

WSR 23-23-010
PERMANENT RULES
BOARD OF INDUSTRIAL
INSURANCE APPEALS

[Filed November 1, 2023, 4:43 p.m., effective December 2, 2023]

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

Purpose: Rules are being modified to reflect the fact that the board meets every Tuesday at 9 a.m.; conform to the board of industrial insurance appeals (BIIA) hearing ground rules (requires parties who file documents in which they represent that service was accomplished electronically to certify that they have an electronic service agreement with the opposing party) with no requirement to file an electronic service agreement with BIIA; make it easier to conduct and appear at video and phone hearings (removes in person hearings as the default); make it easier for parties to hold video and phone perpetuation depositions; and make other changes to reflect statutory numbering changes.

Citation of Rules Affected by this Order: Amending WAC 263-12-01501, 263-12-115(10), 263-12-117(2), 263-12-118, 263-12-059, and 263-12-015(4).

Statutory Authority for Adoption: RCW 51.52.020.

Adopted under notice filed as WSR 23-19-036 on October 4, 2023 [September 12, 2023].

Changes Other than Editing from Proposed to Adopted Version: In WAC 263-12-115(10), regarding the format for BIIA hearings, the term *live* in the proposed version was changed to *in person* in the adopted version. This change is made for consistency in terminology throughout the rules on the format for hearings and perpetuation depositions. Hearings in which the parties appear in person should be referred to as *in person hearings* rather than *live hearings*.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 6, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 6, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: October 31, 2023.

Brian O. Watkins
Chief Legal Officer

OTS-4921.2

AMENDATORY SECTION (Amending WSR 21-15-042, filed 7/14/21, effective 8/14/21)

WAC 263-12-015 Administration and organization. (1) **Composition of the board.** The board is an independent agency of the state of Washington composed of three members appointed by the governor. One member is a representative of workers, one member is a representative of employers, and the chairperson, who must be an active member of the Washington State Bar, is the representative of the public.

(2) **Location of the board.** The headquarters, and principal office of the board, is located at 2430 Chandler Ct. S.W., P.O. Box 42401, in Olympia, Washington 98504-2401.

(3) **Customary office hours.** The customary office hours of the board shall be from 8 a.m. to 5 p.m., Monday through Friday, excluding legal holidays.

(4) **Formal board meetings.** The board shall meet in formal session at its headquarters in Olympia, Washington at 9 a.m. (~~on the first~~) every Tuesday (~~of each month~~), and at such other times and places as the board may deem necessary, subject to 24-hour notice as required by law.

(5) **Staff organization.**

(a) The board's headquarters in Olympia is staffed with executive, administrative and clerical personnel.

(b) The board has a staff of industrial appeals judges who travel throughout the state in the performance of their duties and who have their offices in Olympia and in other areas of the state as is deemed necessary for efficient and cost effective handling of agency business.

(c) The office of the chief legal officer of the board is located at the headquarters and principal office of the board.

AMENDATORY SECTION (Amending WSR 22-14-024, filed 6/24/22, effective 7/25/22)

WAC 263-12-01501 Communications and filing with the board. (1) **Where to file communications with the board.** Except as provided elsewhere in this section all written communications shall be filed with the board at its headquarters in Olympia, Washington. With written permission of the industrial appeals judge assigned to an appeal, depositions, witness confirmations, motions (other than motions for stay filed pursuant to RCW 51.52.050), briefs, stipulations, agreements, and general correspondence may be filed in the appropriate regional board facilities located in Tacoma, Spokane, or Seattle.

(2) **Methods of filing.** Unless otherwise provided by statute or these rules any written communication may be filed with the board by using one of four methods: Personally, by mail, by telephone facsimile, or by electronic filing. Failure of a party to comply with the filing methods selected by the party for use under this section, or as otherwise set forth in these rules or statute for filing written communications may prevent consideration of a document.

(a) **Filing personally.** The filing of a written communication with the board personally is accomplished by delivering the written communication to an employee of the board at the board's headquarters in Olympia during customary office hours.

(b) **Filing by mail.** The filing of a written communication with the board is accomplished by mail when the written communication is deposited in the United States mail, properly addressed to the board's headquarters in Olympia and with postage prepaid. Where a statute or rule imposes a time limitation for filing the written communication, the party filing the same should include a certification demonstrating the date filing was perfected as provided under this subsection. Unless evidence is presented to the contrary, the date of the United States postal service postmark shall be presumed to be the date the written communication was mailed to the board.

(c) **Filing by telephone facsimile.**

(i) The filing of a written communication with the board by telephone facsimile is accomplished when a legible copy of the written communication is reproduced on the board's telephone facsimile equipment during the board's customary office hours. All facsimile communications must be filed with the board via fax numbers listed on the board's website.

(ii) The hours of staffing of the board's telephone facsimile equipment are the board's customary office hours. Documents sent by facsimile communication outside of the board's customary office hours will be deemed filed on the board's next business day.

(iii) Any written communication filed with the board by telephone facsimile should be preceded by a cover page identifying the party making the transmission, listing the address, telephone and telephone facsimile number of such party, referencing the appeal to which the written communication relates, and indicating the date of, and the total number of pages included in, such transmission. A separate transmission must be used for each appeal. Transmissions containing more than one docket number will be rejected and filing will not be accomplished, unless the multiple docket numbers have been previously consolidated by the board.

(iv) The party attempting to file a written communication by telephone facsimile bears the risk that the written communication will not be received or legibly printed on the board's telephone facsimile equipment due to error in the operation or failure of the equipment being utilized by either the party or the board.

(v) The board may require a party to file an original of any document previously filed by telephone facsimile.

(d) **Electronic filing.** Electronic filing is accomplished by using the electronic filing link on the board's website. Communication sent by email will not constitute or accomplish filing. Communication filed using the board's website outside of the board's customary office hours will be deemed filed on the board's next business day. A separate transmission must be used for each appeal. Transmissions containing more than one docket number will be rejected and filing will not be accomplished, unless the multiple docket numbers have been previously consolidated by the board.

(3) **Electronic filing of a notice of appeal.** A notice of appeal may be filed electronically when using the appropriate form for electronic filing of appeals as provided on the board's website. An electronic notice of appeal is filed when it is received by the board's designated computer during the board's customary office hours pursuant to WAC 263-12-015. Appeals received via the board's website outside of the board's customary office hours will be deemed filed on the board's next business day. The board will issue confirmation to the filing party that an electronic notice of appeal has been received. The board may reject a notice of appeal that fails to comply with the board's

filing requirements. The board will notify the filing party of the rejection.

(4) **Electronic filing of application for approval of claim resolution settlement agreement.** An application for approval of claim resolution settlement agreement must be filed electronically using the form for electronic filing of applications for approval of claim resolution settlement agreement as provided on the board's website. An electronic application for approval of claim resolution settlement agreement is filed when received by the board's designated computer during the board's customary office hours pursuant to WAC 263-12-015. Applications received by the board via the board's website outside of the board's customary office hours will be deemed filed on the board's next business day. The board will issue confirmation to the filing party that an electronic application for approval of claim resolution settlement agreement has been received. An electronic copy of the signed agreement for claim resolution settlement agreement must be submitted as an attachment to the application for approval. The board will reject an application for approval of claim resolution settlement agreement that fails to comply with the board's filing requirements. The board will notify the filing party of the rejection.

(5) **Sending written communication.** All correspondence or written communication filed with the board pertaining to a particular case, before the entry of a proposed decision and order, should be sent to the attention of the industrial appeals judge assigned to the case. Interlocutory appeals should be sent to the attention of the chief industrial appeals judge. In all other instances, written communications shall be directed to the chief legal officer of the board.

(6) **Form requirements.** Any written communications with the board concerning an appeal should reference the docket number assigned by the board to the appeal, if known. Copies of any written communications filed with the board shall be served on all other parties or their representatives of record, and the original shall demonstrate compliance with the requirement to serve all parties. Where service is accomplished electronically (for example, facsimile or email), the proof of service must include language certifying that an electronic agreement exists (for example, "per electronic service agreement"). All written communications with the board shall be on paper 8 1/2" x 11" in size.

AMENDATORY SECTION (Amending WSR 22-19-009, filed 9/9/22, effective 10/10/22)

WAC 263-12-059 Appeals arising under the safety and health provisions of the Washington Industrial Safety and Health Act; contents of notice of appeal; notice to affected employees; request for stay of abatement pending appeal. (1) **Contents of notice of appeal in WISHA appeals.** In all appeals arising under the safety and health provisions of the Washington Industrial Safety and Health Act, the notice of appeal should contain where applicable:

(a) The name, mailing address, telephone number, and email address of the appealing party and of the party's representative, if any.

(b) A statement identifying the citation, penalty assessment, or notice of abatement date appealed from. This requirement may be satis-

fied by attaching a copy of the citation, penalty assessment, or notice of abatement date.

(c) The name and address of the representative of any labor union representing any employee who was or who may be affected by the alleged safety violation(s). If the employer has no affected employees who are members of a union, the employer shall affirmatively certify that no union employees are affected by the appeal.

(d) The reason why the appealing party considers such order or decision, to be unjust or unlawful.

(e) A statement of facts in full detail in support of each stated reason.

(f) The specific nature and extent of the relief sought.

(g) The place, most convenient to the appealing party and that party's witnesses, where board proceedings are requested to be held.

(h) A statement that the person signing the notice of appeal has read it and that to the best of his or her knowledge the contents are true.

(i) The signature of the appealing party or the party's representative.

In all appeals where a stay of abatement of alleged violation(s) pending appeal is requested, the notice of appeal must comply with additional requirements set forth in subsection (3) of this section.

(2) Employer duty to notify affected employees.

(a) In the case of any appeal by an employer concerning an alleged violation of the safety and health provisions of the Washington Industrial Safety and Health Act, the employer shall give notice of such appeal to its employees by either:

(i) Providing copies of the appeal and applicable division of safety and health citation and notice or corrective notice of redetermination to each employee member of the employer's safety committee; or

(ii) By posting a copy of the appeal and applicable division of safety and health citation and notice or corrective notice of redetermination in a conspicuous place at the work site at which the alleged violation occurred. Any posting shall remain during the pendency of the appeal.

(b) The employer shall also provide notice advising interested employees that an appeal has been filed with the board and that any employee or group of employees who wish to participate in the appeal may do so by contacting the board. Such notice shall include the address of the board.

(c) The employer shall file with the board a certificate of proof of compliance with this section within 14 days of issuance of the board's notice of filing of appeal. A certification form is provided on the board's website.

(d) If notice as required by this subsection is not possible or has not been satisfied, the employer shall notify the board in writing of the reasons for noncompliance or impossibility. If the board, or its designee, determines that it is not possible for the employer to provide the required notice to employees, it will prescribe the terms and conditions of a substitute procedure reasonably calculated to give notice to affected employees, or may waive the affected-employee-notice requirement. If the employer requests a stay of abatement pending appeal, and desires to assert the claim of impossibility of notice to employees, the employer must include its claim of impossibility, together with facts showing impossibility, in its notice of appeal.

(3) Request for a stay of abatement in WISHA appeals.

(a) **How made.** Any request for stay of abatement pending appeal must be included in the notice of appeal. An employer may request a stay of abatement pending appeal by placing "STAY OF ABATEMENT REQUESTED" prominently on the first page of the notice of appeal in bold print. The board will issue a final decision on such requests within 45 working days of the board's notice of filing of appeal.

(b) **Union information.**

(i) **Appeals from corrective notice of redetermination.** In appeals where the employer has requested a stay of abatement of the violation(s) alleged in the corrective notice of redetermination, the employer shall include in the notice of appeal the names and addresses of any unions representing workers for the employer as required by subsection (1) of this section. If the employer has no affected employees who are members of a union, the employer shall affirmatively inform the board that no union employees are affected by the appeal.

(ii) **Appeals from citation and notice.** Where an employer files an appeal from a citation and notice and the department of labor and industries chooses to forward the appeal to the board to be treated as an appeal to the board, the employer shall provide the board with the names and addresses of any unions representing workers for the employer as required by subsection (1) of this section. If the employer has no affected employees who are members of a union, the employer shall inform the board that no union employees are affected by the appeal. The employer shall provide this information to the board within 14 days of the date of the board's notice of filing of appeal.

(c) **Supporting and opposing documents.**

(i) **Supporting documents.** In appeals where the employer has requested a stay of abatement pursuant to RCW 49.17.140, the employer shall, within 14 calendar days of the date of the board's notice of filing of appeal, file with the board supporting declarations, affidavits, and documents it wishes the board to consider in deciding the request. The employer must also simultaneously provide supporting documents to the department and any affected employees' safety committee or union representative. Supporting affidavits or declarations shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein. Copies of individual relevant supporting documents shall be specifically referred to in the affidavit and shall be attached to the affidavit. Such supporting documents shall not be excluded from consideration based on a hearsay objection. All such affidavits and supporting documents shall be limited to evidence addressing:

(A) Whether there is good cause to stay the abatement of the violation(s) set forth in the citation and notice or corrective notice of redetermination; and

(B) Whether it is more likely than not that a stay of the abatement of the violation(s) would result in death or serious physical harm to a worker.

(ii) **Opposing documents.** Within 28 calendar days of the date of the board's notice of filing of appeal, the department of labor and industries and any affected employees shall file with the board any declarations, affidavits, and documents they wish the board to consider in deciding the request. The department must also simultaneously serve these opposing documents on the employer and any affected employees' safety committee or representative. The employees must also simultaneously serve the opposing documents on the employer and the department. Supporting and opposing affidavits and declarations shall

be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein. Copies of individual relevant supporting documents shall be specifically referred to in the affidavit and shall be attached to the affidavit. Such supporting documents shall not be excluded from consideration based on a hearsay objection. All such affidavits and supporting documents shall be limited to evidence addressing:

(A) Whether there is good cause to stay the abatement of the violation(s) set forth in the citation and notice or corrective notice of redetermination; and

(B) Whether it is more likely than not that a stay of the abatement of the violation(s) would result in death or serious physical harm to a worker.

(4) **Denial of request to stay abatement.** If any of the following procedural or substantive grounds are present, the board will deny the request for a stay of abatement pending appeal:

(a) The request for stay of abatement is not contained in the employer's notice of appeal as required by RCW 49.17.140 (~~((4))~~) (5)(a).

(b) The employer fails to include union information as required in subsection (3)(b) of this section.

(c) The employer fails to timely file a certification that its employees have been notified about the appeal and the request for stay of abatement as required in subsection (2) of this section.

(d) The employer fails to file supporting documents within 14 calendar days of the issuance of the board's notice of filing of appeal as required in subsection (3)(c)(i) of this section.

(e) The request is moot.

(f) The only violation alleged by the department of labor and industries is a general violation.

(g) The employer fails to show good cause for a stay of abatement in its supporting documents.

(h) The preliminary evidence shows it is more likely than not that a stay would result in death or serious physical harm to a worker.

(5) **Expedited nature of requests to stay abatement/requests to enlarge time.** Requests to stay abatement pending appeal must be decided in accordance with a strict statutory timeline. Oral argument will not be permitted. The board will grant requests to enlarge time to file documents or certifications only after receipt of a written motion with supporting affidavit filed with the board and all other parties before the filing deadline and only upon a showing of good cause.

AMENDATORY SECTION (Amending WSR 22-14-024, filed 6/24/22, effective 7/25/22)

WAC 263-12-115 Procedures at hearings. (1) **Industrial appeals judge.** All hearings shall be conducted by an industrial appeals judge who shall conduct the hearing in an orderly manner and rule on all procedural matters, objections and motions.

(2) **Order of presentation of evidence.**

(a) In any appeal under either the Industrial Insurance Act, the Worker and Community Right to Know Act, or the Crime Victims Compensation Act, the appealing party shall initially introduce all evidence in his or her case-in-chief except that in an appeal from an order of

the department that alleges fraud or willful misrepresentation the department or self-insured employer shall initially introduce all evidence in its case-in-chief.

(b) In all appeals subject to the provisions of the Washington Industrial Safety and Health Act, the department shall initially introduce all evidence in its case-in-chief.

(c) After the party with the initial burden has presented his or her case-in-chief, the other parties may then introduce the evidence necessary to their cases-in-chief. In the event there is more than one other party, they may either present their cases-in-chief successively or may join in their presentation. Rebuttal evidence shall be received in the same order. Witnesses may be called out of turn in contravention of this rule only by agreement of all parties.

(3) **Objections and motions to strike.** Objections to the admission or exclusion of evidence shall be in short form, stating the legal grounds of objection relied upon. Extended argument or debate shall not be permitted.

(4) **Rulings.** The industrial appeals judge on objection or on his or her own motion shall exclude all irrelevant or unduly repetitious evidence and statements that are inadmissible pursuant to WAC 263-12-095(5). All rulings upon objections to the admissibility of evidence shall be made in accordance with rules of evidence applicable in the superior courts of this state.

(5) **Interlocutory appeals to the board - Confidentiality of trade secrets.** A direct appeal to the board shall be allowed as a matter of right from any ruling of an industrial appeals judge adverse to the employer concerning the confidentiality of trade secrets in appeals under the Washington Industrial Safety and Health Act.

(6) **Interlocutory review by a chief industrial appeals judge.**

(a) Except as provided in subsection (5) of this section interlocutory rulings of the industrial appeals judge are not subject to direct review by the board. A party to an appeal or a witness who has made a motion to quash a subpoena to appear at board related proceedings, may within five working days of receiving an adverse ruling from an industrial appeals judge request a review by a chief industrial appeals judge or his or her designee. Such request for review shall be in writing and shall be accompanied by an affidavit in support of the request and setting forth the grounds for the request, including the reasons for the necessity of an immediate review during the course of conference or hearing proceedings. Within 10 working days of receipt of the written request, the chief industrial appeals judge, or designee, may decline to review the ruling based upon the written request and supporting affidavit; or, after such review as he or she deems appropriate, may either affirm or reverse the ruling, or refer the matter to the industrial appeals judge for further consideration.

(b) Failure to request review of an interlocutory ruling shall not constitute a waiver of the party's objection, nor shall an unfavorable response to the request preclude a party from subsequently renewing the objection whenever appropriate.

(c) No conference or hearing shall be interrupted for the purpose of filing a request for review of the industrial appeals judge's rulings; nor shall any scheduled proceedings be canceled pending a response to the request.

(7) **Recessed hearings.** Where, for good cause, all parties to an appeal are unable to present all their evidence at the time and place originally set for hearing, the industrial appeals judge may recess the hearing to the same or a different location so as to insure that

all parties have reasonable opportunity to present their respective cases. No written "notice of hearing" shall be required as to any recessed hearing.

(8) **Failure to present evidence when due.**

(a) If any party is due to present certain evidence at a hearing or recessed hearing and, for any reason on its part, fails to appear and present such evidence, the industrial appeals judge may conclude the hearing and issue a proposed decision and order on the record, or recess or set over the proceedings for further hearing for the receipt of such evidence.

(b) In cases concerning Washington Industrial Safety and Health Act citations, a failure to appear by the person and/or party who filed the appeal is deemed to be an admission of the validity of any citation, abatement period, or penalty issued or proposed, and constitutes a waiver of all rights except the right to receive a copy of the decision.

(c) In cases concerning willful misrepresentation, the industrial appeals judge may proceed with the hearing, receive evidence, and issue a proposed decision and order without requirement of further notice to the appealing party who fails to appear.

(9) **Offers of proof in colloquy.** When an objection to a question is sustained an offer of proof in question and answer form shall be permitted unless the question is clearly objectionable on any theory of the case.

(10) (~~Telephone and video testimony.~~ At hearings, the parties may present the testimony of witnesses by telephone or video if agreed to by all parties and approved by the industrial appeals judge. For good cause the industrial appeals judge may authorize telephone or video testimony over the objection of a party after weighing) **Hearing format.** Hearings generally occur by contemporaneous transmission from different locations (for example, video or telephone). Participants may request to appear in person. If the parties disagree on the format for the hearing, the industrial appeals judge will determine the format for the hearing, and may consider the following nonexclusive factors:

- The need to weigh a witness's demeanor or credibility.
- Difficulty in handling documents and exhibits.
- The number of parties participating in the hearing.
- Whether any of the testimony will need to be (~~translated~~) interpreted.
- Ability of the witness to travel.
- Feasibility of taking a perpetuation deposition.
- Availability of quality telecommunications equipment and service.

(~~When telephone or video testimony is permitted,~~) The industrial appeals judge presiding at the hearing will swear in the witness testifying by telephone or video as if the witness appeared (~~live~~) in person at the hearing. For rules relating to telephone or video deposition testimony, see WAC 263-12-117.

