:

(a) A current/valid driver's license or instruction permit issued by any U.S. state or foreign government. If the requestor's driver license has expired, they must also show a valid temporary driver's license with the expired card; or

(b) A current/valid United States armed forces identification card; or

(c) A current/valid merchant marine identification card issued by the United States Coast Guard; or

(d) A current/valid identification card issued by any foreign, federal, or state government; or

(e) A current/valid official U.S. passport or an unexpired foreign passport; or

(f) A current/valid enrollment card issued by the governing authority of a state or federally recognized Indian tribe.

Note: The department, at its own discretion, may waive the requirement in subsection (5) of this section and accept other documentation that clearly establishes the identity of the requestor.

[Statutory Authority: RCW 46.16.276 and 46.01.110. WSR 10-11-030, § 308-93-087, filed 5/11/10, effective 6/11/10. Statutory Authority: RCW 88.02.070, 88.02.100. WSR 01-16-105, § 308-93-087, filed 7/30/01, effective 8/30/01; WSR 99-01-134, § 308-93-087, filed 12/21/98, effective 1/21/99; WSR 92-24-035, § 308-93-087, filed 11/25/92, effective 12/26/92. Statutory Authority: RCW 88.02.070. WSR 88-24-003 (Order TL/RG 47), § 308-93-087, filed 11/29/88.]

WSR 23-09-008

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed April 6, 2023, 4:50 p.m., effective May 7, 2023]

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

Purpose: The department of licensing has received a petition from a limousine services company requesting that the agency revise rules to allow for inclusion of modern vehicle sizes. The agency is conducting rule making on WAC 308-83-010 to decrease the wheelbase requirement for executive sedans and SUVs, which will allow a greater range of modern vehicle sizes. Decreasing the capacity of executive vans for number of passengers behind the driver will allow for additional modern luxury vans to be included under the definition of a limousine.

Citation of Rules Affected by this Order: Amending WAC 308-83-010 Definitions.

Statutory Authority for Adoption: RCW 46.72A.030(1) and 46.01.110.

Adopted under notice filed as WSR 23-06-053 on February 27, 2023.

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

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

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

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

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

Date Adopted: April 6, 2023.

Ellis Starrett
Rules and Policy Manager

OTS-4323.1

AMENDATORY SECTION (Amending WSR 17-20-019, filed 9/26/17, effective 10/27/17)

WAC 308-83-010 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter and chapter 46.72A RCW.

(1) "Amenities" means equipment or features added to a vehicle for the comfort or convenience of the occupants:

(a) "Standard amenities" means standard factory amenities normally found in passenger cars;

(b) "Nonstandard amenities" means amenities not normally found in passenger cars. These amenities may include, but are not limited to, a television, musical sound system, telephone, ice storage, refrigerator, power-operated dividers, or additional interior lighting.

(2) "Business license" or "limousine carrier business license" means a license issued under chapter 19.02 RCW, which contains an endorsement indicating the business to which the license is issued is authorized to provide limousine carrier services.

(3) "Business licensing service" means the program within the Washington state department of revenue authorized by chapter 19.02 RCW to issue the business license.

(4) "Business office" refers to the physical location where a limousine carrier business maintains its business records, as defined in WAC 308-83-130. The business office is the physical address on file with the business licensing service. The business office is the place where the business license is posted.

(5) "Business owner" means an individual, partnership, corporation, association, or other person(s), or group that holds a substantial interest in a limousine carrier business.

(6) "Chauffeur" means a person who operates a limousine.

(7) "Decal" means a sticker issued by the department to indicate the vehicle displaying the decal has a valid limousine vehicle certificate.

(8) "Department" means the Washington state department of licensing.

(9) "Dispatch log" refers to a paper or electronic record of assignments made to chauffeurs, and includes all information from the passenger manifest(s) for a given period, as well as the time each ride was arranged, the limousine, and the chauffeur assigned to the customer. The dispatch log also documents passengers referred by or to other drivers or businesses.

(10) "Disqualification" means a prohibition against driving a limousine.

(11) "Drugs" are those substances as defined by RCW 69.04.009 including, but not limited to, those substances defined by 49 C.F.R. 40.3.

(12) "Limousine" has the same meaning as in RCW 46.04.274 and includes vehicles that meet one of the following definitions:

(a) "Stretch limousine" means an automobile with a seating capacity behind the driver of not less than four passengers and not more than ((fourteen)) 14 passengers, and a maximum wheelbase of ((two hundred eighty-five)) 285 inches. The wheelbase has been factory or otherwise altered beyond the original manufacturer's specifications and meets standards of the United States Department of Transportation. A stretch limousine must be equipped with nonstandard amenities in the rear seating area.

(b) "Executive sedan" means a four-door sedan or crossover automobile having a seating capacity behind the driver of not more than three passengers, and a minimum wheelbase of ((one hundred fourteen and one half)) 112 inches or is designated as a large car under 40 C.F.R. 600.315-08, and has a manufacturer's suggested retail price when new of no less than ((thirty-five thousand dollars)) \$35,000. The department may provide guidelines for qualified vehicles on our website. An executive sedan must at a minimum be equipped with standard amenities, and the wheelbase may not be altered.

(c) "Executive van" means a van or minivan, having a seating capacity behind the driver of not less than ((seven)) five passengers and not more than ((fourteen)) 14 passengers.

(d) "Classic car" means a fine or distinctive, American or foreign automobile that is ((thirty)) 30 years old or older.

(e) "Executive sport utility vehicle" means a sport utility vehicle with a seating capacity behind the driver of not less than three passengers and not more than six passengers, and a minimum wheelbase of ((one hundred sixteen)) 112 inches that has not been altered.

(f) "Stretch sport utility vehicle" means a sport utility vehicle with a seating capacity behind the driver of not less than four and not more than ((fourteen)) 14 passengers, and a maximum wheelbase of ((three hundred twenty five)) 325 inches that has been factory or otherwise altered beyond the original manufacturer's specifications and meets standards of the United States Department of Transportation. A stretch sport utility vehicle must be equipped with nonstandard amenities in the rear seating area.

(13) "Limousine carrier" or "carrier" is a business licensed, or required to be licensed by the department to provide limousine services, in accordance with RCW 46.04.276 and department regulations.

(14) "Nonresident limousine carrier" refers to a limousine carrier or vehicle owner whose place of business is not in Washington state.

(15) "Operate" refers to a person engaging in the business of a limousine and includes driving, occupying, or otherwise using a limousine to wait for, pick up, transport, or drop off a passenger for compensation. Specific activities included in the definition of operating a limousine are contained in WAC 308-83-210.

(16) "Passenger capacity" means the maximum number of passengers that may be carried in a vehicle as determined by using the information found on the label that is required by the United States Department of Transportation to be affixed to the vehicle under 49 C.F.R., Parts 567 and 568. This label must be affixed to the vehicle in accordance to 49 C.F.R., Parts 567 and 568. In absence of the label, a member of the Washington state patrol or the department may determine the passenger capacity upon visual inspection of the vehicle.

(17) "Passenger manifest" refers to a daily record that verifies prearranged trips. Specific requirements for the passenger manifest are contained in WAC 308-83-200.

(18) "Person" or "persons" means an individual, a corporation, association, sole proprietorship, joint stock association, partnership, limited liability partnership, limited liability company, or other association of people organized to conduct business. It also includes their lessees, trustees, or receivers.

(19) "Prearranged" refers to a customer or customer's agent having secured and agreed to the services and fare. Prearranged means the agreement was made prior to the time of departure and at a place different than the place of departure.

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

(21) "Substance abuse professional" means an alcohol and drug specialist meeting the credentials, knowledge, training, and continuing education requirements of 49 C.F.R. 40.281.

(22) "Unified business identifier" or "UBI" is a nine digit number that registers a business with several state agencies and allows an entity to do business in Washington state. It is sometimes called a tax registration number, a business registration number, or a business license number.

(23) "Vehicle certificate" is a document issued by the department, indicating that the vehicle is registered as a limousine. The vehicle certificate must be carried in the limousine at all times. The vehicle certificate is not the vehicle registration document.

[Statutory Authority: Chapters 46.72A, 43.24, and 46.04 RCW. WSR 17-20-019, § 308-83-010, filed 9/26/17, effective 10/27/17. Statutory Authority: RCW 46.72A.120, 43.24.086, chapter 46.04 RCW. WSR 16-08-093, § 308-83-010, filed 4/5/16, effective 5/6/16. Statutory Authority: Chapters 46.72A, 46.04 RCW, RCW 43.24.086 and 2011 c 374. WSR 12-02-035, § 308-83-010, filed 12/29/11, effective 2/1/12.]

WSR 23-09-024
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed April 11, 2023, 10:19 a.m., effective April 11, 2023]

Effective Date of Rule: April 11, 2023.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: This rule permanently adopts requirements currently covered under the emergency rule filed on December 13, 2022, as WSR 23-01-038. The emergency rule will expire on April 12, 2023. The earlier adoption date is needed for the permanent rule to ensure there is not a gap in coverage of the regulations and for preservation of public health, safety, and welfare as described in WSR 23-01-038.

Purpose: The purpose of this rule making is to adopt amendments to the factory assembled structures (FAS) rules for review and approval of design plans by licensed professional engineers, architects, and firms for commercial coach trailers, factory-built housing and commercial structures, recreational park trailers (also known as park model recreational vehicles and park trailers), recreational vehicles, and conversion vendor units.

Since 2021, the department of labor and industries (L&I) has adopted emergency rules allowing third party reviews by approved licensed professionals to reduce a backlog of design plans for review and approval in the FAS program. The emergency rule clarified the procedures for review and approval of design plans for commercial coaches and factory-built and commercial structures by licensed professional engineers, architects, or firms under chapters 296-150C and 296-150F WAC. The emergency rules also allowed licensed professionals or firms to review and approve design plans for recreational park trailers, recreational vehicles, and conversion vendor units under chapters 296-150P, 296-150R, and 296-150V WAC. This rule making adopts the standards in the emergency rule as permanent rules.

The adopted rules are in two parts. The first part adopts amendments that update and clarify existing rules for review and approval of design plans for commercial coaches (chapter 296-150C WAC) and factory-built housing and commercial structures (chapter 296-150F WAC). The adopted amendments:

- Allow L&I to suspend or revoke a licensed professional's approval to review plans for submittal of substandard plans or a conflict of interest. This also includes, but is not limited to:
 - Adds new requirements for suspending and revoking a licensed professional authorization for substandard plans. For example:
 - Requires that plans must first be audited and found to be incomplete or contain multiple violations of the building code and other codes.
 - Establishes a minimum threshold that allows suspension or revocation if three or more approved plans are found during audit to be incomplete or contain multiple code violations in a one-year period.
 - Adds new language to establish what constitutes an "incomplete plan."
 - Establishes administrative processes and timeline for a licensed professional to reapply to regain their authorization

- to approve plans and a remedy to hear appeals of a suspension or revocation.
- o Establishes the actions L&I will take if a licensed professional's authorization to approve plans is revoked or suspended.
- Adopt current FAS procedures allowing for electronic submittal of plans and for engineer/architects stamping of plans in accordance with department of licensing (DOL) and board of registration for professional engineers and land surveyors (BRPELS) requirements.
- Clarify the requirements for accepting plans to reflect the existing practice of the FAS program. This includes, but is not limited to:
 - o Allows licensed professionals 90 days to correct design plans and information and resubmit the plan to L&I for acceptance, unless under an audit.
 - o Clarifies that audits may be random or for noncompliance and subjects licensed professionals or firms to fees for L&I's review and approval of plans that do not comply with the requirements of the chapter.
 - o Clarifies the existing procedures that audits include determining whether a plan complies with the FAS program's written guidelines, as well as the provisions of the chapter.
 - o Clarifies that L&I will notify the applicant that submitted the design plan approved by the licensed professional for plans that do not comply with requirements, rather than the licensed professional plan reviewer.
- Clarify that a professional includes professional engineers, architects, or firms.
- Clarify that a professional engineer, architect, or firm cannot approve plans submitted for multistate approval under a reciprocal agreement.
- Remove obsolete fees for electronic plan submittal.
- Create new hourly fees for resubmittal of design plans approved by a professional or firm.
- Modify rules for general housekeeping and clean-up, such as punctuation, relocating requirements to other rules, typographical and reference corrections, formatting, section title changes, etc.

The second part adopts amendments that add new requirements for review and approval of design plans for recreational park trailers (chapter 296-150P WAC), recreational vehicles (chapter 296-150R WAC), and conversion vending units and medical units (chapter 296-150V WAC), among other changes. The adopted amendments:

- Modify the definition of "recreational park trailer" to further clarify its meaning.
- Allow licensed professionals or firms to review and approve design plans for recreational park trailers and recreational vehicles, excluding design plans for quality control manuals which must be reviewed and approved by L&I.
- Allow licensed professionals or firms to review and approve design plans for conversion vendor units, excluding design plans for medical units which must be reviewed and approved by L&I.
- Establish the licensed professionals or firms authorized to approve design plans and specifies the restrictions on authorization to approve plans.

- Establish requirements for the information that licensed professionals and firms must provide to L&I to become authorized to approve design plans.
- Establish requirements for notices of approval and denial for requests for authorization from licensed professionals and firms.
- Establish the time frame that licensed professionals or firms are authorized to review and approve plans and the requirements for maintaining authorization. This also includes, but is not limited to:
 - Allows L&I to suspend or revoke a licensed professional's approval to review plans for submittal of substandard plans or a conflict of interest.
 - Adds new requirements for suspending and revoking a licensed professional authorization for substandard plans. For example:
 - Requires that plans must first be audited and found to be incomplete or contain multiple violations of the building code and other codes.
 - Establishes a minimum threshold that allows suspension or revocation if three or more approved plans are found during audit to be incomplete or contain multiple code violations in a one-year period.
 - Adds new language to establish what constitutes an "incomplete plan."
 - Establishes administrative processes and timeline for a licensed professional to reapply to regain their authorization to approve plans and a remedy to hear appeals of a suspension or revocation.
 - Establishes the actions the agency will take if a licensed professional's authorization to approve plans is revoked or suspended.
- Establish requirements for information that manufacturers must provide to L&I when submitting design plans approved by licensed professionals or firms.
- Adopt current FAS procedures allowing for electronic submittal of plans and for engineer/architects stamping of plans in accordance with DOL and BRPELS requirements.
- Establish requirements for the design plan approval process to reflect the existing practice of the FAS program. This includes, but is not limited to:
 - Allows licensed professionals 90 days to correct design plans and information and resubmit the plan to L&I for acceptance, unless under an audit.
 - Clarifies that audits may be random or for noncompliance and subjects licensed professionals or firms to fees for L&I's review and approval of plans that do not comply with the requirements of the chapter.
 - Clarifies the existing procedures that audits include determining whether a plan complies with the FAS program's written guidelines, as well as the provisions of the chapter.
 - Clarifies that L&I will notify the applicant that submitted the design plan approved by the licensed professional for plans that do not comply with requirements, rather than the licensed professional plan reviewer.
- Establish that L&I maintains a list of authorized licensed professionals and firms that approve design plans.

- Require addendums to a design plan to be approved by the professional or firm that initially approved the plan, and if they are no longer on the list of professionals or firms, then L&I will approve the addendum.
- Remove obsolete fees for electronic plan submittal.
- Create new fees for plans approved by licensed professionals.
- Create new hourly fees for resubmittal of design plans approved by a professional or firm.
- Modify rules for general housekeeping and cleanup, such as adding new section headers, section title changes, etc.

Citation of Rules Affected by this Order: New WAC 296-150P-0315, 296-150P-0520, 296-150P-0530, 296-150P-0540, 296-150P-0550, 296-150P-0560, 296-150P-0570, 296-150P-0580, 296-150P-0590, 296-150R-0315, 296-150R-0520, 296-150R-0530, 296-150R-0540, 296-150R-0550, 296-150R-0560, 296-150R-0570, 296-150R-0580, 296-150R-0590, 296-150V-0420, 296-150V-0430, 296-150V-0440, 296-150V-0450, 296-150V-0460, 296-150V-0470, 296-150V-0480 and 296-150V-0490; and amending WAC 296-150C-0310, 296-150C-0420, 296-150C-0430, 296-150C-0450, 296-150C-0460, 296-150C-0470, 296-150C-0480, 296-150C-3000, 296-150F-0310, 296-150F-0420, 296-150F-0430, 296-150F-0450, 296-150F-0460, 296-150F-0470, 296-150F-0480, 296-150F-3000, 296-150P-0020, 296-150P-3000, 296-150R-3000, 296-150V-0310, 296-150V-0800, and 296-150V-3000.

Statutory Authority for Adoption: Chapter 43.22 RCW.

Adopted under notice filed as WSR 23-06-067 on February 28, 2023.

A final cost-benefit analysis is available by contacting Alicia Curry, Field Services and Public Safety Division, P.O. Box 44400, Olympia, WA 98504-4400, phone 360-902-6244, fax 360-902-6134, email Alicia.Curry@Lni.wa.gov, website <https://lni.wa.gov/licensing-permits/manufactured-modular-mobile-structures/laws-rules#rule-development>.

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

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

Number of Sections Adopted on the Agency's own Initiative: New 26, Amended 22, Repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 26, Amended 22, Repealed 0.

Date Adopted: April 11, 2023.

Joel Sacks
Director

OTS-4263.2

AMENDATORY SECTION (Amending WSR 98-14-078, filed 6/30/98, effective 7/31/98)

WAC 296-150C-0310 Who can approve design plans? (1) Design plans can be approved by us or by a licensed professional or firm authorized by us. (See WAC 296-150C-0420 and 296-150C-0430.)

(2) All electrical design plans for new or altered electrical installations for educational institutions, health care facilities, and other buildings required by chapter 296-46B WAC, Safety standards—Installing electric wires and equipment—Administrative rules, must be reviewed and approved by us.

(3) ~~((A professional cannot approve plans submitted under a reciprocal agreement.))~~ All design plans submitted under a reciprocal agreement for multistate approval must be reviewed and approved by us.

[Statutory Authority: Chapter 43.22 RCW. WSR 98-14-078, § 296-150C-0310, filed 6/30/98, effective 7/31/98. Statutory Authority: RCW 43.22.340, [43.22.]355, [43.22.]360, [43.22.]432, [43.22.]440 and [43.22.]480. WSR 96-21-146, § 296-150C-0310, filed 10/23/96, effective 11/25/96.]

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150C-0420 Who can be authorized to approve design plans?

(1) A professional engineer, architect, or firm licensed by the state of Washington according to the Engineers Registration Act, chapter 18.43 RCW and/or the Architects Registration Act, chapter 18.08 RCW; or

(2) A professional engineer, architect, or firm licensed in another state that has licensing or certification requirements that meet or exceed Washington requirements.

~~((3) A professional engineer, architect, or firm who designs and certifies that the commercial coach design meets state requirements cannot also approve the design plan in the plan approval process;))~~

~~((4) A professional engineer, architect, or firm cannot approve those electrical designs listed in WAC 296-150C-0310(2); and))~~

~~((5) A professional engineer, architect, or firm cannot approve plans submitted for multistate approval under a reciprocal agreement.))~~

[Statutory Authority: RCW 43.22.340, [43.22.]355, [43.22.]360, [43.22.]432, [43.22.]440 and [43.22.]480. WSR 96-21-146, § 296-150C-0420, filed 10/23/96, effective 11/25/96.]

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150C-0430 What information must a professional or firm provide to be authorized to approve design plans? (1) Name, a copy of your certificate of registration or authority, and address of the professional engineer ((or)), architect ((or)), or firm;

(2) ((Name, a copy of your certificate of authority, and address of the firm; and

(3))) A description of the services the professional engineer, architect, or firm will provide in the areas of structural, fire and life safety, energy, mechanical, plumbing, and electrical plan review for commercial coaches; and

((4) A description)) (3) A summary of the professional's ((area(s) of)) or firm's expertise and qualifications ((which include: (a) A summary of the professional's or firm's experience; and (b) Verification of experience in your area of expertise such as structural, mechanical, plumbing, energy, electrical, fire and life safety, and ventilation and indoor air quality)) to review plans in the areas identified by the description of services.

[Statutory Authority: RCW 43.22.340, [43.22.]355, [43.22.]360, [43.22.]432, [43.22.]440 and [43.22.]480. WSR 96-21-146, § 296-150C-0430, filed 10/23/96, effective 11/25/96.]

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150C-0450 How long is a licensed professional or firms authorization effective? Your authorization to approve design plans is effective until your license expires, is revoked or ((is)) suspended or until your authorization to approve plans is revoked or suspended in accordance with subsection (3) or (4) of this section.

(1) You must notify us of your license renewal at least ((fifteen)) 15 days before your license expires, to prevent your name from being removed from our licensed professional and firm list.

(2) You must notify us immediately if your license is revoked or suspended. Your name is then removed from the list of licensed professionals and firms authorized to approve design plans.

(3) Your authorization to approve plans may be revoked or suspended if during any one year we receive three or more approved plans that after audit are found to be incomplete or contain multiple code violations. Incomplete plans are those that do not meet the requirements of this chapter and our written plan review guidelines that we provided to you. If your authorization is revoked you may reapply for authorization in accordance with WAC 296-150C-0430, after one year from the date of revocation. Suspensions may be up to one year. If you disagree with our decision, you can send us a written request for a hearing, stating why you disagree. (See WAC 296-150C-0100.)

(4) Your authorization to approve plans may be revoked if we find the licensed professional has a conflict of interest. If your authorization is revoked you may reapply for authorization in accordance with WAC 296-150C-0430, after one year from the date of revocation. If you disagree with our decision, you can send us a written request for a hearing, stating why you disagree. (See WAC 296-150C-0100.)

(5) If we revoke or suspend your authorization in accordance with subsection (3) or (4) of this section, your name will be removed from the list of licensed professionals and firms authorized to approve design plans.

[Statutory Authority: RCW 43.22.340, [43.22.]355, [43.22.]360, [43.22.]432, [43.22.]440 and [43.22.]480. WSR 96-21-146, § 296-150C-0450, filed 10/23/96, effective 11/25/96.]

AMENDATORY SECTION (Amending WSR 98-14-078, filed 6/30/98, effective 7/31/98)

WAC 296-150C-0460 What information must a manufacturer ((provide)) send to the department when a professional or firm does the design-plan approval? You must ((provide)) send us the following information ((with)) in your approved design plans:

- (1) A completed departmental design-plan approval request form;
- (2) ((Two or more)) A set((s)) of the design plan((s plus elevation)) drawings, specifications, engineering analysis, and test results and procedures necessary for a complete code evaluation of the design. These design plans must ((have an original wet stamp, be signed, and dated)) be sealed by the ((approving)) design professional(s) ((see WAC 296-150C-0340 and 296-150C-0350)) in accordance with chapters 196-23 and 308-12 WAC;
- (3) A cover sheet on the design plan noting which professional approved each portion of the design plan;
- (4) A copy of the authorization letter from us; and
- (5) The design plan fee for design plans approved by professionals or firms((+)) (see WAC 296-150C-3000((-))).
- ((6)) A professional who designs and certifies that the commercial coach design meets state requirements cannot also approve the design plan in the plan approval process;
- ((7)) A professional cannot approve those electrical designs listed in WAC 296-150C-0310(2); and
- ((8)) A professional cannot approve plans submitted under a reciprocal agreement.))