AMENDATORY SECTION (Amending WSR 22-14-024, filed 6/24/22, effective 7/25/22)

WAC 263-12-117 Perpetuation depositions. (1) **Evidence by deposition.** The industrial appeals judge may permit or require the perpet-

uation of testimony by deposition, subject to the applicable provisions of WAC 263-12-115. Such ruling may only be given after the industrial appeals judge gives due consideration to:

- (a) The complexity of the issues raised by the appeal;
- (b) The desirability of having the witness's testimony presented at a hearing;
- (c) The costs incurred by the parties in complying with the ruling; and
- (d) The fairness to the parties in complying with the ruling.

(2) ~~((Telephone and video depositions))~~ **Deposition format:** When testimony is taken by perpetuation deposition, ~~((it may be taken by))~~ a party or witness, representative, or other participant may participate, and testimony may be presented, in person or by contemporaneous transmission from a different location (telephone or video) if all parties agree. ((For good cause the industrial appeals judge may permit the parties to take the testimony of a witness by telephone or video deposition over the objection of a party after weighing)) If there is no agreement, the industrial appeals judge may consider the following nonexclusive factors when determining the format by which participation occurs:

- The need of a party to observe a witness's demeanor.
- Difficulty in handling documents and exhibits.
- The number of parties participating in the deposition.
- Whether any of the testimony will need to be ~~((translated))~~ interpreted.
- Ability of the witness to travel.
- Availability of quality telecommunications equipment and service.

If a perpetuation deposition is taken by telephone or video, the court reporter transcribing the deposition is authorized to swear in the deponent, regardless of the deponent's location within or outside the state of Washington.

(3) The industrial appeals judge may require that depositions be taken and published within prescribed time limits. The time limits may be extended by the industrial appeals judge for good cause. Each party shall bear its own costs except when the industrial appeals judge allocates costs to parties or their representatives. If a party takes a deposition under this section, but elects not to file the deposition as evidence in the appeal, the party shall provide written notice to the assigned industrial appeals judge and all other parties prior to the deposition filing deadline.

(4) The party filing a deposition must submit the stenographically reported and transcribed deposition, certification, and exhibits in an electronic format in accordance with procedures established by the board. The following requirements apply to the submission of depositions:

- (a) Video depositions will not be considered as part of the record on appeal;
- (b) The electronic deposition must be submitted in searchable pdf format;
- (c) Exhibits to the deposition must be filed electronically as a single attachment separate from the deposition transcript and certification;
- (d) Any media exhibit (audio or video) must meet the requirements set forth in WAC 263-12-116; and
- (e) If the deposition is not transcribed in a reproducible format or properly submitted it may be excluded from the record.

(5) **Procedure at deposition.** Unless the parties stipulate or the industrial appeals judge determines otherwise all depositions permitted to be taken for the perpetuation of testimony shall be taken subject to the following conditions:

(a) That all motions and objections, whether to form or otherwise, shall be raised at the time of the deposition and if not raised at such time shall be deemed waived.

(b) That all exhibits shall be marked and identified at the time of the deposition and, if offered into evidence, appended to the deposition.

(c) That the deposition be published without necessity of further conference or hearing at the time it is received by the industrial appeals judge.

(d) That all motions, including offers to admit exhibits and objections raised at the time of the deposition, shall be ruled upon by the industrial appeals judge in the proposed decision and order.

(e) That the deposition may be appended to the record as part of the transcript, and not as an exhibit, without the necessity of being retyped into the record.

AMENDATORY SECTION (Amending WSR 21-15-042, filed 7/14/21, effective 8/14/21)

WAC 263-12-118 Motions. (1) **Definition.** A party's written or oral request for the board to take action on a pending appeal is a "motion." Motions must be in writing unless made during a hearing before an industrial appeals judge. The board recognizes that there are two basic categories of motions:

(a) **Nondispositive motions.** Nondispositive motions include procedural motions, such as motions for a continuance, an extension of time, or to reopen the record; and discovery motions, such as motions *in limine* or motions to compel or request sanctions.

(b) **Dispositive motions.** Dispositive motions ask for a decision on one or more of the issues in an appeal or to dismiss the appeal. Examples of dispositive motions are motions to dismiss or motions for summary judgment. See WAC 263-12-11801.

(2) **Motions made to the chief legal officer.** The procedural rules in subsections (3) through (6) of this section do not apply to motions made to the chief legal officer for consideration by the three-member board:

(a) Motions for stay of the order on appeal under RCW 51.52.050 (2)(b). (See WAC 263-12-11802.)

(b) Motions to reconsider or vacate final board orders. (See WAC 263-12-156.)

(c) Motions to set reasonable attorneys' fees under RCW 51.52.120. (See WAC 263-12-165.)

(d) Requests for a stay of abatement pending appeal under RCW 49.17.140 ((+4)) (5)(a) in appeals filed under the Washington Industrial Safety and Health Act. (See WAC 263-12-059.)

(3) **Written motions.** A written motion must identify the action requested on the first page in bold print. See WAC 263-12-01501 for other information about communication and filing.

(4) **Oral motions.** Any party may bring an oral motion during a hearing, unless prohibited from doing so at the industrial appeals judge's discretion. The industrial appeals judge may provide an oppor-

tunity for other parties to respond to any oral motion. The industrial appeals judge may require that an oral motion also be submitted in writing and may provide an opportunity for written response.

(5) **Responses to nondispositive motions.** Any party who opposes a written nondispositive motion may file a written response within five business days after the motion is served, or may make an oral or written response at such other time as the industrial appeals judge may set.

(6) **Argument.**

(a) **Nondispositive motions.** All nondispositive motions will be ruled on without oral argument, unless it is requested by the parties and approved by the industrial appeals judge, or at the discretion of the industrial appeals judge. Any party may request oral argument by placing "ORAL ARGUMENT REQUESTED" prominently on the first page of the motion or responsive pleading. The time and date for oral argument shall be scheduled in advance by contacting the judicial assistant for the assigned industrial appeals judge. Written notice shall be mailed not less than seven calendar days prior to the date set for oral argument, unless waived by the parties.

(b) **Dispositive motions.** See WAC 263-12-11801.

WSR 23-23-013
PERMANENT RULES
COUNTY ROAD
ADMINISTRATION BOARD

[Filed November 2, 2023, 11:52 a.m., effective December 3, 2023]

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

Purpose: Amending chapters 136-12, 136-14, and 136-20 WAC to make changes to the standards of good practice. Amending chapters 136-130, 136-161, 136-165, and 136-180 WAC to make changes to the rural arterial program. Amending chapter 136-400 WAC to change outdated program titles.

Citation of Rules Affected by this Order: New WAC 136-161-120; and amending WAC 136-12-045, 136-14-060, 136-20-020, 136-20-030, 136-20-040, 136-130-020, 136-161-050, 136-161-080, 136-165-010, 136-165-020, 136-165-030, 136-180-030, 136-400-050, and 136-400-060.

Statutory Authority for Adoption: RCW 36.78.070.

Adopted under notice filed as WSR 23-19-079 on September 19, 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 1, Amended 14, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 14, Repealed 0.

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

Date Adopted: October 26, 2023.

Jane Wall
Executive Director

OTS-4954.1

AMENDATORY SECTION (Amending WSR 19-04-048, filed 1/29/19, effective 3/1/19)

WAC 136-12-045 Notification of hiring. When final arrangements for the employment of a new county engineer have been made, the county legislative authority or the county executive shall, within five business days, notify the county road administration board in writing and shall include the following information: Name of new county engineer, Washington professional civil engineer registration number, start date, and contact information, including an email address when available. In addition, the notification shall include a copy of the organization chart detailing the responsibilities of the county engineer if there is an adopted change, WAC (~~(136-50-051)~~) 136-50-050(1), and a copy of the appointment resolution, letter of appointment, or copy of

the meeting minutes of the legislative authority recording the appointment.

OTS-4955.1

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-14-060 Inventory records. Each priority programming process will be based, at least in part, on existing road conditions. It is required, therefore, that in each county an adequate road inventory system be maintained. The inventory system shall be updated no later than ~~((May))~~ April 1st of each year to reflect work done and improvements made during the previous year in accordance with requirements of chapter 136-60 WAC.

OTS-4956.1

AMENDATORY SECTION (Amending WSR 14-17-035, filed 8/13/14, effective 9/13/14)

WAC 136-20-020 Inventory. Each county engineer shall have available in his or her office a complete inventory of all National Bridge Inventory (NBI) bridges on the county road system. The inventory shall list the location of each bridge by the state road log number and appropriate milepost, and shall include such other information as the engineer deems necessary. In addition, all data required for the current Washington state bridge inventory ~~((system-(WSBIS-)))~~ database system as maintained by the Washington state department of transportation (WSDOT) shall be submitted to the WSDOT local programs bridge engineer ~~((on appropriate media furnished or otherwise approved by the WSDOT))~~. It is highly recommended that each county engineer maintain a similar inventory of the short span bridges, drainage structures, and large culverts on the county road system.

AMENDATORY SECTION (Amending WSR 14-17-035, filed 8/13/14, effective 9/13/14)

WAC 136-20-030 Inspection. Each county engineer shall be responsible for all ~~((routine and special))~~ NBI inspections of all NBI bridges on the county road system in accordance with the National Bridge Inspection Standards (NBIS) as promulgated and periodically revised by the WSDOT local programs office. The county engineer shall ~~((note the date of all inspections and any changes since the previous inspection on the bridge inspection report and the WSBIS form and submit all such forms to the WSDOT local programs bridge engineer))~~ ensure all inspection data is reported to the current Washington state

bridge inventory system within (~~ninety~~) 90 days of each inspection. It is highly recommended that each county engineer perform routine inspections of the short span bridges, drainage structures, and large culverts on the county road system.

AMENDATORY SECTION (Amending WSR 14-17-035, filed 8/13/14, effective 9/13/14)

WAC 136-20-040 Certification. Prior to April 1st of each calendar year, the WSDOT director of local programs will provide the following to the county road administration board(~~:~~

~~(1) A listing on a county-by-county basis of all county NBI bridges which have not had a regular WSBIS and bridge inspection report submitted within the previous thirty months; and~~

~~(2) A listing on a county-by-county basis of all county NBI bridges which have not had a required special inspection report submitted within six months after the required inspection date; and~~

~~(3))~~ a listing of all counties which are not in compliance with the requirements of the National Bridge Inspection Standards and the status of efforts toward achieving such compliance.

Any county which is not in compliance with the NBIS (~~or has a bridge or bridges on any of the above listings~~) shall be assumed to be (~~not in~~) out of compliance with bridge inspection procedures.

OTS-4957.1

AMENDATORY SECTION (Amending WSR 21-22-083, filed 11/1/21, effective 12/2/21)

WAC 136-130-020 Priorities by project type. The county road administration board has determined that the interests of the counties in the several regions will be best served by encouraging development of distinct project priority rating systems for each region.

There shall be five project types eligible for RATA funding, with each having separate rating systems for project ranking and selection. The five project types include:

(1) Reconstruction - Emphasis on alignment and grade changes on 50 percent or more of the project length, and may include additional travel lanes and right of way costs.

(2) 3R - Resurfacing, restoration, and rehabilitation - Primary focus on extending the service life of existing facility involving less than 50 percent vertical or horizontal changes, and on safety improvements. Right of way costs are eligible for RATA reimbursement as a part of this project type.

(3) 2R - Resurfacing and restoration - Primary focus on restoration of the pavement structure on the existing vertical and horizontal alignment and spot safety improvements. Minor widening costs are allowed as a part of this project type. Right of way costs are not eligible for RATA reimbursement in this project type.

(4) Intersection - 3R or reconstruction work limited to the vicinity of an existing intersection, and may include additional travel lanes and right of way costs.

(5) Bridge and drainage structures - Replacement or major rehabilitation of an existing bridge or other drainage structure, and may include additional travel lanes and right of way costs. The bridge or drainage structure(s) cost must be a minimum of 50 percent of the overall project cost.

(a) All National Bridge Inventory (NBI) listed structures are eligible for replacement or rehabilitation. Rehabilitation is the major work required to restore the structural integrity of a bridge as well as work necessary to correct major safety defects.

(b) All non-NBI structures are eligible for replacement of the existing structure.

In consultation with the individual regions, the executive director shall approve the various forms and procedures necessary to allocate available RATA funding, consistent with RCW 36.79.080.

These project types shall be available for each region, and no regional sublimits shall apply for project types.

OTS-4958.1

AMENDATORY SECTION (Amending WSR 11-05-005, filed 2/3/11, effective 3/6/11)

WAC 136-161-050 RAP program cycle—Final prospectus. By September 1st of each even-numbered year prior to a funding period, each eligible county shall submit a final prospectus for each project for which it seeks RATA funds. Each final prospectus shall be submitted on forms provided by the county road administration board and shall include a vicinity map, a typical cross-section (existing and proposed), and, if a design deviation is required, an evaluation and determination by the county engineer. If a project is for the improvement of a road which continues into an adjacent county and the project terminus is within (~~one thousand~~) 1,000 feet of the county line, the prospectus shall include a statement signed by the county engineer of the adjacent county certifying that the adjacent county will cooperate with the applicant county to the extent necessary to achieve a mutually acceptable design. All final prospectuses shall indicate that the design of the project shall begin not later than one year from the date of project approval by the county road administration board, and that construction of the project shall begin not later than six years from the date of project approval by the county road administration board. All final prospectuses shall come from the pool of preliminary prospectuses submitted and field reviewed as specified in WAC 136-161-030 and 136-161-040. All counties shall use current cost pricing to estimate project costs. Inflation and contingency rates will be applied by the county road administration board based upon project type.

AMENDATORY SECTION (Amending WSR 21-22-083, filed 11/1/21, effective 12/2/21)

WAC 136-161-080 Limitations on allocations of RATA funds to counties. For any project program period, no county shall receive a RATA fund allocation greater than the following maximum project RATA contribution, or percentage of the forecasted regional apportionment amount:

- (1) PSR: No maximum project RATA contribution; ~~40(%)~~ percent limit on percentage of the forecasted regional apportionment amount;
- (2) NWR: No maximum project RATA contribution; ~~((twenty))~~ 20 percent limit on percentage of the forecasted regional apportionment amount;
- (3) NER: No maximum project RATA contribution; ~~((maximum RATA contribution to each county for 2R and drainage projects combined is seven hundred fifty thousand dollars; twelve and one-half))~~ 12 1/2 percent limit on percentage of the forecasted regional apportionment amount;
- (4) SWR: No maximum project RATA contribution; ~~((fifteen))~~ 15 percent limit on percentage of the forecasted regional apportionment amount;
- (5) SER: No maximum project RATA contribution; percentage varies by county as follows:

(a) Asotin County	ten percent
(b) Benton County	fourteen percent
(c) Columbia County	eleven percent
(d) Franklin County	thirteen percent
(e) Garfield County	ten percent
(f) Kittitas County	thirteen percent
(g) Klickitat County	fourteen percent
(h) Walla Walla County	fourteen percent
(i) Yakima County	twenty percent

(6) The county limits for all eligible and applying counties in each region will be adjusted to include by equal share the funding limit of any ineligible or nonapplying county.

(7) Projects must have a total estimated cost of ~~((two hundred fifty thousand dollars))~~ \$250,000 or greater to be eligible for RATA funding.

NEW SECTION

WAC 136-161-120 RAP program advancing RATA funds. (1) Counties may request advancing RATA funds for partially funded projects. Such a request by a county shall demonstrate the ability to proceed with the project ahead of the regular funding schedule, and shall acknowledge that advancing RATA funds will correspondingly reduce the limit of RATA funds that may be allocated to the county in the next project program period.

(2) In considering a request to advance RATA funding, the county road administration board will review the county's justification, the current RATA account balance, expected reimbursements, and the most current transportation revenue forecast.

(3) The executive director shall approve or deny a county's request for advancing RATA funds.

(a) If the request is approved, in whole or in part, the executive director is authorized to execute an amendment to the CRAB/county contract. Upon execution of a contract amendment under this chapter, the executive director will advise board members of the amendment details at the next CRAB board meeting.

(b) If the request is denied, in whole or in part, the county may appeal the executive director's decision at the board's next regularly scheduled board meeting.

OTS-4959.1

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-165-010 Purpose and authority. RCW 36.79.150 provides for increasing the amount of RATA funds allocated to a project. This chapter describes the manner in which counties may request an increase in the amount of RATA funds allocated to a project and the manner in which the county road administration board will respond to such requests. (~~(This chapter will apply only to projects for which RATA funds have been allocated after July 1, 1995.)~~)

AMENDATORY SECTION (Amending WSR 21-22-083, filed 11/1/21, effective 12/2/21)

WAC 136-165-020 Requirements for consideration of RATA fund increases. (1) When a county submits its final prospectus as described in WAC 136-161-050, the county road administration board presumes that the amount of RATA funds requested, plus any non-RATA funds that may be designated for the project, are sufficient to fully, and in a timely manner, complete the project as described.

(2) All cost increases during the course of construction shall be the responsibility of the county. In extraordinary circumstances, a county may request an increase in the amount of RATA funds allocated to a project. A county may request an increase in a project's RATA allocation once during the course of a project's development, and such request may occur only after completion of preliminary engineering, but prior to commencing construction. A project shall be considered to have commenced construction if:

(a) The construction contract for the work has been awarded; or

(b) If done by county forces, the work has commenced, except for construction engineering.

Requests for increases in excess of (~~(twenty-five)~~) 25 percent of the original RATA allocation will not be considered or granted; the county must secure other funds, withdraw or request the termination of the project, or request a change in scope and/or project limits. If current funding sources are not sufficient to cover the costs beyond a (~~(twenty-five)~~) 25 percent increase, the county may resubmit the same project for funding in the next funding period. Upon funding of the

new project by the county road administration board, the previous contract shall become void. All RATA funds expended on the previous contract shall be repaid to the county road administration board unless waived by the county road administration board in keeping with provisions of WAC 136-167-030.

(3) A request by a county for an increase in RATA funds allocated to a project shall demonstrate that:

(a) The county at the time of preparing its final project prospectus considered the factors listed in subsection (4) of this section;

(b) The request for an increased allocation is based on extraordinary and unforeseeable circumstances of the type listed in subsection (5) of this section;

(c) It is not feasible to reduce the scope and/or project limits so the project can be substantially constructed within the initial RATA allocation;

(d) The request is not to pay for an expansion of the originally approved project;

(e) If the work is to be done by contract, the county has supplied to the CRABoard, an updated engineer's cost estimate prior to, and within three months of, advertisement of the project for construction bids; and

(f) If the work is to be done by county forces, the county has supplied to the CRABoard, an updated engineer's cost estimate prior to, and within three months of, commencement of the work.

(4) At the time of preparation and submittal of the final project prospectus, a county is expected to consider all information which may affect the cost of the project. In cases where the information is incomplete or poorly defined, the county is to exercise good professional judgment and/or seek outside professional assistance and advice in order to prepare a reasonable RATA fund request. The information which a county is expected to consider includes, but is not limited to, the following:

(a) The availability at the needed time of matching funds and other supplementary funds;

(b) All technical data reasonably available such as topographic maps, reconnaissance reports, surface and subsurface geotechnical data, hydraulic and hydrological data, sources of materials, applicable design standards, and any earlier preliminary engineering;

(c) Required permits, including preproject scoping consultations with the permitting agencies and an estimate of the costs of complying with permit requirements;

(d) Required right of way or other easements, and the time and cost of acquisition;

(e) Availability of qualified contractors to perform the work;

(f) Ownership, type, amount, and time requirements of any required utility relocation;

(g) Historical and projected labor, equipment and material costs; and

(h) The project development timetable leading to completed construction and the interrelation of this project to all other work activities under the control of the county engineer.

(5) The county road administration board will increase RATA funds allocated to a project only if it finds that the request for an increased allocation is based on extraordinary and unforeseeable circumstances, including but not limited to the following:

(a) The county relied on existing technical data which were later found to be in error, and which will necessitate a significant design change prior to proceeding with construction;

(b) Project permit requirements were substantially changed, or new permits were required;

(c) Supplementary funds, such as impact fees, developer contributions, grants, etc., which were forecasted to be available for the project, were withdrawn or otherwise became unavailable;

(d) Design or other standards applicable to the project were changed; ~~((and/or))~~

(e) The start of construction will be significantly delayed or additional construction requirements will be added as a direct result of legal action; provided however, that the failure of a county to exercise its statutory powers, such as condemnation, will not be grounds for increasing RATA funds(~~-~~

~~(6) Extraordinary and unforeseeable market-wide fluctuations in standard bid item costs will not be considered a basis for project cost increases by the county road administration board); and/or~~

(f) The lowest responsive bid for construction exceeds the amount of available funding for construction; provided that said bid is determined by the county engineer to be reasonable and the increased cost of the bid can be justified.

AMENDATORY SECTION (Amending WSR 11-05-005, filed 2/3/11, effective 3/6/11)

WAC 136-165-030 County road administration board evaluation, consideration and action. (1) In deciding whether to grant a request for a RATA allocation increase submitted under the provisions of WAC 136-165-020, the county road administration board will consider the following factors:

(a) Whether the county, at the time of preparing its final project prospectus, considered the factors listed in WAC 136-165-020(4);

(b) Whether the county's request for an increased allocation is based on extraordinary and unforeseeable circumstances of the type listed in WAC 136-165-020(5);

(c) Whether it is feasible to reduce the scope and/or project limits so the project can be substantially constructed within the initial RATA allocation;

(d) Whether the request is to pay for an expansion of the project; and

(e) Whether the increased allocation will have an adverse effect on other approved or requested RATA funded projects.

(2) ~~((If the county road administration board finds that an increase in RATA funds for a previously approved project is justified, some or all of the requested increase may be allocated.))~~ The executive director shall approve or deny a county's request for additional funds.

(a) If the request is approved, in whole or in part, the executive director is authorized to execute an amendment to the CRAB/county contract. Upon execution of a contract amendment under this chapter, the executive director will advise board members of the amendment details at the next CRAB board meeting.

(b) If the request is denied, in whole or in part, the county may appeal the executive director's decision at the board's next regularly scheduled board meeting.

OTS-4960.1

AMENDATORY SECTION (Amending WSR 21-22-083, filed 11/1/21, effective 12/2/21)

WAC 136-180-030 Voucher approval. The county constructing each RAP project may submit vouchers monthly as the work progresses and shall submit a final voucher after completion of each RAP project for the payment of the RATA share of the project cost. Each voucher shall include total project costs to date, including costs covered by other funding sources. The county shall include with each voucher sufficient documentation to verify costs. Reimbursable costs include all eligible direct costs for the design phase, right-of-way phase in allowed regions, and construction phase. Indirect costs including overhead and support services shared by multiple department's programs or funds such as accounting, payroll, administrative, or human resources salaries and benefits and information technology services for the municipality shall not be (~~included~~) reimbursed. The chair of the county road administration board or his/her designee shall approve such vouchers for payment to the county submitting the voucher.

OTS-4961.1

AMENDATORY SECTION (Amending WSR 08-10-026, filed 4/28/08, effective 5/29/08)

WAC 136-400-050 Project application. Upon a call for projects by the county road administration board, each application by a county for county ferry capital improvement funds shall be made no later than December 31st of the same year.

Project applications shall be submitted on application forms supplied by the county road administration board and shall include the following information:

- (1) Project description and scope;
- (2) Engineering drawings accurately describing the complete project;
- (3) Engineering analysis and cost estimate;
- (4) Evidence the applicant first sought funding through the public works (~~trust fund~~) board assistance account or any other available revenue source; and
- (5) Comprehensive project financial plan including match funding amounts and sources as required by WAC 136-400-065 and amortization and cash flow schedules.

AMENDATORY SECTION (Amending WSR 08-10-026, filed 4/28/08, effective 5/29/08)

WAC 136-400-060 Technical review committee. (1) A technical review committee shall be created to review project applications for county ferry capital improvement funds and present recommendations to the county road administration board for approval, denial or further action on the applications.

(2) The committee shall be composed of the following members or their designees:

(a) Executive director of the county road administration board;

(b) Washington state department of transportation highways and local programs director;

(c) A Washington state department of transportation marine engineer;

(d) One public works department representative from each of the WAC 136-400-010 named counties, each of whom shall serve as an ex officio, nonvoting member of the technical review committee.

(3) The technical review committee shall ensure that the project applications:

(a) Meet the applicable statutes and the standards of this chapter;

(b) Adhere to commonly held engineering practices and cost effectiveness; and

(c) Are complete and meet the project application requirements listed in WAC 136-400-050, including evidence the applicant first sought funding through the public works (~~(trust fund)~~) board assistance account, or other available revenue source.

(4) The technical review committee shall also develop a written report on each project application. The written report will include the following elements:

(a) A project summary;

(b) A committee evaluation; and

(c) A committee recommendation based upon WAC 136-400-065 guidance and including any additional or clarifying terms established by the county road administration board's call for projects.

(5) The technical review committee's written report on each project application shall be submitted to the county road administration board no later than (~~(thirty)~~) 30 days prior to the next regularly scheduled spring meeting after the project application deadline.

(6) Technical review committee meetings shall be convened on an "as needed" basis by the executive director of the county road administration board, who shall serve as chairperson.

WSR 23-23-022

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed November 3, 2023, 8:34 a.m., effective December 4, 2023]

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

Purpose: The department is creating a definition for the military spouse coordinator.

Citation of Rules Affected by this Order: Amending WAC 308-09-010 Definitions, 308-09-025 Converting a military spouse's active license to an inactive license, 308-09-040 Licensee with active licenses who enter the military, and 308-09-045 Maintaining a military status license.

Statutory Authority for Adoption: RCW 18.340.020 Expedition of professional license, certification, registration, or permit, 43.24.130 License moratorium for persons in service—Rules, and 46.01.110 Rule-making authority.

Adopted under notice filed as WSR 23-18-095 on September 6, 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 4, 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 4, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: November 3, 2023.

Ellis Starrett
Rules and Policy Manager

OTS-4915.1

AMENDATORY SECTION (Amending WSR 20-13-048, filed 6/11/20, effective 7/12/20)

WAC 308-09-010 Definitions. (1) "Director" means the director of the department of licensing or designee.

(2) "Employment" means self-employment and employment by any other entity.

(3) "Good standing" means the condition of a valid license authorizing a person to engage in a regulated profession or occupation. A license in good standing is not subject to any disciplinary sanctions, terms, conditions, or restrictions by the licensing authority of this state, or the jurisdiction where the licensee is licensed to practice.

(4) "License" means permission to engage in a profession or occupation as defined by chapter 18.235 or 46.70 RCW.

(5) "Licensee" means a person who possesses a license to engage in a regulated profession or occupation.

(6) "Licensing authority" means:

(a) The director of the department of licensing or designee with respect to those occupations or professions identified in chapter 46.70 RCW and RCW 18.235.020 (2) (a); or

(b) A board having licensing authority over those occupations or professions identified in RCW 18.235.020 (2) (b) if the appropriate licensing authority has adopted these rules.

(7) "Military coordinator" means a person who is identified as a contact within the licensing authority to assist military members and military spouse applicants and licensees.

(8) "Military service member" means a person serving in the military.

~~((8))~~ (9) "Military service" or "serving in the military" means being enlisted or commissioned in the United States Armed Forces (active or reserve components), the United States health service commissioned corps, the United States National Guard, or the Merchant Marines of the United States or a veteran of these branches.

~~((9))~~ (10) "Military spouse" means any person currently or previously married to or in a registered domestic partnership with a military service member during the military service member's period of active, reserve, or National Guard service.

~~((10))~~ (11) "Regulated profession or occupation" means a profession or occupation identified in chapter 46.70 RCW or RCW 18.235.020 (2) (a) or (b) if the appropriate board or commission has adopted these rules.

~~((11))~~ (12) "Standard license" means a license of standard duration and renewal requirements, as established by that program's governing statute.

~~((12))~~ (13) "Status" means the condition of a license, wherein:

(a) An "active license" status means the licensee is authorized to engage in a regulated profession or occupation;

(b) An "inactive license" status means the licensee has qualified for the license but is not currently authorized to engage in a regulated profession or occupation for nondisciplinary reasons, for example because the licensee has left Washington state as a result of their spouse or partner being deployed or stationed to a location outside of Washington state;

(c) A licensee may place their license in "military status" if they are serving in the military. A license in military status is an active license.

~~((13))~~ (14) "Substantially equivalent" means the requirements to qualify for the same or similar license in another state are materially similar to Washington requirements in terms of quality, quantity of training, or experience.

~~((14))~~ (15) "Temporary license" is a license that authorizes the licensee to engage in a regulated profession or occupation for a defined period of time during which the licensee completes additional requirements for Washington licensure that are not related to training or practice standards of the profession as noted in RCW 18.340.020 (2) (c).

~~((15))~~ (16) "Training or practice standards" means education, experience, Washington specific examination, or a combination thereof, directly relating to the state's interest in regulating a specific profession or occupation to protect the public health, safety, or welfare.

AMENDATORY SECTION (Amending WSR 20-13-048, filed 6/11/20, effective 7/12/20)

WAC 308-09-025 Converting a military spouse's active license to an inactive license. (1) The licensing authority will convert a military spouse's active license in good standing to an inactive license when the licensee:

(a) Submits a written request for the license status to be changed from active to inactive due to the licensee's spouse or registered domestic partner being deployed or stationed in a location outside Washington state.

(b) Submits, upon request, the following:

(i) A copy of service orders verifying the licensee's spouse or domestic partner is a member of the military service areas defined in WAC 308-09-010(~~((+8+))~~) (9) and has been, or will be deployed or stationed to a location outside Washington state.

(ii) A copy of the marriage certificate or evidence of the registered domestic partnership with the military service member.

(2) The licensee must not practice in Washington while the license is in an inactive status.

AMENDATORY SECTION (Amending WSR 20-13-048, filed 6/11/20, effective 7/12/20)

WAC 308-09-040 Licensee with active licenses who enter the military. (1) A person who already holds a license issued by the licensing authority who then enters active military service may notify the department to request their license be assigned military status. This allows the licensee to maintain their license in full force and effect while in military service.

(2) The licensing authority will convert an active licensee whose license is in good standing to military status when the licensee submits all of the following:

(a) A written request for military status due to entering active military service, including the expected duration of their deployment; and

(b) A copy of service orders verifying the licensee is an active duty member of the armed forces of the United States or the other services described in WAC 308-09-010(~~((+8+))~~) (9).

(3) The licensee may obtain military status at any time the criteria in subsection (2) of this section are met. There is no fee required for military status. Portions of the current renewal fee will not be prorated or refunded.

(4) A military status license remains in full force and effect so long as the service continues and allows practice throughout the state of Washington unless sooner suspended, canceled, or revoked by the licensing authority.

(5) A military spouse or registered domestic partner with power of attorney can act as an agent for the military service member.

AMENDATORY SECTION (Amending WSR 20-13-048, filed 6/11/20, effective 7/12/20)

WAC 308-09-045 Maintaining a military status license. (1) As long as a military service member licensee's military service continues, the licensee is not required to renew their license, but should maintain the license in military status. To maintain a military status license, the licensee should submit to the department an official copy of service orders verifying that they are an active duty member of the United States Armed Forces or other services described in WAC 308-09-010(~~(+8)~~) (9).

(2) The department will provide courtesy notices to the licensee's address on file using the license renewal cycles.

(3) A licensee should return the courtesy notice to the department with an official copy of their service orders.

(4) Military status license maintenance requests are accepted by the department no sooner than (~~ninety~~) 90 days prior to the date the license would expire if not in military status.

(5) Continuing education is not required while the license is in military status.

WSR 23-23-033

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed November 3, 2023, 10:39 a.m., effective January 1, 2024]

Effective Date of Rule: January 1, 2024.

Purpose: Health equity continuing education (CE) for certified counselors and certified advisers under chapter 246-810 WAC, Counselors.

The department of health (department) is adopting amendments to WAC 246-810-027 and 246-810-0298 and creating new WAC 246-810-0299 to establish health equity CE requirements and implement ESSB 5229 (chapter 276, Laws of 2021).

ESSB 5229, codified at RCW 43.70.613, directs the rule-making authority for each health profession licensed under Title 18 RCW that is subject to CE to adopt rules requiring a licensee to complete health equity CE training at least once every four years. The statute also directed the department to create model rules establishing the minimum standards for health equity CE programs. The department filed model rules for health equity CE minimum standards on November 23, 2022, under WSR 22-23-167.

The department is now adopting amendments to WAC 246-810-027 and 246-810-0299 that require two hours of health equity CE every four years for certified counselors and certified advisers. The health equity CE requirement is counted under existing, unspecified CE requirements for the profession and does not change the total number of CE hours required.

Additionally, amendments to WAC 246-810-027 and 246-810-0298 clarify and streamline rule language without changing its effect.

Citation of Rules Affected by this Order: New WAC 246-810-0299; and amending WAC 246-810-027 and 246-810-0298.

Statutory Authority for Adoption: RCW 18.19.050, 18.19.100, 43.70.613.

Adopted under notice filed as WSR 23-16-128 on August 1, 2023.

A final cost-benefit analysis is available by contacting Carmen Leso, Office of Health Professions, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-742-1463, TTY 711, email carmen.leso@doh.wa.gov, website www.doh.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, 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 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 1, Amended 2, Repealed 0.

Date Adopted: October 3, 2023.

Todd Mountin
Deputy Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

OTS-4695.2

AMENDATORY SECTION (Amending WSR 14-09-102, filed 4/22/14, effective 4/22/14)

WAC 246-810-027 Continuing education requirements for a certified counselor or certified adviser. (1) A certified counselor or a certified adviser must complete (~~(thirty-six)~~) 36 credit hours of continuing education every two years.

(2) At least six hours of the (~~(thirty-six)~~) 36 credit hours must be in law and professional ethics related to counseling.

(3) (~~(Beginning January 1, 2014,)~~) At least once every six years a certified counselor or a certified adviser must complete three hours of training in suicide assessment, including screening and referral, as specified in WAC 246-810-0298.

(a) Except as provided in (b) of this subsection, the first training must be completed during the first full continuing education reporting period (~~(after January 1, 2014, or the first full continuing education period)~~) after initial licensure (~~(, whichever occurs later)~~).

(b) An individual applying for initial certification as a certified counselor or a certified adviser (~~(on or after January 1, 2014,)~~) may delay completion of the first required training for six years after initial certification if (~~(he or she)~~) they can demonstrate successful completion of a three-hour training in suicide assessment, screening, and referral that:

(i) Was completed no more than six years prior to the application for initial certification; and

(ii) Meets the requirements listed in WAC 246-810-0298 (~~(-1)~~).

(c) The hours spent completing training in suicide assessment count towards the total (~~(thirty-six)~~) 36 hours of continuing education.

(4) Beginning January 1, 2024, at least once every four years, a certified counselor or certified adviser must complete two hours of health equity training as specified in WAC 246-810-0299.

(5) Nothing in this section is intended to expand or limit the existing scope of practice of a certified counselor or a certified adviser as defined by WAC 246-810-0201 and 246-810-021.

AMENDATORY SECTION (Amending WSR 20-12-074, filed 6/1/20, effective 7/2/20)

WAC 246-810-0298 Suicide assessment training standards. (1) Approved qualifying training in suicide assessment, including screening and referral must (~~(+~~

~~(a) Until July 1, 2017, be approved by the American Foundation for Suicide Prevention, the Suicide Prevention Resource Center, entities listed in WAC 246-810-0293, or an equivalent organization, educational institution or association which approves training based on observation and experiment or best available practices. The training must be empirically supported training and meet other requirements in RCW 43.70.442;~~

~~(b) Beginning July 1, 2017, must)) be on the department's model list developed in accordance with RCW 43.70.442. ((Nothing in this~~

~~section invalidates trainings completed according to this chapter before July 1, 2017; and~~

~~(c) Be provided by a single provider and be at least three hours in length, which may be provided in one or more sessions.)~~

(2) A certified counselor or certified adviser who is an employee of a state or local government employer is exempt from the requirements of this section if ~~((he or she))~~ they receive~~((s))~~ a total of at least three hours of training in suicide assessment including screening and referral from ~~((his or her))~~ their employer every six years. ~~((For purposes of this subsection, the training may be provided in one three-hour block or may be spread among shorter training sessions at the employer's discretion.))~~

(3) A certified counselor or certified adviser who is an employee of a licensed or certified behavioral health agency under chapter 71.05 or 71.24 RCW is exempt from the requirements of this section if ~~((he or she))~~ they receive~~((s))~~ a total of at least three hours of training in suicide assessment, including screening and referral from ~~((his or her))~~ their employer every six years.

~~(4) For purposes of this ((subsection)) section, the training may be provided in one three-hour block or ((may be spread among)) shorter training sessions ((at the employer's discretion)).~~

~~((4))~~ (5) A certified counselor or certified adviser that obtained training under the exemptions listed in subsections (2) and (3) of this section may obtain ~~((CE))~~ continuing education credit subject to documentation as defined in WAC 246-810-0297.

NEW SECTION

WAC 246-810-0299 Health equity training standards. (1) Beginning January 1, 2024, a certified counselor or certified adviser must complete training in health equity as a part of their continuing education requirements. The certified counselor or certified adviser must complete at least two hours of health equity trainings every four years. The training may be in person or virtual but must meet the course requirements in WAC 246-12-830, including strategies to reduce implicit bias and assess the providers ability to apply health equity concepts into practice.

(2) The hours spent completing training in health equity education count towards the total of 36 hours of continuing education.

WSR 23-23-034

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed November 3, 2023, 10:52 a.m., effective January 1, 2024]

Effective Date of Rule: January 1, 2024.

Purpose: Health equity continuing education (CE) for substance use disorder professionals under chapter 246-811 WAC, Substance use disorder professionals and substance use disorder professional trainees.

The department of health (department) adopts amendments to WAC 246-811-220, 246-811-240, and 246-811-280 and adopts new WAC 246-811-290 to establish health equity CE requirements and implement ESSB 5229 (chapter 276, Laws of 2021), codified as RCW 43.70.613. The adopted rules do not change the total CE hours. They require two hours in health equity CE every four years, which is absorbed into the existing number of required CE hours. The health equity CE requirement is counted under existing, unspecified CE requirements for the profession. Additionally, the department adopts minor amendments to update and clarify rule language in WAC 246-811-220 and 246-811-280.

RCW 43.70.613 (3)(b) directed the rule-making authority for each health profession licensed under Title 18 RCW that is subject to CE to adopt rules requiring a licensee to complete health equity CE training at least once every four years. The statute also directed the department to create model rules establishing the minimum standards for health equity CE programs. The department filed model rules for health equity CE minimum standards on November 23, 2022, under WSR 22-23-167.

Citation of Rules Affected by this Order: New WAC 246-811-290; and amending WAC 246-811-220, 246-811-240, and 246-811-280.

Statutory Authority for Adoption: RCW 18.205.060, 43.70.613.

Adopted under notice filed as WSR 23-17-129 on August 21, 2023.

A final cost-benefit analysis is available by contacting Ted Dale, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-2991, TTY 711, email ted.dale@doh.wa.gov, website www.doh.wa.gov.

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

Date Adopted: October 3, 2023.

Todd Mountin
Deputy Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

OTS-4696.2

AMENDATORY SECTION (Amending WSR 20-12-074, filed 6/1/20, effective 7/2/20)

WAC 246-811-220 Continuing competency program requirements. A substance use disorder professional, regardless of method of certification, must complete:

- (1) An enhancement plan as described in WAC 246-811-200(7);
- (2) Twenty-eight hours of continuing education as described in WAC 246-811-240; and
- (3) Twelve hours of other professional development activities as described in WAC ((~~246-811-047 and 246-811-200(2)~~) 246-811-200(7) and 246-811-260).

AMENDATORY SECTION (Amending WSR 20-12-074, filed 6/1/20, effective 7/2/20)

WAC 246-811-240 Number of continuing education hours required.

- (1) A certified substance use disorder professional must complete ((~~twenty-eight~~) 28 hours of continuing education (CE) every two years.
 - (a) At least ((~~fourteen~~) 14 hours must be completed in one or more of the topic areas as described in WAC 246-811-030 ((~~2~~)) (3)(a) through (w).
 - (b) At least four hours must be in professional ethics and law.
 - (c) The additional ((~~ten~~) 10 hours shall be in areas relating to the various phases of their professional career.
 - (d) The training in suicide assessment listed in subsection (2) of this section shall count towards meeting the CE requirements.
 - (e) The health equity training listed in WAC 246-811-290 shall count towards meeting the CE requirements.
- (2) ((~~Beginning January 1, 2014, at least~~) Once every six years a certified substance use disorder professional must complete at least three hours of training in suicide assessment, including screening and referral, as specified in WAC 246-811-280.
 - (a) Except as provided in (b) of this subsection, the first training must be completed during the first full CE reporting period after ((~~January 1, 2014, or the first full CE period after~~) initial certification((~~, whichever occurs later~~)).
 - (b) An individual applying for initial certification as a substance use disorder professional ((~~on or after January 1, 2014,~~) may delay completion of the first required training for six years after initial certification if ((~~he or she~~) they can demonstrate completion of a three-hour training in suicide assessment, including screening and referral that:
 - (i) Was completed no more than six years prior to the application for initial certification; and
 - (ii) Meets the qualifications listed in WAC 246-811-280(1).
- (3) After January 1, 2024, substance use disorder professionals are required to complete two hours of health equity training every four years as specified in WAC 246-811-290.
- (4) Nothing in this section is intended to expand or limit the existing scope of practice of a certified substance use disorder professional or certified substance use disorder professional trainee credentialed under chapter 18.205 RCW.