[Statutory Authority: Chapter 43.22 RCW. WSR 98-14-078, § 296-150C-0460, filed 6/30/98, effective 7/31/98. Statutory Authority: RCW 43.22.340, [43.22.]355, [43.22.]360, [43.22.]432, [43.22.]440 and [43.22.]480. WSR 96-21-146, § 296-150C-0460, filed 10/23/96, effective 11/25/96.]

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150C-0470 What happens after we receive the professional or firm approved design plan and information? (1) After we receive your approved design plans and information, we will ((review)) check the design plans and information ((and assign a plan approval number. We will)) to reasonably assure they contain the documents and plan information outlined in our written guidelines for plan reviews as provided to approved licensed professionals. Once accepted we will assign a plan approval number and send a copy of the design plan with the plan approval number to the manufacturer.

(2) If our check of the design plans and information finds that they are not acceptable we will notify you in writing of the reasons

why. Unless being audited in accordance with subsection (3) of this section, design plans and information may be corrected and resubmitted for acceptance within 90 days of our notification. We may charge the applicant an additional hourly fee to process revised submittals (see WAC 296-150C-3000).

(3) We may ((periodically)) audit design plans approved by a professional engineer, architect, or firm to ensure compliance with ((design plan requirements)) this chapter and our written guidelines for plan reviews. Audits may be either random audits or they may be audits of plans that were not accepted in accordance with subsection (2) of this section. The department's ((periodic)) audit should not be construed as certifying that the plans are safe.

((3)) (4) If the audit ((reveals)) finds that the design plans approved by the professionals and firms do not comply with this chapter((, you)) and our written guidelines for plan reviews, the applicant will be notified and may be required to pay our fees for review and approval of the design plans. (See WAC 296-150C-3000.)

[Statutory Authority: RCW 43.22.340, [43.22.]355, [43.22.]360, [43.22.]432, [43.22.]440 and [43.22.]480. WSR 96-21-146, § 296-150C-0470, filed 10/23/96, effective 11/25/96.]

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150C-0480 Do you have a list of professionals or firms that are authorized to approve design plans? Yes. We will maintain a list of the licensed professionals and firms that are authorized to approve design plans for commercial coaches.

[Statutory Authority: RCW 43.22.340, [43.22.]355, [43.22.]360, [43.22.]432, [43.22.]440 and [43.22.]480. WSR 96-21-146, § 296-150C-0480, filed 10/23/96, effective 11/25/96.]

AMENDATORY SECTION (Amending WSR 22-19-074, filed 9/20/22, effective 11/1/22)

WAC 296-150C-3000 Commercial coach fees.

GENERAL INFORMATION	
Manufacturer:	Manufacturer #
1. Building use:	2. Building occupancy:
3. Type of construction: VB	4. Square footage of building:
5. Valuation of the building shall be based on the following:	
• Square footage of the building multiplied by the amount in the BVD valuation table	
6. Total valuation:	\$
PERMIT FEE	
7. Calculate from building permit fee table using the total valuation	\$
STRUCTURAL PLAN REVIEW FEE*	
8. One year design review: (Valid for one year) multiply the total on line 7 by 0.428.	\$

9.	Master plan review: (Valid for the code cycle) multiply the total on line 7 by 0.611.....	\$
* Minimum plan review fee is 2 1/2 hours x \$93.00 per hour		
FIRE AND LIFE-SAFETY PLAN REVIEW FEE (if required)		
10.	Fire and life-safety plan review:	
a.	One year design—Multiply the total on line 7 by 0.183.....	\$
b.	Master plan design—Multiply the total on line 7 by 0.305.....	\$
	• Required for all structures that are more than 4,000 square feet and for all A and I occupancy	
PLUMBING PLAN-REVIEW FEE		
11.	Plumbing \$21.90 + \$7.10 per fixture	\$
12.	Medical gas \$21.90 + \$7.10 per gas outlet.....	\$
DESIGN RENEWAL OR ADDENDUM		
13.	12.23% of building permit + \$93.00	\$
RESUBMITTAL		
14.	12.23% of building permit + \$93.00	\$
ELECTRICAL PLAN-REVIEW FEE		
15.	See WAC 296-46B-906(9) for electrical review fees	
INSIGNIA FEES		
16.	FIRST SECTION	\$ 27.80
17.	EACH ADDITIONAL SECTION	\$ 17.10
TOTAL FEES		
18.	Total plan review fees: Add lines 8 or 9 and 10 through 15	\$
19.	Total fees due: Includes plan fees and insignia fees	\$
20.	Total amount paid	\$

Square Foot Construction Costs (BVD Table)^{a, b, c, and d}

Group (2009 International Building Code)	IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
A-1 Assembly, theaters, with stage	211.15	203.98	198.73	190.05	178.25	173.30	183.31	162.97	156.05
A-1 Assembly, theaters, without stage	193.16	185.99	180.74	172.06	160.31	155.36	165.32	145.04	138.12
A-2 Assembly, nightclubs	163.22	158.56	154.17	148.00	138.96	135.24	142.52	126.06	121.36
A-2 Assembly, restaurants, bars, banquet halls	162.22	157.56	152.17	147.00	136.96	134.24	141.52	124.06	120.36
A-3 Assembly, churches	195.10	187.93	182.68	174.00	162.21	157.26	167.26	146.94	140.02
A-3 Assembly, general, community halls, libraries, museums	163.81	156.64	150.39	142.71	129.91	125.96	135.97	114.63	108.71
A-4 Assembly, arenas	192.16	184.99	178.74	171.06	158.31	154.36	164.32	143.04	137.12
B Business	164.76	158.78	153.49	145.97	132.45	127.63	139.92	116.43	110.93
E Educational	176.97	170.85	165.64	158.05	146.37	138.98	152.61	127.91	123.09
F-1 Factory and industrial, moderate hazard	97.87	93.28	87.66	84.46	75.44	72.26	80.79	62.17	58.48
F-2 Factory and industrial, low hazard	96.87	92.28	87.66	83.46	75.44	71.26	79.79	62.17	57.48
H-1 High hazard, explosives	91.74	87.15	82.53	78.33	70.49	66.31	74.66	57.22	N.P.
H-2, 3, 4 High hazard	91.74	87.15	82.53	78.33	70.49	66.31	74.66	57.22	52.53
H-5 HPM	164.76	158.78	153.49	145.97	132.45	127.63	139.92	116.43	110.93
I-1 Institutional, supervised environment	164.82	159.04	154.60	147.90	135.84	132.25	144.15	121.88	117.55

Group (2009 International Building Code)	IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
I-2 Institutional, hospitals	277.07	271.09	265.80	258.28	243.90	N.P.	252.23	227.88	N.P.
I-2 Institutional, nursing homes	193.00	187.02	181.74	174.22	160.98	N.P.	168.16	144.96	N.P.
I-3 Institutional, restrained	187.72	181.73	176.45	168.93	156.64	150.82	162.87	140.63	133.13
I-4 Institutional, day care facilities	164.82	159.04	154.60	147.90	135.84	132.25	144.15	121.88	117.55
M Mercantile	121.57	116.92	111.53	106.36	96.96	94.25	100.88	84.07	80.36
R-1 Residential, hotels	166.21	160.43	155.99	149.29	137.39	133.80	145.70	123.43	119.10
R-2 Residential, multiple family	139.39	133.61	129.17	122.47	111.23	107.64	119.54	97.27	92.94
R-3 Residential, one and two family	131.18	127.60	124.36	121.27	116.43	113.53	117.42	108.79	101.90
R-4 Residential, care/assisted living facilities	164.82	159.04	154.60	147.90	135.84	132.25	144.15	121.88	117.55
S-1 Storage, moderate hazard	90.74	86.15	80.53	77.33	68.49	65.31	73.66	55.22	51.53
S-2 Storage, low hazard	89.74	85.15	80.53	76.33	68.49	64.31	72.66	55.22	50.53
U Utility, miscellaneous	71.03	67.02	62.71	59.30	52.86	49.43	56.33	41.00	39.06

a Private garages use utility, miscellaneous
 b Unfinished basements (all use group) = \$15.00 per sq. ft.
 c For shell only buildings deduct 20 percent
 d N.P. = not permitted

Building Permit Fees

Total Valuation	Fee
\$1.00 to \$500.00	\$23.50
\$501.00 to \$2,000.00	\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00, or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$391.25 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$993.75 for the first \$100,000.00 plus \$5.60 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$3,233.75 for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 and up	\$5,608.75 for the first \$1,000,000.00 plus \$3.65 for each additional \$1,000.00, or fraction thereof

INITIAL FILING FEE (first time applicants)	\$45.90
DESIGN PLAN FEES:	
INITIAL FEE - MASTER DESIGN (code cycle), 50% of permit fee \times 1.223*	
INITIAL FEE - ONE YEAR DESIGN, 35% of permit fee \times 1.223*	
RENEWAL FEE - 10% of permit fee \times 1.223 +	\$93.00
RESUBMIT FEE - 10% of permit fee \times 1.223 +	\$93.00
ADDENDUM (approval expires on same date as original plan) - 10% of permit fee \times 1.223 +	\$93.00
((ELECTRONIC PLAN SUBMITTAL FEE \$6.40 per page for the first set of plans and \$1.00 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.))	
PLUMBING PLAN FEE, \$21.90 + PER FIXTURE FEE of	\$7.10
MEDICAL GAS PLAN FEE, \$21.90 + PER OUTLET FEE of	\$7.10
Note: Mechanical systems are included in the primary plan fee	

FIRE SAFETY PLAN REVIEW AS REQUIRED (Required for all structures that are more than 4,000 square feet and for all A, I, and H occupancy)	
MASTER DESIGN - 25% of permit fee \times 1.223	
One year design 15% of the permit fee \times 1.223	
ELECTRICAL PLAN REVIEW - Find fee @ http://apps.leg.wa.gov/wac/default.aspx?cite=296-46B-906	
RECIPROCAL PLAN REVIEW:	
INITIAL FEE - MASTER DESIGN (minimum 3 hours)	\$93.00 per hour
INITIAL FEE - ONE YEAR DESIGN (minimum 2 hours)	\$93.00 per hour
RENEWAL FEE (minimum 1 hour)	\$93.00 per hour
ADDENDUM (minimum 1 hour)	\$93.00 per hour
PLANS APPROVED BY LICENSED PROFESSIONALS - 10% of permit fee \times 1.223 +	\$93.00
FEES FOR RESUBMITTAL OF DESIGN PLANS APPROVED BY A PROFESSIONAL OR FIRM	\$93.00 per hour
APPROVAL OF EACH SET OF DESIGN PLANS BEYOND FIRST TWO SETS - 5% of permit fee \times 1.223 +	\$93.00
DEPARTMENT INSPECTION FEES	
INSPECTION/REINSPECTION (Per hour** plus travel time* and mileage***)	\$93.00
TRAVEL (Per hour)	\$93.00
PER DIEM***	
HOTEL****	
MILEAGE***	
RENTAL CAR****	
PARKING****	
AIRFARE****	
DEPARTMENT AUDIT FEES:	
AUDIT (Per hour*)	\$93.00
TRAVEL (Per hour**)	\$93.00
PER DIEM***	
HOTEL****	
MILEAGE***	
RENTAL CAR****	
PARKING****	
AIRFARE****	
ALTERATION INSPECTION (one hour minimum + alteration insignia fee)	\$120.80
INSIGNIA FEES:	
FIRST SECTION (NEW or ALTERATION)	\$27.80
EACH ADDITIONAL SECTION (NEW or ALTERATION)	\$17.10
REISSUED-LOST/DAMAGED	\$17.10
OTHER FEES:	
FIELD TECHNICAL SERVICE (Per hour** plus travel time** and mileage***)	\$93.00
PUBLICATION PRINTING AND DISTRIBUTION OF RCWs AND WACs (One free copy per year upon request)	\$17.10
REFUND FEE	\$30.50

*Minimum plan review fee is 2 1/2 hours at the field technical service rate

**Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments

***Per state guidelines

****Actual charges incurred

[Statutory Authority: Chapters 43.22 and 43.22A RCW. WSR 22-19-074, § 296-150C-3000, filed 9/20/22, effective 11/1/22; WSR 21-07-126, § 296-150C-3000, filed 3/23/21, effective 4/23/21; WSR 20-04-081, § 296-150C-3000, filed 2/4/20, effective 3/6/20. Statutory Authority: Chapters 18.27, 70.87, 43.22, and 43.22A RCW. WSR 18-24-102, § 296-150C-3000, filed 12/4/18, effective 1/4/19. Statutory Authority: Chapter 43.22 RCW and 2011 1st sp.s. c 50. WSR 12-06-069, § 296-150C-3000, filed 3/6/12, effective 4/30/12. Statutory Authority: Chapters 18.106, 43.22 RCW, 2008 c 285 and c 329. WSR 08-12-042, § 296-150C-3000, filed 5/30/08, effective 6/30/08. Statutory Authority: Chapter 43.22 RCW. WSR 07-19-086, § 296-150C-3000, filed 9/18/07, ef-

fective 10/19/07. Statutory Authority: Chapters 18.27, 18.106, 43.22, and 70.87 RCW. WSR 07-11-128, § 296-150C-3000, filed 5/22/07, effective 6/30/07. Statutory Authority: Chapters 18.106, 43.22, and 70.87 RCW. WSR 06-10-066, § 296-150C-3000, filed 5/2/06, effective 6/30/06. Statutory Authority: Chapter 43.22 RCW. WSR 05-23-002, § 296-150C-3000, filed 11/3/05, effective 12/4/05. Statutory Authority: Chapters 18.27, 43.22, and 70.87 RCW. WSR 05-12-032, § 296-150C-3000, filed 5/24/05, effective 6/30/05. Statutory Authority: Chapter 43.22 RCW and 2003 c 291. WSR 05-01-102, § 296-150C-3000, filed 12/14/04, effective 2/1/05. Statutory Authority: Chapters 18.27 and 43.22 RCW. WSR 04-12-048, § 296-150C-3000, filed 5/28/04, effective 6/30/04. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 70.87.030, 18.106.070, 18.106.125, 2001 c 7, and chapters 18.106, 43.22, and 70.87 RCW. WSR 03-12-045, § 296-150C-3000, filed 5/30/03, effective 6/30/03. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.040, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 7, 2002 c 249, and chapters 19.28, 43.22, 18.27, and 70.87 RCW. WSR 02-12-022, § 296-150C-3000, filed 5/28/02, effective 6/28/02. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 159, and chapters 43.22, 19.28, 18.27, and 70.87 RCW. WSR 01-12-035, § 296-150C-3000, filed 5/29/01, effective 6/29/01. Statutory Authority: Chapters 43.22, 18.27, 70.87 and 19.28 RCW. WSR 99-12-080, § 296-150C-3000, filed 5/28/99, effective 6/28/99. Statutory Authority: Chapters 18.106, 18.27 and 43.22 RCW. WSR 98-12-041, § 296-150C-3000, filed 5/29/98, effective 6/30/98. Statutory Authority: RCW 70.87.030, 18.27.070, [18.27.]075, 43.22.350, [43.22.]355, [43.22.]434 and [43.22.]480(2). WSR 97-11-053, § 296-150C-3000, filed 5/20/97, effective 6/30/97. Statutory Authority: RCW 43.22.340, [43.22.]355, [43.22.]360, [43.22.]432, [43.22.]440 and [43.22.]480. WSR 96-21-146, § 296-150C-3000, filed 10/23/96, effective 11/25/96.]

OTS-4265.2

AMENDATORY SECTION (Amending WSR 12-15-061, filed 7/17/12, effective 9/1/12)

WAC 296-150F-0310 Who can approve design plans? (1) Design plans can be approved by us or by a licensed professional or firm authorized by us (see WAC 296-150F-0420 and 296-150F-0430).

(2) All electrical design plans for new or altered electrical installations for educational, institutional, health care facilities, and other buildings (see WAC 296-46B-900) must be reviewed and approved by us.

(3) All design plans submitted under a reciprocal agreement for multistate approval must be reviewed and approved by us.

[Statutory Authority: Chapter 43.22 RCW. WSR 12-15-061, § 296-150F-0310, filed 7/17/12, effective 9/1/12. Statutory Authority: RCW 43.22.340, [43.22.]355, [43.22.]360, [43.22.]432, [43.22.]440 and

[43.22.]480. WSR 96-21-146, § 296-150F-0310, filed 10/23/96, effective 11/25/96.]

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150F-0420 Who can be authorized to approve design plans?

(1) A professional engineer, architect, or firm licensed by the state of Washington according to the Engineers Registration Act, chapter 18.43 RCW and/or the Architects Registration Act, chapter 18.08 RCW; or

(2) A professional engineer, architect, or firm licensed in another state that has licensing or certification requirements that meet or exceed Washington requirements;

(3) A professional engineer, architect, or firm who designs and certifies that the factory-built home or commercial structure design meets state requirements cannot also approve the design plan in the plan approval process;

(4) A professional engineer, architect, or firm cannot approve those electrical designs listed in WAC 296-150F-0310(2); and

(5) A professional engineer, architect, or firm cannot approve plans submitted for multistate approval under a reciprocal agreement.

[Statutory Authority: RCW 43.22.340, [43.22.]355, [43.22.]360, [43.22.]432, [43.22.]440 and [43.22.]480. WSR 96-21-146, § 296-150F-0420, filed 10/23/96, effective 11/25/96.]

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150F-0430 What information must a professional or firm provide to be authorized to approve design plans? (1) Name, a copy of your certificate of registration or authority, and address of the professional engineer ((or)) architect, or firm; ((or)) and

((Name, a copy of your certificate of authority, and address of the firm; and

((3))) A description of the services the professional engineer, architect, or firm will provide in the areas of structural, fire and life safety, energy, mechanical, plumbing, and electrical plan review for factory-built housing and commercial structures; and

((4) A description)) (3) A summary of the professional's ((area(s) of)) or firm's expertise and qualifications ((which include:

((a) A summary of the professional's or firm's experience; and

((b) Verification of experience in your area of expertise such as structural, mechanical, plumbing, energy, electrical, fire and life safety, and ventilation and indoor air quality)) to review plans in the areas identified by the description of services.

[Statutory Authority: RCW 43.22.340, [43.22.]355, [43.22.]360, [43.22.]432, [43.22.]440 and [43.22.]480. WSR 96-21-146, § 296-150F-0430, filed 10/23/96, effective 11/25/96.]

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150F-0450 How long is a licensed professional or firms authorization effective? Your authorization to approve design plans is effective until your license expires, is revoked or ((is)) suspended or until your authorization to approve plans is revoked or suspended in accordance with subsection (3) or (4) of this section.

(1) You must notify us of your license renewal at least ((fifteen)) 15 days before your license expires, to prevent your name from being removed from our licensed professional and firm list.

(2) You must notify us immediately if your license is revoked or suspended. Your name is then removed from the list of licensed professionals and firms authorized to approve design plans.

(3) Your authorization to approve plans may be revoked or suspended if during any one year we receive three or more approved plans that after audit are found to be incomplete or contain multiple code violations. Incomplete plans are those that do not meet the requirements of this chapter and our written plan review guidelines that we provided to you. If your authorization is revoked you may reapply for authorization in accordance with WAC 296-150F-0430, after one year from the date of revocation. Suspensions may be up to one year. If you disagree with our decision, you can send us a written request for a hearing, stating why you disagree. (See WAC 296-150F-0100.)

(4) Your authorization to approve plans may be revoked if we find the licensed professional has a conflict of interest. If your authorization is revoked you may reapply for authorization in accordance with WAC 296-150F-0430, after one year from the date of revocation. If you disagree with our decision, you can send us a written request for a hearing, stating why you disagree. (See WAC 296-150F-0100.)

(5) If we revoke or suspend your authorization in accordance with subsection (3) or (4) of this section, your name will be removed from the list of licensed professionals and firms authorized to approve design plans.

[Statutory Authority: RCW 43.22.340, [43.22.]355, [43.22.]360, [43.22.]432, [43.22.]440 and [43.22.]480. WSR 96-21-146, § 296-150F-0450, filed 10/23/96, effective 11/25/96.]

AMENDATORY SECTION (Amending WSR 98-14-078, filed 6/30/98, effective 7/31/98)

WAC 296-150F-0460 What information must a manufacturer ((provide)) send to the department when a professional or firm does the design plan approval? You must ((provide)) send us the following information ((with)) in your approved design plan:

(1) A completed departmental design plan approval request form;

(2) ((Two or more)) A set((s)) of the design plan((s plus elevation)) drawings, specifications, engineering analysis, and test results and procedures necessary for a complete code evaluation of the design. These design plans must ((have an original wet stamp, be signed, and dated)) be sealed by the ((approving)) design professional(s) ((see WAC 296-150F-0340 and 296-150F-0350)) in accordance with chapters 196-23 and 308-12 WAC;

(3) A cover sheet on the design plan noting which professional approved each portion of the design plan;

(4) A copy of the authorization letter from us; and

(5) The design plan fee for design plans approved by professionals or firms (see WAC 296-150F-3000) ((~~and~~

(6) A professional who designs and certifies that the factory-built home or commercial structure design meets state requirements cannot also approve the design plan in the plan approval process;

(7) A professional cannot approve those electrical designs listed in WAC 296-150F-0310(2); and

(8) A professional cannot approve plans submitted under a reciprocal agreement).

[Statutory Authority: Chapter 43.22 RCW. WSR 98-14-078, § 296-150F-0460, filed 6/30/98, effective 7/31/98. Statutory Authority: RCW 43.22.340, [43.22.]355, [43.22.]360, [43.22.]432, [43.22.]440 and [43.22.]480. WSR 96-21-146, § 296-150F-0460, filed 10/23/96, effective 11/25/96.]

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150F-0470 What happens after we receive the professional or firm approved design plan and information? (1) After we receive your approved design plans and information, we will ((~~review~~)) check the design plans and information ((and assign a plan approval number. We will)) to reasonably assure they contain the documents and plan information outlined in our written guidelines for plan reviews as provided to approved licensed professionals. Once accepted we will assign a plan approval number and send a copy of the design plan with the plan approval number to the manufacturer.

(2) If our check of the design plans and information finds that they are not acceptable we will notify you in writing of the reasons why. Unless being audited in accordance with subsection (3) of this section, design plans and information may be corrected and resubmitted for acceptance within 90 days of our notification. We may charge the applicant an additional hourly fee to process revised submittals (see WAC 296-150F-3000).

(3) We may ((periodically)) audit design plans approved by a professional engineer, architect, or firm to ensure compliance with ((design plan requirements)) this chapter and our written guidelines for plan reviews. Audits may be either random audits or they may be audits of plans that were not accepted in accordance with subsection (2) of this section. The department's ((periodic)) audit should not be construed as certifying that the plans are safe.

((+3))) (4) If the audit ((reveals)) finds that the design plans approved by the professionals and firms do not comply with this chapter ((, you)) and our written guidelines for plan reviews, the applicant will be notified and may be required to pay our fees for review and approval of the design plans. (See WAC 296-150F-3000.)

[Statutory Authority: RCW 43.22.340, [43.22.]355, [43.22.]360, [43.22.]432, [43.22.]440 and [43.22.]480. WSR 96-21-146, § 296-150F-0470, filed 10/23/96, effective 11/25/96.]