AMENDATORY SECTION (Amending WSR 20-12-074, filed 6/1/20, effective 7/2/20)

WAC 246-811-280 Suicide assessment training standards. (1) A substance use disorder professional must complete a training in suicide assessment, including screening and referral. The training must be provided by a single provider and must be at least three hours in length, which may be provided in one or more sessions.

~~((a) Until July 1, 2017, the training must be approved by the American Foundation for Suicide Prevention; the Suicide Prevention Resource Center; an industry-recognized organization or an institution of higher learning listed in WAC 246-811-200; or an association which approves training programs based on observation and experiment or best available practices.~~

~~((b) Beginning July 1, 2017,)) The training must be on the department's model list for training programs in suicide assessment, treatment, and management which was developed in accordance with RCW 43.70.442. ~~((The model list is developed in accordance with rules adopted by the department that establish minimum standards for training programs. The establishment of the model list does not affect the validity of training completed prior to July 1, 2017.))~~~~

(2) A certified substance use disorder professional who is a state or local government employee is exempt from the requirements of this section if ~~((he or she))~~ they receive~~((s))~~ a total of at least three hours of training in suicide assessment, including screening and referral from ~~((his or her))~~ their employer every six years. For purposes of this subsection, the training may be provided in one three-hour block or may be spread among shorter training sessions at the employer's discretion.

(3) A certified substance use disorder professional who is an employee of a community mental health agency licensed under chapter 71.24 RCW or a substance use disorder program certified under chapter 70.96A RCW is exempt from the requirements of this section if ~~((he or she))~~ they receive~~((s))~~ a total of at least three hours of training in suicide assessment, including screening and referral from ~~((his or her))~~ their employer every six years. For purposes of this subsection, the training may be provided in one three-hour block or may be spread among shorter training sessions at the employer's discretion.

NEW SECTION

WAC 246-811-290 Health equity training standards. (1) Beginning January 1, 2024, a substance use disorder professional must complete training in health equity as part of their continuing competency program. The substance use disorder professional must complete at least two hours of health equity training every four years. The training may be in-person or virtual but must meet the course requirements in WAC 246-12-830, including strategies to reduce implicit bias and assess the provider's ability to apply health equity concepts into practice.

(2) The hours spent completing training in health equity education count towards the 28 total hours of continuing education.

WSR 23-23-045
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 2023-01—Filed November 6, 2023, 11:31 a.m., effective December 7, 2023]

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

Purpose: The Washington department of fish and wildlife (WDFW) is proposing rule amendments to implement RCW 77.32.090, which authorizes WDFW to adopt rules for the issuance of electronic licenses, permits, tags, stamps, and catch record cards.

The purpose of the proposal is to amend rules to allow for the use of electronic recreational hunting and fishing licenses through WDFW's authorized mobile application and introduce electronic harvest reporting for recreational hunters and fishers. Currently, individuals can purchase their hunting and fishing licensing products at dealer locations, over the phone, and online, including by using their mobile devices. At this time, online reporting is only available for hunter harvest reports and crab catch records. With the proposed rule changes, individuals will now be able to store and display their selected recreational licensing products on their mobile devices in the WDFW's authorized mobile applications. In addition, the proposed changes to the rules will allow individuals to record and report their fish, shellfish, and game harvests through WDFW's authorized mobile applications from their mobile devices.

Citation of Rules Affected by this Order: Amending WAC 220-220-010, 220-220-020, 220-310-010, 220-310-020, 220-413-020, 220-413-100, and 220-416-060.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.055, 77.12.047, and 77.32.090.

Adopted under notice filed as WSR 23-18-083 on September 5, 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 5, 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: November 2, 2023.

Kelly Susewind
Director

OTS-4911.1

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

WAC 220-220-010 Definitions. Unless otherwise provided, the following definitions apply to this chapter:

(1) "Blind" means no vision or vision with corrective lenses so defective as to prevent the performance of ordinary activities for which eyesight is essential.

(2) "License year" is defined as April 1st through the following March 31st.

~~(3) ("Personal use license" and "recreational license" have the same meaning, and refer to all licenses issued under RCW 77.32.450 through 77.32.490.~~

~~(4))~~ "Veteran" means a veteran of the United States Armed Forces.

~~((5) "Display" of a fish and wildlife lands vehicle use permit means either:~~

~~(a) Nontransferable: Affixing the permit to the rear window of the vehicle, in which case the vehicle license number need not be entered on the permit; or~~

~~(b) Transferable: Writing, in ink, in the provided space on the permit the license number of the two vehicles between which the permit is to be transferred, and placing the permit in either vehicle in such a place that the permit can be observed and the license number read from outside the vehicle. Placing the permit on the dashboard or hanging it from the rear view mirror complies with the display requirement for a transferrable vehicle use permit.)~~ (4) "Department-authorized internet hunter reporting system" is the department's electronic platform for hunting license verification or reporting.

(5) "Department-authorized mobile application" is a department electronic utility for mobile communications including data transfer with the department.

(6) "Display" of a fish and wildlife lands vehicle use permit means the permit is visible from the outside of the vehicle.

(7) "Electronic catch record card" is an electronic representation of an individual's catch record card and part of a harvest reporting system for fishing and accessible through an individual's mobile device located on a department-authorized mobile application.

(8) "Electronic harvest record card" is an electronic representation of an individual's harvest record card and part of a harvest reporting system for hunting and accessible through an individual's mobile device located on a department-authorized mobile application.

(9) "Electronic license" is an electronic representation of an individual's hunting or fishing license accessible through an individual's mobile device located on a department-authorized mobile application.

(10) "Paper catch record card" is a physical document that represents an individual's catch record card and part of a harvest reporting system for recreational fishing.

(11) "Paper harvest record card" is a physical document issued by the department that represents an individual's harvest record card and part of a harvest reporting system for recreational hunting.

(12) "Paper license" is a physical document that represents an individual's hunting or fishing license.

(13) "Personal use license" and "recreational license" have the same meaning, and refer to all licenses issued under RCW 77.32.450 through 77.32.520.

AMENDATORY SECTION (Amending WSR 18-21-059, filed 10/9/18, effective 11/9/18)

WAC 220-220-020 Recreational license. A recreational license is a valid internet (~~or telephone~~) transaction number, a valid electronic license, or a valid paper license issued by the department (~~or a valid license~~) under chapter 77.32 RCW.

With the exception of razor clam licenses and one-day charter boat or guide operator stamp licenses, to be valid, a recreational license must be physically signed or digitally attested to by the licensee through the department-authorized mobile application, must contain the licensee's personal identification information, and, if a catch record card is required, must be accompanied by a valid catch record card.

To be valid, a razor clam license must be physically signed or digitally attested to by the licensee through the department-authorized mobile application.

When a catch record card is not required for use with a one-day charter boat or guide operator stamp license, the stamp license is valid only if the issue date is written in ink on the stamp and the stamp is signed by the licensee. When a catch record card is required for use with a one-day charter boat or guide operator stamp license, the license is valid only if the issue date is written in ink on the stamp, the stamp is affixed to the catch record card, the catch record card is signed by the licensee, and the catch record card contains the licensee's completed personal identification information.

OTS-4912.1

AMENDATORY SECTION (Amending WSR 18-21-059, filed 10/9/18, effective 11/9/18)

WAC 220-310-010 Description of catch record cards and required information. (1) The department shall (~~prepare and distribute a~~) issue a paper catch record card or provide access to an electronic catch record card for the following species:

- (a) Anadromous salmon (salmon);
- (b) Dungeness crab taken from Catch Record Card Area 4 east of the Bonilla-Tatoosh line and Catch Record Card Areas 5-13;
- (c) Halibut;
- (d) Steelhead; and
- (e) Sturgeon.

(2) Each paper catch record card shall contain (~~space for~~) the following identifying information:

- (a) Name of fisher;
- (b) Home address(~~(r)~~) or mailing address (~~for a catch record card issued with a one-day charter boat or guide operator stamp license~~);
- (c) City, state, and zip code;
- (d) Date of issuance;
- (e) When the paper catch record card is issued with a one-day charter boat or guide operator stamp license, the catch record card shall contain space for that stamp.

- (3) Each paper or electronic catch record card shall contain ~~((space))~~ fields for the following information:
- (a) Month of catch;
 - (b) Day of catch;
 - (c) Location of catch by Marine Area, River, or Lake Code;
 - (d) A species code for salmon and sturgeon and a marked or unmarked space for salmon;
 - (e) A space for designating the type of vessel from which halibut was taken, either charter ("c") or private ("p");
 - (f) ~~((A space for))~~ The length of sturgeon;
 - (g) ~~((For))~~ A tally or count of Dungeness crab ~~((÷~~
 - ~~(i) The type of crab fishery as described on the Dungeness crab catch record card;~~
 - ~~(ii) The total crab retained by fishery type;~~
 - ~~(iii) A tally mark for each crab))~~ retained.

AMENDATORY SECTION (Amending WSR 18-21-059, filed 10/9/18, effective 11/9/18)

WAC 220-310-020 Catch record cards. It is unlawful for any person to fail to comply with the catch record requirements as provided for in this section:

(1) An angler must obtain and have in ~~((his or her personal))~~ their physical possession a valid and appropriate paper or electronic Puget Sound Dungeness crab catch record card as described in WAC 220-310-010 to fish for or possess for personal use any Dungeness crab in Catch Record Card Area 4 east of the Bonilla-Tatoosh Line, and in Catch Record Card Areas 5-13.

(2) An angler must obtain and have in ~~((his or her personal))~~ their physical possession a valid and appropriate paper or electronic catch record card as described in WAC 220-310-010 to fish for or possess for personal use any anadromous salmon, sturgeon, halibut, or steelhead except a catch record card is not required for:

(a) Commercially caught salmon retained for personal use, as provided in WAC 220-354-030, and commercially caught sturgeon retained for personal use, as provided in WAC 220-353-110; and

(b) Landlocked steelhead or for salmon in waters designated as "landlocked salmon rules apply" in WAC 220-312-010 through 220-312-060.

(3) ~~((Unless the catch record card is issued by the automated licensing system, anglers must completely, accurately, and legibly complete all personal identification information in ink on the catch record card.))~~ A paper or electronic catch record card remains valid as long as there is one or more unfilled spaces available for the species being fished for, except:

(a) A paper or electronic catch record card remains valid for catch-and-release sturgeon fishing when the sturgeon portion of the card is full in the mainstem Columbia River downstream from where the river forms the common boundary between Oregon and Washington.

(b) It is unlawful to use a second or subsequent paper or electronic catch record card to retain halibut ~~((7))~~ or sturgeon ~~((7 or wild steelhead))~~ after the first card is full.

(4) The fee for a paper or electronic catch record card for halibut is ~~((five dollars))~~ \$5 when purchased with an annual saltwater fishing license, an annual combination fishing license, or an annual

fish Washington license. There is no charge for a paper or electronic catch record card for halibut with a temporary combination fishing license that is valid for one to three consecutive days, or with a one-day charter boat or guide operator stamp license, or with a youth license.

(5) Immediately upon catching and possessing a salmon, steelhead, sturgeon, Dungeness crab, or halibut, anglers must enter ~~((, in ink,))~~ in the appropriate ~~((space))~~ field on the paper or electronic catch record card, the place, date of catch, and species ~~((catch type))~~. ~~For sturgeon, anglers also must record the length of the fish; for halibut, anglers also must record the vessel type; and for salmon, anglers also must indicate whether or not the fish was marked by having a clipped adipose fin.~~

~~(6) Immediately upon retaining a Puget Sound Dungeness crab aboard a vessel or on the shore, fishers must enter, in ink, in the appropriate space on the Puget Sound Dungeness crab catch record card, the place and date of catch, the fishery type, and a tally mark for)).~~ Anglers in physical possession of a paper catch record card must enter all required information in ink. Anglers in physical possession of an electronic catch record card must enter all required information through the department-authorized mobile application.

(a) Sturgeon anglers must also record the length of the fish;

(b) Halibut anglers must also record the vessel type;

(c) Salmon anglers must also indicate whether or not the fish was marked by having a clipped adipose fin;

(d) Puget Sound Dungeness crab anglers must also provide a tally mark or count of each Dungeness crab retained from each catch record card area fished. At the end of the fishing day, the fisher must enter the total number of crab tally marks for each fishery type.

~~((7-a))~~ (6) Every person issued a paper catch record card must, by April 30 of the year after they used the card, return the card to the department of fish and wildlife or report the card information at the designated internet site by dates indicated on the card ~~((.))~~, except:

(a) People issued a paper Puget Sound Dungeness crab catch record card must return the card to the Washington department of fish and wildlife or report the card information at the designated internet site by the dates indicated on the card. Anglers using the electronic catch record card must record harvest immediately. If no crab are retained, mobile application users must record no harvest by the end of the season through the department-authorized mobile application.

(b) Failure to return a paper Dungeness crab catch record card or to report the Dungeness crab catch record card information electronically at the designated internet site or through the department-authorized mobile application by the dates indicated on the card will result in a ~~((ten-dollar))~~ \$10 administrative fee. The administrative fee will be collected from anglers when they acquire a subsequent Puget Sound Dungeness crab endorsement.

~~((8))~~ (7) Any person possessing a paper or electronic catch record card must show ~~((the))~~ their card to any ~~((law-enforcement))~~ fish and wildlife officer, ex-officio fish and wildlife officer or authorized department employee who asks to inspect the card.

~~((9))~~ (8) A paper or electronic catch record card must not be transferred, borrowed, altered, or loaned to another person, except as authorized under RCW 77.32.565.

OTS-4913.1

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

WAC 220-413-020 Tagging requirements. (1) It is unlawful for a person who kills a big game animal or turkey to fail to immediately ~~((cut out and completely remove from his or her tag the designated notches corresponding to the day and month of the kill for that species (unless the tagging requirement is specifically exempted by the fish and wildlife commission), and to fail to immediately attach his or her notched tag to the carcass of such animal or bird. That))~~ validate their tag (unless the tagging requirement is specifically exempted by the fish and wildlife commission). There are two methods of tagging big game animals and turkey, paper tagging and electronic tagging.

(a) A paper tag is validated by cutting out and completely removing the designated notches corresponding to the day and month of the kill for that species and immediately attaching the notched tag to the carcass of the big game animal or turkey.

(b) An electronic tag is validated by following the prompts in the authorized mobile application and writing the confirmation number and date of harvest in ink on material that can withstand the elements and immediately attaching that to the carcass of the big game animal or turkey.

(2) The tag must remain attached to the carcass while it is being transported and must remain with the wildlife during the period of retention of the edible parts.

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

WAC 220-413-100 Mandatory report of hunting activity. (1) All hunters purchasing a hunting license must report their hunting activity for deer, elk, bear, or turkey.

(a) Hunters must report hunting activity, for each tag and permit acquired, by January 31 or within 10 days after the close of an eligible hunt, whichever date is later.

(b) Reports must be made using the department's ~~((designated automated telephone hunter reporting system (toll free) or internet hunter reporting system))~~ authorized internet hunter reporting system, department-authorized mobile application, or by telephone.

(c) A hunter who fails to report hunting activity, for each tag and permit acquired, by the reporting deadline is in violation of reporting requirements.

(d) Compliance will be credited for each transport tag and permit acquired.

(2) As an incentive for prompt reporting, all hunters who report by midnight January 10 or within 10 days after the last day of their permit hunt will be entered into a drawing for special deer and elk incentive permits. To be eligible for the drawing, hunters must report their hunting activity for each transport tag and permit acquired.

(3) A hunter who fails to report hunting activity by the reporting deadline for deer, elk, bear, or turkey tags and permits acquired

the previous year will be required to pay a \$10 administrative fee at the time a new license that includes deer, elk, bear, or turkey tags is issued.

(4) All hunters who purchase a paper or electronic migratory bird authorization must report their hunting activity for each paper or electronic harvest record card issued.

(a) Hunters must report harvest information from band-tailed pigeon harvest record cards by September 30 following the season for which the harvest card was issued. Hunters must report harvest information from brant, sea duck, snow goose, and SW Canada goose (Goose Management Area 2 Coast and Inland) harvest record cards by March 20 following the season for which the harvest card was issued.

(b) Hunters must report migratory bird hunting activity at the department's ((designated)) authorized internet hunter reporting system internet site listed on the harvest record card, on the department-authorized mobile application or by mailing all harvest record cards to the department at: P.O. Box 43141, Olympia, WA 98504.

(c) Any hunter who fails to report, for each harvest record card acquired, by the reporting deadlines is in violation of reporting requirements.

(d) Compliance will be credited for each harvest record card acquired.

(5) A hunter who fails to report hunting activity by the reporting deadlines for band-tailed pigeon, brant, sea duck, snow goose, or SW Canada goose harvest record card acquired in the previous hunting season must pay a ((ten-dollar)) \$10 administrative fee at the time a new migratory bird authorization and harvest record card is issued.

(6) A hunter may only be required to pay a maximum of one ((ten-dollar)) \$10 administrative fee for all game species reporting violations during a license year.

OTS-4914.1

AMENDATORY SECTION (Amending WSR 23-11-118, filed 5/22/23, effective 6/22/23)

WAC 220-416-060 2023-2024 Migratory gamebird seasons and regulations. All migratory waterfowl, coot, snipe, mourning dove and band-tailed pigeon are closed to harvest unless season dates are specified in this section. Hunters must comply with the bag, possession, and season limits described in this section. Failure to do so constitutes a violation of RCW 77.15.245, 77.15.400, or 77.15.430, depending on the species hunted and the circumstances of the violation.

DUCKS

Statewide: Oct. 14-22, 2023, and Oct. 25, 2023 - Jan. 28, 2024; except scaup season closed Oct. 14 - Nov. 3, 2023.

Special youth hunting days open only to hunters 15 years of age or under (must be accompanied by an adult at least 18 years old who is not hunting): Sept. 23, 2023, and Feb. 3, 2024, in Western Washington (West Zone); Sept. 30, 2023, and Feb. 3, 2024, in Eastern Washington (East Zone).

Special veterans and active military personnel hunting day open only to hunters as defined in Section 3 of 16 U.S. Code Sec. 704 as amended by the John D. Dingell, Jr. Conservation, Management, and Recreation Act. Active duty military includes members of the National Guard and Reserves on active duty (other than for training). Veterans must have served in the active military, naval, or air service, and discharged or released under Honorable conditions: Feb. 3, 2024, in Western Washington (West Zone) and Eastern Washington (East Zone). Hunters must have one of the following, or a copy of, during the hunt: DD214, Veteran Benefit Card, Retired Active Military I.D., or Active Duty I.D. card.

Daily Bag Limit: 7 ducks, to include not more than 2 hen mallard, 1 pintail, 2 scaup, 2 canvasback, and 2 redhead statewide; and to include not more than 2 scoter, 2 long-tailed duck, and 2 goldeneye in Western Washington.

Possession Limit for Regular Season: 21 ducks, to include not more than 6 hen mallard, 3 pintail, 6 scaup, 6 canvasback, and 6 redhead statewide; and to include not more than 6 scoter, 6 long-tailed duck, and 6 goldeneye in Western Washington.

Possession Limit for Youth, Veterans and Active Military Personnel Hunting Days: Same as Daily Bag Limit.

Harlequin Duck: Season closed statewide.

AUTHORIZATION AND HARVEST RECORD CARD REQUIRED TO HUNT SEA DUCKS

Hunters must physically possess a special 2023-2024 paper or electronic hunting authorization and harvest record card for sea ducks when hunting scoter, long-tailed duck, and goldeneye in Western Washington. (~~(A hunter who has not previously possessed a sea duck harvest report card must submit an application form to Washington state department of fish and wildlife (WDFW).)~~) Immediately after taking a sea duck into possession, hunters must record (~~(in ink the information required within the designated spaces provided on the harvest record card)~~) all required information on the harvest record card. Hunters required to physically possess a paper harvest record card must enter all required information in ink. Hunters required to physically possess an electronic harvest record card must enter all required information through the licensing mobile application.

COOT (Mudhen)

Same areas and dates (including youth, veterans and active military personnel hunting days) as the duck season.

Daily Bag Limit: 25 coots.

Possession Limit: 75 coots.

Possession Limit for Youth, Veterans and Active Military Personnel Hunting Days: Same as Daily Bag Limit.

SNIPE

Same areas and dates (except youth, veterans and active military personnel hunting days) as the duck season.

Daily Bag Limit: 8 snipe.

Possession Limit: 24 snipe.

GEESE (except Brant)

Special youth hunting days open only to hunters 15 years of age or under (must be accompanied by an adult at least 18 years old who is not hunting): Sept. 23, 2023, and Feb. 3, 2024, in Western Washington (West Zone); Sept. 30, 2023, and Feb. 3, 2024, in Eastern Washington (East Zone).

Special veterans and active military personnel hunting day open only to hunters as defined in Section 3 of 16 U.S. Code Sec. 704 as amended by the John D. Dingell, Jr. Conservation, Management, and Recreation Act. Active duty military includes members of the National Guard and Reserves on active duty (other than for training). Veterans must have served in the active military, naval, or air service, and discharged or released under Honorable conditions: Feb. 3, 2024, in Western Washington (West Zone) and Eastern Washington (East Zone). Hunters must have one of the following, or a copy of, during the hunt: DD214, Veteran Benefit Card, Retired Active Military I.D., or Active Duty I.D. card.

Daily Bag Limit for September dates: 4 Canada geese and 10 white-fronted geese.

Daily Bag Limit for February date: 4 Canada geese (except dusky Canada geese which are closed to harvest), 10 white-fronted geese, and 10 white geese (snow, Ross', blue phase), except in Goose Management Area 2 Coast and Inland where the bag limit for Canada geese is reduced to 3 and dusky Canada geese remain closed to harvest.

Possession Limit for Youth, Veterans and Active Military Personnel Hunting Days: Same as Daily Bag Limit.

Western Washington Goose Seasons

Goose Management Area 1: Skagit and Whatcom counties, and that portion of Snohomish County west of Interstate 5.

September Canada Goose Season

Sept. 2-7, 2023.

Daily Bag Limit: 5 Canada geese.

Possession Limit: 15 Canada geese.

Regular Season

Oct. 14 - Nov. 26, and Dec. 9, 2023 - Jan. 28, 2024, for Canada and white-fronted geese (except brant).

Oct. 14 - Nov. 26, and Dec. 9, 2023 - Jan. 28, 2024, and Feb. 10-20, 2024, for snow, Ross', and blue geese (collectively referred to as white geese). During Feb. 10-20, 2024, in Skagit, Whatcom and Snohomish counties, specified WDFW lands including Fir Island Farm Game Reserve, Island Unit, Johnson DeBay's Slough Swan Reserve and Hunt Unit, Leque Island Unit, Samish Unit, Samish River Unit, South Padilla Bay Unit, and Skagit Headquarters Unit of the Skagit Wildlife Area, and all units of the Whatcom Wildlife Area are closed to goose hunting in Goose Management Area 1.

Daily Bag Limit: 4 Canada geese (except dusky Canada geese which are closed to harvest), 10 white-fronted geese, and 10 white geese (snow, Ross', blue phase). During Feb. 10-20, 2024: 20 white geese.

Possession Limit: 12 Canada geese (except dusky Canada geese which are closed to harvest), 30 white-fronted geese, and 30 white geese (snow, Ross', blue phase). During Feb. 10-20, 2024: 60 white geese.

AUTHORIZATION AND HARVEST RECORD CARD REQUIRED TO HUNT SNOW GEESE

Hunters must physically possess a special 2023-2024 paper or electronic migratory bird hunting authorization and harvest record card for snow geese when hunting snow, Ross', and blue geese in Goose Management Area 1. (~~(A hunter who has not previously possessed a snow goose harvest report card must submit an application form to Washington state department of fish and wildlife (WDFW).)~~) Immediately after taking a snow, Ross', or blue goose into possession, hunters must record (~~(in ink the information required within the designated spaces provided on the harvest record card)~~) all required information on the harvest record card. Hunters required to physically possess a paper harvest record card must enter all required information in ink. Hunters required to physically possess an electronic harvest record card must enter all required information through the licensing mobile application.

SKAGIT COUNTY AND WHATCOM COUNTY SPECIAL RESTRICTIONS

It is unlawful to discharge a firearm for the purpose of hunting waterfowl within 100 feet of any paved public road on Fir Island in Skagit County or to discharge a firearm for the purpose of hunting snow geese within 100 feet of any paved public road in other areas of Skagit County or Whatcom County.

While hunting snow geese, if a hunter is convicted of (a) trespass; (b) shooting from, across, or along the maintained part of any public highway; (c) discharging a firearm for the purpose of hunting waterfowl within 100 feet of any paved public road on Fir Island in Skagit County or discharging a firearm within 100 feet of any paved public road for the purpose of hunting snow geese in other areas of Skagit County or Whatcom County; or (d) exceeding the daily bag limit for geese, authorization will be invalidated for the remainder of the current snow goose season and an authorization will not be issued for the subsequent snow goose season.

Goose Management Area 2 - Coast: Pacific County and the portion of Grays Harbor County west of highway 101.

September Canada Goose Season

Sept. 2-10, 2023.

Daily Bag Limit: 5 Canada geese, except 15 Canada geese in Pacific County.

Possession Limit: 15 Canada geese, except 45 Canada geese in Pacific County.

Regular Season

Open in all areas from 30 minutes after the start of official hunting hours to 30 minutes before the end of official hunting hours, 7 days per week during Oct. 14-29, 2023; Saturdays, Sundays, and Wednesdays only, Nov. 1 - Dec. 3, 2023, and Dec. 20, 2023 - Jan. 21, 2024, and Feb. 10-21, 2024. During Feb. 10-21, 2024, U.S. Fish and Wildlife Service National Wildlife Refuges (NWRs) and WDFW Wildlife Areas are closed to goose hunting in Goose Management Area 2 - Coast.

Bag Limits for Goose Management Area 2 - Coast:

Daily Bag Limit: 3 Canada geese (except dusky Canada geese which are closed to harvest), 10 white-fronted geese, and 10 white geese (snow, Ross', blue).

Possession Limit: 9 Canada geese (except dusky Canada geese which are closed to harvest), 30 white-fronted geese, and 30 white geese (snow, Ross', blue).

Dusky Canada geese: SEASON CLOSED.

Goose Management Area 2 - Inland: Clark, Cowlitz, Wahkiakum counties and the portion of Grays Harbor County east of highway 101.

September Canada Goose Season

Sept. 2-10, 2023.

Daily Bag Limit: 5 Canada geese.

Possession Limit: 15 Canada geese.

Regular Season

Open in all areas except Ridgefield NWR from 30 minutes after the start of official hunting hours to 30 minutes before the end of official hunting hours, 7 days per week during Oct. 14-29, 2023; Saturdays, Sundays, and Wednesdays only, Nov. 22, 2023 - Jan. 14, 2024, and Feb. 10 - Mar. 6, 2024. During Feb. 10 - Mar. 6, 2024, U.S. Fish and Wildlife Service National Wildlife Refuges (NWRs) and WDFW Wildlife Areas are closed to goose hunting in Goose Management Area 2 - Inland. Ridgefield NWR open from 30 minutes after the start of official hunting hours to 30 minutes before the end of official hunting hours, Tuesdays, Thursdays, and Saturdays only, Oct. 14-29, 2023, and Nov. 22, 2023 - Jan. 13, 2024.

Bag Limits for Goose Management Area 2 - Inland:

Daily Bag Limit: 3 Canada geese (except dusky Canada geese which are closed to harvest), 10 white-fronted geese, and 10 white geese (snow, Ross', blue).

Possession Limit: 9 Canada geese (except dusky Canada geese which are closed to harvest), 30 white-fronted geese, and 30 white geese (snow, Ross', blue).

Dusky Canada geese: SEASON CLOSED.

Special Provisions for Goose Management Area 2 Coast and Inland Regular Season only:

A dusky Canada goose is defined as a dark-breasted (as shown in the Munsell color chart 10 YR, 5 or less) Canada goose with a culmen (bill) length of 40-50 mm.

Hunters must physically possess a valid special 2023-2024 paper or electronic migratory bird hunting authorization and harvest record card for geese when hunting all goose species in Goose Management Area 2 Coast and Inland. New hunters and those who did not maintain a valid 2022-2023 authorization must review goose identification training materials and score a minimum of 80% on a goose identification test to receive authorization. Hunters who fail a test must wait 28 days before retesting, and will not be issued a reciprocal authorization until that time. Immediately after taking a goose into possession, hunt-

~~ers must record ((in ink the information required within the designated spaces provided on the harvest record card))~~ all required information on the harvest record card. Hunters required to physically possess a paper harvest record card must enter all required information in ink. Hunters required to physically possess an electronic harvest record card must enter all required information through the licensing mobile application.

It is unlawful for hunters in Goose Management Area 2 Coast and Inland to fail to comply with the directions of authorized department personnel related to the collection of goose subspecies information pursuant to RCW 77.12.071. A person who prevents department personnel from collecting samples of tissue or other bodily parts is subject to prosecution under RCW 77.15.360 Unlawful interfering in department operations—Penalty. If a hunter takes a dusky Canada goose or does not comply with requirements listed above regarding WDFW collection of subspecies information, authorization will be invalidated by the department and the hunter will not be able to hunt geese in Goose Management Area 2 Coast and Inland for the remainder of the season. It is unlawful to fail to comply with all provisions listed above for Goose Management Area 2 Coast and Inland. Taking one dusky Canada goose is punishable as an infraction under RCW 77.15.160 (5)(b). Other violations of Area 2 goose hunting rules are punishable as an infraction under RCW 77.15.160 (2)(e) or as a misdemeanor or gross misdemeanor under RCW 77.15.400 unlawful hunting of wild birds, depending on the circumstances of the violation.

Goose Management Area 3

Includes all parts of Western Washington not included in Goose Management Areas 1 and 2.

September Canada Goose Season

Sept. 2-7, 2023.

Daily Bag Limit: 5 Canada geese.

Possession Limit: 15 Canada geese.

Regular Season

Oct. 14-26, 2023, and Nov. 4, 2023 - Jan. 28, 2024.

Daily Bag Limit: 4 Canada geese (except dusky Canada geese which are closed to harvest), 10 white-fronted geese, and 10 white geese (snow, Ross', blue).

Possession Limit: 12 Canada geese (except dusky Canada geese which are closed to harvest), 30 white-fronted geese, and 30 white geese (snow, Ross', blue).

Eastern Washington Goose Seasons

September Canada Goose Season (Eastern Washington)

Sept. 2-3, 2023.

Daily Bag Limit: 5 Canada geese.

Possession Limit: 10 Canada geese.

Goose Management Area 4

Adams, Benton, Chelan, Douglas, Franklin, Grant, Kittitas, Lincoln, Okanogan, Spokane, and Walla Walla counties.

Saturdays, Sundays, and Wednesdays only during Oct. 14, 2023 - Jan. 21, 2024; additionally, to accommodate opportunity during recognized holiday periods, the 2023-2024 season will include: Nov. 10, 23, and 24, 2023; Dec. 25, 26, 28, and 29, 2023, and Jan. 1 and 15, 2024; and every day Jan. 22-28, 2024, for Canada geese and white-fronted geese.

Saturdays, Sundays, and Wednesdays only during Oct. 14-22, 2023, and Nov. 10, 2023 - Jan. 21, 2024; additionally, to accommodate opportunity during recognized holiday periods, the 2022-2023 season will include: Nov. 10, 23, and 24, 2023; Dec. 25, 26, 28, and 29, 2023, and Jan. 1 and 15, 2024; and every day Jan. 22-28, 2024, and Feb. 17 - Mar. 3, 2024, for snow, Ross', and blue phase geese (collectively referred to as white geese).

Goose Management Area 5

Includes all parts of Eastern Washington not included in Goose Management Area 4.

Oct. 14-30, 2023, and every day from Nov. 4, 2022 - Jan. 28, 2024.

Bag Limits for all Eastern Washington Goose Management Areas during regular seasons:

Daily Bag Limit: 4 Canada geese, 10 white-fronted geese, and 10 white geese (snow, Ross', blue). During Feb. 17 - Mar. 3, 2024, in GMA4: 20 white geese.

Possession Limit: 12 Canada geese, 30 white-fronted geese, and 30 white geese (snow, Ross', blue). During Feb. 17 - Mar. 3, 2024, in GMA4: 60 white geese.

BRANT

Will remain closed in Skagit County, including during the youth, veteran, and active military date, and may only open under the following conditions on specified dates.

If the 2023-2024 brant population in Skagit County is below 3,000 (as determined by aerial survey), the brant season in Skagit County will remain closed.

If the 2023-2024 brant population in Skagit County is 3,000-6,000 (as determined by aerial survey), the brant season in Skagit County will be open on the following dates: Jan. 20, 24, and 27, 2024, and during the Feb. 3, 2024, youth, veterans, and active military date.

If the 2022-2023 brant population in Skagit County is greater than 6,000 (as determined by aerial survey), the brant season in Skagit County will be open on the following dates: Jan. 13, 14, 17, 20, 21, 24, 27, and 28, 2024, and during the Feb. 3, 2024, youth, veterans, and active military date.

Open in Clallam and Whatcom counties only on the following dates: Jan. 20, 24, and 27, 2024.

Open in Pacific County only on the following dates: Jan. 6, 7, 9, 11, 13, 14, 16, 18, 20, 21, 23, 25, 27, and 28, 2024, but may be adjusted pending the most recent 3-year running average results of the Pacific flyway winter brant survey.

Special youth, open to hunters 15 years of age or under (must be accompanied by an adult at least 18 years old who is not hunting), veterans and active military personnel hunting day, open to hunters as defined in Section 3 of 16 U.S. Code Sec. 704 as amended by the John D. Dingell, Jr. Conservation, Management, and Recreation Act. Active duty military includes members of the National Guard and Reserves on active duty (other than for training). Veterans must have served in the active military, naval, or air service, and discharged or released under Honorable conditions: Feb. 3, 2024. Hunters must have one of the following, or a copy of, during the hunt: DD214, Veteran Benefit Card, Retired Active Military I.D., or Active Duty I.D. card.

AUTHORIZATION AND HARVEST RECORD CARD REQUIRED TO HUNT BRANT

Hunters must physically possess a special 2023-2024 paper or electronic migratory bird hunting authorization and harvest record card for brant when hunting brant. (~~(A hunter who has not previously possessed a brant harvest report card must submit an application form to Washington state department of fish and wildlife (WDFW).)~~) Immediately after taking a brant into possession, hunters must record (~~(in ink the information required within the designated spaces provided on the harvest record card)~~) all required information on the harvest record card. Hunters required to physically possess a paper harvest record card must enter all required information in ink. Hunters required to physically possess an electronic harvest record card must enter all required information through the licensing mobile application.

Bag Limits for Clallam, Skagit, Pacific and Whatcom counties:

Daily Bag Limit: 2 brant.

Possession Limit: 6 brant.

Special youth, veterans and active military personnel hunting day.

Daily Bag and Possession Limit: 2 brant.

SWANS

Season closed statewide.

MOURNING DOVE

Sept. 1 - Oct. 30, 2023, statewide.

Daily Bag Limit: 15 mourning doves.

Possession Limit: 45 mourning doves.

BAND-TAILED PIGEON

Sept. 16-24, 2023, statewide.

Daily Bag Limit: 2 band-tailed pigeons.

Possession Limit: 6 band-tailed pigeons.

AUTHORIZATION AND HARVEST RECORD CARD REQUIRED TO HUNT BAND-TAILED PIGEONS

Hunters must physically possess a special 2023-2024 paper or electronic migratory bird hunting authorization and harvest record card for band-tailed pigeons when hunting band-tailed pigeons. (~~(A hunter who has not previously possessed a band-tailed pigeon harvest report card must submit an application form to Washington state department of fish and wildlife (WDFW).)~~) Immediately after taking a band-tailed pigeon into possession, hunters must record (~~(in ink the information required~~

within the designated spaces provided on the harvest record card) all required information on the harvest record card. Hunters required to physically possess a paper harvest record card must enter all required information in ink. Hunters required to physically possess an electronic harvest record card must enter all required information through the licensing mobile application.

FALCONRY SEASONS**DUCKS, COOTS, SNIPE, GEESE, AND MOURNING DOVES (EXCEPT BRANT) (Falconry)**

Same season dates for each species in each area as listed above.

Daily Bag Limit: 3, straight or mixed bag, including ducks, coots, snipe, geese, and mourning doves during established seasons.

Possession Limit: 3 times the daily bag limit.

DUCKS, COOTS, CANADA GEESE, WHITE-FRONTED GEESE, WHITE GEESE AND BRANT**(Extended Falconry)**

Sept. 23, 2023, and Feb. 3, 2024, in Western Washington (West Zone).

Sept. 30, 2023, and Feb. 3, 2024, in Eastern Washington (East Zone).

Daily Bag Limit: 3, straight or mixed bag, including allowable species specified under youth, veterans and active military personnel dates.

Possession Limit: Same as the Daily Bag Limit.

MOURNING DOVE (Extended Falconry)

Oct. 31 - Dec. 16, 2023.

Daily Bag Limit: 3, straight or mixed bag, including ducks, coots, snipe, and geese during established seasons.

Possession Limit: 3 times the daily bag limit.

HIP REQUIREMENTS:

All hunters of migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon) age 16 and over are required to complete a harvest information program (HIP) survey at a license dealer and possess a Washington migratory bird permit as evidence of compliance with this requirement when hunting migratory game birds. Youth hunters are required to complete a HIP survey and possess a Washington migratory bird permit (free for youth) as evidence of compliance with this requirement when hunting migratory game birds.

WSR 23-23-049
PERMANENT RULES
OFFICE OF THE
INSURANCE COMMISSIONER

[Insurance Commissioner Matter R 2023-05—Filed November 7, 2023, 10:05 a.m., effective January 1, 2024]

Effective Date of Rule: January 1, 2024.

Purpose: The insurance commissioner is adopting rules related to the implementation of chapter 64, Laws of 2023. HB 1120 (2023-24) concerning the best interest standard for annuity transactions passed in Washington's 68th legislative session. This legislation transitions Washington from a suitability standard for annuity transactions to a best interest threshold and aligns with updates the National Association of Insurance Commissioners (NAIC) made to Model Regulation #275. The new law requires producers, and insurers where no producer is involved, to act in the best interests of their consumers when recommending annuities, complete annuity specific training, and establish and maintain recommendation supervision systems that ensure the insurance needs and financial objectives of consumers are effectively addressed.

This rule making will align the regulations in WAC with the new provisions provided by chapter 64, Laws of 2023, and the updated NAIC Model Regulation #275. This alignment of authorities requires rule making to amend training requirements, revise the prior "suitability standard" with the new "best interest" threshold, and update terminology.

Citation of Rules Affected by this Order: Amending WAC 284-17-265, 284-23-390, and 284-23-410.

Statutory Authority for Adoption: RCW 48.02.060(3) and 48.23.015(8).

Other Authority: Annuity best interest standard, implementing chapter 64, Laws of 2023

Adopted under notice filed as WSR 23-19-089 on September 20, 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 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 0, Repealed 0.

Date Adopted: November 7, 2023.

Mike Kreidler
Insurance Commissioner

OTS-4932.1

AMENDATORY SECTION (Amending WSR 12-19-100, filed 9/19/12, effective 10/20/12)

WAC 284-17-265 Sales of annuities—((Insurance)) Producer training. (1) A person may not sell, solicit, or negotiate the sale of an annuity product unless he or she is ~~((appropriately))~~ licensed as ~~((an insurance))~~ a producer with the life insurance line of authority and has successfully completed the annuity suitability training, which includes the best interest standards, that meets the requirements of this section.

(2) (a) After ~~((March 29, 2012, prior to))~~ January 1, 2024, before selling, soliciting, or negotiating the sale of annuity products, all ~~((insurance))~~ producers must complete a one-time, ~~((four-hour))~~ four credit annuity suitability training course, which includes the best interest standards, approved by the commissioner and provided by ~~((an))~~ a state approved insurance education provider ~~((approved in this state)),~~ that meets the requirements in this section.