AMENDATORY SECTION (Amending WSR 96-21-146, filed 10/23/96, effective 11/25/96)

WAC 296-150F-0480 Do you have a list of professionals or firms that are authorized to ((submit)) approve design plans? Yes. We will maintain a list of the licensed professionals and firms that are authorized to approve design plans for factory-built housing and commercial structures.

[Statutory Authority: RCW 43.22.340, [43.22.]355, [43.22.]360, [43.22.]432, [43.22.]440 and [43.22.]480. WSR 96-21-146, § 296-150F-0480, filed 10/23/96, effective 11/25/96.]

AMENDATORY SECTION (Amending WSR 22-19-074, filed 9/20/22, effective 11/1/22)

WAC 296-150F-3000 Factory-built housing and commercial structure fees.

GENERAL INFORMATION	
Manufacture:	Manufacturer #
1. Building use:	2. Building occupancy:
3. Type of construction:	4. Square footage of building:
5. Valuation of the building shall be based on the following:	
• Square footage of the building multiplied by the amount in the BVD valuation table	\$
6. Total valuation:	\$
PERMIT FEE	
7. Calculate from building permit fee table using the total valuation	\$
STRUCTURAL PLAN REVIEW FEE*	
8. One year design review: (Valid for one year) multiply the total on line 7 by 0.428	\$
9. Master plan review: (Valid for the code cycle) multiply the total on line 7 by 0.611	\$
* Minimum plan review fee is 2 1/2 hours x \$104.60 per hour	
FIRE AND LIFE-SAFETY PLAN REVIEW FEE (if required)	
10. Fire and life-safety plan review:	
a. One year design—Multiply the total on line 7 by 0.183	\$
b. Master plan design—Multiply the total on line 7 by 0.305	\$
• Required for all structures that are more than 4,000 square feet and for all A, I, and H occupancy	
PLUMBING PLAN-REVIEW FEE	
11. Plumbing \$21.90 + \$7.10 per fixture	\$
12. Medical gas \$21.90 + \$7.10 per gas outlet	\$
DESIGN RENEWAL OR ADDENDUM	
13. 12.23% of building permit + \$104.60	\$
RESUBMITTAL	
14. 12.23% of building permit + \$104.60	\$
ELECTRICAL PLAN-REVIEW FEE	
15. See WAC 296-46B-906(9) for electrical review fees	
NOTIFICATION TO LOCAL ENFORCEMENT AGENCY (NLEA)	
16. Notification to local enforcement agency fee:	\$ 45.00

INSIGNIA FEES	
17. FIRST SECTION	\$ 334.80
18. EACH ADDITIONAL SECTION	\$ 29.80
TOTAL FEES	
19. Total plan review fees: Add lines 8 or 9 and 10 through 15	\$
20. Total fees due: Includes plan fees, insignia fees, and NLEA fees	\$
21. Total amount paid	\$

Square Foot Construction Costs (BVD Table)^{a, b, c, and d}

Group (2009 International Building Code)	IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
A-1 Assembly, theaters, with stage	211.15	203.98	198.73	190.05	178.25	173.30	183.31	162.97	156.05
A-1 Assembly, theaters, without stage	193.16	185.99	180.74	172.06	160.31	155.36	165.32	145.04	138.12
A-2 Assembly, nightclubs	163.22	158.56	154.17	148.00	138.96	135.24	142.52	126.06	121.36
A-2 Assembly, restaurants, bars, banquet halls	162.22	157.56	152.17	147.00	136.96	134.24	141.52	124.06	120.36
A-3 Assembly, churches	195.10	187.93	182.68	174.00	162.21	157.26	167.26	146.94	140.02
A-3 Assembly, general, community halls, libraries, museums	163.81	156.64	150.39	142.71	129.91	125.96	135.97	114.63	108.71
A-4 Assembly, arenas	192.16	184.99	178.74	171.06	158.31	154.36	164.32	143.04	137.12
B Business	164.76	158.78	153.49	145.97	132.45	127.63	139.92	116.43	110.93
E Educational	176.97	170.85	165.64	158.05	146.37	138.98	152.61	127.91	123.09
F-1 Factory and industrial, moderate hazard	97.87	93.28	87.66	84.46	75.44	72.26	80.79	62.17	58.48
F-2 Factory and industrial, low hazard	96.87	92.28	87.66	83.46	75.44	71.26	79.79	62.17	57.48
H-1 High hazard, explosives	91.74	87.15	82.53	78.33	70.49	66.31	74.66	57.22	N.P.
H-2, 3, 4 High hazard	91.74	87.15	82.53	78.33	70.49	66.31	74.66	57.22	52.53
H-5 HPM	164.76	158.78	153.49	145.97	132.45	127.63	139.92	116.43	110.93
I-1 Institutional, supervised environment	164.82	159.04	154.60	147.90	135.84	132.25	144.15	121.88	117.55
I-2 Institutional, hospitals	277.07	271.09	265.80	258.28	243.90	N.P.	252.23	227.88	N.P.
I-2 Institutional, nursing homes	193.00	187.02	181.74	174.22	160.98	N.P.	168.16	144.96	N.P.
I-3 Institutional, restrained	187.72	181.73	176.45	168.93	156.64	150.82	162.87	140.63	133.13
I-4 Institutional, day care facilities	164.82	159.04	154.60	147.90	135.84	132.25	144.15	121.88	117.55
M Mercantile	121.57	116.92	111.53	106.36	96.96	94.25	100.88	84.07	80.36
R-1 Residential, hotels	166.21	160.43	155.99	149.29	137.39	133.80	145.70	123.43	119.10
R-2 Residential, multiple family	139.39	133.61	129.17	122.47	111.23	107.64	119.54	97.27	92.94
R-3 Residential, one and two family	131.18	127.60	124.36	121.27	116.43	113.53	117.42	108.79	101.90
R-4 Residential, care/assisted living facilities	164.82	159.04	154.60	147.90	135.84	132.25	144.15	121.88	117.55
S-1 Storage, moderate hazard	90.74	86.15	80.53	77.33	68.49	65.31	73.66	55.22	51.53
S-2 Storage, low hazard	89.74	85.15	80.53	76.33	68.49	64.31	72.66	55.22	50.53

Group (2009 International Building Code)	IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
U Utility, miscellaneous	71.03	67.02	62.71	59.30	52.86	49.43	56.33	41.00	39.06

- a Private garages use utility, miscellaneous
- b Unfinished basements (all use group) = \$15.00 per sq. ft.
- c For shell only buildings deduct 20 percent
- d N.P. = not permitted

Table 1-A - Building Permit Fees

Total Valuation	Fee
\$1.00 to \$500.00	\$23.50
\$501.00 to \$2,000.00	\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00, or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$391.25 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$993.75 for the first \$100,000.00 plus \$5.60 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$3,233.75 for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 and up	\$5,608.75 for the first \$1,000,000.00 plus \$3.65 for each additional \$1,000.00, or fraction thereof

INITIAL FILING FEE (first time applicants)	\$81.70
DESIGN PLAN FEES:	
INITIAL FEE - MASTER DESIGN (code cycle), 50% of permit fee \times 1.223*	
INITIAL FEE - ONE YEAR DESIGN, 35% of permit fee \times 1.223*	
RENEWAL FEE - 10% of permit fee \times 1.223 +	\$104.60
RESUBMIT FEE - 10% of permit fee \times 1.223 +	\$104.60
ADDENDUM (approval expires on same date as original plan) - 10% of permit fee \times 1.223 +	\$104.60
((ELECTRONIC PLAN SUBMITTAL FEE \$6.40 per page for the first set of plans and \$1.00 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.))	
PLUMBING PLAN FEE, \$21.90 + PER FIXTURE FEE of	\$7.10
MEDICAL GAS PLAN FEE, \$21.90 + PER OUTLET FEE of	\$7.10
Note: Mechanical systems are included in the primary plan fee	
FIRE SAFETY PLAN REVIEW AS REQUIRED (Required for all structures that are more than 4,000 square feet and for all A, I, and H occupancy)	
MASTER DESIGN - 25% of permit fee \times 1.223	
One year design - 15% of the permit fee \times 1.223	
ELECTRICAL PLAN REVIEW - Find fees @ http://apps.leg.wa.gov/wac/default.aspx?cite=296-46B-906	
RECIPROCAL PLAN REVIEW:	
INITIAL FEE-MASTER DESIGN (minimum 3 hours)	\$104.60 per hour
INITIAL FEE-ONE YEAR DESIGN (minimum 2 hours)	\$104.60 per hour
RENEWAL FEE (minimum 1 hour)	\$104.60
ADDENDUM (minimum 1 hour)	\$104.60 per hour
PLANS APPROVED BY ((DESIGN)) LICENSED PROFESSIONALS - 10% of permit fee \times 1.223 +	\$104.60
FEES FOR RESUBMITTAL OF DESIGN PLANS APPROVED BY A PROFESSIONAL OR FIRM	\$104.60 per hour
APPROVAL OF EACH SET OF DESIGN PLANS BEYOND FIRST THREE SETS - 5% of permit fee \times 1.223 +	\$104.60
DEPARTMENT INSPECTION FEES	
INSPECTION/REINSPECTION (Per hour** plus travel time** and mileage***)	\$104.60
TRAVEL (Per hour**)	\$104.60
PER DIEM***	

HOTEL****	
MILEAGE***	
RENTAL CAR****	
PARKING****	
AIRFARE****	
DEPARTMENT AUDIT FEES:	
AUDIT (Per hour**)	\$104.60
TRAVEL (Per hour**)	\$104.60
PER DIEM***	
HOTEL****	
MILEAGE***	
RENTAL CAR****	
PARKING****	
AIRFARE****	
INSIGNIA FEES:	
FIRST SECTION	\$334.80
EACH ADDITIONAL SECTION	\$29.80
REISSUED-LOST/DAMAGED	\$81.70
OTHER FEES:	
FIELD TECHNICAL SERVICE (Per hour** plus travel time** and mileage****)	\$104.60
NOTIFICATION TO LOCAL ENFORCEMENT AGENCY (NLEA)	\$45.00
PUBLICATION PRINTING AND DISTRIBUTION OF RCWs AND WACs (One free copy per year upon request)	\$16.60
REFUND FEE	\$30.50

*Minimum plan review fee is 2 1/2 hours at the field technical service rate.

**Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments.

***Per state guidelines.

****Actual charges incurred.

[Statutory Authority: Chapters 43.22 and 43.22A RCW. WSR 22-19-074, § 296-150F-3000, filed 9/20/22, effective 11/1/22; WSR 21-07-126, § 296-150F-3000, filed 3/23/21, effective 4/23/21; WSR 20-04-081, § 296-150F-3000, filed 2/4/20, effective 3/6/20. Statutory Authority: Chapters 18.27, 70.87, 43.22, and 43.22A RCW. WSR 18-24-102, § 296-150F-3000, filed 12/4/18, effective 1/4/19. Statutory Authority: Chapter 43.22 RCW and 2011 1st sp.s. c 50. WSR 12-06-069, § 296-150F-3000, filed 3/6/12, effective 4/30/12. Statutory Authority: Chapters 18.106, 43.22 RCW, 2008 c 285 and c 329. WSR 08-12-042, § 296-150F-3000, filed 5/30/08, effective 6/30/08. Statutory Authority: Chapters 18.27, 18.106, 43.22, and 70.87 RCW. WSR 07-11-128, § 296-150F-3000, filed 5/22/07, effective 6/30/07. Statutory Authority: Chapter 43.22 RCW. WSR 07-05-063, § 296-150F-3000, filed 2/20/07, effective 4/1/07. Statutory Authority: Chapters 18.106, 43.22, and 70.87 RCW. WSR 06-10-066, § 296-150F-3000, filed 5/2/06, effective 6/30/06. Statutory Authority: Chapter 43.22 RCW. WSR 05-23-002, § 296-150F-3000, filed 11/3/05, effective 12/4/05. Statutory Authority: Chapters 18.27, 43.22, and 70.87 RCW. WSR 05-12-032, § 296-150F-3000, filed 5/24/05, effective 6/30/05. Statutory Authority: Chapter 43.22 RCW and 2003 c 291. WSR 05-01-102, § 296-150F-3000, filed 12/14/04, effective 2/1/05. Statutory Authority: Chapters 18.27 and 43.22 RCW. WSR 04-12-048, § 296-150F-3000, filed 5/28/04, effective 6/30/04. Statutory Authority: RCW 43.22.340, 43.22.400, 43.22.432, 43.22.433, 43.22.434, 43.22.480, and 43.22.485, 2002 c 268, and chapter 43.22 RCW. WSR 03-12-044, § 296-150F-3000, filed 5/30/03, effective 5/30/03. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 159, and

chapters 43.22, 19.28, 18.27, and 70.87 RCW. WSR 01-12-035, § 296-150F-3000, filed 5/29/01, effective 6/29/01. Statutory Authority: Chapters 43.22, 18.27, 70.87 and 19.28 RCW. WSR 99-12-080, § 296-150F-3000, filed 5/28/99, effective 6/28/99. Statutory Authority: Chapters 18.106, 18.27 and 43.22 RCW. WSR 98-12-041, § 296-150F-3000, filed 5/29/98, effective 6/30/98. Statutory Authority: RCW 70.87.030, 18.27.070, [18.27.]075, 43.22.350, [43.22.]355, [43.22.]434 and [43.22.]480(2). WSR 97-11-053, § 296-150F-3000, filed 5/20/97, effective 6/30/97. Statutory Authority: RCW 43.22.340, [43.22.]355, [43.22.]360, [43.22.]432, [43.22.]440 and [43.22.]480. WSR 96-21-146, § 296-150F-3000, filed 10/23/96, effective 11/25/96.]

OTS-4266.2

AMENDATORY SECTION (Amending WSR 12-15-061, filed 7/17/12, effective 9/1/12)

WAC 296-150P-0020 What definitions apply to this chapter? "**Alteration**" is the replacement, addition, modification, or removal of any equipment or material that affects the fire and life safety provisions, structural system, plumbing systems, fuel systems and equipment or electrical systems of a recreational park trailer.

The following changes are not considered alterations for purposes of this chapter:

- Repairs with approved parts;
- Modification of a fuel-burning appliance according to the terms of its listing; and
- Adjustment and maintenance of equipment.

"**Alteration insignia**" is an insignia which indicates a recreational park trailer alteration was approved by the department.

"**ANSI**" is the American National Standards Institute, Inc., and the institute's rules applicable to recreational park trailers. For the purposes of this chapter, references to ANSI mean ANSI A119.5 Recreational Park Trailers, current edition.

"**Approved**" is approved by the department of labor and industries.

"**Audit**" by the department is the department inspection of a manufacturer's quality control procedures, comprehensive plans, and recreational park trailers.

"**Comprehensive design plan**" consists of the design plans and copies of drawings such as:

- Floor plans relating to fire and life safety, structural, electrical, plumbing, liquefied petroleum (LP) and/or natural gas systems and appliances and air conditioning systems, if applicable to the plan of each recreational park trailer.
- Plumbing line drawings which describe the size, length and location of gas piping lines, liquid and body waste lines, liquid and body waste tanks, and potable water tanks.
- Electrical drawings. (See WAC 296-150P-0330.)

"**Consumer**" is a person or organization who buys or leases recreational park trailers.

"**Dealer**" is a person or organization whose business is offering recreational park trailers for sale or lease.

"Department" is the department of labor and industries. The department may be referred to as "we" or "us" in this chapter. Note: You may contact us at: Department of Labor and Industries, Specialty Compliance, P.O. Box 44430, Olympia, WA 98504-4430.

"Equipment" is all material, appliances, fixtures, and accessories used in the manufacture or alteration of recreational park trailers.

"Manual" is a reference containing instructions, procedures, responsibilities and other information used to implement and maintain the quality control program of a recreational park trailer manufacturer.

"National Electrical Code" see Appendix 'C' of ANSI A119.5 for reference to the appropriate edition to use for compliance.

"Recreational park trailer" also known as a "park model recreational vehicle" is a trailer-type unit that is primarily designed to provide temporary living quarters for recreational, camping or seasonal use, that meets the following criteria:

- Built on a single chassis, mounted on wheels;
- Having a gross trailer area not exceeding 400 square feet (37.15 square meters) in the set-up mode; and
- Certified by the manufacturer as complying with ANSI A119.5.

"Quality control" is the plan and method for ensuring that the manufacture, fabrication, assembly, installation, storing, handling, and use of materials complies with this chapter and ANSI.

"State-plan insignia" is an insignia which is obtained under the state design-plan approval process.

"System" is a part of a recreational park trailer that is designed to serve a particular function such as plumbing, electrical, heating, mechanical or structural system.

[Statutory Authority: Chapter 43.22 RCW. WSR 12-15-061, § 296-150P-0020, filed 7/17/12, effective 9/1/12. Statutory Authority: RCW 43.22.340, 43.22.400, 43.22.432, 43.22.433, 43.22.434, 43.22.480, and 43.22.485, 2002 c 268, and chapter 43.22 RCW. WSR 03-12-044, § 296-150P-0020, filed 5/30/03, effective 6/30/03. Statutory Authority: RCW 43.22.340 and 43.22.480. WSR 99-13-010, § 296-150P-0020, filed 6/4/99, effective 7/5/99. Statutory Authority: RCW 43.22.340 and 43.22.420. WSR 97-16-043, § 296-150P-0020, filed 7/31/97, effective 12/1/97.]

NEW SECTION

WAC 296-150P-0315 Who can approve design plans? (1) Comprehensive design plans for recreational park trailers can be approved by us or by a licensed professional or firm authorized by us. (See WAC 296-150P-0520 and 296-150P-0530.)

(2) All design plans for quality control manuals must be reviewed and approved by the department.

[]

DESIGN-PLAN APPROVAL BY A LICENSED PROFESSIONAL OR FIRMNEW SECTION**WAC 296-150P-0520 Who can be authorized to approve design plans?**

(1) A professional engineer, architect, or firm licensed by the state of Washington according to the Engineers Registration Act, chapter 18.43 RCW and/or the Architects Registration Act, chapter 18.08 RCW; or

(2) A professional engineer, architect, or firm licensed in another state that has licensing or certification requirements that meet or exceed Washington requirements.

(3) A professional engineer, architect, or firm cannot approve quality control plans.

[]

NEW SECTION**WAC 296-150P-0530 What information must a professional or firm provide to be authorized to approve design plans?** (1) Name, a copy of your certificate of registration or authority, and address of the professional engineer, architect, or firm; and

(2) A description of the services the professional engineer, architect, or firm will provide in the areas of structural, fire and life safety, mechanical, plumbing, and electrical plan review for park model recreational vehicles; and

(3) A summary of the professional's or firm's expertise and qualifications to review plans in the areas identified by the description of services.

[]

NEW SECTION**WAC 296-150P-0540 How will I know whether I am authorized to approve design plans?** Within 60 days after you submit the information requested in WAC 296-150P-0530, we will send you a letter either approving or denying your authorization request.

(1) If we approve your request, your name is added to the list of licensed professionals and firms authorized to approve design plans.

(a) We will authorize a professional to approve portions of a design plan within his or her area of expertise.

(b) We will authorize an engineering or architectural firm to approve plans if the firm employs or contracts with professionals within the area of expertise necessary for the design plan.

(2) If we do not approve your request, we will notify you in writing why we are denying your request for authorization. If you disagree with our decision, you can send us a written request for a hearing, stating why you disagree. (See WAC 296-150P-0100.)

[]

NEW SECTION

WAC 296-150P-0550 How long is a licensed professional or firms authorization effective? Your authorization to approve design plans is effective until your license expires, is revoked, or suspended or until your authorization to approve plans is revoked or suspended in accordance with subsection (3) or (4) of this section.

(1) You must notify us of your license renewal at least 15 days before your license expires, to prevent your name from being removed from our licensed professional and firm list.

(2) You must notify us immediately if your license is revoked or suspended. Your name is then removed from the list of licensed professionals and firms authorized to approve design plans.

(3) Your authorization to approve plans may be revoked or suspended if during any one year we receive three or more approved plans that after audit are found to be incomplete or contain multiple code violations. Incomplete plans are those that do not meet the requirements of this chapter and our written plan review guidelines that we provided to you. If your authorization is revoked you may reapply for authorization in accordance with WAC 296-150P-0530, after one year from the date of revocation. Suspensions may be up to one year. If you disagree with our decision, you can send us a written request for a hearing, stating why you disagree. (See WAC 296-150P-0100.)

(4) Your authorization to approve plans may be revoked if we find the licensed professional has a conflict of interest. If your authorization is revoked you may reapply for authorization in accordance with WAC 296-150P-0530, after one year from the date of revocation. If you disagree with our decision, you can send us a written request for a hearing, stating why you disagree. (See WAC 296-150P-0100.)

(5) If we revoke or suspend your authorization in accordance with subsection (3) or (4) of this section, your name will be removed from the list of licensed professionals and firms authorized to approve design plans.

[]

NEW SECTION

WAC 296-150P-0560 What information must a manufacturer send to the department when a professional or firm does the design-plan approval? You must send us the following information in your approved design plans:

(1) A completed departmental design-plan approval request form;
(2) A set of the design plan drawings, specifications, engineering analysis, and test results and procedures necessary for a complete code evaluation of the design. When required by chapter 196-23 or

308-12 WAC, design documents prepared by licensed professionals must be sealed;

- (3) A cover sheet on the design plan noting which professional approved each portion of the design plan;
- (4) A copy of the authorization letter from us; and
- (5) The design plan fee for design plans approved by professionals or firms. (See WAC 296-150P-3000.)

[]

NEW SECTION

WAC 296-150P-0570 What happens after we receive the professional or firm approved design plan and information? (1) After we receive your approved design plans and information, we will check the design plans and information to reasonably assure they contain the documents and plan information outlined in our written guidelines for plan reviews as provided to approved licensed professionals. Once accepted, we will assign a plan approval number and send a copy of the design plan with the plan approval number to the manufacturer.

(2) If our check of the design plans and information finds that they are not acceptable we will notify you in writing of the reasons why. Unless being audited in accordance with subsection (3) of this section, design plans and information may be corrected and resubmitted for acceptance within 90 days of our notification. We may charge the applicant an additional hourly fee to process revised submittals (see WAC 296-150P-3000.)

(3) We may audit design plans approved by a professional engineer, architect, or firm to ensure compliance with this chapter and our written guidelines for plan reviews. Audits may be either random audits or they may be audits of plans that were not accepted in accordance with subsection (2) of this section. The department's audit should not be construed as certifying that the plans are safe.

(4) If the audit finds that the design plans approved by the professionals and firms do not comply with this chapter and our written guidelines for plan reviews, the applicant will be notified and may be required to pay our fees for review and approval of the design plans. (See WAC 296-150P-3000.)

[]

NEW SECTION

WAC 296-150P-0580 Do you have a list of professionals or firms that are authorized to approve design plans? Yes. We will maintain a list of the licensed professionals and firms that are authorized to approve design plans for park model recreational vehicles.

[]

NEW SECTION

WAC 296-150P-0590 Who approves addendums to design plans approved by a professional or firm? (1) You must have the professional or firm approve an addendum to a design plan, if they initially approved your design plan.

(2) If the professional or firm who approved your design plan is no longer on the department list, you may have us approve your addendum.

[]

AMENDATORY SECTION (Amending WSR 22-19-074, filed 9/20/22, effective 11/1/22)

WAC 296-150P-3000 Recreational park trailer fees.