(b) ~~((Insurance producers who hold a life insurance line of authority on March 29, 2012, and who desire to sell annuities must complete the requirements of this section by September 29, 2012.))~~ If a person has completed an annuity suitability training course before January 1, 2024, but that course did not include the best interest standards, then the person must complete either the four credit course in (a) of this section, or an additional one-hour (or credit) course, approved by the commissioner and provided by a state approved insurance education provider, which meets the requirements in this section, within six months after January 1, 2024.

(c) Persons who obtain a life insurance line of authority on or after ~~((March 29, 2012))~~ January 1, 2024, may not sell, solicit, or negotiate the sale of an annuity product until the annuity suitability training course, with best interest standards, has been completed.

(3) (a) The annuity suitability training required under this section shall include information on the following topics:

(i) The types of annuities and various classifications of annuities;

(ii) Identification of the parties to an annuity;

(iii) How fixed, variable, and indexed annuity contract provisions affect consumers;

(iv) The application of income taxation of qualified and nonqualified annuities;

(v) The primary uses of annuities; ~~((and))~~

(vi) Appropriate sales practices, replacement, and disclosure requirements; and

(vii) Best interest standards.

(b) The training required in this section must be sufficient to qualify for at least four continuing education credits.

(c) The training required in this section may be completed by either classroom instruction ~~((or)),~~ self-study, or webinar in accordance with WAC ~~((284-17-220 through 284-17-256))~~ 284-17-210 through 284-17-286.

(d) The ~~((insurance))~~ producer education required by this section must not include training that is issuer or company product specific or includes any sales or marketing information and materials.

(e) Approved providers offering the annuity suitability education required by this section must administer the course, issue certificates of completion, report completed training to the commissioner,

and maintain records as required by WAC 284-17-270 through ~~((284-17-310))~~ 284-17-312.

(4) (a) Resident ~~((insurance))~~ producers that complete the required training of this section and which are approved in this state may count those credits toward fulfillment of their Washington ~~((CE))~~ continuing education requirement.

(b) A resident or nonresident producer completing the required annuity suitability training of this section, which includes the best interest standards, in another state ~~((which has adopted the annuity suitability requirement))~~ shall be deemed as satisfying this state's requirement. A resident producer completing the required training of this section, before January 1, 2024, in another state will not receive Washington continuing education credit, unless the provider and course are approved by Washington.

~~((c) If a resident insurance producer wishes to apply course credits for the required annuity suitability training offered in another state and the course is not otherwise approved for continuing education credit in this state, the training may qualify for individual course credit subject to WAC 284-17-244.))~~

(5) Each insurer must verify that ~~((an insurance))~~ a producer has completed the annuity suitability training ~~((course))~~, with best interest standards, required in this section before allowing the producer to sell an annuity product for that insurer. An insurer may satisfy its responsibility under this section by obtaining certificates of completion of the training course ~~((or obtaining))~~, reports provided by commissioner-sponsored database systems or vendors, or reports from a reasonably reliable commercial database vendor that has a reporting arrangement with approved insurance education providers.

(6) ~~((Insurance producers who have completed the annuity suitability training requirements of this section in a state other than Washington which has adopted the annuity suitability requirement prior to March 29, 2012, are deemed to have satisfied the training requirements of this section.))~~ For purposes of this section, "producer" has the meaning set forth in RCW 48.23.015, unless the context clearly requires otherwise.

(7) A producer shall not solicit the sale of an annuity product unless the producer has adequate knowledge of the product to recommend the annuity and the producer is in compliance with the insurer's standards for product training. This requirement is in addition to and not in lieu of the annuity suitability training, with best interest standards, required by this section.

OTS-4933.1

AMENDATORY SECTION (Amending WSR 12-06-019, filed 2/28/12, effective 3/30/12)

WAC 284-23-390 Duties of insurers and ~~((insurance))~~ producers.

(1) For purposes of this section, "producer" has the meaning set forth in RCW 48.23.015, unless the context clearly requires otherwise.

(2) For purposes of this section, ~~(("suitability information" means information that is reasonably appropriate to determine the suitability of a recommendation, including the following:~~

- ~~(a) Age;~~
- ~~(b) Annual income;~~
- ~~(c) Financial situation and needs, including the financial resources used for the funding of the annuity;~~
- ~~(d) Financial experience;~~
- ~~(e) Financial objectives;~~
- ~~(f) Intended use of the annuity;~~
- ~~(g) Financial time horizon;~~
- ~~(h) Existing assets, including investment and life insurance holdings;~~
- ~~(i) Liquidity needs;~~
- ~~(j) Liquid net worth;~~
- ~~(k) Risk tolerance; and~~
- ~~(l) Tax status.~~

~~(2) In addition to the requirements in RCW 48.23.015, insurers and insurance producers must have reasonable grounds to believe the following requirements in recommending and executing a purchase or exchange of an annuity:~~

~~(a) The consumer has been reasonably informed of various features of the annuity, such as the potential surrender period and surrender charge, potential tax penalty if the consumer sells, exchanges, surrenders or annuitizes the annuity, mortality and expense fees, investment advisory fees, potential charges for and features of riders, limitations on interest returns, insurance and investment components, and market risk;~~

~~(b) The consumer would benefit from certain features of the annuity, such as tax deferred growth, annuitization, or death or living benefit;~~

~~(c) The particular annuity as a whole, the underlying subaccounts to which funds are allocated at the time of purchase or exchange of the annuity, and riders and similar product enhancements, if any, are suitable (and in the case of an exchange or replacement, the transaction as a whole is suitable) for the particular consumer based on his or her suitability information; and~~

~~(d) In the case of an exchange or replacement of an annuity, the exchange or replacement is suitable including taking into consideration whether:~~

~~(i) The consumer will incur a surrender charge, be subject to the commencement of a new surrender period, lose existing benefits (such as death, living or other contractual benefits), or be subject to increased fees, investment advisory fees or charges for riders, and similar product enhancements;~~

~~(ii) The consumer would benefit from product enhancements and improvements; and~~

~~(iii) The consumer has had another annuity exchange or replacement and, in particular, an exchange or replacement within the preceding thirty-six months.~~

~~(3) Prior to the execution of a purchase, exchange or replacement of an annuity resulting from a recommendation, an insurance producer, or an insurer where no producer is involved, shall make reasonable efforts to obtain the consumer's suitability information.~~

~~(4) An insurer shall not issue an annuity recommended to a consumer unless there is a reasonable basis to believe the annuity is suitable based on the consumer's suitability information.~~

~~(5) An insurer's issuance of an annuity subject to subsection (2) of this section must be reasonable under all the circumstances actually known to the insurer at the time the annuity is issued.~~

~~(6) An insurance producer or, where no insurance producer is involved, the responsible insurer representative must at the time of sale:~~

- ~~(a) Make a record of any recommendation subject to this section;~~
- ~~(b) Obtain a customer signed statement documenting a customer's refusal to provide suitability information, if any; and~~
- ~~(c) Obtain a customer signed statement acknowledging that an annuity transaction is not recommended if a customer decides to enter into an annuity transaction that is not based on the insurance producer's or insurer's recommendation.~~

~~(7)) "consumer profile information" has the meaning set forth in RCW 48.23.015.~~

~~(3) In addition to the requirements in RCW 48.23.015((4)) an insurer must:~~

- ~~(a) Establish and maintain reasonable procedures to inform its ((insurance)) producers of the requirements of this regulation and shall incorporate the requirements of this regulation into relevant ((insurance)) producer training manuals;~~
- ~~(b) Establish and maintain standards for ((insurance)) producer product training and must establish and maintain reasonable procedures to require its ((insurance)) producers to comply with the requirements of WAC 284-17-265;~~
- ~~(c) Provide product-specific training and training materials which explain all material features of its annuity products to its ((insurance)) producers;~~
- ~~(d) Establish and maintain procedures for the review of each recommendation ((prior to)) before issuance of an annuity that are designed to ensure ((that)) there is a reasonable basis to determine that ((a recommendation is suitable. Such)) the recommended annuity would effectively address the particular consumer's financial situation, insurance needs, and financial objectives. The review procedures may apply a screening system for the purpose of identifying selected transactions for additional review and may be accomplished electronically or through other means including, but not limited to, physical review. ((Such an)) The electronic or other system may be designed to require additional review only of those transactions identified for additional review by the selection criteria;~~
- ~~(e) Establish and maintain reasonable procedures to detect recommendations that are not ((suitable)) in compliance with RCW 48.23.015 (3), (4), and (6), and subsection (6) of this section. This may include, but is not limited to, confirmation of ((consumer suitability)) the consumer's consumer profile information, systematic customer surveys, producer and consumer interviews, confirmation letters, producer statements or attestations, and programs of internal monitoring. Nothing in this subsection ((8)(e)) prevents an insurer from complying with this subsection ((8)(e)) by applying sampling procedures, or by confirming ((suitability)) the consumer profile information or other required information under this section after issuance or delivery of the annuity; ((and))~~
- ~~(f) Establish and maintain reasonable procedures to assess, before or upon issuance or delivery of an annuity, whether a producer has provided to the consumer the information required to be provided under this section;~~
- ~~(g) Establish and maintain reasonable procedures to identify and address suspicious consumer refusals to provide consumer profile information;~~

(h) Establish and maintain reasonable procedures to identify and eliminate any sales contests, sales quotas, bonuses, and noncash compensation that are based on the sales of specific annuities within a limited period of time. The requirements of this subsection (3)(h) are not intended to prohibit the receipt of health insurance, office rent, office support, retirement benefits, or other employee benefits by employees as long as those benefits are not based upon the volume of sales of a specific annuity within a limited period of time; and

(i) Annually provide a written report to senior management, including to the senior manager responsible for audit functions, which details the review, with appropriate testing, reasonably designed to determine the effectiveness of the supervision system, the exceptions found, and corrective action taken or recommended, if any.

~~((8))~~ (4) Nothing in this subsection restricts an insurer from contracting for performance of a function (including maintenance of procedures) required under RCW 48.23.015~~((4))~~ (5). An insurer is responsible for taking appropriate corrective action and may be subject to sanctions and penalties pursuant to RCW 48.23.015~~((6))~~ (7) regardless of whether the insurer contracts for performance of a function and regardless of the insurer's compliance with (b) of this subsection.

(b) An insurer's supervision system must include supervision of contractual performance under this subsection. This includes, but is not limited to, the following:

(i) Monitoring and, as appropriate, conducting audits to assure that the contracted function is properly performed; and

(ii) Annually obtaining a certification from a senior manager who has responsibility for the contracted function that the manager has a reasonable basis to represent, and does represent, that the function is properly performed.

~~((9) An insurance producer shall not)~~ (5) An insurer is not required to include in its system of supervision:

(a) A producer's recommendations to consumers of products other than the annuities offered by the insurer; or

(b) Consideration of or comparison to options available to the producer or compensation relating to those options other than annuities or other products offered by the insurer.

(6) Neither an insurer nor a producer may dissuade, or attempt to dissuade, a consumer from:

(a) Truthfully responding to an insurer's request for confirmation of ~~((suitability))~~ the consumer profile information;

(b) Filing a complaint; or

(c) Cooperating with the investigation of a complaint.

(7) Appendices A, B, and C, related to the disclosure and documentation obligations referenced in RCW 48.23.015 are those provided by the National Association of Insurance Commissioner's Suitability in Annuity Transactions Model Regulation (#275), as published on the commissioner's website.

AMENDATORY SECTION (Amending WSR 11-01-159, filed 12/22/10, effective 1/22/11)

WAC 284-23-410 Definition of replacement. "Replacement" means any transaction in which new life insurance or a new annuity is to be purchased, and it is known or should be known to the proposing insurer-

ance producer, or to the proposing insurer if there is no insurance producer, that by reason of (~~such~~) the transaction, existing life insurance or annuity has been or is to be:

(1) Lapsed, forfeited, surrendered, or partially surrendered, assigned to the replacing insurer, or otherwise terminated;

(2) Converted to reduced paid-up insurance, continued as extended term insurance, or otherwise reduced in value by the use of nonforfeiture benefits or other policy values;

(3) Amended so as to effect either a reduction in benefits or in the term for which coverage would otherwise remain in force or for which benefits would be paid;

(4) Reissued with any reduction in cash value; or

(5) Used in a financed purchase or pledged as collateral or subjected to borrowing, whether in a single loan or under a schedule of borrowing over a period of time for amounts in the aggregate exceeding (~~twenty-five~~) 25 percent of the loan value set forth in the policy.

WSR 23-23-054
PERMANENT RULES
DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed November 8, 2023, 7:30 a.m., effective January 1, 2024]

Effective Date of Rule: January 1, 2024.

Purpose: The department is amending WAC 388-436-0050 Determining financial need and benefit amount for CEAP, 388-478-0020 Payment standards for TANF, SFA, and RCA, 388-478-0027 What is the payment standard for pregnant women assistance (PWA)?, 388-478-0033 What are the payment standards for aged, blind, or disabled (ABD) cash assistance?, and 388-478-0035 What are the maximum earned income limits for TANF, SFA, PWA, and RCA?

Effective January 1, 2024, these amendments implement an eight percent payment standard increase for the temporary assistance for needy families, state family assistance, refugee cash assistance, aged, blind, or disabled, and pregnant women assistance programs, as approved via the 2024-2025 operating budget. The amendments also update net income limits and allowable benefit amounts for the consolidated emergency assistance program.

Citation of Rules Affected by this Order: Amending WAC 388-436-0050, 388-478-0020, 388-478-0027, 388-478-0033, and 388-478-0035.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.04.770, 74.08.090, and 74.08A.230.

Other Authority: 2024-2025 Operating budget (ESSB 5187, chapter 475, Laws of 2023).

Adopted under notice filed as WSR 23-17-009 on August 4, 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 5, 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 5, Repealed 0.

Date Adopted: November 8, 2023.

Katherine I. Vasquez
Rules Coordinator

SHS-4994.2

AMENDATORY SECTION (Amending WSR 22-19-094, filed 9/21/22, effective 10/22/22)

WAC 388-436-0050 Determining financial need and benefit amount for CEAP. (1) To be eligible for the consolidated emergency assistance program (CEAP), the assistance unit's nonexcluded income, minus allowable deductions, must be less than or equal to 90 percent of the temporary assistance for needy families (TANF) payment standard. The net income limit for CEAP assistance units is:

Assistance unit members	Net income limit
1	((\$375) <u>\$405</u>)
2	((475) <u>513</u>)
3	((589) <u>636</u>)
4	((694) <u>749</u>)
5	((799) <u>863</u>)
6	((908) <u>981</u>)
7	((1,049) <u>1,132</u>)
8	((1,160) <u>1,253</u>)
9	((1,274) <u>1,376</u>)
10 or more	((1,385) <u>1,496</u>)

(2) The assistance unit's allowable amount of need is the lesser of:

(a) The TANF payment standard, based on assistance unit size, as specified under WAC 388-478-0020; or

(b) The assistance unit's actual emergent need, not to exceed maximum allowable amounts, for the following items:

Need item: Maximum allowable amount by assistance unit size:

	1	2	3	4	5	6	7	8	9	10 or more
Food	((\$253) <u>\$273</u>)	((\$322) <u>\$348</u>)	((\$397) <u>\$429</u>)	((\$469) <u>\$507</u>)	((\$539) <u>\$582</u>)	((\$612) <u>\$661</u>)	((\$699) <u>\$755</u>)	((\$773) <u>\$835</u>)	((\$864) <u>\$933</u>)	((\$939) <u>\$1,014</u>)
Shelter	((308) <u>333</u>)	((390) <u>421</u>)	((485) <u>524</u>)	((572) <u>618</u>)	((657) <u>710</u>)	((744) <u>804</u>)	((863) <u>932</u>)	((952) <u>1,028</u>)	((1,048) <u>1,132</u>)	((1,139) <u>1,230</u>)
Clothing	((36) <u>39</u>)	((45) <u>49</u>)	((56) <u>60</u>)	((66) <u>71</u>)	((76) <u>82</u>)	((89) <u>96</u>)	((98) <u>106</u>)	((112) <u>121</u>)	((127) <u>137</u>)	((139) <u>150</u>)
Minor medical care	((214) <u>231</u>)	((273) <u>295</u>)	((338) <u>365</u>)	((397) <u>429</u>)	((458) <u>495</u>)	((516) <u>557</u>)	((603) <u>651</u>)	((665) <u>718</u>)	((736) <u>795</u>)	((800) <u>864</u>)
Utilities	((105) <u>113</u>)	((132) <u>143</u>)	((163) <u>176</u>)	((191) <u>206</u>)	((220) <u>238</u>)	((253) <u>273</u>)	((292) <u>315</u>)	((322) <u>348</u>)	((354) <u>382</u>)	((385) <u>416</u>)
Household maintenance	((76) <u>82</u>)	((97) <u>105</u>)	((121) <u>131</u>)	((140) <u>151</u>)	((163) <u>176</u>)	((185) <u>200</u>)	((214) <u>231</u>)	((235) <u>254</u>)	((255) <u>275</u>)	((277) <u>299</u>)
Job related transportation	((417) <u>450</u>)	((528) <u>570</u>)	((654) <u>706</u>)	((771) <u>833</u>)	((888) <u>959</u>)	((1,009) <u>1,090</u>)	((1,165) <u>1,258</u>)	((1,289) <u>1,392</u>)	((1,416) <u>1,529</u>)	((1,539) <u>1,662</u>)
Child related transportation	((417) <u>450</u>)	((528) <u>570</u>)	((654) <u>706</u>)	((771) <u>833</u>)	((888) <u>959</u>)	((1,009) <u>1,090</u>)	((1,165) <u>1,258</u>)	((1,289) <u>1,392</u>)	((1,416) <u>1,529</u>)	((1,539) <u>1,662</u>)

(3) The assistance unit's CEAP payment is determined by computing the difference between the allowable amount of need, as determined under subsection (2) of this section, and the total of:

(a) The assistance unit's net income, as determined under subsection (1) of this section and WAC 388-436-0045;

(b) Cash on hand, if not already counted as income; and

(c) The value of other nonexcluded resources available to the assistance unit.

(4) The assistance unit is not eligible for CEAP if the amount of income and resources, as determined in subsection (3) of this section, is equal to or exceeds its allowable amount of need.

AMENDATORY SECTION (Amending WSR 21-21-054, filed 10/15/21, effective 11/15/21)

WAC 388-478-0020 Payment standards for TANF, SFA, and RCA. The maximum monthly payment standards for temporary assistance for needy families (TANF), state family assistance (SFA), and refugee cash assistance (RCA) assistance units are:

Assistance unit size	Payment standard	Assistance unit size	Payment standard
1	(((\$417)) <u>\$450</u>)	6	(((\$1,009)) <u>\$1,090</u>)
2	(((\$528)) <u>570</u>)	7	(((\$1,165)) <u>1,258</u>)
3	(((\$654)) <u>706</u>)	8	(((\$1,289)) <u>1,392</u>)
4	(((\$771)) <u>833</u>)	9	(((\$1,416)) <u>1,529</u>)
5	(((\$888)) <u>959</u>)	10 or more	(((\$1,539)) <u>1,662</u>)

AMENDATORY SECTION (Amending WSR 21-21-054, filed 10/15/21, effective 11/15/21)

WAC 388-478-0027 What is the payment standard for pregnant women assistance (PWA)? The payment standard for a PWA cash assistance unit is:

Assistance Unit Size	Payment Standard
1	(((\$417)) <u>\$450</u>)

AMENDATORY SECTION (Amending WSR 23-01-057, filed 12/14/22, effective 1/14/23)

WAC 388-478-0033 What are the payment standards for aged, blind, or disabled (ABD) cash assistance? (1) The maximum monthly payment standards for aged, blind, or disabled (ABD) cash assistance program assistance units are:

Assistance Unit Size	Payment Standard
1	(((\$417)) <u>\$450</u>)
2	(((\$528)) <u>570</u>)

(2) ABD clothing, personal maintenance, and necessary incidentals (CPI) payment standards are listed in WAC 388-478-0006.

AMENDATORY SECTION (Amending WSR 21-21-054, filed 10/15/21, effective 11/15/21)

WAC 388-478-0035 What are the maximum earned income limits for TANF, SFA, PWA, and RCA? To be eligible for temporary assistance for needy families (TANF), state family assistance (SFA), refugee cash assistance (RCA), or ((a)) pregnant women assistance (PWA), a family's gross earned income must be below the following levels:

Number of family members	Maximum earned income level	Number of family members	Maximum monthly earned income level
1	((\$834) <u>\$900</u>)	6	((\$2,018) <u>\$2,180</u>)
2	((1,056) <u>1,140</u>)	7	((2,330) <u>2,516</u>)
3	((1,308) <u>1,412</u>)	8	((2,578) <u>2,784</u>)
4	((1,542) <u>1,666</u>)	9	((2,832) <u>3,058</u>)
5	((1,776) <u>1,918</u>)	10 or more	((3,078) <u>3,324</u>)

**WSR 23-23-057
PERMANENT RULES
HEALTH CARE AUTHORITY**

[Filed November 8, 2023, 9:34 a.m., effective December 9, 2023]

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

Purpose: The agency is amending WAC 182-504-0035 to allow for telephonic eligibility renewals, and WAC 182-504-0015, 182-504-0035, and 182-505-0210 to provide continuous enrollment in medicaid through age five for certain children.

Citation of Rules Affected by this Order: Amending WAC 182-504-0015, 182-504-0035, and 182-505-0210.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Other Authority: Section 211(36), chapter 475, Laws of 2023 (ESSB 5187).

Adopted under notice filed as WSR 23-20-051 on September 28, 2023.

Changes Other than Editing from Proposed to Adopted Version:

Proposed/Adopted	WAC Subsection	Reason
WAC 182-504-0015(6)		
Proposed	<u>(6) If you are a child under age six receiving apple health for kids without a premium, your coverage ends the last day of the month of your sixth birthday.</u>	The agency replaced "coverage" with "certification period." The latter term is more consistent with the rest of the rule and more accurate given the child may continue to be covered under another program.
Adopted	<u>(6) If you are a child under age six receiving apple health for kids without a premium, your certification period ends the last day of the month of your sixth birthday.</u>	
WAC 182-504-0015(7)		
Proposed	<u>(7) If you are eligible for newborn coverage, your coverage continues through the last day of the month of your first birthday. Apple health for kids coverage begins automatically on the first day of the month after your newborn coverage ends and ends the last day of the month of your sixth birthday.</u>	The agency added "the certification period" to the second sentence. It is more consistent with the rest of the rule and more accurate to say that the certification period, rather than coverage, ends the last day of the month of the sixth birthday.
Adopted	<u>(7) If you are eligible for newborn coverage, your coverage continues through the last day of the month of your first birthday. Apple health for kids coverage begins automatically on the first day of the month after your newborn coverage ends and the certification period ends the last day of the month of your sixth birthday.</u>	

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 3, Repealed 0.

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

Date Adopted: November 8, 2023.

Wendy Barcus
Rules Coordinator

OTS-4720.5

AMENDATORY SECTION (Amending WSR 22-21-072, filed 10/13/22, effective 11/13/22)

WAC 182-504-0015 Washington apple health—Certification periods for categorically needy programs. (1) A certification period is the period of time we determine that you are eligible for a categorically needy (CN) Washington apple health program. Unless otherwise stated in this section, the certification period begins on the first day of the month of application and continues through the end of the last month of the certification period.

(2) ~~((For a))~~ Newborn ~~((eligible for apple health, the certification period))~~ coverage begins on the child's date of birth and continues through the end of the month of the child's first birthday.

(3) If you are eligible for apple health based on pregnancy, the certification period continues through the last day of the month the pregnancy ends. After-pregnancy coverage begins the first day of the month, following the end of the pregnancy, and ends the last day of the 12th month from the time after-pregnancy coverage began.

(4) If you are newly eligible for apple health coverage and had a pregnancy end within the last 12 months, your certification period for after-pregnancy coverage:

(a) Begins the first day of the month you are eligible; and

(b) Ends the last day of the 12th month following the end of your pregnancy.

(5) If you are eligible for the refugee program, the certification period ends at the end of the 12th month following your date of entry to the United States.

(6) If you are a child under age six receiving apple health for kids without a premium, your certification period ends the last day of the month of your sixth birthday.

(7) If you are eligible for newborn coverage, your coverage continues through the last day of the month of your first birthday. Apple health for kids coverage begins automatically on the first day of the month after your newborn coverage ends and the certification period ends the last day of the month of your sixth birthday.

(8) For all other CN coverage, the certification period is 12 months.

~~((7))~~ (9) If you are a child, eligibility is continuous throughout the certification period regardless of a change in circumstances, unless a required premium (described in WAC 182-505-0225) is not paid for three consecutive months, or you:

(a) Turn age 19;

(b) Move out-of-state; or

(c) Die.

~~((8))~~ (10) When you turn 19, the certification period ends after the redetermination process described in WAC 182-504-0125 is completed, even if the 12-month period is not over, unless:

(a) You are receiving inpatient services (described in WAC 182-514-0230) on the last day of the month you turn 19;

(b) The inpatient stay continues into the following month or months; and

(c) You remain eligible except for turning age 19.

~~((9))~~ (11) A retroactive certification period is described in WAC 182-504-0005.

~~((10))~~ (12) Coverage under premium-based programs included in apple health for kids as described in chapter 182-505 WAC begins no sooner than the month after creditable coverage ends.

AMENDATORY SECTION (Amending WSR 14-16-052, filed 7/29/14, effective 8/29/14)

WAC 182-504-0035 Washington apple health—Renewals. (1) For all Washington apple health (WAH) programs, the following applies:

(a) You are required to complete a renewal of eligibility at least every ~~((twelve))~~ 12 months with the following exceptions:

(i) If you are eligible for WAH medically needy with spenddown, then you must complete a new application at the end of each three- or six-month base period;

(ii) If you are eligible for WAH alien emergency medical, then you are certified for a specific period of time to cover emergency in-patient hospitalization costs only (see WAC 182-507-0115(8)); ~~((or))~~

(iii) If you are eligible for WAH refugee coverage, you must complete a renewal of eligibility after ~~((eight))~~ 12 months; or

(iv) If you are a child on apple health for kids without premiums, your first renewal is due the month of your sixth birthday.

(b) You may complete renewals online, by phone, or by paper application that you mail or fax to us (the agency or its designee).

(c) If your WAH is renewed, we decide the certification period according to WAC 182-504-0015.

(d) We review all eligibility factors subject to change during the renewal process.

(e) We redetermine eligibility as described in WAC 182-504-0125 and send you written notice as described in WAC 182-518-0005 before WAH is terminated.

(f) If you need help meeting the requirements of this section, we provide equal access services as described in WAC 182-503-0120.

(2) For programs based on modified adjusted gross income (MAGI) as described in WAC 182-503-0510:

(a) Sixty days prior to the end of the certification period:

(i) When information from electronic sources shows income is reasonably compatible (as defined in WAC 182-500-0095), we administratively renew your coverage (as defined in WAC 182-500-0010) for a new certification period and send you a notice of renewal with the information used. You are required to inform us if any of the information we used is wrong.

(ii) If we are unable to complete an administrative renewal (as defined in WAC 182-500-0010), you must give us a signed renewal in order for us to decide if you will continue to get WAH coverage beyond the current certification period.

(iii) We follow the requirements described in WAC 182-518-0015 to request any additional information needed to complete the renewal process or to terminate coverage for failure to renew.

(b) If your WAH coverage is terminated because you did not renew, you have ~~((ninety))~~ 90 days from the termination date to give us a completed renewal. If we decide you are still eligible to get WAH coverage, we will restore your WAH without a gap in coverage.

(3) For non-MAGI based programs (as described in WAC 182-503-0510):

(a) Forty-five days prior to the end of the certification period, we send notice with a renewal form (~~(to be completed, signed, and returned by)~~). You must renew before the end of the certification period by either calling the department of social and health services at the number listed on the form to renew by telephone, renew online at www.washingtonconnection.org, or mailing or delivering to the department of social and health services a signed renewal form with the information required by WAC 182-503-0005.

(b) We follow the requirements in WAC 182-518-0015 to request any additional information needed to complete the renewal process or to terminate coverage for failure to renew.

(c) To complete your renewal, you must give us all the other information requested on the application that is needed to determine your eligibility.

(d) If you are terminated for failure to renew, you have (~~(thirty)~~) 30 days from the termination date to submit a completed renewal. If still eligible, we will restore your WAH without a gap in coverage.

(4) If we determine that you are not eligible for renewal of your WAH coverage, we:

(a) Consider your eligibility for all other WAH programs before ending your WAH coverage; and

(b) Coordinate with the health benefit exchange any request for information that is necessary to determine your eligibility for:

(i) Other WAH programs; and

(ii) With respect to qualified health plans, health insurance premium tax credits (as defined in WAC 182-500-0045) and cost-sharing reductions (as defined in WAC 182-500-0020).

(5) We reconsider our decision that you are not eligible for WAH coverage without a new application from you when:

(a) We receive the information that we need to decide if you are eligible within (~~(thirty)~~) 30 days of the date on the termination notice; or

(b) You request a hearing within (~~(ninety)~~) 90 days of the date on the renewal denial letter and an administrative law judge (ALJ) or HCA review judge decides our decision was wrong (per chapter 182-526 WAC).

(6) If you disagree with our decision, you can ask for a hearing. If we decided that you are not eligible for renewal because we do not have enough information, the ALJ will consider the information we already have and anymore information you give us. The ALJ does not consider the previous absence of information or failure to respond in determining if you are eligible.

OTS-4721.2

AMENDATORY SECTION (Amending WSR 17-12-018, filed 5/30/17, effective 6/30/17)

WAC 182-505-0210 Eligibility for children. (1) **General eligibility.** For purposes of this section, a child must:

(a) Be a Washington state resident under WAC 182-503-0520 and 182-503-0525;

(b) Provide a Social Security number under WAC 182-503-0515, unless exempt; and

(c) Meet program-specific requirements.

(2) **Deemed eligibility groups.** A child is automatically eligible for coverage without an application if the child meets the program-specific requirements in (a) through (c) of this subsection.

(a) **Newborn coverage.** A child under age one is eligible for categorically needy (CN) coverage if the birth parent was eligible for Washington apple health on the date of delivery:

(i) Including a retroactive eligibility determination; or

(ii) By meeting a medically needy (MN) spenddown liability with expenses incurred by the date of the newborn's birth:

~~((b))~~ (b) **Washington apple health for supplemental security income (SSI) recipients.** A child who is eligible for SSI is automatically eligible for CN coverage under WAC 182-510-0001.

(c) **Foster care coverage.** A child age ~~((twenty))~~ 20 and younger is eligible for CN coverage under WAC 182-505-0211 when the child is in foster care or receives subsidized adoption services. For children who age out of the foster care program, see WAC 182-505-0211(3).

(3) **Continuous eligibility for children under age six.** Children are eligible for Washington apple health continuous eligibility for children under age six when they:

(a) Have household income at or below 215 percent of the federal poverty level at the time of application; or

(b) Received coverage under subsection (5) of this section and are no longer eligible for deemed coverage under subsection (5)(b) or (c) of this section.

(4) **MAGI-based eligibility groups.** A child age ~~((eighteen))~~ 18 and younger is eligible for CN coverage based on modified adjusted gross income (MAGI):

(a) At no cost when the child's countable income does not exceed the standard in WAC 182-505-0100 (6)(a);

(b) With payment of a premium when the child's countable income does not exceed the standard in WAC 182-505-0100 (6)(b), and the child meets additional eligibility criteria in WAC 182-505-0215;

(c) Under chapter 182-514 WAC, if the child needs long-term care services because the child resides or is expected to reside in an institution, as defined in WAC 182-500-0050, for ~~((thirty))~~ 30 days or longer. An institutionalized child is eligible for coverage under the medically needy program if income exceeds the CN income standard for a person in an institution (special income level);

(d) Under WAC 182-505-0117, if a child is pregnant.

~~((4))~~ (5) **Non-MAGI-based children's programs.** The agency determines eligibility for the:

(a) Medically needy (MN) program according to WAC 182-510-0001(6) and 182-519-0100. A child age ~~((eighteen))~~ 18 and younger is eligible if the child:

(i) Is not eligible for MAGI-based coverage under subsection ~~((3))~~ (4) of this section;

(ii) Meets citizenship or immigration requirements under WAC 182-503-0535 (2)(a), (b), (c), or (d); and

(iii) Meets any spenddown liability required under WAC 182-519-0110.

(b) **SSI-related program.** A child age ~~((eighteen))~~ 18 and younger is eligible for CN or MN SSI-related coverage if the child meets:

- (i) SSI-related eligibility under chapter 182-512 WAC;
 - (ii) Citizenship or immigration requirements under WAC 182-503-0535 (2)(a), (b), (c), or (d); and
 - (iii) Any MN spenddown liability under WAC 182-519-0110.
- (c) **SSI-related long-term care program.**
- (i) A child age (~~(eighteen)~~) 18 and younger is eligible for home and community based (HCB) waiver programs under chapter 182-515 WAC if the child meets:
 - (A) SSI-related eligibility under chapter 182-512 WAC;
 - (B) Citizenship or immigration requirements under WAC 182-503-0535 (2)(a), (b), (c), or (d); and
 - (C) Program-specific age and functional requirements under chapters 388-106 and 388-845 WAC.
 - (ii) A child age (~~(eighteen)~~) 18 and younger who resides or is expected to reside in a medical institution as defined in WAC 182-500-0050 is eligible for institutional medical under chapter 182-513 WAC if the child meets:
 - (A) Citizenship or immigration requirements under WAC 182-503-0535 (2)(a), (b), (c), or (d);
 - (B) Blindness or disability criteria under WAC 182-512-0050; and
 - (C) Nursing facility level of care under chapter 388-106 WAC.
- (~~(+5)~~) (6) **Alien emergency medical program.** A child age (~~(twenty)~~) 20 and younger who does not meet the eligibility requirements for a program described under subsections (2) through (~~(+4)~~) (5) of this section is eligible for the alien emergency medical (AEM) program if the child meets:
- (a) The eligibility requirements of WAC 182-507-0110; and
 - (b) MN spenddown liability, if any, under WAC 182-519-0110.
- (~~(+6)~~) (7) **Other provisions.**
- (a) A child residing in an institution for mental disease (IMD) as defined in WAC 182-500-0050(1) is not eligible for inpatient hospital services, unless the child is unconditionally discharged from the IMD before receiving the services.
 - (b) A child incarcerated in a public institution as defined in WAC 182-500-0050(4) is only eligible for inpatient hospital services.

WSR 23-23-058

PERMANENT RULES

HEALTH CARE AUTHORITY

[Filed November 8, 2023, 10:12 a.m., effective December 9, 2023]

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

Purpose: The health care authority (HCA) is amending these rules to align with Section 11405 of the Inflation Reduction Act of 2022 (P.L. 117-169). This legislation requires states to cover adult vaccines recommended by the Advisory Committee on Immunization Practices. HCA is also adding clarity and providing more detail on program requirements for how fee-for-service drugs must be billed to HCA for providers subject to the 340b program requirements.

Citation of Rules Affected by this Order: Amending WAC 182-531-0150 and 182-531-0950.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Other Authority: Section 11405 of the Inflation Reduction Act of 2022 (P.L. 117-169).

Adopted under notice filed as WSR 23-20-047 on September 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 0, Repealed 0.

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

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

Date Adopted: November 8, 2023.

Wendy Barcus
Rules Coordinator

AMENDATORY SECTION (Amending WSR 22-07-105, filed 3/23/22, effective 4/23/22)

WAC 182-531-0150 Noncovered physician-related and health care professional services—General and administrative. (1) The medicaid agency evaluates a request for noncovered services in this chapter under WAC 182-501-0160. In addition to noncovered services found in WAC 182-501-0070, except as provided in subsection (2) of this section, the agency does not cover:

- (a) Acupuncture, massage, or massage therapy;
- (b) Any service specifically excluded by statute;
- (c) Care, testing, or treatment of infertility or sexual dysfunction. This includes procedures for donor ovum, donor sperm, gestational carrier, and reversal of vasectomy or tubal ligation;
- (d) Hysterectomy performed solely for the purpose of sterilization;

(e) Cosmetic treatment or surgery, except as provided in WAC 182-531-0100 (4) (x);

(f) Experimental or investigational services, procedures, treatments, devices, drugs, or application of associated services, except when the individual factors of an individual client's condition justify a determination of medical necessity under WAC 182-501-0165;

(g) Hair transplantation;

(h) Marital counseling or sex therapy;

(i) More costly services when the medicaid agency determines that less costly, equally effective services are available;

(j) Vision-related services as follows:

(i) Services for cosmetic purposes only;

(ii) Group vision screening for eyeglasses; and

(iii) Refractive surgery of any type that changes the eye's refractive error. The intent of the refractive surgery procedure is to reduce or eliminate the need for eyeglass or contact lens correction. This refractive surgery does not include intraocular lens implantation following cataract surgery((-));

(k) Payment for body parts, including organs, tissues, bones and blood, except as allowed in WAC 182-531-1750;

(l) Physician-supplied medication, except those drugs which the client cannot self-administer and therefore are administered by the physician in the physician's office;

(m) Physical examinations or routine checkups, except as provided in WAC 182-531-0100;

(n) Foot care, unless the client meets criteria and conditions outlined in WAC 182-531-1300, as follows:

(i) Routine foot care including, but not limited to:

(A) Treatment of tinea pedis;

(B) Cutting or removing warts, corns and calluses; and

(C) Trimming, cutting, clipping, or debriding of nails.

(ii) Nonroutine foot care including, but not limited to, treatment of:

(A) Flat feet;

(B) High arches (cavus foot);

(C) Onychomycosis;

(D) Bunions and tailor's bunion (hallux valgus);

(E) Hallux malleus;

(F) Equinus deformity of foot, acquired;

(G) Cavovarus deformity, acquired;

(H) Adult acquired flatfoot (metatarsus adductus or pes planus);

(I) Hallux limitus.

(iii) Any other service performed in the absence of localized illness, injury, or symptoms involving the foot;

(o) Except as provided in WAC 182-531-1600, weight reduction and control services, procedures, treatments, devices, drugs, products, gym memberships, equipment for the purpose of weight reduction, or the application of associated services;

(p) Nonmedical equipment;

(q) Nonemergent admissions and associated services to out-of-state hospitals or noncontracted hospitals in contract areas; and

(r) ~~((Vaccines recommended or required for the sole purpose of international travel. This does not include routine vaccines administered according to current centers for disease control (CDC) advisory committee on immunization practices (ACIP) immunization schedule for adults and children in the United States; and~~

~~(s))~~ Early elective deliveries as defined in WAC 182-500-0030.

(2) The medicaid agency covers excluded services listed in (1) of this subsection if those services are mandated under and provided to a client who is eligible for one of the following:

- (a) The EPSDT program;
- (b) A Washington apple health program for qualified **medicare** beneficiaries (QMBs); or
- (c) A waiver program.

AMENDATORY SECTION (Amending WSR 17-21-040, filed 10/12/17, effective 11/12/17)

WAC 182-531-0950 Office and other outpatient physician-related services. (1) The medicaid agency pays eligible providers for the following:

(a) Two calls per month for routine medical conditions for a client residing in a nursing facility; and

(b) One call per noninstitutionalized client, per day, for an individual physician, except for valid call-backs to the emergency room per WAC 182-531-0500.

(2) The provider must provide justification based on medical necessity at the time of billing for visits in excess of subsection (1) of this section and follow the requirements in WAC 182-501-0169.

(3) See the agency's physician-related services/health care professional services billing instructions for procedures that are included in the office call and that cannot be billed separately.

(4) Using selected diagnosis codes, the agency reimburses the provider at the appropriate level of physician office call for history and physical procedures in conjunction with dental surgery services performed in an outpatient setting.

(5) The agency may reimburse providers for injection procedures and/or injectable drug products only when:

(a) The injectable drug is administered during an office visit; and

(b) The injectable drug used is from office stock and which was purchased by the provider from a pharmacy, drug manufacturer, or drug wholesaler.

(6) The agency does not reimburse a prescribing provider for a drug when a pharmacist dispenses the drug.

(7) The agency does not reimburse the prescribing provider for an immunization when the immunization material is received from the department of health; the agency does reimburse an administrative fee.

(8) The agency reimburses immunizations as follows:

(a) For immunizations that are not part of the vaccines for children program through the department of health, the agency reimburses for the immunization:

(i) At the medicare Part B drug file price; or

(ii) When a medicare Part B price is not available, the agency uses the (~~point-of-sale~~) actual acquisition cost ((POS)) AAC) rate effective July 1st of each year; or

(iii) Invoice cost.

(b) The agency reimburses a separate administration fee for these immunizations.

(c) Covered immunizations are listed in the professional administered drugs (~~and physician related/professional services~~) fee schedule(~~s~~).