INITIAL FILING FEE	\$42.30
DESIGN PLAN FEES:	
NEW PLAN REVIEW FEE WITHOUT STRUCTURAL REQUIREMENTS	\$120.10
NEW PLAN REVIEW FEE WITH STRUCTURAL REQUIREMENTS	\$158.80
RESUBMITTAL FEE	\$85.90
ADDENDUM (Approval expires on same date as original plan.)	\$85.90
((ELECTRONIC PLAN SUBMITTAL FEE \$6.20 per page for the first set of plans and \$1.00 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.))	
PLANS APPROVED BY LICENSED PROFESSIONALS	\$30.00
FEES FOR RESUBMITTAL OF DESIGN PLANS APPROVED BY A PROFESSIONAL OR FIRM	\$85.90 per hour
DEPARTMENT AUDIT FEES:	
AUDIT (per hour)*	\$85.90
TRAVEL (per hour)*	\$85.90
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
DEPARTMENT INSPECTION FEES:	
INSPECTION (per hour)*	\$85.90
TRAVEL (per hour)*	\$85.90
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
ALTERATION INSPECTION (One hour plus insignia alteration fee)	\$128.30
INSIGNIA FEES:	
STATE CERTIFIED	\$30.50
ALTERATION	\$42.30
REISSUED-LOST/DAMAGED	\$15.60
OTHER FEES:	
FIELD TECHNICAL SERVICE (per hour* plus travel time* and mileage**)	\$85.90
PUBLICATION PRINTING AND DISTRIBUTION OF RCWs AND WACs (One free copy per year upon request)	\$15.80
REFUND FEE	\$30.50

*Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments.

**Per state guidelines.

***Actual charges incurred.

[Statutory Authority: Chapters 43.22 and 43.22A RCW. WSR 22-19-074, § 296-150P-3000, filed 9/20/22, effective 11/1/22; WSR 21-07-126, § 296-150P-3000, filed 3/23/21, effective 4/23/21; WSR 20-04-081, § 296-150P-3000, filed 2/4/20, effective 3/6/20. Statutory Authority: Chapters 18.27, 70.87, 43.22, and 43.22A RCW. WSR 18-24-102, § 296-150P-3000, filed 12/4/18, effective 1/4/19. Statutory Authority: Chapter 43.22 RCW and 2011 1st sp.s. c 50. WSR 12-06-069, § 296-150P-3000, filed 3/6/12, effective 4/30/12. Statutory Authority: Chapters 18.27, 18.106, 43.22, and 70.87 RCW. WSR 07-11-128, § 296-150P-3000, filed 5/22/07, effective 6/30/07. Statutory Authority: Chapters 18.27, 43.22, and 70.87 RCW. WSR 05-12-032, § 296-150P-3000, filed 5/24/05, effective 6/30/05. Statutory Authority: Chapters 18.27 and 43.22 RCW. WSR 04-12-048, § 296-150P-3000, filed 5/28/04, effective 6/30/04. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 70.87.030, 18.106.070, 18.106.125, 2001 c 7, and chapters 18.106, 43.22, and 70.87 RCW. WSR 03-12-045, § 296-150P-3000, filed 5/30/03, effective 6/30/03. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.040, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 7, 2002 c 249, and chapters 19.28, 43.22, 18.27, and 70.87 RCW. WSR 02-12-022, § 296-150P-3000, filed 5/28/02, effective 6/28/02. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 159, and chapters 43.22, 19.28, 18.27, and 70.87 RCW. WSR 01-12-035, § 296-150P-3000, filed 5/29/01, effective 6/29/01. Statutory Authority: RCW 43.22.340, 43.22.350, 43.22.355, 43.22.360, 43.22.400, 43.22.432, 43.22.433, 43.22.434, 43.22.450, 43.22.480, and 43.22.485. WSR 00-17-148, § 296-150P-3000, filed 8/22/00, effective 9/30/00. Statutory Authority: Chapters 43.22, 18.27, 70.87 and 19.28 RCW. WSR 99-12-080, § 296-150P-3000, filed 5/28/99, effective 6/28/99. Statutory Authority: Chapters 18.106, 18.27 and 43.22 RCW. WSR 98-12-041, § 296-150P-3000, filed 5/29/98, effective 6/30/98. Statutory Authority: RCW 43.22.340 and 43.22.420. WSR 97-16-043, § 296-150P-3000, filed 7/31/97.]

OTS-4264.2

NEW SECTION

WAC 296-150R-0315 Who can approve design plans? (1) Comprehensive design plans for recreational vehicles can be approved by us or by a licensed professional or firm authorized by us. (See WAC 296-150R-0520 and 296-150R-0530.)

(2) All design plans for quality control manuals must be reviewed and approved by the department.

[]

DESIGN-PLAN APPROVAL BY A LICENSED PROFESSIONAL OR FIRMNEW SECTION**WAC 296-150R-0520 Who can be authorized to approve design plans?**

(1) A professional engineer, architect, or firm licensed by the state of Washington according to the Engineers Registration Act, chapter 18.43 RCW and/or the Architects Registration Act, chapter 18.08 RCW; or

(2) A professional engineer, architect, or firm licensed in another state that has licensing or certification requirements that meet or exceed Washington requirements.

(3) A professional engineer, architect, or firm cannot approve quality control plans.

[]

NEW SECTION**WAC 296-150R-0530 What information must a professional or firm provide to be authorized to approve design plans?** (1) Name, a copy of your certificate of registration or authority, and address of the professional engineer, architect, or firm; and

(2) A description of the services the professional engineer, architect, or firm will provide in the areas of fire and life safety, mechanical, plumbing, and electrical plan review for recreational vehicles; and

(3) A summary of the professional's or firm's expertise and qualifications to review plans in the areas identified by the description of services.

[]

NEW SECTION**WAC 296-150R-0540 How will I know whether I am authorized to approve design plans?** Within 60 days after you submit the information requested in WAC 296-150R-0530, we will send you a letter either approving or denying your authorization request.

(1) If we approve your request, your name is added to the list of licensed professionals and firms authorized to approve design plans.

(a) We will authorize a professional to approve portions of a design plan within his or her area of expertise; and

(b) We will authorize an engineering or architectural firm to approve plans if the firm employs or contracts with professionals within the area of expertise necessary for the design plan.

(2) If we do not approve your request, we will notify you in writing why we are denying your request for authorization. If you disagree with our decision, you can send us a written request for a hearing, stating why you disagree. (See WAC 296-150R-0100.)

[]

NEW SECTION

WAC 296-150R-0550 How long is a licensed professional or firms authorization effective? Your authorization to approve design plans is effective until your license expires, is revoked, or suspended or until your authorization to approve plans is revoked or suspended in accordance with subsection (3) or (4) of this section.

(1) You must notify us of your license renewal at least 15 days before your license expires to prevent your name from being removed from our licensed professional and firm list.

(2) You must notify us immediately if your license is revoked or suspended. Your name is then removed from the list of licensed professionals and firms authorized to approve design plans.

(3) Your authorization to approve plans may be revoked or suspended if during any one year we receive three or more approved plans that after audit are found to be incomplete or contain multiple code violations. Incomplete plans are those that do not meet the requirements of this chapter and our written plan review guidelines that we provided to you. If your authorization is revoked you may reapply for authorization in accordance with WAC 296-150R-0530, after one year from the date of revocation. Suspensions may be up to one year. If you disagree with our decision, you can send us a written request for a hearing, stating why you disagree. (See WAC 296-150R-0100.)

(4) Your authorization to approve plans may be revoked if we find the licensed professional has a conflict of interest. If your authorization is revoked you may reapply for authorization in accordance with WAC 296-150R-0530, after one year from the date of revocation. If you disagree with our decision, you can send us a written request for a hearing, stating why you disagree. (See WAC 296-150R-0100.)

(5) If we revoke or suspend your authorization in accordance with subsection (3) or (4) of this section, your name will be removed from the list of licensed professionals and firms authorized to approve design plans.

[]

NEW SECTION

WAC 296-150R-0560 What information must a manufacturer send to the department when a professional or firm does the design-plan approval? You must send us the following information in your approved design plans:

(1) A completed departmental design-plan approval request form;
(2) A set of design plan drawings and specifications necessary for a complete code evaluation of the design;

- (3) A cover sheet on the design plan noting which professional approved each portion of the design plan;
- (4) A copy of the authorization letter from us; and
- (5) The design plan fee for design plans approved by professionals or firms. (See WAC 296-150R-3000.)

[]

NEW SECTION

WAC 296-150R-0570 What happens after we receive the professional or firm approved design plan and information? (1) After we receive your approved design plans and information, we will check the design plans and information to reasonably assure they contain the documents and plan information outlined in our written guidelines for plan reviews as provided to approved licensed professionals. Once accepted we will assign a plan approval number and send a copy of the design plan with the plan approval number to the manufacturer.

(2) If our check of the design plans and information finds that they are not acceptable we will notify you in writing of the reasons why. Unless being audited in accordance with subsection (3) of this section, design plans and information may be corrected and resubmitted for acceptance within 90 days of our notification. We may charge the applicant an additional hourly fee to process revised submittals (see WAC 296-150R-3000.)

(3) We may audit design plans approved by a professional engineer, architect, or firm to ensure compliance with this chapter and our written guidelines for plan reviews. Audits may be either random audits or they may be audits of plans that were not accepted in accordance with subsection (2) of this section. The department's audit should not be construed as certifying that the plans are safe.

(4) If the audit finds that the design plans approved by the professionals and firms do not comply with this chapter and our written guidelines for plan reviews, the applicant will be notified and may be required to pay our fees for review and approval of the design plans. (See WAC 296-150R-3000.)

[]

NEW SECTION

WAC 296-150R-0580 Do you have a list of professionals or firms that are authorized to approve design plans? Yes. We will maintain a list of the licensed professionals and firms that are authorized to approve design plans for recreational vehicles.

[]

NEW SECTION

WAC 296-150R-0590 Who approves addendums to design plans approved by a professional or firm? (1) You must have the professional or firm approve an addendum to a design plan, if they initially approved your design plan.

(2) If the professional or firm who approved your design plan is no longer on the department list, you may have us approve your addendum.

[]

AMENDATORY SECTION (Amending WSR 20-04-081, filed 2/4/20, effective 3/6/20)

WAC 296-150R-3000 Recreational vehicle fees.

STATE PLAN	
INITIAL FILING FEE	\$36.70
DESIGN PLAN FEES:	
NEW PLAN REVIEW FEE	\$102.50
RESUBMITTAL FEE	\$74.00
ADDENDUM (Approval expires on same date as original plan.)	\$74.00
((ELECTRONIC PLAN SUBMITTAL FEE \$5.50 per page for the first set of plans and \$1.00 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section:))	
PLANS APPROVED BY LICENSED PROFESSIONALS	\$15.00
FEES FOR RESUBMITTAL OF DESIGN PLANS APPROVED BY A PROFESSIONAL OR FIRM	\$74.10 per hour
DEPARTMENT AUDIT FEES:	
AUDIT (per hour)*	\$74.10
TRAVEL (per hour)*	\$74.10
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING	
AIRFARE***	
DEPARTMENT INSPECTION FEES:	
INSPECTION (per hour)*	\$74.10
TRAVEL (per hour)*	\$74.10
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
ALTERATION INSPECTION (One hour plus insignia alteration fee)	\$110.90
INSIGNIA FEES:	
STATE CERTIFIED	\$27.30
ALTERATION	\$36.70
REISSUED-LOST/DAMAGED	\$13.10
OTHER FEES:	
FIELD TECHNICAL SERVICE (per hour* plus travel time* and mileage**)	\$74.10
PUBLICATION PRINTING AND DISTRIBUTION OF RCWs AND WACs (One free copy per year)	\$13.80

*Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments.

**Per state guidelines.

***Actual charges incurred.

SELF CERTIFICATION	
INITIAL FILING FEE	\$36.70
DESIGN PLAN FEES:	
NEW PLAN REVIEW FEE (one time fee)	\$103.90
RESUBMITTAL FEE	\$74.10
ADDENDUM (Approval expires on same date as original plan.)	\$74.10
ELECTRONIC PLAN SUBMITTAL FEE \$5.50 per page for the first set of plans and \$1.00 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.	
DEPARTMENT AUDIT FEES:	
AUDIT (per hour)*	\$74.10
TRAVEL (per hour)*	\$74.10
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING	
AIRFARE***	
DEPARTMENT INSPECTION FEES:	
INSPECTION (per hour)*	\$74.10
TRAVEL (per hour)*	\$74.10
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
INSIGNIA FEES:	
SELF CERTIFIED	\$27.30
ALTERATION	\$36.70
REISSUED-LOST/DAMAGED	\$13.10
OTHER FEES:	
FIELD TECHNICAL SERVICE (per hour* plus travel time* and mileage**)	\$74.10
PUBLICATION PRINTING AND DISTRIBUTION OF RCWs AND WACs (One free copy per year)	\$13.80
REFUND FEE	\$27.30

*Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments.

**Per state guidelines.

***Actual charges incurred.

[Statutory Authority: Chapters 43.22 and 43.22A RCW. WSR 20-04-081, § 296-150R-3000, filed 2/4/20, effective 3/6/20. Statutory Authority: Chapters 18.27, 70.87, 43.22, and 43.22A RCW. WSR 18-24-102, § 296-150R-3000, filed 12/4/18, effective 1/4/19. Statutory Authority: Chapter 43.22 RCW and 2011 1st sp.s. c 50. WSR 12-06-069, § 296-150R-3000, filed 3/6/12, effective 4/30/12. Statutory Authority: Chapters 18.27, 43.22, and 70.87 RCW. WSR 05-12-032, § 296-150R-3000, filed 5/24/05, effective 6/30/05. Statutory Authority: Chapters 18.27 and 43.22 RCW. WSR 04-12-048, § 296-150R-3000, filed 5/28/04, effective 6/30/04. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 70.87.030, 18.106.070, 18.106.125, 2001 c 7, and chapters 18.106, 43.22, and 70.87 RCW. WSR 03-12-045, § 296-150R-3000, filed 5/30/03, effective 6/30/03. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.040, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161,

19.28.201, 19.28.211, 19.28.341, 2001 c 7, 2002 c 249, and chapters 19.28, 43.22, 18.27, and 70.87 RCW. WSR 02-12-022, § 296-150R-3000, filed 5/28/02, effective 6/28/02. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 159, and chapters 43.22, 19.28, 18.27, and 70.87 RCW. WSR 01-12-035, § 296-150R-3000, filed 5/29/01, effective 6/29/01. Statutory Authority: RCW 43.22.340, 43.22.350, 43.22.355, 43.22.360, 43.22.400, 43.22.432, 43.22.433, 43.22.434, 43.22.450, 43.22.480, and 43.22.485. WSR 00-17-148, § 296-150R-3000, filed 8/22/00, effective 9/30/00. Statutory Authority: Chapters 43.22, 18.27, 70.87 and 19.28 RCW. WSR 99-12-080, § 296-150R-3000, filed 5/28/99, effective 6/28/99. Statutory Authority: Chapters 18.106, 18.27 and 43.22 RCW. WSR 98-12-041, § 296-150R-3000, filed 5/29/98, effective 6/30/98. Statutory Authority: RCW 43.22.340 and 43.22.420. WSR 97-16-043, § 296-150R-3000, filed 7/31/97, effective 12/1/97. Statutory Authority: RCW 43.22.340, [43.22.]355, [43.22.]360, [43.22.]432, [43.22.]440 and [43.22.]480. WSR 96-21-146, § 296-150R-3000, filed 10/23/96.]

OTS-4262.2

AMENDATORY SECTION (Amending WSR 99-18-069, filed 8/31/99, effective 10/1/99)

WAC 296-150V-0310 Who can approve design plans? ((Your design plan must be approved by the department.)) (1) Design plans for conversion vendor units can be approved by us or by a licensed professional or firm authorized by us. (See WAC 296-150V-0420 and 296-150V-0430.)

(2) All design plans for medical units must be reviewed and approved by the department.

[Statutory Authority: Chapter 43.22 RCW. WSR 99-18-069, § 296-150V-0310, filed 8/31/99, effective 10/1/99.]

DESIGN-PLAN APPROVAL BY A LICENSED PROFESSIONAL OR FIRM

NEW SECTION

WAC 296-150V-0420 Who can be authorized to approve design plans?

(1) A professional engineer, architect, or firm licensed by the state of Washington according to the Engineers Registration Act, chapter 18.43 RCW and/or the Architects Registration Act, chapter 18.08 RCW; or

(2) A professional engineer, architect, or firm licensed in another state that has licensing or certification requirements that meet or exceed Washington requirements.

(3) A professional engineer, architect, or firm cannot approve medical units.

[]

NEW SECTION

WAC 296-150V-0430 What information must a professional or firm provide to be authorized to approve design plans? (1) Name, a copy of your certificate of registration or authority, and address of the professional engineer, architect, or firm; and

(2) A description of the services the professional engineer, architect, or firm will provide in the areas of fire and life safety, mechanical, plumbing, and electrical plan review for conversion vendor units; and

(3) A summary of the professional's or firm's expertise and qualifications to review plans in the areas identified by the description of services.

[]

NEW SECTION

WAC 296-150V-0440 How will I know whether I am authorized to approve design plans? Within 60 days after you submit the information requested in WAC 296-150V-0430, we will send you a letter either approving or denying your authorization request.

(1) If we approve your request, your name is added to the list of licensed professionals and firms authorized to approve design plans.

(a) We will authorize a professional to approve portions of a design plan within his or her area of expertise; and

(b) We will authorize an engineering or architectural firm to approve plans if the firm employs or contracts with professionals within the area of expertise necessary for the design plan.

(2) If we do not approve your request, we will notify you in writing why we are denying your request for authorization. If you disagree with our decision, you can send us a written request for a hearing, stating why you disagree. (See WAC 296-150V-0100.)

[]

NEW SECTION

WAC 296-150V-0450 How long is a licensed professional or firms authorization effective? Your authorization to approve design plans is effective until your license expires, is revoked or suspended or until your authorization to approve plans is revoked or suspended in accordance with subsection (3) or (4) of this section.

(1) You must notify us of your license renewal at least 15 days before your license expires, to prevent your name from being removed from our licensed professional and firm list.

(2) You must notify us immediately if your license is revoked or suspended. Your name is then removed from the list of licensed professionals and firms authorized to approve design plans.

(3) Your authorization to approve plans may be revoked or suspended if during any one year we receive three or more approved plans that after audit are found to be incomplete or contain multiple code violations. Incomplete plans are those that do not meet the requirements of this chapter and our written plan review guidelines that we provided to you. If your authorization is revoked you may reapply for authorization in accordance with WAC 296-150V-0430, after one year from the date of revocation. Suspensions may be up to one year. If you disagree with our decision, you can send us a written request for a hearing, stating why you disagree. (See WAC 296-150V-0100.)

(4) Your authorization to approve plans may be revoked if we find the licensed professional has a conflict of interest. If your authorization is revoked you may reapply for authorization in accordance with WAC 296-150V-0430, after one year from the date of revocation. If you disagree with our decision, you can send us a written request for a hearing, stating why you disagree. (See WAC 296-150V-0100.)

(5) If we revoke or suspend your authorization in accordance with subsection (3) or (4) of this section, your name will be removed from the list of licensed professionals and firms authorized to approve design plans.

[]

NEW SECTION

WAC 296-150V-0460 What information must a manufacturer send to the department when a professional or firm does the design-plan approval? You must send us the following information in your approved design plans:

- (1) A completed departmental design-plan approval request form;
- (2) A set of the design plan drawings, specifications, engineering analysis, and test results and procedures necessary for a complete code evaluation of the design. When required by chapter 196-23 or 308-12 WAC, design documents prepared by licensed professionals must be sealed;
- (3) A cover sheet on the design plan noting which professional approved each portion of the design plan;
- (4) A copy of the authorization letter from us; and
- (5) The design plan fee for design plans approved by professionals or firms. (See WAC 296-150V-3000.)

[]

NEW SECTION

WAC 296-150V-0470 What happens after we receive the professional or firm approved design plan and information? (1) After we receive

your approved design plans and information, we will check the design plans and information to reasonably assure they contain the documents and plan information outlined in our written guidelines for plan reviews as provided to approved licensed professionals. Once accepted we will assign a plan approval number and send a copy of the design plan with the plan approval number to the manufacturer.

(2) If our check of the design plans and information finds that they are not acceptable we will notify you in writing of the reasons why. Unless being audited in accordance with subsection (3) of this section, design plans and information may be corrected and resubmitted for acceptance within 90 days of our notification. We may charge the applicant an additional hourly fee to process revised submittals (see WAC 296-150V-3000).

(3) We may audit design plans approved by a professional engineer, architect, or firm to ensure compliance with this chapter and our written guidelines for plan reviews. Audits may be either random audits or they may be audits of plans that were not accepted in accordance with subsection (2) of this section. The department's audit should not be construed as certifying that the plans are safe.

(4) If the audit finds that the design plans approved by the professionals and firms do not comply with this chapter and our written guidelines for plan reviews, the applicant will be notified and may be required to pay our fees for review and approval of the design plans. (See WAC 296-150V-3000.)

[]

NEW SECTION

WAC 296-150V-0480 Do you have a list of professionals or firms that are authorized to approve design plans? Yes. We will maintain a list of the licensed professionals and firms that are authorized to approve design plans for conversion vendor units.

[]

NEW SECTION

WAC 296-150V-0490 Who approves addendums to design plans approved by a professional or firm? (1) You must have the professional or firm approve an addendum to a design plan, if they initially approved your design plan.

(2) If the professional or firm who approved your design plan is no longer on the department list, you may have us approve your addendum.

[]

CONVERSION VENDOR UNIT AND MEDICAL UNIT CONSTRUCTION CODE GENERAL

AMENDATORY SECTION (Amending WSR 12-15-061, filed 7/17/12, effective 9/1/12)

WAC 296-150V-0800 What codes apply to conversion vendor units ((or)) and medical units? (1) A conversion vendor unit or medical unit must comply with the following codes where applicable:

(a) The current edition of the International Mechanical Code, with the amendments made by the Washington State Building Code Council, chapter 51-52 WAC.

(b) (i) For conversion vending/medical units Article 551, Parts I through VI of National Electrical Code/National Fire Protection Agency (NFPA) 70, current edition or Article 552, Parts I through V Article of National Electrical Code/National Fire Protection Agency (NFPA) 70, current edition.

(ii) For medical units the National Electrical Code (NFPA 70, current edition) as referenced in Article 517 for Patient Care Areas and chapter 296-46B WAC.

(c) Chapter 7 of the National Fire Protection Association (NFPA 1192), current edition or the Uniform Plumbing Code as adopted and amended according to chapter 19.27 RCW.

(d) The Washington State Building Code Council, chapter 51-50 WAC, International Building Code, Chapter 11, Accessibility as applies to the exterior of the unit relating to customer service facilities in section 1105.4.7.

(2) Provide minimum health and safety to the occupants of conversion vendor units and medical units and the public, and demonstrate journeyman quality of work of the various trades.

(3) Requirements for any size, weight, or quality of material modified by the terms "minimum," "not less than," "at least," and similar expressions are minimum standards. The conversion vendor unit or medical unit may exceed these rules provided the deviation does not result in inferior installation or defeat the purpose and intent of this chapter.

Exception: Sign circuits required by Article 600 of the National Electrical Code will not be required.

[Statutory Authority: Chapter 43.22 RCW. WSR 12-15-061, § 296-150V-0800, filed 7/17/12, effective 9/1/12. Statutory Authority: RCW 43.22.340, 43.22.400, 43.22.432, 43.22.433, 43.22.434, 43.22.480, and 43.22.485, 2002 c 268, and chapter 43.22 RCW. WSR 03-12-044, § 296-150V-0800, filed 5/30/03, effective 6/30/03. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.040, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 7, 2002 c 249, and chapters 19.28, 43.22, 18.27, and 70.87 RCW. WSR 02-12-022, § 296-150V-0800, filed 5/28/02, effective 6/28/02. Statutory Authority: Chapter 43.22 RCW. WSR 99-18-069, § 296-150V-0800, filed 8/31/99, effective 10/1/99.]

CONVERSION VENDOR UNIT AND MEDICAL UNIT FEES

AMENDATORY SECTION (Amending WSR 22-19-074, filed 9/20/22, effective 11/1/22)

WAC 296-150V-3000 Conversion vendor units and medical units—Fees.

INITIAL FILING FEE	\$45.90
DESIGN PLAN FEES:	
INITIAL FEE - MASTER DESIGN	\$319.00
INITIAL FEE - ONE YEAR DESIGN	\$130.30
RENEWAL FEE	\$55.20
RESUBMIT FEE	\$93.00
ADDENDUM (Approval expires on same date as original plan)	\$93.00
((ELECTRONIC PLAN SUBMITTAL FEE \$6.30 per page for the first set of plans and \$1.00 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.))	
PLANS APPROVED BY LICENSED PROFESSIONALS	\$81.10
FEES FOR RESUBMITTAL OF DESIGN PLANS APPROVED BY A PROFESSIONAL OR FIRM	\$85.80 per hour
ELECTRICAL PLAN REVIEW - For medical units, find fees at http://apps.leg.wa.gov/wac/default.aspx?cite=296-46B-906	
RECIPROCAL PLAN REVIEW:	
INITIAL FEE - MASTER DESIGN	\$142.00
INITIAL FEE - ONE YEAR DESIGN	\$85.80
RENEWAL FEE	\$85.80
ADDENDUM	\$85.80
APPROVAL OF EACH SET OF DESIGN PLANS BEYOND FIRST TWO SETS	\$17.10
DEPARTMENT INSPECTION FEES:	
INSPECTION/REINSPECTION (Per hour* plus travel time* and mileage**)	\$93.00
TRAVEL (Per hour)*	\$93.00
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
ALTERATION INSPECTION (One hour plus insignia alteration fee)	\$139.30
INSIGNIA FEES:	
FIRST SECTION/ALTERATION	\$26.60
REISSUED-LOST/DAMAGED	\$17.10
EXEMPT	\$45.90
OTHER FEES:	
FIELD TECHNICAL SERVICE (Per hour* plus travel time* and mileage**)	\$93.00
PUBLICATION PRINTING AND DISTRIBUTION OF RCWs AND WACs (One free copy per year upon request)	\$17.10
REFUND FEE	\$30.50

*Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments.

**Per state guidelines.

***Actual charges incurred.

[Statutory Authority: Chapters 43.22 and 43.22A RCW. WSR 22-19-074, § 296-150V-3000, filed 9/20/22, effective 11/1/22; WSR 21-07-126, §

296-150V-3000, filed 3/23/21, effective 4/23/21; WSR 20-04-081, § 296-150V-3000, filed 2/4/20, effective 3/6/20. Statutory Authority: Chapters 18.27, 70.87, 43.22, and 43.22A RCW. WSR 18-24-102, § 296-150V-3000, filed 12/4/18, effective 1/4/19. Statutory Authority: Chapter 43.22 RCW and 2011 1st sp.s. c 50. WSR 12-06-069, § 296-150V-3000, filed 3/6/12, effective 4/30/12. Statutory Authority: Chapters 18.106, 43.22 RCW, 2008 c 285 and c 329. WSR 08-12-042, § 296-150V-3000, filed 5/30/08, effective 6/30/08. Statutory Authority: Chapters 18.27, 18.106, 43.22, and 70.87 RCW. WSR 07-11-128, § 296-150V-3000, filed 5/22/07, effective 6/30/07. Statutory Authority: Chapters 18.106, 43.22, and 70.87 RCW. WSR 06-10-066, § 296-150V-3000, filed 5/2/06, effective 6/30/06. Statutory Authority: Chapter 43.22 RCW. WSR 05-23-002, § 296-150V-3000, filed 11/3/05, effective 12/4/05. Statutory Authority: Chapters 18.27, 43.22, and 70.87 RCW. WSR 05-12-032, § 296-150V-3000, filed 5/24/05, effective 6/30/05. Statutory Authority: Chapter 43.22 RCW and 2003 c 291. WSR 05-01-102, § 296-150V-3000, filed 12/14/04, effective 2/1/05. Statutory Authority: Chapters 18.27 and 43.22 RCW. WSR 04-12-048, § 296-150V-3000, filed 5/28/04, effective 6/30/04. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 70.87.030, 18.106.070, 18.106.125, 2001 c 7, and chapters 18.106, 43.22, and 70.87 RCW. WSR 03-12-045, § 296-150V-3000, filed 5/30/03, effective 6/30/03. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.040, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 7, 2002 c 249, and chapters 19.28, 43.22, 18.27, and 70.87 RCW. WSR 02-12-022, § 296-150V-3000, filed 5/28/02, effective 6/28/02. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 159, and chapters 43.22, 19.28, 18.27, and 70.87 RCW. WSR 01-12-035, § 296-150V-3000, filed 5/29/01, effective 6/29/01. Statutory Authority: Chapter 43.22 RCW. WSR 99-18-069, § 296-150V-3000, filed 8/31/99, effective 10/1/99.]

WSR 23-09-027

PERMANENT RULES

STATE BOARD OF HEALTH

[Filed April 12, 2023, 9:49 a.m., effective May 13, 2023]

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

Purpose: WAC 246-500-055. The state board of health (board) adopted amendments to WAC 246-500-055 to clarify rule language in subsection (2) (f) and Table 500-A, and to correct a typographical error in subsection (2) (b) without changing the rule's effect. Minimal housekeeping changes were also made to subsections (2) (c) and (d), and (4). WAC 246-500-055 establishes the requirements that natural organic reduction facilities (NOR) must meet for this particular reduction method. These minor revisions were made to the rule based on feedback from interested parties and board staff. The adopted rule is necessary to allow facilities to continue with their processes and ensure initial testing requirements described in the rule are clear.

Citation of Rules Affected by this Order: Amending WAC 246-500-055.

Statutory Authority for Adoption: RCW 43.20.050 (2) (f).

Adopted under notice filed as WSR 23-04-100 [and 23-05-109] on January 31 [and February 15], 2023.

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

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

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

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

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

Date Adopted: March 8, 2023.

Michelle A. Davis, MPA
Executive Director

OTS-4319.1

AMENDATORY SECTION (Amending WSR 21-01-039, filed 12/7/20, effective 1/7/21)

WAC 246-500-055 Human remains reduced through natural organic reduction. (1) Other than the provisions of this section and WAC 246-500-010, this chapter does not apply to human remains after natural organic reduction.

(2) A natural organic reduction facility operator shall:

(a) Collect material samples for analysis that are representative of each instance of natural organic reduction using a sampling method such as described in the U.S. Composting Council 2002 Test Methods for the Examination of Composting and Compost, Method 02.01-A through E;

(b) Analyze each instance of reduced human remains for physical contaminants. Reduced remains must have less than 0.01 mg/kg dry weight of physical contaminants which include, but are not limited to, intact bone, dental ((filings)) fillings, and medical implants;

(c) Analyze, using a third-party laboratory, the reduction facility's reduced human remains according to the following schedule:

(i) The reduction facility's initial ((twenty)) 20 instances of reduced human remains for the parameters identified in Table 500-A, and any additional instances of human remains necessary to achieve ((twenty)) 20 reductions meeting the limits identified in Table 500-A;

(ii) Following ((twenty)) 20 reductions meeting limits outlined in Table 500-A, analyze, at minimum, ((twenty-five)) 25 percent of a facility's monthly instances of reduced human remains for the parameters identified in Table 500-A until ((eighty)) 80 total instances have met the requirements in Table 500-A;

(iii) The local health jurisdiction may require tests for additional parameters under (b) and (c) of this subsection(());

(d) Not release any human remains that exceed the limits identified in Table 500-A; ((and))

(e) Prepare, maintain, and provide upon request by the local health jurisdiction, an annual report each calendar year. The annual report must detail the facility's activities during the previous calendar year and must include the following information:

(i) Name and address of the facility;

(ii) Calendar year covered by the report;

(iii) Annual quantity of reduced human remains;

(iv) Results of any laboratory analyses of reduced human remains;

and

(v) Any additional information required by the local health jurisdiction(()); and

(f) Test for arsenic, cadmium, lead, mercury, and selenium, and either fecal coliform or salmonella in reduced human remains to meet the testing parameters and limits identified in Table 500-A.

Table 500-A
Testing Parameters

Metals and other testing parameters	Limit (mg/kg dry weight), unless otherwise specified
Fecal coliform	< 1,000 Most probable number per gram of total solids (dry weight)
or	
Salmonella	< 3 Most probable number per 4 grams of total solids (dry weight)
and	
Arsenic	≤ 20 ppm
Cadmium	≤ 10 ppm
Lead	≤ 150 ppm
Mercury	≤ 8 ppm
Selenium	≤ 18 ppm

(3) A local registrar, in cooperation with the Washington state funeral and cemetery board, may issue a burial-transit permit for disposition of human remains reduced through natural organic reduction. The permit for the disposition of remains reduced through natural organic reduction may be used in connection with the transportation of

remains reduced through natural organic reduction by common carrier or other means.

(4) The local registrar or the department of health may issue a burial-transit permit for the disposition of human remains reduced through natural organic reduction which have been in the lawful possession of any person, firm, corporation, or association for a period of ~~(ninety)~~ 90 days or more. This permit will specify that the disposition of remains reduced through natural organic reduction must be consistent with Washington state laws and rules.

[Statutory Authority: RCW 43.20.050 (2)(f). WSR 21-01-039, § 246-500-055, filed 12/7/20, effective 1/7/21.]

WSR 23-09-033
PERMANENT RULES
DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed April 13, 2023, 3:38 p.m., effective May 14, 2023]

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

Purpose: The department of social and health services (DSHS) is adopting amendments to WAC 388-454-0006. The department makes background checks on adults who are acting in place of a parent without court-ordered custody. These amendments clarify eligibility requirements for TANF and state family assistance "in loco parentis" households and outline DSHS responsibilities when supporting these families.

Citation of Rules Affected by this Order: Amending WAC 388-454-0006.

Statutory Authority for Adoption: RCW 43.43.832, 74.04.050, 74.04.055, 74.04.057, 74.08.090, and 74.12.290.

Adopted under notice filed as WSR 23-06-019 on February 17, 2023.

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

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

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

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

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

Date Adopted: April 13, 2023.

Katherine I. Vasquez
Rules Coordinator

SHS-4949.3

AMENDATORY SECTION (Amending WSR 21-23-020, filed 11/8/21, effective 12/9/21)

~~WAC 388-454-0006 ((The department makes background checks on adults who are acting in place of a parent without court-ordered custody. How can I receive TANF/SFA as an In Loco Parentis caregiver? (1) We check your background when you ask for temporary assistance for needy families (TANF) or state family assistance (SFA) benefits for a child who:~~

- ~~(a) Is not related to you; and~~
- ~~(b) Lives with you but you do not have a court order that gives you legal custody of the child.~~
- ~~(2) A child who is not related to you cannot receive TANF/SFA benefits while living with you until we have completed a background~~

check and the results of the background check meet the criteria in subsection (3) through (5) of this section.

(3) A child who is not related to you cannot receive benefits while living with you if:

(a) You have been convicted of a crime listed in WAC 110-04-0100 (1) (a) through (e); or

(b) You have been convicted of a crime listed in WAC 110-04-0110 (1) through (3) within the last five years; or

(c) You have a pending criminal charge for a disqualifying crime listed in WAC 110-04-0130 (1) (a) through (b); or

(d) You are determined by the department to not have the character, suitability, and competence necessary to receive benefits for a child not related to you, as described in subsection (4) and (5) of this section.

(4) We review your background when you have been convicted of a crime listed in WAC 110-04-0110 (1) through (3), more than five years ago to determine your character, suitability, and competence to receive benefits for a child not related to you. We consider the following factors:

(a) The amount of time that has passed since you were convicted;

(b) The seriousness of the crime that led to the conviction;

(c) The number and types of convictions in your background; and

(d) Your age at the time of the conviction.

(5) When you have a conviction for a crime other than those listed in WAC 110-04-0100 (1) (a) through (e), or 110-04-0110 (1) through (3) or have a founded finding of child abuse or neglect, as defined in WAC 110-03-0020, we review your background as described in subsection (4) of this section.

(6) If you disclose to us that you have received a certificate of parental improvement, as described in WAC 110-05-0001, and we verify it, then the related founded finding of child abuse or neglect, or dependency finding will not be considered in our determination under this section.

(7) Expunged, pardoned, sealed, or vacated conviction records, or those convictions for which you received a certificate of rehabilitation, do not count against you.)

(1) In Loco Parentis caregiver means:

(a) You are acting as a parent for a child living with you;

(b) The child is not related to you; and

(c) You do not have a court order that gives you legal custody or guardianship of the child.

(2) You are required to complete a financial interview to determine eligibility of the child in your care, per WAC 388-400-0005.

(3) You are eligible to receive a TANF/SFA grant for the child in your care as long as:

(a) The child meets all of the criteria under WAC 388-400-0005;

(b) You, and all adults 18 years of age or older, residing in the household must complete, sign, and provide the department a background check authorization form.

(4) In addition to the cash grant, you will be offered a voluntary assessment from the department to discuss the child's needs. The assessment may include a home visit. During the assessment, you will receive a referral to resources in your local community to provide support for the child in your care.

(5) If the background check or the assessment with the department raises concerns of child abuse or neglect, per RCW 26.44.030 the de-

partment will make a report to the department of children, youth, and families for the safety of the child.

(6) With regard to *In Loco Parentis* applicants, the department must do the following:

(a) Determine financial eligibility;

(b) Notify the child's parents of the approval of the TANF/SFA assistance per WAC 388-454-0025;

(c) Provide the caregiver information of exemptions under WAC 388-422-0020 from the requirement to cooperate with the division of child support on collection of child support from the non-custodial parents, where there are safety concerns for the caregiver or the child;

(d) Process the background check of all adults 18 years of age or older residing in the household and evaluate the findings for suitability and competency to care for the child in your home;

(e) Accept a certificate of parental improvement, from the *In Loco Parentis* applicant, as described in WAC 110-05-0001, and not considering the related finding of child abuse or neglect in the background check;

(f) Provide a voluntary assessment, voluntary home visit, and offer resources to the child in the home of the *In Loco Parentis* caregiver.

[Statutory Authority: RCW 43.43.832, 74.04.050, 74.04.055, 74.04.057, 74.08.090, and 74.12.290. WSR 21-23-020, § 388-454-0006, filed 11/8/21, effective 12/9/21. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.770, and 74.08.090. WSR 16-24-037, § 388-454-0006, filed 11/30/16, effective 1/1/17. Statutory Authority: RCW 13.32A.080, 13.32A.082, 74.04.050, 74.08.090, 74.12.290, 74.12.450, 74.12.460. WSR 02-01-011, § 388-454-0006, filed 12/7/01, effective 1/7/02.]

WSR 23-09-054
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed April 18, 2023, 8:18 a.m., effective May 22, 2023]

Effective Date of Rule: May 22, 2023.

Purpose: The department of labor and industries (L&I) conducted rule making to better align chapter 296-115 WAC, Safety requirements for charter boats, with chapter 88.04 RCW, the Charter Boat Safety Act, United States Coast Guard (USCG) requirements under Title 46 C.F.R.; and chapter 49.17 RCW, the Washington Industrial Safety and Health Act.

The adopted amendments also address items from an audit of the charter boat program. Additionally, this rule making incorporated housekeeping and formatting changes.

WAC 296-115-005 Scope and purpose.

- Adopted amendments corrected a grammatical error in subsection (2) (a), changed "is" to "are."
- Added language to provide contact information and means to submit documents electronically.

WAC 296-115-015 Definitions.

- Added subsection numbers to defined words.
- Added definition of "consideration" to align with USCG requirements found in 46 C.F.R. 175.400.
- Updated definition of "equipment" to align with RCW 88.04.015.
- Added definition of "flammable liquid" from National Fire Protection Association (NFPA) 306. USCG regulations incorporated NFPA 306 by reference in 46 C.F.R. Part 125.180 (i) (4).
- Updated definition of "passenger" to align with RCW 88.04.015.
- Added definition of "passenger for hire" to align with USCG requirements found in 46 C.F.R. 175.400.
- Updated definition of "state waters" to align with RCW 88.04.015.

WAC 296-115-025 Vessel inspection and certification.

- Updated subsection (5), added "and complies with the provisions of this chapter and with the applicable state and federal laws and regulations"; and modified language regarding the length of time the certificate is valid to align with RCW 88.04.035(2).
- Updated subsection (6), added "or with the applicable state and federal laws and regulations" to align with RCW 88.04.035(2).
- Updated subsection (6) (a), changed "may" to "shall" to align with RCW 88.04.035(4).
- Updated subsection (6) (b), added "or the applicable state and federal laws and regulations" to align with RCW 88.04.035(4); and added the following sentence: "The notification will be made on the notice of deficiencies form and signed by the attending maritime inspector" to align with USCG regulations in 46 C.F.R. Chapter 1, Subchapter A, Part 2, Subpart 2.01-10.
- Added new subsection (9), added reference to WAC 296-115-005(4) for instructions on how to submit documents to L&I, request inspection, etc.

WAC 296-115-040 Vessel construction and arrangement.

- Updated subsection (3) (a), updated formatting of numbers.

WAC 296-115-050 General requirements.

- Updated formatting of numbers throughout.
- Updated subsection (5)(c), updated wording regarding "fire axe" to better align with the fire axe requirements in USCG regulations found in 46 C.F.R. 181.600.

WAC 296-115-060 Operations.

- Updated formatting of numbers throughout.
- Updated subsection (3)(f), updated language regarding "no smoking" to align with RCW 70.160.020 Smoking in public places.
- Added new subsection (3)(g), added information regarding storage of flammable liquids to align with federal requirements of the Occupational Safety and Health [Administration] in 29 C.F.R. 1926.152 Flammable liquids; and USCG requirements in Title 46 C.F.R.
- Updated subsequent subsections due to insertion of the above; "(g)" became "(h)," etc.

WAC 296-115-100 Penalties for certificate of inspection and operator's license violations.

- Updated format of numbers throughout.

WAC 296-115-110 Appeal of decisions.

- Updated subsection (1), adopted amendments to align the standard with RCW 88.04.085 which requires L&I to use the process in chapter 49.17 RCW for penalties, violations, citations and appeals, and other administrative procedures. The changes detail the process for an aggrieved person to request an evidentiary hearing with the assistant director or designee.
 - Added subsections (a)(i), (ii), (iii), and (iv) to subsection (1), added information on process to submit a request via mail, fax, email, or in person.
 - Added subsection (1)(b), "Any request made under this subsection must be received by L&I within 15 working days from the receipt of this decision." Sets deadline for submission of an appeal to L&I.
 - Added subsection (1)(c), "A hearing held under this subsection will include a recorded conference during which the aggrieved party can explain their position and provide any additional information they would like the department to consider." Sets a hearing standard.
 - Reformatted subsequent subsections.
 - Subsection (1)(e), added that following the evidentiary hearing, L&I will issue a final decision "in writing within 75 working days from the date the request was filed." Aligns the standard with RCW 88.04.085 which requires L&I to use the process in chapter 49.17 RCW for penalties, violations, citations and appeals, and other administrative procedures.
 - Subsection (1)(f), added that a final department decision issued under this section may be appealed to the "board of industrial insurance appeals within 15 working days following communication of the decision, following the process in RCW 49.17.140. The decision of the board may be appealed following the process in RCW 49.17.150." Aligns the standard with RCW 88.04.085 which requires L&I to use the process in

- chapter 49.17 RCW for penalties, violations, citations and appeals, and other administrative procedures.
- Subsection (1)(g), changed "action" to "decision" and added clarification regarding presenting proof to L&I. Aligns the standard with RCW 88.04.085, which requires L&I to use the process in chapter 49.17 RCW for penalties, violations, citations and appeals, and other administrative procedures.
- Updated subsection (2), removed "For all other citations, follow the appeal process in chapter 49.17 RCW" and added "Other than department decisions under subsection (1) of this section, an aggrieved person may appeal department decisions under this chapter following the appeal process in chapter 49.17 RCW. The decision being appealed will remain in effect until the aggrieved person presents proof to the department that the specified requirements are met, or, until the appeal is otherwise resolved." Adopted amendments align the standard with RCW 88.04.085 which requires L&I to use the process in chapter 49.17 RCW for penalties, violations, citations and appeals, and other administrative procedures.

WAC 296-115-120 Annual fee schedule.

- Adopted amendments include an increase in fees, effective June 1, 2023. Currently, the charter boat program is operating at a loss. An audit of the charter boat program identified the need to increase fees 173 percent to cover the current costs of the program. The adopted fee increase equally distributes a 200 percent increase in fees over the next 10 years. The increase incorporates the 173 percent increase needed to cover current costs and provides for inflation during the 10-year period. Each increase will take effect June 1 every two years.

Citation of Rules Affected by this Order: Amending WAC 296-115-005, 296-115-015, 296-115-025, 296-115-040, 296-115-050, 296-115-060, 296-115-100, 296-115-110, and 296-115-120.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 88.04.005(3), and 88.04.330.

Adopted under notice filed as WSR 23-03-091 on January 17, 2023.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 6, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 9, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 9, Repealed 0.

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

Date Adopted: April 18, 2023.

Joel Sacks
Director

OTS-3461.10

AMENDATORY SECTION (Amending WSR 08-20-123, filed 10/1/08, effective 11/1/08)

WAC 296-115-005 Scope and purpose. This chapter generally sets requirements according to chapter 88.04 RCW to protect the safety and health of passengers and crew on board charter boats, and provides penalties for violations of these requirements. Specifically, this chapter:

(1) Applies to vessels for hire that carry seven or more passengers when operated in state waters which are not regulated by the United States Coast Guard.

(2) Does not apply to:

(a) Vessels that are charter boats but ((is)) are being used by the documented or registered owner exclusively for their own noncommercial or personal pleasure purposes;

(b) Vessels owned by people or corporate entities which are donated and used by people or nonprofit organizations to transport passengers for charitable or noncommercial purposes, regardless of whether consideration is directly or indirectly paid to the owner;

(c) Vessels that are rented, leased, or hired by operators to transport passengers for noncommercial or personal pleasure purposes;

(d) Vessels used exclusively for, or incidental to, educational purposes; or

(e) Bare boat charter boats.

(3) Is intended to be consistent with, and prevails in the event of a conflict with, the rules adopted by the United States Coast Guard under 46 C.F.R. Subchapters K and T, in effect at the time the vessel's keel was laid.

(4) **General information:**

All forms and applications related to charter boat operations may be requested from the department or are available on the website at <https://lni.wa.gov/licensing-permits/other-licenses-permits/charter-boats>.

All correspondence related to charter boat operations may be submitted to:

Department of Labor and Industries
DOSH-Charter Boats
P.O. Box 44650
Olympia, WA 98504-4650; or
Submitted electronically to:
Email: Charterboats@lni.wa.gov

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 49.17.210, and 88.04.005. WSR 08-20-123, § 296-115-005, filed 10/1/08, effective 11/1/08. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050 and 1999 c 111. WSR 00-23-100, § 296-115-005, filed 11/21/00, effective 1/1/01. Statutory Authority: Chapter 49.17 RCW. WSR 91-24-017 (Order 91-07), § 296-115-005, filed 11/22/91, effective 12/24/91; WSR 91-03-044 (Order 90-18), § 296-115-005, filed 1/10/91, effective 2/12/91. Statutory Authority: RCW 49.17.040, 49.17.050, 49.17.240, chapters 42.30 and 43.22 RCW. WSR 80-17-014 (Order 80-20), § 296-115-005, filed 11/13/80.]

AMENDATORY SECTION (Amending WSR 17-16-132, filed 8/1/17, effective 9/1/17)

WAC 296-115-015 Definitions. (1) **Approved.** Approved by the assistant director or an authorized representative. However, if a provision of this chapter requires approval by an agency or organization other than the department, such as nationally recognized testing laboratories or the United States Coast Guard, then approval by the specified authority will be accepted.

(2) **Assistant director.** The assistant director of the division of occupational safety and health (DOSH) within the department of labor and industries.

(3) **Authorized person.** A person approved or assigned by the employer to perform a specific type of duty or duties or be at a specific location or locations at the workplace.

(4) **Bare boat charter.** The unconditional lease, rental, or charter of a boat by the owner, or owner's agent, to a person who by written agreement, or contract, assumes all responsibility and liability for the operation, navigation, and provisioning of the boat during the term of the agreement or contract, except when a captain or crew is required or provided by the owner or owner's agents to be hired by the charterer to operate the vessel.

(5) **Carrying passengers or cargo.** The transporting of any person or persons or cargo on a vessel for a fee or other consideration.

(6) **C.F.R.** Code of Federal Regulations.

(7) **Charter boat.** A vessel or barge operating on waters of the state of Washington which is:

(a) Not inspected or licensed by the United States Coast Guard and over which the United States Coast Guard does not exercise jurisdiction; and

(b) Rented, leased, or chartered to carry seven or more persons, or cargo.

(8) **Commercial.** Any activity from which the operator, or the person chartering, renting, or leasing a vessel derives a profit, and/or which qualifies as a legitimate business expense under the Internal Revenue Statutes.

(9) **Competent person.** Someone who is capable of identifying existing and predictable hazards in the surroundings or working conditions that are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt action to eliminate them.

(10) **Confined space.** A space that is all of the following:

(a) Large enough and arranged so that an employee could fully enter the space and perform work; and

(b) Has limited or restricted means for entry or exit. Examples of spaces with limited or restricted entry are tanks, vessels, silos, storage bins, hoppers, vaults, and pits; and

(c) Not primarily designed for human occupancy.

(11) **Consideration.** An economic benefit, inducement, right, or profit including pecuniary payment accruing to an individual, person, or entity, but not including a voluntary sharing of the actual expenses of the voyage, by monetary contribution or donation of fuel, food, beverage, or other supplies.

(12) **Defect.** Any characteristic or condition that tends to weaken or reduce the strength of the tool, object, or structure of which it is a part.

(13) **Department.** The department of labor and industries.

(14) **Employee:**

(a) Someone who is employed in the business of an employer; and
(b) Every person in this state who is working for an employer under an independent contract for personal labor.

(15) **Employer**. Any person, firm, corporation, partnership, business trust, legal representative, or other business entity that operates a passenger vessel for hire in this state and employs one or more employees or contracts with one or more persons for personal labor. Any person, partnership, or business entity that has no employees, and is covered by the Industrial Insurance Act is considered both an employer and an employee.

(16) **Enclosed space**. Any space, other than a confined space, which is enclosed by bulkheads and overhead. It includes cargo holds, tanks, quarters, and machinery and boiler spaces.

(17) **Equipment**. A system, part, or component of a vessel as originally manufactured, or a system, part, or component manufactured or sold for replacement, repair, or improvement of a system, part, or component of a vessel; an accessory or equipment for, or appurtenance to a vessel; or a marine safety article, accessory, or equipment, including radio equipment, intended for use by a person on board a vessel.

(18) **Flammable liquid**. As defined in National Fire Protection Association (NFPA) 306, a liquid that has a closed-cup flash point that is below 37.8°C (100°F) and a maximum vapor pressure of 2,068 mm Hg (40 psia (pounds per square inch absolute) at 37.8°C (100°F)).

(19) **Hazard**. A condition, potential or inherent, that is likely to cause injury, death, or occupational disease.

(20) **Hazardous substance**. A substance that, because it is explosive, flammable, poisonous, corrosive, oxidizing, irritating, or otherwise harmful, is likely to cause death or injury, including all substances listed on the USCG hazardous materials list.

(21) **Inspection**. The examination of vessels by the assistant director or an authorized representative of the assistant director.

(22) **Keel laid**. The date a vessel's keel was laid or the vessel was at a similar stage of construction.

(23) **Maritime safety specialist**. A technical and operations specialist in maritime issues located in the department.

(24) **Master**. The individual having command of the vessel and who is the holder of a valid license that authorizes the individual to serve as master of a small passenger vessel.

(25) **Passenger**. ((A passenger who pays for carriage on a vessel, whether directly or indirectly to the owner, charterer, operator, agent, or any other person having an interest in the vessel.)) A person carried on board a charter boat except (a) the owner of the vessel or the owner's agent, or (b) the captain and members of the vessel's crew.

(26) **Passenger for hire**. A passenger for whom consideration is contributed as a condition of carriage on the vessel, whether directly or indirectly flowing to the owner, charterer, operator, agent, or any other person having an interest in the vessel.

(27) **Should**. Recommended.

(28) **Standard safeguard**. A device intended to remove a hazard incidental to the machine, appliance, tool, or equipment to which the device is attached. Standard safeguards must be constructed of either metal, wood, other suitable material, or a combination. The final determination of the sufficiency of any safeguard rests with the assistant director.

(29) State waters. All ((nonnavigable)) waters within the territorial limits of the state of Washington, and not subject to the jurisdiction of the United States Coast Guard.

(30) Substantial. An object is constructed of such strength, material, and workmanship that it will withstand all normal wear, shock, and usage.

(31) Suitable. That which fits, or has the qualities or qualifications to meet a given purpose, occasion, condition, function, or circumstance.

(32) Under way. A vessel is not at anchor, made fast to the shore, or aground.

(33) USCG. The United States Coast Guard.

(34) United States Coast Guard Navigation. Rules International/Inland, Commandants Instruction M16672.2D as now adopted, or legally amended by the United States Coast Guard.

(35) Vessel. Every description of motorized watercraft, other than a bare boat charter boat, seaplane, or sailboat, used or capable of being used to transport seven or more passengers, or cargo, on water for rent, lease, or hire.

(36) Working day. A calendar day, except Saturdays, Sundays, and legal holidays as described in RCW 1.16.050. The time within which an act must be done is computed by excluding the first working day and including the last working day.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. WSR 17-16-132, § 296-115-015, filed 8/1/17, effective 9/1/17. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 49.17.210, and 88.04.005. WSR 08-20-123, § 296-115-015, filed 10/1/08, effective 11/1/08. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. WSR 07-03-163, § 296-115-015, filed 1/24/07, effective 4/1/07. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050 and 1999 c 111. WSR 00-23-100, § 296-115-015, filed 11/21/00, effective 1/1/01. Statutory Authority: Chapter 49.17 RCW. WSR 95-04-007, § 296-115-015, filed 1/18/95, effective 3/1/95; WSR 91-24-017 (Order 91-07), § 296-115-015, filed 11/22/91, effective 12/24/91; WSR 91-03-044 (Order 90-18), § 296-115-015, filed 1/10/91, effective 2/12/91. Statutory Authority: RCW 49.17.040, 49.17.050, 49.17.240, chapters 42.30 and 43.22 RCW. WSR 80-17-014 (Order 80-20), § 296-115-015, filed 11/13/80.]

AMENDATORY SECTION (Amending WSR 18-04-096, filed 2/6/18, effective 3/9/18)

WAC 296-115-025 Vessel inspection and certification. (1) The department must inspect all vessels subject to this chapter to ensure they are safe and seaworthy at least once each year.

(2) The department may also inspect a vessel:

(a) If requested to do so by the owner, operator, or master of the vessel;

(b) After an explosion, fire, or any other accident involving the vessel;

(c) Upon receipt of a complaint from any person;

(d) At the discretion of the department.

(3) The department will charge the owner of a vessel a fee for each certification or recertification inspection. See WAC 296-115-120 for fee schedule.

(4) No person will operate a passenger or cargo vessel if the vessel does not have a valid certificate of inspection issued by the department.

(5) After inspecting a vessel and determining it is safe and seaworthy and complies with the provisions of this chapter and with the applicable state and federal laws and regulations, the department will issue a certificate of inspection for that vessel. The certificate will be valid for one year ((after)) from the date of ((inspection and contain:)) issuance.

- (a) The certificate must set forth the date of the inspection;
- (b) The names of the vessel and the owner;
- (c) The number of lifeboats, if required;
- (d) The number of life preservers required;
- (e) The number of passengers allowed; and
- (f) Any other information the department requires by rule.

(6) Any time a vessel is found to be not safe or seaworthy, or not in compliance with the provisions of this chapter or with the applicable state and federal laws and regulations:

(a) The department ((may)) shall refuse to issue a certificate of inspection until the deficiencies have been corrected and ((may)) shall cancel any certificate of inspection currently issued.

(b) The department must give the owner a written statement why the vessel was found to be unsafe, unseaworthy, or not in compliance with the provisions of this chapter or the applicable state and federal laws and regulations, including a specific reference to the statute or rule. The notification will be made on the notice of deficiencies form and signed by the attending maritime inspector.

(7) Department inspectors may, upon presenting their credentials to the owner, master, operator, or agent in charge of a vessel, board the vessel without delay to make an inspection.

(a) Inspectors must inform the owner, master, operator, or agent in charge that their intent is to inspect the vessel.

(b) During the inspection, inspectors must have access to all areas of the vessel. Inspectors may question privately the owner, master, operator, or agent in charge of the vessel, or any crew member of or passenger on the vessel.

(c) If any person refuses to allow inspectors to board a vessel for an inspection, or refuses to allow access to any areas of the vessel, the department may request a warrant from the superior court for the county in which the vessel is located. The court will grant the warrant if:

(i) There is evidence that the vessel has sustained a fire, explosion, unintentional grounding, or has been involved in any other accident;

(ii) There is evidence that the vessel is not safe or seaworthy; or

(iii) The department shows that the inspection furthers a general administrative plan for enforcing the safety requirements of chapter 88.04 RCW, the Charter Boat Safety Act.

(8) The owner or master of a vessel must post the certificate of inspection behind glass or other suitable transparent material in a conspicuous area of the vessel.

(9) Please see WAC 296-115-005(4) for instructions on how to submit documents to the department to request an inspection, submit a complaint, or notify the department of repairs or alterations.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. WSR 18-04-096, § 296-115-025, filed 2/6/18, effective 3/9/18; WSR 17-16-132, § 296-115-025, filed 8/1/17, effective 9/1/17. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 49.17.210, and 88.04.005. WSR 08-20-123, § 296-115-025, filed 10/1/08, effective 11/1/08. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050 and 1999 c 111. WSR 00-23-100, § 296-115-025, filed 11/21/00, effective 1/1/01. Statutory Authority: Chapter 49.17 RCW. WSR 91-03-044 (Order 90-18), § 296-115-025, filed 1/10/91, effective 2/12/91. Statutory Authority: RCW 49.17.040, 49.17.050, 49.17.240, chapters 42.30 and 43.22 RCW. WSR 80-17-014 (Order 80-20), § 296-115-025, filed 11/13/80.]

AMENDATORY SECTION (Amending WSR 08-20-123, filed 10/1/08, effective 11/1/08)

WAC 296-115-040 Vessel construction and arrangement. (1) Application.

(a) These requirements apply to all vessels contracted for construction on or after June 7, 1979.

(b) Vessels constructed before the effective date of this chapter must be brought into substantial compliance with the requirements of this section. Where strict compliance is impractical, the assistant director may grant a temporary variance to allow a modification or a permanent variance if the intent of these requirements is met.

(c) The intent of these requirements is to provide for a sound, seaworthy vessel, reasonably fit for the service it is intended to provide, and to ensure that the materials, scantlings, fastenings, and workmanship meet this intent. Primary consideration must be given to the provision of a seaworthy hull, protection against fire, means of escape in case of casualty, guards and rails in hazardous places, ventilation of closed spaces, and necessary facilities for passengers and crew.

(2) Hull structure.

(a) In general, complying with the standards of the United States Coast Guard rules for small passenger vessels or with the standards of a recognized classification society is considered satisfactory evidence of the structural adequacy of a vessel.

(b) Special consideration will be given by the assistant director to materials or structural requirements not specified by the standards of a recognized classification society.

(3) Watertight integrity and subdivision.

(a) All vessels carrying more than ((forty-nine)) 49 passengers must have a collision bulkhead and watertight bulkheads (or sufficient air tankage or other internal flotation) so the vessel will remain afloat (with positive stability) with any one main compartment flooded.

(b) All watertight bulkheads required by this part must be of substantial construction so they remain watertight with water to the top of the bulkhead.

(c) Watertight bulkheads must extend intact to the bulkhead deck. Penetrations must be kept to a minimum and must be watertight.

(d) The weather deck on a flush deck vessel must be watertight and must not obstruct overboard drainage.

(e) Cockpits must be watertight except that companionways may be fitted if they are provided with watertight coamings and weathertight doors. Also, ventilation openings may be provided if they are situated as high in the cockpit as possible and the opening height does not exceed two inches.

(f) Cockpits must be self-bailing. The scuppers installed for this purpose must be located so they are effective considering probable list and trim.

(g) Well decks must be watertight. Freeing ports may be installed if the provisions of applicable United States Coast Guard standards are followed.

(h) Weather deck hatches may be weathertight. All hatches must be provided with covers capable of being secured.

(i) The number of openings in the vessel's sides below the weather deck must be kept to a minimum.

(j) Any openings in a vessel's sides, such as portlights, must comply with applicable United States Coast Guard standards.

(4) Stability.

(a) All charter vessels must have a stability test, unless the assistant director determines that a test is not required because sufficient evidence is provided by the owner that the vessel's stability is satisfactory for the service for which it is intended.

(b) A letter stating that the vessel has met these stability requirements must be posted in the pilothouse of each vessel.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 49.17.210, and 88.04.005. WSR 08-20-123, § 296-115-040, filed 10/1/08, effective 11/1/08. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050 and 1999 c 111. WSR 00-23-100, § 296-115-040, filed 11/21/00, effective 1/1/01. Statutory Authority: RCW 49.17.040, 49.17.050, 49.17.240, chapters 42.30 and 43.22 RCW. WSR 80-17-014 (Order 80-20), § 296-115-040, filed 11/13/80.]

AMENDATORY SECTION (Amending WSR 17-16-132, filed 8/1/17, effective 9/1/17)

WAC 296-115-050 General requirements. (1) Where an existing charter vessel does not meet a particular requirement of this section, the assistant director may grant:

(a) A temporary variance to allow time for modifications to be made.

(b) A permanent variance if the degree of protection afforded is judged to be adequate for the service in which the vessel is used.

(2) Lifesaving equipment required by this section must be approved by the USCG.

(3) The following lifesaving equipment is required:

(a) All vessels carrying passengers must carry life floats or buoyant apparatus for all persons on board.

(i) All life floats or buoyant apparatus must be international orange in color.

(ii) Vessels operating not more than one mile from land are not required to carry life floats or buoyant apparatus.

(iii) Lifeboats, life rafts, dinghies, dories, skiffs, or similar type craft may be substituted for the required life floats or buoyant apparatus if the substitution is approved by the assistant director.

(iv) Life floats, buoyant apparatus, or any authorized substitute must be U.S. Coast Guard approved and have the following equipment:

(A) Two paddles or oars not less than four feet in length.

(B) A painter of at least one-half inch diameter and ~~(thirty)~~
30 feet in length.

(b) All vessels must have a USCG-approved adult life preserver for the number of people the vessel is certified to carry, with at least ~~(ten)~~ 10 percent additional of a type suitable for children or greater number to provide a life jacket for each child-sized person on board.

(i) Life preservers must be stowed in readily accessible places in the upper part of the vessel; and

(ii) Each life preserver must be marked with the vessel's name.

(c) All vessels must carry in a readily accessible location at least one ring life buoy of an approved type with ~~(sixty)~~ 60 feet of buoyant line attached. The ring life buoy must:

(i) Be ready to cast loose at any time; and

(ii) Have a floating water light, unless operation is limited to daytime.

(4) Fire protection general.

(a) The general construction of a vessel must minimize fire hazards.

(b) Internal combustion engine exhausts, boiler and galley uptakes, and similar sources of ignition must be kept clear of and suitably insulated from woodwork or other combustible material.

(c) Lamp, paint, and oil lockers and similar storage areas for flammable liquids must be constructed of metal or lined with metal.

(5) Fire protection equipment. Equipment required to be of an approved type must be approved by the USCG or other agency acceptable to the director.

(a) Fire pumps.

(i) All vessels carrying more than ~~(forty-nine)~~ 49 passengers must carry an approved power fire pump capable of reaching any part of the vessel.

(ii) All other vessels must carry an approved hand fire pump. These pumps must be provided with a suitable suction and discharge hose, and may also serve as bilge pumps.

(b) Fixed fire extinguishing system.

(i) The following vessels must have a fixed fire extinguishing system to protect the machinery and fuel tank spaces:

(A) Those powered by internal combustion engines using gasoline or other fuel having a flashpoint of 110°F or lower; and

(B) Those with hulls constructed of fiber-reinforced plastic (FRP) or wood.

(ii) This system must be an approved type and have a capacity sufficient to protect the space.

(iii) Controls for the fixed system must be installed in an accessible location outside the space protected.

(iv) A device must be provided to automatically shut down power ventilation serving the protected space and engines that draw intake air from the protected space prior to release of the extinguishing agent into the space.

(c) Fire axe. ((All vessels must have one fire axe located in or near the pilothouse.)) A vessel of more than 19.8 meters (65 feet) in length must have at least one fire axe located in or adjacent to the primary operating station.

(d) Portable fire extinguishers.

(i) All vessels must have a minimum number of portable fire extinguishers of an approved size and type. The number required will be determined by Table 1, Portable Fire Extinguishers.

(ii) Portable fire extinguishers must be inspected at least once a month. Extinguishers found defective must be serviced or replaced.

(iii) Portable fire extinguishers must be serviced at least once a year. The required service must consist of discharging and recharging foam and dry chemical extinguishers and weighing and inspecting carbon dioxide extinguishers.

(iv) Portable fire extinguishers must be hydrostatically tested at intervals not to exceed those specified in WAC 296-800-300 in the safety and health core rules.

(v) Portable fire extinguishers of the vaporizing liquid type such as carbon tetrachloride and other toxic vaporizing liquids are prohibited and must not be carried on any vessel.

(vi) Portable fire extinguishers must be mounted in brackets or hangers near the space protected. The location must be marked in a manner satisfactory to the assistant director.

**Table 1
Portable Fire Extinguishers**

Space Protected	Minimum # Required	Type Extinguisher Permitted		
		CG Class	Medium	Minimum Size
Operating station	1	B-I, C-I	Halon CO ₂ Dry chemical	2.5 lb. 4 lb. 2 lb.
Machinery space	1 Located just outside exit	B-II, C-II	CO ₂ Dry chemical	15 lb. 10 lb.
Open vehicle deck	1 for every 10 vehicles	B-II	Foam Halon CO ₂ Dry chemical	2.5 gal. 10 lb. 15 lb. 10 lb.
Accommodation space	1 for each 2,500 sq. ft. or fraction thereof	A-II	Foam Dry chemical	2.5 gal. 10 lb.
Galley, pantry, concession stand	1	A-II, B-II	Foam Dry chemical	2.5 gal. 10 lb.

(6) Means of escape.

(a) All vessels must have at least two avenues of escape from all general areas accessible to the passengers or where the crew may be quartered or normally employed. The avenues must be located so that if one is not available the other may be. At least one of the avenues should be independent of watertight doors.

(b) One vertical means of escape is acceptable where the length of the compartment is less than ((twelve)) 12 feet under the following conditions:

(i) There is no source of fire in the space, such as a galley stove or heater and the vertical escape is remote from the engine and fuel tank space; or

(ii) The arrangement is such that the installation of two means of escape does not materially improve the safety of the vessel or those aboard.

(7) Ventilation.

(a) All enclosed spaces within the vessel must be properly vented or ventilated. Where such openings would endanger the vessel under adverse weather conditions, means must be provided to close them.

(b) All crew and passenger space must be adequately ventilated in a manner suitable to the purpose of the space.

(8) Crew and passenger accommodations.

(a) Vessels with crew members living aboard must have suitable accommodations.

(b) Vessels carrying passengers must have fixed seating for the maximum number of passengers permitted, installed as follows:

(i) Spacing that provides for ready escape in case of fire or other casualty.

(ii) Aisles not over ((fifteen)) 15 feet long must be not less than ((twenty-four)) 24 inches wide.

(iii) Aisles over ((fifteen)) 15 feet long must be not less than ((thirty)) 30 inches wide.

(iv) Where seats are in rows the distance from seat front to seat front must be not less than ((thirty)) 30 inches.

(v) The assistant director may grant special exception to fixed seating spacing requirements if escape over the side can be readily accomplished through windows or other openings in the way of the seats.

(c) Portable or temporary seating may be installed but must be arranged as provided for fixed seating.

(9) Toilet facilities and drinking water.

(a) Vessels must be provided with toilets and wash basins as specified in WAC 296-800-230 unless vessels are used exclusively on short runs of approximately ((thirty)) 30 minutes or less.

(b) All toilets and wash basins must be fitted with adequate plumbing. Facilities for men and women must be in separate compartments, except in the case of vessels carrying ((forty-nine)) 49 passengers and less, the assistant director may approve other arrangements.

(c) Portable drinking water must be provided for all passengers and crew according to WAC 296-800-23005.

(d) Covered trash containers must be provided in passenger areas.

(10) Rails and guards.

(a) Rails or equivalent protection must be installed near the periphery of all weather decks accessible to passengers and crews. Where space limitations make deck rails impractical for areas designed for crew only, such as at narrow catwalks in the way of deckhouse sides, hand grabs may be substituted.

(b) Rails must consist of evenly spaced courses. The spacing must not be greater than four inches except as provided in WAC 296-115-050 (10) (d). Lower rail courses may not be required if all or part of the space below the upper rail course is fitted with a bulwark, chain link fencing, wire mesh or the equivalent.

(c) On passenger decks of vessels engaged in ferry or excursion type operation, rails must be at least ((forty-two)) 42 inches high. The top rail must be pipe, wire, chain, or wood and must withstand at least ((two hundred)) 200 pounds of side loading. The space below the top rail must be fitted with bulwarks, chain link fencing, wire mesh, or the equivalent.

(d) On vessels engaged in other than passenger service, the rails must be not less than ~~((thirty-six))~~ 36 inches high. Where vessels are used in special service, the assistant director may approve other arrangements, but in no case less than ~~((thirty))~~ 30 inches high.

(e) Suitable storm rails or hand grabs must be installed where necessary in all passageways, at deckhouse sides, and at ladders and hatches where passengers or crew might have normal access.

(f) Suitable covers, guards, or rails must be installed in the way of all exposed and hazardous places such as gears or machinery. (See chapter 296-806 WAC, Machine safety for detailed requirements.)

(11) Machinery installation.

(a) Propulsion machinery.

(i) Propulsion machinery must be suitable in type and design for the propulsion requirements of the hull of the vessel in which it is installed. Installations meeting the requirements of the USCG or USCG-recognized classification society are considered acceptable to the assistant director.

(ii) Installations using gasoline or diesel as a fuel must meet the requirements of applicable USCG standards.

(b) Auxiliary machinery and bilge systems.

(i) All vessels must be provided with a suitable bilge pump, piping, and valves for removing water from the vessel.

(ii) Vessels carrying more than ~~((forty-nine))~~ 49 passengers must have a power operated bilge pump. The source of power must be independent of the propulsion machinery. Other vessels must have a hand operated bilge pump, but may have a power operated pump if it is operated by an independent power source.

(c) Steering apparatus and miscellaneous systems.

(i) All vessels must be provided with a suitable steering apparatus.

(ii) All vessels must be provided with navigation lights and shapes, whistles, fog horns, and fog bells as required by the USCG rules of navigation.

(iii) All vessels must be equipped with a suitable number of portable battery lights for emergency purposes. There should be at least two, one located at the operating station and the other at the access to the propulsion machinery.

(d) Electrical installations. The electrical installations of all vessels must be at least equal to applicable USCG standards, or as approved by the assistant director.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. WSR 17-16-132, § 296-115-050, filed 8/1/17, effective 9/1/17. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060 and 29 C.F.R. 1910 Subpart Z. WSR 14-07-086, § 296-115-050, filed 3/18/14, effective 5/1/14. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 49.17.210, and 88.04.005. WSR 08-20-123, § 296-115-050, filed 10/1/08, effective 11/1/08. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. WSR 07-03-163, § 296-115-050, filed 1/24/07, effective 4/1/07; WSR 04-14-028, § 296-115-050, filed 6/29/04, effective 1/1/05; WSR 03-18-090, § 296-115-050, filed 9/2/03, effective 11/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050 and 1999 c 111. WSR 00-23-100, § 296-115-050, filed 11/21/00, effective 1/1/01. Statutory Authority: RCW 49.17.040, 49.17.050, 49.17.240, chapters 42.30 and 43.22 RCW. WSR 80-17-014 (Order 80-20), § 296-115-050, filed 11/13/80.]

AMENDATORY SECTION (Amending WSR 17-16-132, filed 8/1/17, effective 9/1/17)

WAC 296-115-060 Operations. (1) No person will rent, lease, or hire out a charter boat, carry, advertise for carrying, or arrange for carrying, more than six passengers on a vessel for a fee or other consideration on state waters unless the vessel meets the requirements of this chapter.

(2) Notice of casualty.

(a) The owner or person in charge of any vessel involved in a marine accident or casualty involving any of the following must report the incident immediately to the department:

(i) Damage to property in excess of ~~((one thousand five hundred dollars))~~ \$1,500.

(ii) Major damage affecting the seaworthiness or safety of the vessel.

(iii) Loss of life or an injury to a person that requires medical treatment beyond first aid.

(iv) Fire on board the vessel.

(b) The report must be in writing to the assistant director. Upon receipt of the report the assistant director may request an investigation by a marine dock inspector.

(c) For work-related injuries and illness involving any employee that resulted in death, inpatient hospitalization, amputation or loss of an eye, you must comply with the recordkeeping and reporting regulations in chapter 296-27 WAC.

(3) Miscellaneous operations.

(a) In the case of collision, accident, or other casualty involving a vessel, the operator must:

(i) So far as possible without serious danger to the vessel or persons aboard, render any necessary assistance to other persons affected by the collision, accident, or casualty to save them from danger.

(ii) Provide the name and address of the vessel owner and the name of the vessel to any person injured and to the owner of any property damaged.

(b) The person in charge of the vessel must see that the provisions of the certificate of inspection are strictly adhered to. This will not limit the person in charge from taking any action in an emergency judged necessary to help vessels in distress or to prevent loss of life.

(c) The operator of a vessel must comply with the provisions of the USCG Navigation Rules International/Inland, Commandants Instruction M16672.2D.

(d) The operator of a vessel must test the vessel's steering gear, signaling whistle, controls, and communication system before getting under way for the day's operation.

(e) Vessels using fuel with a flashpoint of 110°F or lower must not take on fuel when passengers are on board.

(f) All vessels must enforce "no smoking" provisions when fueling and as otherwise required by chapter 70.160 RCW. Locations on the vessel where flammable liquids are stored must be posted "No smoking." "Smoke" or "smoking" means the carrying or smoking of any kind of lighted pipe, cigar, cigarette, or any other lighted smoking equipment.

(g) Flammable liquids must be stored in a U.S. Department of Transportation approved container or flammable storage locker securely connected to the deck. See 46 C.F.R. 142.225 and 29 C.F.R. 1926.152.

(h) All vessels must prepare and post emergency check-off lists in a conspicuous place accessible to crew and passengers, covering the following:

(i) Man overboard.

(ii) Fire.

((h))) (i) The persons in charge must conduct emergency drills to ensure that the crew is familiar with their duties in an emergency and must document the drills.

((i))) (j) Carrying hazardous substances is prohibited on vessels. However, the assistant director may authorize a vessel to carry specific types and quantities of hazardous substances if the assistant director approves the type, quantity, and manner in which it is carried.

((j))) (k) All areas accessible to passengers or crew must be kept in a clean and sanitary condition. All walking surfaces must be free of slipping or tripping hazards and in good repair.

(4) First aid.

(a) All passenger vessels at all times must have a person holding a valid certificate of first-aid/CPR training.

(b) A first-aid kit or first-aid room must be provided on all vessels. The size and quantity of first-aid supplies or equipment required must be determined by the number of persons normally dependent upon each kit or equipment. The first-aid kit or supplies must be in a weatherproof container with individually sealed packages for each type of item. The location of the first-aid station or kit must be posted or marked "first aid" on the container.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. WSR 17-16-132, § 296-115-060, filed 8/1/17, effective 9/1/17. Statutory Authority: RCW 49.17.010, 49.17.040, and 49.17.050. WSR 15-11-066, § 296-115-060, filed 5/19/15, effective 7/1/15. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060 and 29 C.F.R. 1910 Subpart Z. WSR 14-07-086, § 296-115-060, filed 3/18/14, effective 5/1/14. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 49.17.210, and 88.04.005. WSR 08-20-123, § 296-115-060, filed 10/1/08, effective 11/1/08. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050 and 1999 c 111. WSR 00-23-100, § 296-115-060, filed 11/21/00, effective 1/1/01. Statutory Authority: Chapter 49.17 RCW. WSR 91-03-044 (Order 90-18), § 296-115-060, filed 1/10/91, effective 2/12/91. Statutory Authority: RCW 49.17.040, 49.17.050, 49.17.240, chapters 42.30 and 43.22 RCW. WSR 80-17-014 (Order 80-20), § 296-115-060, filed 11/13/80.]

AMENDATORY SECTION (Amending WSR 08-20-123, filed 10/1/08, effective 11/1/08)

WAC 296-115-100 Penalties for certificate of inspection and operator's license violations. (1) For owners of vessels, any violation of the certification and inspection provisions of this chapter is punishable according to the penalties provided under the Washington Industrial Safety and Health Act, chapter 49.17 RCW.

(2) The following fixed schedule penalties apply:

- (a) For failing to display certificate of inspection as required in WAC 296-115-025(8), ~~((fifty dollars))~~ \$50 to owner of the vessel.
- (b) For a nonowner who operates vessel without a valid certificate of inspection, ~~((one hundred dollars))~~ \$100 per violation.
- (c) For operating a vessel in passenger service without a valid USCG/state of Washington operator's license, ~~((one hundred dollars))~~ \$100 per violation to the owner of the vessel.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 49.17.210, and 88.04.005. WSR 08-20-123, § 296-115-100, filed 10/1/08, effective 11/1/08. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050 and 1999 c 111. WSR 00-23-100, § 296-115-100, filed 11/21/00, effective 1/1/01. Statutory Authority: Chapter 49.17 RCW. WSR 91-03-044 (Order 90-18), § 296-115-100, filed 1/10/91, effective 2/12/91. Statutory Authority: RCW 49.17.040, 49.17.050, 49.17.240, chapters 42.30 and 43.22 RCW. WSR 80-17-014 (Order 80-20), § 296-115-100, filed 11/13/80.]

AMENDATORY SECTION (Amending WSR 08-20-123, filed 10/1/08, effective 11/1/08)

WAC 296-115-110 Appeal of decisions. (1) ~~((Within fifteen working days after receipt of the decision, a))~~ An aggrieved person may request ~~((a))~~ an evidentiary hearing with the assistant director or their designee regarding denial of a certificate of inspection or license, or a ~~((decision on))~~ determination of the maximum passengers, crew, or total capacity of a charter boat.

~~((a))~~ At the hearing the department must give the opportunity to produce witnesses and give testimony.

~~((b)))~~ Such a request must be made prior to filing any other appeal from such a decision.

(a) A request made under this subsection must be submitted in one of the following ways:

(i) By mail to:

DOSH Appeals
P.O. Box 44604
Olympia, WA 98504-4604

(ii) By fax transmission to: 360-902-5581

(iii) Electronically to: DOSHappeals@lni.wa.gov; or

(iv) Take to any department service location.

(b) Any request made under this subsection must be received by the department within 15 working days from the receipt of the decision.

(c) A hearing held under this subsection will include a recorded conference during which the aggrieved party can explain their position and provide any additional information they would like the department to consider.

(d) The hearing will be held at the department's headquarters office or at another location designated by the assistant director and presided over by an authorized representative of the assistant director.

((e))) (e) Following the ((informal)) evidentiary hearing the department will issue a final decision in writing within 75 working days from the date the request was filed.

((d)) (f) A final department decision issued under this section may be appealed to the ((superior court for the state of Washington in either the county in which the certificate holder resides or in Thurston County within thirty days after the suspension or revocation order is entered)) board of industrial insurance appeals within 15 working days following communication of the decision, following the process in RCW 49.17.140. The decision of the board may be appealed following the process in RCW 49.17.150.

((e)) (g) The ((action)) decision being appealed will remain in effect until the applicant presents proof to the department that the specified requirements are met, or until the appeal is otherwise resolved.

(2) ((For all other citations, follow the appeal process in chapter 49.17 RCW.)) Other than department decisions under subsection (1) of this section, an aggrieved person may appeal department decisions under this chapter following the appeal process in chapter 49.17 RCW. The decision being appealed will remain in effect until the aggrieved person presents proof to the department that the specified requirements are met, or, until the appeal is otherwise resolved.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 49.17.210, and 88.04.005. WSR 08-20-123, § 296-115-110, filed 10/1/08, effective 11/1/08.]

AMENDATORY SECTION (Amending WSR 08-20-123, filed 10/1/08, effective 11/1/08)

WAC 296-115-120 Annual fee schedule. The following fees must be paid by, or on behalf of, the owner or user of the vessel(s).

Effective June 1, 2023

(1) The annual certification fee for passenger vessels or barges is ((two hundred fifty dollars plus two dollars)) \$300 plus \$2.40 per ton for each vessel.

(2) The fee for an operator's license for passenger vessels or barges is ((fifty dollars)) \$60 for the first year; this covers application and test costs. The renewal fee is ((twenty-five dollars)) \$30 annually.

(3) Additional inspection service when required is at the rate of ((twenty-five dollars)) \$30 per hour, plus travel and per diem.

Effective June 1, 2025

(1) The annual certification fee for passenger vessels or barges is \$350 plus \$2.80 per ton for each vessel.

(2) The fee for an operator's license for passenger vessels or barges is \$70 for the first year; this covers application and test costs. The renewal fee is \$35 annually.

(3) Additional inspection service when required is at the rate of \$35 per hour, plus travel and per diem.

Effective June 1, 2027

(1) The annual certification fee for passenger vessels or barges is \$400 plus \$3.20 per ton for each vessel.

(2) The fee for an operator's license for passenger vessels or barges is \$80 for the first year; this covers application and test costs. The renewal fee is \$40 annually.

(3) Additional inspection service when required is at the rate of \$40 per hour, plus travel and per diem.

Effective June 1, 2029

(1) The annual certification fee for passenger vessels or barges is \$450 plus \$3.60 per ton for each vessel.

(2) The fee for an operator's license for passenger vessels or barges is \$90 for the first year; this covers application and test costs. The renewal fee is \$45 annually.

(3) Additional inspection service when required is at the rate of \$45 per hour, plus travel and per diem.

Effective June 1, 2031

(1) The annual certification fee for passenger vessels or barges is \$500 plus \$4 per ton for each vessel.

(2) The fee for an operator's license for passenger vessels or barges is \$100 for the first year; this covers application and test costs. The renewal fee is \$50 annually.

(3) Additional inspection service when required is at the rate of \$50 per hour, plus travel and per diem.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 49.17.210, and 88.04.005. WSR 08-20-123, § 296-115-120, filed 10/1/08, effective 11/1/08. Statutory Authority: Chapter 49.17 RCW. WSR 89-21-018 (Order 89-10), § 296-115-120, filed 10/10/89, effective 11/24/89. Statutory Authority: RCW 49.17.040, 49.17.050, 49.17.240, chapters 42.30 and 43.22 RCW. WSR 80-17-014 (Order 80-20), § 296-115-120, filed 11/13/80.]

WSR 23-09-055
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed April 18, 2023, 9:02 a.m., effective May 19, 2023]

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

Purpose: The purpose of the amended rule is to update WAC 296-05-015 (11)(a), which specifies that apprenticeship "programs are not required to use all hours granted by the regulatory section of the department." The amendment clarifies that this is only the case "except when required by statute." This update is necessary because of a recent legislative change that mandates that specific hours must be granted for electrical licensing general journey level certification (EL01).

In 2018, the Washington state legislature passed SSB 6126 related to qualifying to sit for the EL01 examination. SSB 6126 changed how persons will receive the on-the-job training experience required to become an EL01 in the state of Washington. One of these changes was specifically found in RCW 19.28.191 (1)(c), which requires registered apprenticeship programs to grant credit for hours of experience to specialty certificate holders of a 4,000-hour certificate.

Citation of Rules Affected by this Order: Amending WAC 296-05-015.

Statutory Authority for Adoption: Chapter 49.04 RCW.

Adopted under notice filed as WSR 23-05-076 on February 14, 2023.

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

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

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

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

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

Date Adopted: April 18, 2023.

Joel Sacks
Director

OTS-4289.1

AMENDATORY SECTION (Amending WSR 18-17-149, filed 8/21/18, effective 10/10/18)

WAC 296-05-015 Apprenticeship program standards. Apprenticeship program standards govern apprenticeship agreements between a program sponsor and an individual apprentice and define the term of the apprenticeship. The WSATC develops, administers, and enforces apprenticeship program standards, which are incorporated into apprenticeship

agreements. Proposed standards must be reasonably consistent with existing standards in the trade or occupation. Proposed standards are reasonably consistent with existing standards when standards meet or exceed the minimum number of hours approved by the United States Department of Labor in the trade or occupation, if approval has been made. If not, the WSATC may use its discretion to determine whether standards are reasonably consistent with existing standards.

All apprenticeship agreements must comply with the approved program standards, chapter 49.04 RCW, and these rules. The standards of apprenticeship agreements must include the following:

(1) A statement of the occupation to be taught and the required hours for completion of apprenticeship which must not be less than ((two thousand)) 2,000 hours of reasonably continuous employment.

(2) A statement identifying the program sponsor, establishing the apprenticeship committee and enumerating the sponsor's and committee's duties and responsibilities. This statement must include provisions to:

(a) Elect a chair and a secretary from employer and employee representatives of the committee;

Exception: This provision is not necessary for a plant program.

(b) Convene at least three annual regular meetings of the program sponsor and apprenticeship committee. The meetings shall be attended by a quorum of committee members (as defined in the approved program standards), be documented with minutes which must be periodically submitted to the department and made available to the WSATC upon request. Disciplinary action may only be taken at a face-to-face meeting;

(c) Explain the program sponsor's request for apprentices in the area covered by the apprenticeship standards established under these rules and a plan to include reasonable continuous employment;

(d) Establish minimum standards of education and skilled occupational experience required of apprentices;

(e) Rotate apprentices in the various processes of the skilled occupation to assure a well-rounded, competent worker;

(f) Determine the adequacy of an employer to furnish proper on-the-job training in accordance with the provisions of the approved standards;

Exception: This does not apply to plant programs.

(g) Recommend competent instructors as defined in WAC 296-05-003 and related/supplemental instruction in accordance with state board for community and technical college requirements;

(h) Coordinate related/supplemental instruction with on-the-job work experience;

(i) Hear and adjust all complaints of violations of apprenticeship agreements;

(j) Adopt, as necessary, program rules to administer the apprenticeship program in compliance with its standards, chapter 49.04 RCW, and these rules;

(k) Periodically review and evaluate apprentices before advancement to the apprentice's next wage progression period;

(l) Maintain apprenticeship records and records of the administrative program as may be required by the WSATC, chapter 49.04 RCW, and these rules (see WAC 296-05-100).

(3) The following Equal Employment Opportunity Pledge:

"The recruitment, selection, employment and training of apprentices during their apprenticeship shall be without discrimination be-

cause of race, sex (including pregnancy and gender identity), sexual orientation, color, religion, national origin, age, genetic information, disability or as otherwise specified by law. The sponsor shall take positive action to provide equal opportunity in apprenticeship and will operate the apprenticeship program as required by the rules of the Washington State Apprenticeship and Training Council and Title 29, Part 30 of the Code of Federal Regulations."

(4) When applicable, an equal employment opportunity plan and selection procedures.

(5) A numeric ratio of apprentices to journey-level workers may not exceed one apprentice per journey-level worker. It must be consistent with proper supervision, training, safety, continuity of employment, and applicable provisions in a collective bargaining agreement, if any. The ratio must be described in the program standards and shall be specific and clear as to application in terms of job site, work group, department, or plant. An exception to this requirement may be granted by the WSATC.

(6) A statement of the related/supplemental instruction including content, format, and hours of study per year. Related/supplemental instruction shall not be less than (~~one hundred forty-four~~) 144 hours per year and shall be defined in the standards per:

- (a) Twelve-month period from date of registration; or
- (b) Defined (~~twelve-month~~) 12-month school year; or
- (c) Two thousand hours of on-the-job training.

If a sponsor does not prescribe hours of study, the WSATC shall adopt (a) of this subsection for compliance purposes.

(7) An attendance policy which includes the following provisions:

(a) If the apprentice fails to fulfill the related/supplemental instruction obligations, the sponsor may withhold the apprentice's periodic wage advancement, suspend or cancel the apprenticeship agreement.

(b) That time spent in related/supplemental instruction classes shall not be considered as hours of work and the apprentice is not required to be paid for the classroom time.

(c) That all hours of actual attendance by the apprentice in related/supplemental instruction classes must be reported to the department on a quarterly basis.

(d) That the hours reported to the department will clearly identify unpaid, supervised related/supplemental instruction time versus paid or unsupervised time for industrial insurance purposes.

(8) A provision to ensure that the sponsor provides for instruction of the apprentice during the apprentice's related/supplemental instruction in safe and healthful work practices in compliance with the Washington Industrial Safety and Health Act, and applicable federal and state regulations.

(9) A provision for a formal agreement between the apprentice and the sponsor and for registering that agreement with the supervisor.

(10) A provision for the timely notice to the department of all requests for disposition or modification of apprenticeship agreements including: Certificate of completion; additional credit; suspension; military service; reinstatement; cancellation; and corrections.

(11) A provision for granting of advanced standing or credit for demonstrated competency, acquired experience, training, education, or skills in or related to the occupation and:

(a) In licensed trades regulated by electrical, plumbing, and elevator programs at the department, apprenticeship sponsors may give

advanced credit or grant hours to apprentices only up to the hours that have been approved by the appropriate licensing entity prior to the sponsor granting credit to the registered apprentice. Except when required by statute, programs are not required to use all hours granted by the regulatory section of the department.

(b) All apprenticeship programs need to ensure that a fair and equitable process is applied to apprentices seeking advanced standing or credit.

(12) A provision for the transfer of an apprentice from one training agent to another training agent of the sponsor in order to provide to the extent possible, continuous employment and diversity of training experiences for apprentices.

(13) A provision for the amendment of the standards or deregistration of the program. This provision must comply with chapter 49.04 RCW, these rules, and WSATC policies and procedures.

(14) An apprenticeship appeal procedure in compliance with chapters 49.04 and 34.05 RCW, and these rules.

(15) A statement of the processes within the occupation in which the apprentice is to be taught and the approximate amount of time to be spent at each process.

(16) A statement of the number of hours to be spent by the apprentice in work and the number of hours to be spent in related/supplemental instruction. For competency based and hybrid models, the program standards must address how on-the-job learning will be integrated into the program, describe competencies, and identify an appropriate means of testing and evaluation for such competencies.

(17) A statement of the minimum qualifications for persons entering the apprenticeship program including the age of the apprentice which may not be less than ((sixteen)) 16 years of age.

Note: Seventeen years is the minimum age allowed for applicants registering in building and construction trade occupations. All exceptions to minimum qualifications, if any, must be clearly stated and applied in a nondiscriminatory manner.

(18) Provision that the services of the supervisor and the WSATC may be utilized for consultation regarding the settlement of differences arising out of the apprenticeship agreement where such differences cannot be adjusted locally or as required by the established apprenticeship standards procedure.

(19) Provision that if an individual training agent is unable to fulfill its obligation under the apprenticeship agreement, it will transfer the obligation to the program sponsor.

(20) Such additional standards as may be prescribed in accordance with the provisions of this chapter.

(21) Disciplinary procedures and criteria for apprentices. The procedures may include a committee-imposed disciplinary probation during which the committee may according to expressed criteria:

- (a) Withhold periodic wage advancements;
- (b) Suspend or cancel the apprenticeship agreement;
- (c) Take further disciplinary action; or

(d) The disciplinary procedures must include a notice to the apprentice that the apprentice has the right to file an appeal of the committee's action to the WSATC.

(22) A provision for an initial probation period. The initial probationary period must be expressed in hours of employment. During the initial probationary period, the apprenticeship agreement may be terminated by the sponsor or the apprentice without a hearing or stated cause.

(23) Provisions prohibiting discrimination on the race, sex (including pregnancy and gender identity), sexual orientation, color, re-

ligion, national origin, age, genetic information, disability or as otherwise specified by law during all phases of apprenticeship.

(24) Provisions to ensure that local committee rules and regulations be consistent with these rules and the applicable apprenticeship agreement.

(25) Provisions to ensure any proposed standards for apprenticeship are reasonably consistent with any standards for apprenticeship already approved by the WSATC for the industry occupation in question. The goal is to achieve general statewide uniformity of standards in each industry occupation. Proposed standards for a new program shall be considered consistent if they are equal to or exceed the minimum number of hours approved by the United States Department of Labor, Employment and Training Administration, Office of Apprenticeship for a given occupation. If the United States Department of Labor has not established a minimum number of hours for an occupation, the WSATC may utilize its discretion to determine the minimum number of hours that must be achieved. In addition, the course content and delivery method must be designed to achieve reasonably consistent skills as existing standards within the state for that industry occupation.

(26) A provision to ensure progressively increasing wage scales based on specified percentages of journey-level wage. Sponsors must submit the journey-level wage at least annually or whenever changed to the department. Wage reports may be submitted on a form provided by the department.

(27) A sample apprenticeship agreement and a standard form for program standards are available from the supervisor.

(28) An apprenticeship term may be:

(a) Time-based: Measured by skill acquisition. The apprentice must complete at least ((two thousand)) 2,000 hours of on-the-job learning as described in a work process schedule; or

(b) Competency-based: The apprentice successfully demonstrates acquired skills and knowledge, as verified by the program sponsor. Programs utilizing this approach must still require apprentices to complete an on-the-job learning component of registered apprenticeship. The program standards must address how on-the-job learning will be integrated into the program, describe competencies, and identify an appropriate means of testing and evaluation for such competencies; or

(c) Hybrid: The apprentice acquires skills through a combination of specified minimum number of hours of on-the-job learning and the successful demonstration of competency as described in a work process schedule.

[Statutory Authority: RCW 49.04.010 and 19.285.040. WSR 18-17-149, § 296-05-015, filed 8/21/18, effective 10/10/18. Statutory Authority: Chapter 49.04 RCW, RCW 19.285.040, and 2009 c 197. WSR 11-23-138, § 296-05-015, filed 11/22/11, effective 12/31/11.]

WSR 23-09-056
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed April 18, 2023, 9:03 a.m., effective May 19, 2023]

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

Purpose: The purpose of amending the apprenticeship rules in chapter 296-05 WAC is to allow for flexibility in scheduling of Washington state apprenticeship and training council (WSATC) regular meetings and to allow business to be conducted without interruption when there are circumstances which require the meetings to be rescheduled.

Due to scheduling conflicts, the department of labor and industries (L&I) recently had to cancel a WSATC meeting, delaying the conduct of business. To prevent such cancellations in the future, L&I amended WAC 296-05-008 and 296-05-200 to allow for the rescheduling of regularly scheduled WSATC meetings.

With these changes, meetings can be rescheduled within 28 calendar days following the original scheduled meeting date. This accommodates Open Public Meetings Act notification requirements.

Citation of Rules Affected by this Order: Amending WAC 296-05-008 and 296-05-200.

Statutory Authority for Adoption: Chapter 49.04 RCW.

Adopted under notice filed as WSR 23-05-077 on February 14, 2023.

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

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

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

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

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

Date Adopted: April 18, 2023.

Joel Sacks
Director

OTS-4325.3

AMENDATORY SECTION (Amending WSR 22-01-096, filed 12/13/21, effective 1/13/22)

WAC 296-05-008 Meetings and adjudicative proceedings. (1) Regular meetings: Convened on the third Thursday of January, April, July, and October, held at locations within Washington, and open to the general public. Members of the public cannot be required to register their name, give any information, or fulfill any condition prior to attending council meetings. All council meetings must be conducted ac-

cording to the provisions of chapter 42.30 RCW, Open Public Meetings Act and chapter 34.05 RCW, Administrative Procedure Act.

(a) Notice of regular meetings: The supervisor must distribute notice not later than 30 calendar days prior to the meeting date to anyone who has requested notice of the regular meetings.

(b) The supervisor must send notices to all WSATC members, including ex officio members, and approved program sponsors.

(c) The following WSATC activities must take place in open public meetings:

- (i) All transactions of official business;
- (ii) All commitments or promises;
- (iii) All collective discussions;
- (iv) All collective decisions; and
- (v) All council actions.

(d) The approval or disapproval of committee programs, plant programs, or amendments to those programs can only occur at regular quarterly meetings unless the council is responding to a court mandate, which can occur at a special meeting. The approval or disapproval of committee programs, plant programs, or amendments to those programs can also occur at a special meeting when the council considers the record and enters a final order following an adjudication conducted under subsection (6) of this section.

(e) Rescheduling regular meetings: Called at the request of the chair or by a majority of the WSATC members.

(i) When a regular meeting is rescheduled, the rescheduled meeting must occur on a date that is after the original scheduled date of the meeting (and not before the original scheduled date), and no more than 28 calendar days after the original scheduled date.

(ii) Notice of the rescheduled meeting: The supervisor must distribute notice to all WSATC members, including ex officio members, and approved program sponsors. Rescheduling must comply with the provisions of chapter 42.30 RCW, Open Public Meetings Act and chapter 34.05 RCW, Administrative Procedure Act.

(iii) The rescheduling of a regular meeting does not affect other deadlines in these rules. All deadlines and time frames will remain based on the original scheduled date of the regular meeting; only the date of the regular meeting will be affected by the change.

(2) Special meetings: Called at the request of the chair or by a majority of the WSATC members, and open to the general public.

(a) Procedure for special meetings: To call a special meeting, the calling members must:

(i) Mail a written notice with the date, time, and location of the meeting that specifies the business to be transacted at the meeting, either personally or by mail, at least seven calendar days before the specified date of the meeting, to each member of the WSATC, all approved program sponsors, and those who have requested prior notice of special meetings.

(ii) Waiver: The notice requirements to WSATC members may be waived in writing at or prior to the meeting, but all members must agree to waive notice and file the waiver with the supervisor.

(b) Content of special meetings: The subject matter of the special meeting must not exceed the scope of the written notice. If the WSATC takes action on a matter exceeding the scope of the written notice, the action is not final even if the members waive notice.

(c) Special meetings for rule changes: To call a special meeting to consider rule changes, the WSATC must:

(i) ((Mail-a)) Provide written notice with the date, time, and location of the meeting that specifies the rules to be changed at the meeting, either personally ((or)), by mail, or by electronic means at least 20 calendar days before the meeting.

(ii) Waiver: The notice requirements may not be waived for special meetings when rule changes are contemplated.

(3) Registered apprenticeship standards actions: When a party requests specific action from the WSATC related to apprenticeship standards, such request must:

(a) Be in writing; and

(b) Signed by the committee's elected chair and secretary, or by an authorized signer approved by the petitioning sponsor;

(c) Sent to the apprenticeship supervisor at least 45 days prior to the date of the regular quarterly meeting.

Requests that are untimely are deferred to the next quarterly meeting.

(4) Other actions: When a party requests specific action or consideration from the WSATC on other issues, such requests must:

(a) Be in writing; and

(b) Sent to the apprenticeship supervisor at least 15 business days prior to the date of the regular quarterly meeting.

Requests that are untimely are deferred to the next quarterly meeting unless waived by the supervisor.

(5) Voting: All council members, except ex officio members, appointed by the director of the department of labor and industries are voting members of the council.

(a) A quorum is two-thirds of the WSATC members entitled to vote.

(b) The chair shall establish a standing tie-breaker committee comprised of three WSATC members entitled to vote:

(i) An employer representative;

(ii) An employee representative; and

(iii) A public member.

(c) The apprenticeship supervisor or designee shall act as secretary to the tie-breaker committee and furnish all information necessary for a decision.

(d) In case of a tie vote on any proposed standards brought before the WSATC, the tie-breaker committee shall meet or confer, review the record, and render a decision within 30 calendar days.

(6) Adjudicative proceedings: All hearings and adjudication, under chapter 49.04 RCW and these rules, shall be conducted according to chapters 34.05 RCW and 10-08 WAC. The chair (or designee) is the presiding officer for adjudicative proceedings held before the WSATC. The WSATC may either adjudicate matter(s) itself, or refer matter(s) to the office of administrative hearings for initial adjudication.

If the initial adjudication is before the WSATC, the WSATC will enter a final order. If the initial adjudication is held at the office of administrative hearings, the administrative hearings judge shall issue an initial order. The WSATC, upon review of the initial order shall enter the final order. An initial order shall become final without further WSATC action five business days after the next regular or rescheduled quarterly meeting unless:

(a) The WSATC upon its own motion determines that the initial order should be reviewed; or

(b) A party to the proceedings files a petition for review of the initial order.

(7) Final WSATC orders or decisions affecting registration and oversight of apprenticeship programs and agreements for federal purposes

ses may be appealed within 30 calendar days to the director of the department pursuant to the following:

(a) An appellant must file with the director an original and four copies of the notice of appeal.

(i) The notice of appeal must specify findings and conclusions at issue in the appeal;

(ii) The director or designee shall serve notice of receipt of the appeal, including copies of the appeal on all parties within five business days from date of receipt;

(iii) The respondent parties may file with the director or designee written arguments within 30 calendar days after the date the notice of receipt of appeal was served upon them.

(b) The director or designee shall review the record in accordance with the Administrative Procedure Act, chapter 34.05 RCW. The director or designee shall issue a final decision affirming, modifying, or reversing the WSATC final order or decision or may remand the matter to the WSATC for further proceedings.

(c) With respect to cancellation of programs only, any aggrieved party may appeal, for federal purposes, a final decision by the director (or director's designee) by following the procedures in 29 C.F.R. 29.8 (b) (5).

(d) Any aggrieved party may appeal the final decision to superior court pursuant to chapter 34.05 RCW. If no party appeals within the period set by RCW 34.05.542, the director's decision is final and binding on all parties.

(8) Limitations: Nothing in this part or in any apprenticeship agreement will operate to invalidate:

(a) Any apprenticeship provision in any collective bargaining agreement between employers and employees establishing higher apprenticeship standards; or

(b) Any special provision for veterans, minority person, or women in the standards, apprentice qualifications or operation of the program, or in the apprenticeship agreement, which is not otherwise prohibited by law, executive order, or authorized regulation.

(9) Retroactivity: The WSATC may make any action or decision which it takes retroactive to the date of the previous business session.

[Statutory Authority: Chapter 49.04 RCW and 2019 c 306. WSR 22-01-096, § 296-05-008, filed 12/13/21, effective 1/13/22. Statutory Authority: RCW 49.04.010 and 19.285.040. WSR 18-17-149, § 296-05-008, filed 8/21/18, effective 10/10/18. Statutory Authority: Chapter 49.04 RCW and RCW 19.285.040. WSR 11-11-002, § 296-05-008, filed 5/4/11, effective 7/25/11. Statutory Authority: RCW 49.04.010. WSR 04-10-032, § 296-05-008, filed 4/28/04, effective 6/1/04.]

AMENDATORY SECTION (Amending WSR 18-17-149, filed 8/21/18, effective 10/10/18)

WAC 296-05-200 Apprenticeship programs—Cancellation. (1) When the supervisor determines that a program is operating in violation of its program standards, these rules, or applicable laws, the supervisor may recommend a program's registration be canceled. Cancellation of a program also serves to cancel any apprenticeship agreements.

(2) The supervisor must:

(a) Provide notice of deficiencies to the program and ((sixty)) 60 calendar days to correct the identified deficiencies;

(b) Provide notice that the program's registration may be canceled if the deficiencies are not corrected within ((sixty)) 60 calendar days of receipt of the notice, and a notice of correction is sent to the supervisor within ((sixty)) 60 calendar days of receipt of the notice;

(3) If the program does not correct identified deficiencies in a timely manner, the supervisor may begin the following procedures to cancel the program's registration. The supervisor must:

(a) Make a written recommendation to the WSATC that the program be canceled;

(b) Provide a record to the WSATC detailing the notice given to the program to correct identified deficiencies;

(c) Provide notice of the recommendation to the program sponsor and the apprenticeship committee responsible for administering the program;

(d) Provide the required notice ((thirty)) 30 calendar days before the next regularly scheduled quarterly meeting for the WSATC to act on the supervisor's recommendation to cancel a program's registration. Absent an emergency, if notice is given fewer than ((thirty)) 30 calendar days, the supervisor's recommendation to cancel a program's registration is heard at the subsequent regularly scheduled quarterly meeting. A rescheduling of the regularly scheduled quarterly meeting does not affect the date to provide the required notice; the date for providing the required notice will remain based on the original scheduled date of the WSATC regular meeting.

(4) When the recommended program cancellation is heard before the WSATC, the supervisor or any interested party may present evidence or testimony to the WSATC regarding the recommended cancellation. The WSATC must vote on the supervisor's recommendation to cancel a program's registration. If a majority of the members approve the supervisor's recommendation, the WSATC provides written notice to all interested parties that the program's registration has been canceled. The program sponsor has ((thirty)) 30 days from the date the WSATC mails its notice to the program sponsor to file an appeal with the director.

(5) When the supervisor recommends a program be canceled because the program violates federal law, and the WSATC cancels the program's registration as required by federal law, the program may also file an appeal with the U.S. Department of Labor, pursuant to 29 C.F.R. Parts 29 and 30.

[Statutory Authority: RCW 49.04.010 and 19.285.040. WSR 18-17-149, § 296-05-200, filed 8/21/18, effective 10/10/18. Statutory Authority: Chapter 49.04 RCW and RCW 19.285.040. WSR 11-11-002, § 296-05-200, filed 5/4/11, effective 7/25/11. Statutory Authority: RCW 49.04.010, 2001 c 204, and chapter 49.04 RCW. WSR 01-22-055, § 296-05-200, filed 10/31/01, effective 1/17/02.]

WSR 23-09-062

PERMANENT RULES

DEPARTMENT OF HEALTH

(Pharmacy Quality Assurance Commission)

[Filed April 18, 2023, 2:41 p.m., effective May 19, 2023]

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

Purpose: The pharmacy quality assurance commission is amending WAC 246-945-162, 246-945-200, and 246-945-205 to align the rules with statutory amendments under ESHB 1551, which repealed the statutory requirement for health care professionals to complete AIDS education and training. Removing this requirement from WAC 246-945-162, 246-945-200, and 246-945-205 will align the rules with the statute and complete the commission's implementation of ESHB 1551.

Other amendments were made in the above cited sections to align rule language with current formatting standards and statutory citations.

Citation of Rules Affected by this Order: Amending WAC 246-945-162, 246-945-200, and 246-945-205.

Statutory Authority for Adoption: RCW 18.64.005, 18.64A.020, and 18.64A.030.

Adopted under notice filed as WSR 22-22-092 on November 1, 2022.

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

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

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

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

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

Date Adopted: April 17, 2023.

Teri Ferreira, RPh, Chair
Pharmacy Quality Assurance Commission

OTS-3928.2

AMENDATORY SECTION (Amending WSR 20-12-072, filed 6/1/20, effective 7/1/20)

WAC 246-945-162 Pharmacist license qualifications. (1) In addition to the requirements in RCW 18.64.080, an applicant for a pharmacist license who holds a baccalaureate degree in pharmacy or a doctor of pharmacy degree from a commission accredited school or college of pharmacy shall submit documentation of education and practice experience as follows:

(a) An applicant who graduated before July 1, 2020, whose official transcripts confer or award a baccalaureate of pharmacy or doctorate of pharmacy degree shall provide certification of at least

((fifteen hundred)) 1500 pharmacy internship hours in accordance with WAC 246-945-163.

(b) An applicant who graduates after July 1, 2020, whose official transcripts confer or award a doctorate of pharmacy is deemed to have satisfied the pharmacy practice experience and education requirements for licensure without documentation of internship hours.

(2) An applicant for a pharmacist license whose academic training in pharmacy is from institutions in foreign countries shall:

(a) Achieve certification by FPGE including:

(i) Passing FPGE;

(ii) Passing required TOEFL iBT;

(b) Provide official transcripts or diploma that shows a baccalaureate of pharmacy or doctorate of pharmacy degree is awarded or conferred; and

(c) Certification of a minimum of ((fifteen hundred)) 1500 pharmacy internship hours in accordance with WAC 246-945-163.

(3) An applicant for a pharmacist license shall take and pass pharmacist licensure examinations as defined in WAC 246-945-165.

((4) An applicant for a pharmacist license shall provide proof of completion of seven hours of AIDS education as required in chapter 246-12 WAC, Part 8. The applicant is exempt from this requirement if they are a graduate of a commission accredited school or college of pharmacy because the curriculum satisfies this requirement.))

[Statutory Authority: RCW 18.64.005, 18.64.080, 18.130.075, 18.64.043, 18.64.044, 18.64.045, 18.64.046, 18.64.370, 18.64.460, 69.50.310, 18.64.011, 18.64.245, 18.64.470, 18.64.255, 18.64.205, 18.64.253, 18.64.410, 18.64.500, 18.64.590. WSR 20-12-072, § 246-945-162, filed 6/1/20, effective 7/1/20.]

AMENDATORY SECTION (Amending WSR 20-12-072, filed 6/1/20, effective 7/1/20)

WAC 246-945-200 Pharmacy assistants. (1) To become registered as a pharmacy assistant an applicant shall submit an application to the commission that meets the requirements of ((chapter 246-12 WAC, Part 2)) WAC 246-12-020.

(2) ((An initial applicant shall complete four hours of AIDS education as required in chapter 246-12 WAC, Part 8.

((3))) The supervising pharmacist, shall instruct the pharmacy assistant regarding their scope of practice.

((4))) (3) To renew a registration a pharmacy assistant shall submit an application to the commission with the applicable fees in accordance with ((chapter 246-907)) WAC 246-945-990.

[Statutory Authority: RCW 18.64.005, 18.64.080, 18.130.075, 18.64.043, 18.64.044, 18.64.045, 18.64.046, 18.64.370, 18.64.460, 69.50.310, 18.64.011, 18.64.245, 18.64.470, 18.64.255, 18.64.205, 18.64.253, 18.64.410, 18.64.500, 18.64.590. WSR 20-12-072, § 246-945-200, filed 6/1/20, effective 7/1/20.]

AMENDATORY SECTION (Amending WSR 20-12-072, filed 6/1/20, effective 7/1/20)

WAC 246-945-205 Pharmacy technician certification. (1) An applicant for a pharmacy technician certification shall be ((eighteen)) 18 years of age and hold a high school diploma or GED.

(2) To be issued a certification as a pharmacy technician an applicant shall meet the qualifications in RCW 18.64A.020, and:

(a) Provide proof of completion of eight hours of guided study of Washington state and federal pharmacy law. The law study shall be done in coordination and oversight of a Washington licensed pharmacist.

(b) ~~((Provide proof of four hours of AIDS education as required in chapter 246-12 WAC, Part 8, the applicant is exempt if they have completed a commission approved training program whose program materials on file with the commission office document four hours of AIDS education.))~~

(c)) Provide proof of successful completion of a commission-approved pharmacy-technician training program WAC 246-945-215. Acceptable documentation includes:

(i) On-the-job training program. Successful completion of didactic and practice experience signed by the program director on a form provided by the commission; or

(ii) Formal academic or college programs. Official transcripts of completion of a diploma or certificate program at a pharmacy technician school or a two-year associate degree program, which shall include evidence of practice training hours; or

(iii) Certificate of Release or Discharge from Active Duty, DD214 documenting evidence of pharmacy technician training provided by a branch of the federal armed services.

((d)) (c) Pass a national certification examination approved by the commission within one year of completing a commission-approved training program and applying for certification, unless otherwise authorized by the commission.

(3) An applicant who is a graduate of a foreign school, university or college of pharmacy or medicine, whose professional degree program is approved by the commission shall complete the following:

(a) If English is not the primary language, the applicant shall take and pass TOEFL iBT;

(b) Complete ~~((five hundred twenty))~~ 525 hours of supervised experience under the supervision of a licensed pharmacist with training hours reported using forms provided by the commission; and

(c) Pass a national certification examination approved by the commission.

(4) An out-of-state pharmacy technician applicant must meet the same requirements as a pharmacy technician trained in Washington state.

[Statutory Authority: RCW 18.64.005, 18.64.080, 18.130.075, 18.64.043, 18.64.044, 18.64.045, 18.64.046, 18.64.370, 18.64.460, 69.50.310, 18.64.011, 18.64.245, 18.64.470, 18.64.255, 18.64.205, 18.64.253, 18.64.410, 18.64.500, 18.64.590. WSR 20-12-072, § 246-945-205, filed 6/1/20, effective 7/1/20.]

WSR 23-09-068

PERMANENT RULES

DEPARTMENT OF HEALTH

(Board of Physical Therapy)

[Filed April 19, 2023, 9:17 a.m., effective April 19, 2023, 9:17 a.m.]

Effective Date of Rule: Immediately upon filing.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: RCW 34.05.380 (3)(b) states a rule may become effective immediately upon its filing with the code reviser if the agency finds that "[t]he rule only delays the effective date of another rule that is not yet effective ..." RCW 18.74.500, Article IX(2), mandates the board of physical therapy (board) to adopt the physical therapy compact commission (compact commission) rules in order for physical therapists to participate in the compact. Immediate adoption is necessary to stay compliant with the compact commission rules as the compact commission's revised rules became effective October 30, 2022.

Purpose: WAC 246-915A-010 Physical therapy licensure compact—Compact commission rules. The board has updated WAC 246-915A-010 to comply with RCW 18.74.500, Article IX(2), which mandates that in order to participate in the physical therapy compact in the state of Washington, the board must adopt compact rules. The compact commission made minor amendments to the compact rules. The adopted rule complies with the statute by incorporating by reference to the compact commission's rules as of October 30, 2022.

Citation of Rules Affected by this Order: Amending WAC 246-915A-010.

Statutory Authority for Adoption: RCW 18.74.023 and 18.74.500, Article IX(2).

Adopted under notice filed as WSR 23-03-106 on January 17, 2023.

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

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

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

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

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

Date Adopted: February 27, 2023.

Kathryn Dale, PT, DSc
Physical Therapy Board Chair

OTS-4268.1

AMENDATORY SECTION (Amending WSR 22-10-021, filed 4/25/22, effective 4/25/22)

WAC 246-915A-010 Physical therapy licensure compact—Compact commission rules. (1) The physical therapy licensure compact (compact) is established in Washington under RCW 18.74.500. Its purpose is to facilitate interstate practice of physical therapy with the goal of improving public access to physical therapy services.

(2) The rules of the physical therapy compact commission, in effect as of October ~~((24, 2021))~~ 30, 2022, are adopted and incorporated by reference.

(3) A copy of the rules is available for public inspection from the department of health at <https://www.doh.wa.gov/LicensesPermitsandCertificates/ProfessionsNewReneworUpdate/PhysicalTherapyLicensureCompact/RulesinProgress> or by calling the department of health's office of customer service at 360-236-4700.

(4) A licensee may exercise a compact privilege as provided in RCW 18.74.500, Article IV. Applicable fees are set forth in WAC 246-915A-990.

[Statutory Authority: RCW 18.74.023 and 18.74.500, Article IX(2). WSR 22-10-021, § 246-915A-010, filed 4/25/22, effective 4/25/22; WSR 21-11-006, § 246-915A-010, filed 5/7/21, effective 5/7/21; WSR 20-11-063, § 246-915A-010, filed 5/19/20, effective 6/19/20. Statutory Authority: RCW 18.74.500, 18.74.023, and 2017 c 108. WSR 19-12-056, § 246-915A-010, filed 5/31/19, effective 7/1/19.]