~~((d) Refer to WAC 182-531-0150 (1)(r) for vaccines recommended or required for the sole purpose of international travel.))~~

(9) The agency reimburses therapeutic and diagnostic injections subject to certain limitations as follows:

(a) The agency does not pay separately for the administration of intra-arterial and intravenous therapeutic or diagnostic injections provided in conjunction with intravenous infusion therapy services. The agency does pay separately for the administration of these injections when they are provided on the same day as an E&M service. The agency does not pay separately an administrative fee for injectables when both E&M and infusion therapy services are provided on the same day. The agency reimburses separately for the drug(s).

(b) The agency does not pay separately for subcutaneous or intramuscular administration of antibiotic injections provided on the same day as an E&M service. If the injection is the only service provided, the agency pays an administrative fee. The agency reimburses separately for the drug.

(c) The agency reimburses injectable drugs at actual acquisition cost. The provider must document the name, strength, and dosage of the drug and retain that information in the client's file. The provider must provide an invoice when requested by the agency. This subsection does not apply to drugs used for chemotherapy; see subsection (11) in this section for chemotherapy drugs.

(d) The provider must submit a manufacturer's invoice to document the name, strength, and dosage on the claim form when billing the agency for the following drugs:

(i) Classified drugs where the billed charge to the agency is over ~~((one thousand, one hundred dollars))~~ \$1,100; and

(ii) Unclassified drugs where the billed charge to the agency is over ~~((one hundred dollars))~~ \$100. This does not apply to unclassified antineoplastic drugs.

(10) The agency reimburses allergen immunotherapy only as follows:

(a) Antigen/antigen preparation codes are reimbursed per dose.

(b) When a single client is expected to use all the doses in a multiple dose vial, the provider may bill the total number of doses in the vial at the time the first dose from the vial is used. When remaining doses of a multiple dose vial are injected at subsequent times, the agency reimburses the injection service (administration fee) only.

(c) When a multiple dose vial is used for more than one client, the provider must bill the total number of doses provided to each client out of the multiple dose vial.

(d) The agency covers the antigen, the antigen preparation, and an administration fee.

(e) The agency reimburses a provider separately for an E&M service if there is a diagnosis for conditions unrelated to allergen immunotherapy.

(f) The agency reimburses for **RAST** testing when the physician has written documentation in the client's record indicating that previous skin testing failed and was negative.

(11) The agency reimburses for chemotherapy drugs:

(a) Administered in the physician's office only when:

(i) The physician personally supervises the E&M services furnished by office medical staff; and

(ii) The medical record reflects the physician's active participation in or management of course of treatment.

(b) At established maximum allowable fees that are based on medicare Part B pricing, or ((POS)) AAC, maximum allowable cost (MAC), or invoice cost;

(c) For unclassified antineoplastic drugs, the provider must submit the following information on the claim form:

- (i) The name of the drug used;
- (ii) The dosage and strength used; and
- (iii) The National Drug Code (NDC).

(12) Notwithstanding the provisions of this section, the agency reserves the option of determining drug pricing for any particular drug based on the best evidence available to the agency, or other good and sufficient reasons (e.g., fairness/equity, budget), regarding the actual acquisition cost, after discounts and promotions, paid by typical providers nationally or in Washington state.

(13) The agency may request an invoice as necessary.

WSR 23-23-067

PERMANENT RULES

DEPARTMENT OF REVENUE

[Filed November 9, 2023, 9:11 a.m., effective December 10, 2023]

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

Purpose: The department is amending WAC 458-19-030 and 458-19-035 to incorporate 2023 legislation, HB 1303, and HB 1527. HB 1303 clarifies how the levy limit is calculated for taxing districts that have been consolidated. HB 1527 authorizes taxing districts that have been consolidated or annexed to include increases in assessed values due to the creation of certain tax increment finance areas.

Citation of Rules Affected by this Order: Amending WAC 458-19-030 Levy limit—Consolidation of districts and 458-19-035 Levy limit—Annexation.

Statutory Authority for Adoption: RCW 84.08.010, 84.08.070, and 84.55.060.

Adopted under notice filed as WSR 23-18-081 on September 5, 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 2, 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 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: November 9, 2023.

Atif Aziz
Rules Coordinator

OTS-4901.2

AMENDATORY SECTION (Amending WSR 15-03-087, filed 1/21/15, effective 2/21/15)

WAC 458-19-030 Levy limit—Consolidation of districts. (1) **Introduction.** This rule describes the method used to calculate the first levy for a taxing district created by the consolidation of similar taxing districts in accordance with RCW 84.55.020.

(2) **Calculation of the first levy of a consolidated taxing district.** The first regular property tax levy made by a taxing district, created by the consolidation of two or more similar taxing districts, cannot exceed:

(a) The sum of the product of the limit factor multiplied by the ((highest)) amount of regular property taxes ((lawfully levied by each of the component districts during the three most recent years in which

~~taxes were levied))~~ each component taxing district could have levied under RCW 84.55.092; plus

(b) The sum of each of the amounts calculated by multiplying the regular property tax levy rate of each of the component districts for the preceding year by the increase in assessed value in each component district resulting from:

- (i) New construction;
- (ii) Improvements to property;
- (iii) Increases in the assessed value of state assessed property;

~~((and))~~

(iv) Increases in assessed value due to the construction of wind turbine, solar, biomass, and geothermal facilities, if such facilities generate electricity and the property is not included elsewhere under ~~((chapter 84.55))~~ RCW 84.55.020 for purposes of providing an additional dollar amount. The property may be classified as real or personal property; and

(v) Increases in assessed value of real property, as defined in RCW 39.114.010, within an increment area as designated by any local government under RCW 39.114.020 if the increase is not included elsewhere under RCW 84.55.020. This subsection (2) (b) (v) does not apply to:

(A) Levies by the state;

(B) Levies by a port district for purposes of making required payments of principal and interest on general indebtedness; and

(C) Levies by a public utility district for purposes of making required payments of principal and interest on general indebtedness.

(3) **Example.** Taxing district "A" and taxing district "B" consolidate, becoming one taxing district. The highest amount of regular property taxes ~~((lawfully levied by))~~ district "A" ~~((during the three most recent years))~~ could have levied under RCW 84.55.092 is \$100,000. The highest amount of regular property taxes ~~((lawfully levied by))~~ district "B" ~~((during the three most recent years))~~ could have levied under RCW 84.55.092 is \$150,000. The increase in assessed value due to ~~((new construction, improvements to property, increases in the assessed value of state assessed property, and increases in assessed value due to the construction of wind turbine, solar, biomass, and geothermal facilities))~~ amounts from subsection (2) (b) (i) through (v) of this rule in district "A" since the year prior to consolidation was \$600,000. The increase in assessed value due to ~~((new construction, improvements to property, increases in the assessed value of state assessed property, and increases in assessed value due to the construction of wind turbine, solar, biomass, and geothermal facilities))~~ amounts from subsection (2) (b) (i) through (v) of this rule in district "B" since the year prior to consolidation was \$900,000. The regular property tax rate for district "A" in the year prior to consolidation was \$0.50 per \$1,000 of assessed value. The regular property tax rate for district "B" in the year prior to consolidation was \$0.45 per \$1,000 of assessed value. Assume the limit factor for this example is 101~~((%)~~) percent because it is the lesser of ~~((one hundred one))~~ 101 percent and ~~((one hundred))~~ 100 percent plus the rate of inflation. The maximum amount of regular property taxes that can be levied in the year of consolidation, for taxes payable the following year, by the new consolidated taxing district is calculated as follows:

	Highest regular levy
District "A" -	\$100,000
District "B" -	<u>150,000</u>

Highest regular levy		
Total -	\$250,000	x 1.01 = \$252,500
Increases in assessed value multiplied by levy rate:		
District "A" -	\$600,000 x \$0.50 ÷ \$1,000	= \$300
District "B" -	\$900,000 x \$0.45 ÷ \$1,000	= \$405
		\$705

Maximum regular property taxes that can be levied in the year of consolidation, payable in the year following consolidation:

$$\$252,500 + \$705 = \$253,205$$

AMENDATORY SECTION (Amending WSR 15-03-087, filed 1/21/15, effective 2/21/15)

WAC 458-19-035 Levy limit—Annexation. (1) **Introduction.** One taxing district may annex territory or another dissimilar taxing district from outside the annexing taxing district's boundary. This rule sets forth the method used to calculate the first regular property tax levy made after a taxing district has annexed territory or a dissimilar taxing district in accordance with RCW 84.55.030 and 84.55.110. This rule also explains what occurs when the department of natural resources (DNR) discontinues forest fire patrol assessments on parcels of forest land.

(2) **Increase in territory due to annexation.** The first regular property tax levy of a taxing district after it annexes territory or a dissimilar taxing district cannot exceed the amount calculated as follows:

(a) Multiply the highest amount of regular property taxes that could have been lawfully levied since 1985 for 1986 collection, of the annexing district as though no annexation had occurred, by the limit factor as defined in RCW 84.55.005 and WAC 458-19-005;

(b) Multiply the regular property tax levy rate of the annexing district for the preceding year by the increase in assessed value in the annexing district resulting from:

(i) New construction;

(ii) Improvements to property;

(iii) Increases in the assessed value of state assessed property;

((and))

(iv) Increases in assessed value due to the construction of wind turbine, solar, biomass, and geothermal facilities, if such facilities generate electricity and the property is not included elsewhere under chapter 84.55 RCW for purposes of providing an additional dollar amount. The property may be classified as real or personal property; and

(v) Increases in assessed value of real property, as defined in RCW 39.114.010, within an increment area as designated by any local government in RCW 39.114.020 if the increase is not included elsewhere under RCW 84.55.030. This subsection (2) (b) (v) does not apply to:

(A) Levies by the state;

(B) Levies by a port district for purposes of making required payments of principal and interest on general indebtedness; and

(C) Levies by a public utility district for purposes of making required payments of principal and interest on general indebtedness.

(c) Multiply the current year assessed value of the annexed territory or district by the levy rate that would have been used for the current year by the annexing district had there been no annexation. To calculate the levy rate that would have been used for the current year by the annexing district, divide the regular levy limit of the annexing district by the current assessed value of the annexing district, excluding the annexed area.

(d) Add together the ~~((result of each of the calculations set forth))~~ amounts from each calculation in subsection (2) (a), (b), and (c) of this rule to determine the maximum amount of the first regular levy of a taxing district after annexation.

(3) **Example.** ~~((Following is an example of the calculations prescribed in subsection (2) of this rule.))~~ Taxing district "A" annexes a portion of taxing district "B" that takes effect before August 1st in ~~((2014))~~ 2026. The highest amount of regular property taxes that could have been levied by district "A" since 1985 for 1986 collection is \$100,000. The increase in assessed value from ~~((2013 to 2014))~~ 2025 to 2026 in district "A" due to ~~((new construction, improvements to property, increases in the assessed value of state assessed property, and increases in assessed value due to the construction of wind turbine, solar, biomass, and geothermal facilities))~~ amounts from subsection (2) (b) (i) through (v) of this rule is \$700,000. The levy rate for district "A" for ~~((2013))~~ 2025 was \$0.50 per \$1,000 of assessed value. The ~~((2014))~~ 2026 levy rate for district "A," had there been no annexation, would have been \$0.48 per \$1,000 of assessed value. The ~~((2014))~~ 2026 assessed value of the portion of taxing district "B" that was annexed by taxing district "A" is \$5,000,000, which includes ~~((the value of new construction, improvements to property, increases in the assessed value of state assessed property, and increases in assessed value due to the construction of wind turbine, solar, biomass, and geothermal facilities))~~ amounts from subsection (2) (b) (i) through (v) of this rule. Assume the levy limit for this example is 101~~((%))~~ percent because it is the lesser of ~~((one hundred one))~~ 101 percent and ~~((one hundred))~~ 100 percent plus the rate of inflation. The first regular levy by taxing district "A" after annexation cannot exceed the amount calculated as follows:

District "A" highest levy since 1985 -	\$100,000
	x 1.01
	\$101,000
A.V. of new construction* in district "A" -	\$700,000
District "A" levy rate for ((2013)) <u>2025</u> -	x 0.50
	\$350,000
Divide by \$1,000 -	÷ 1,000
Levy amount for new construction -	\$350
((2014)) <u>2026</u> A.V. of annexed portion of district "B" -	\$5,000,000
District "A" levy rate that would have been used in ((2014)) <u>2026</u> , absent annexation -	x 0.48
	\$2,400,000
Divide by \$1,000 -	÷ 1,000
Levy amount for annexed part of district "B" -	\$2,400
	\$101,000
	350
	+ 2,400

Maximum levy amount for district "A" after annexation - \$103,750

* For purposes of this example, "new construction" (~~also~~) includes (~~improvements to property, increases in the assessed value of state assessed property, and increases in assessed value due to the construction of wind turbine, solar, biomass, and geothermal facilities~~) amounts from subsection (2)(b)(i) through (v) of this rule.

(4) **Loss of territory due to annexation.** When a taxing district loses a portion of its territory as a result of annexation to another district, the levy limit for the taxing district that loses part of its territory is calculated by multiplying the highest amount that could have been lawfully levied by that taxing district since 1985 for 1986 collection by the limit factor as defined in RCW 84.55.005 and WAC 458-19-005. However, only the increase in assessed value from the preceding year, attributable to (~~new construction, improvements to property, increases in the assessed value of state assessed property, and increases in assessed value due to the construction of wind turbine, solar, biomass, and geothermal facilities~~) amounts from subsection (2)(b)(i) through (v) of this rule that occurred in the remaining territory of the taxing district is added to the amount determined, to calculate the levy limit. Except for voter approval of an excess levy, the levy rate cannot exceed the statutory dollar rate limit for that type of taxing district.

(5) **Forest fire patrol protection assessments discontinued by DNR - Effect.** If an owner of forest land within a forest protection zone neglects or fails to provide adequate fire protection as required by RCW 76.04.600, DNR will provide this protection and impose an annual assessment on each parcel of forest land in accordance with RCW 76.04.610. When DNR discontinues the forest fire patrol assessment by dissolving the forest protection assessment areas and an existing fire district assumes protection services and property tax levying authority for this unimproved land within its existing boundaries, the assessed value of the fire district will increase and effectively be an annexation for property tax purposes. In order to be included in the assessed value of the fire district, all details of the dissolution and annexation must be completed and the county assessor's office must receive formal notice from the fire district and DNR prior to August 1st of the assessment year. This notice must specify the forest fire patrol assessment areas being dissolved, the fire district(s) assuming the levying and fire protection responsibilities, and the forest land impacted by the change.

WSR 23-23-077

PERMANENT RULES

DEPARTMENT OF HEALTH

(Board of Naturopathy)

[Filed November 13, 2023, 10:26 a.m., effective December 14, 2023]

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

Purpose: Naturopathic nonsurgical cosmetic rules, administration of Botox injections. Amending WAC 246-836-210 Authority to use, prescribe, dispense and order and new WAC 246-836-212 Botulinum toxin nonsurgical cosmetic procedures. The board of naturopathy (board) has adopted new rules that promote patient safety by identifying Botulinum Toxin (Botox) as a legend approved drug, clarifying procedures that are within the scope of practice of naturopathic medicine, setting training requirements, and establishing minimum standards for the performance of nonsurgical cosmetic procedures by naturopathic physicians licensed in Washington state. The adopted rules also amend WAC 246-836-210 by removing the current exclusion for the use of Botox for cosmetic purposes.

Citation of Rules Affected by this Order: New WAC 246-836-212; and amending WAC 246-836-210.

Statutory Authority for Adoption: RCW 18.36A.160.

Adopted under notice filed as WSR 23-14-122 on July 5, 2023.

A final cost-benefit analysis is available by contacting Rachel Phipps, P.O. Box 47852, Olympia, WA 98504-7852, phone 564-233-1277, fax 360-236-2901, TTY 711, email naturopathy@doh.wa.gov.

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

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

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

Date Adopted: November 13, 2023.

Krystal Richardson, ND
Chair, Board of Naturopathy

OTS-4228.2

AMENDATORY SECTION (Amending WSR 12-13-104, filed 6/20/12, effective 7/21/12)

WAC 246-836-210 Authority to use, prescribe, dispense and order.

(1) Naturopathic medical practice includes the prescription, administration, dispensing, and use of:

(a) Nutrition and food science, physical modalities, minor office procedures, homeopathy, hygiene, and immunizations/vaccinations;

(b) Contraceptive devices;

(c) Nonlegend medicines including vitamins, minerals, botanical medicines, homeopathic medicines, and hormones;

(d) Legend drugs as defined under RCW 69.41.010 with the exception of (~~Botulinum Toxin (commonly known as, among other names, Botox, Vistabel, Dysport, or Neurobloc) and~~) inert substances used for cosmetic purposes; and

(e) Codeine and testosterone products that are contained within Schedules III, IV, and V in chapters 69.50 RCW and (~~(246-887)~~) 246-945 WAC.

(2) In accordance with RCW 69.41.010(~~(13)~~) (14), all prescriptions must be hand-printed, typewritten, or generated electronically.

(3) Prior to being allowed to administer, prescribe, dispense, or order controlled substances, a naturopathic physician must meet the requirements in WAC 246-836-211 and have obtained the appropriate registration issued by the Federal Drug Enforcement Administration.

(4) Naturopathic physicians may not treat malignancies except in collaboration with a practitioner licensed under chapter 18.57 or 18.71 RCW.

NEW SECTION

WAC 246-836-212 Botulinum toxin nonsurgical cosmetic procedures.

(1) Prior to utilizing botulinum toxin (commonly known as, among other names, Botox, Vistabel, Dysport, or Neurobloc) for nonsurgical cosmetic procedures, a naturopathic physician shall establish a physician/patient relationship which includes, but is not limited to:

(a) Taking a history;

(b) Performing an appropriate physical examination;

(c) Making an appropriate diagnosis;

(d) Recommending appropriate treatment;

(e) Obtaining the patient's informed consent;

(f) Providing instructions for emergency and follow-up care; and

(g) Preparing an appropriate medical record.

(2) The naturopathic physician is responsible for:

(a) The safety of the patient;

(b) Performing the nonsurgical cosmetic procedure in accordance with standard medical practice; and

(c) Ensuring that each treatment is documented in the patient's medical record.

(3) Prior to being allowed to prescribe and administer botulinum toxins for cosmetic purposes, naturopathic physicians must be appropriately trained in aesthetic injectable techniques. Such training must be a combination of hands-on training and training in pharmacology that pertains to aesthetics and must also include:

(a) Criteria for the selection and treatment of patients;

(b) Indications and contraindications for each procedure;

(c) Preprocedural and postprocedural care;

(d) Recognition and acute management of potential complications;

and

(e) Infectious disease control.

WSR 23-23-078

PERMANENT RULES

DEPARTMENT OF HEALTH

(Board of Osteopathic Medicine and Surgery)

[Filed November 13, 2023, 10:36 a.m., effective December 14, 2023]

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

Purpose: Health equity continuing competency training for osteopathic physicians. New WAC 246-853-075 Health equity continuing education training requirements. The board of osteopathic medicine and surgery (board) is adopting new WAC 246-853-075, to implement ESSB 5229 (chapter 276, Laws of 2021), codified as RCW 43.70.613. The board has adopted the health equity model rules, WAC 246-12-800 through 246-12-830, for osteopathic physicians to comply with RCW 43.70.613.

RCW 43.70.613 (3) (b) directs the rule-making authority for each health profession licensed under Title 18 RCW that is subject to continuing education (CE) to adopt rules requiring a licensee to complete health equity CE training at least once every four years. The statute also directed the department of health (department) to create model rules establishing the minimum standards for health equity CE programs. The department filed model rules for health equity CE minimum standards on November 23, 2022, under WSR 22-23-167. Any rules adopted by the board must meet or exceed the minimum standards in the model rules in WAC 246-12-800 through 246-12-830.

The adopted rule adds two hours of health equity education, as required in the model rules, to be completed as part of the current CE requirements every four years. The adopted rule does not change the total CE hours but requires two hours in health equity CE every four years, which is absorbed into the existing number of CE hours required. The health equity CE requirement is counted under existing, unspecified CE requirements for the profession.

Citation of Rules Affected by this Order: New WAC 246-853-075.

Statutory Authority for Adoption: RCW 43.70.613, 18.57.005, and 18.130.050.

Adopted under notice filed as WSR 23-16-101 on July 31, 2023.

A final cost-benefit analysis is available by contacting Becky McElhiney, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4766, fax 360-236-2901, TTY 711, email osteopathic@doh.wa.gov, website doh.wa.gov/osteopathic.

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

Number of Sections Adopted at 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 1, Amended 0, Repealed 0.

Date Adopted: November 6, 2023.

Shannon Phipps, DO, Chair
Board of Osteopathic Medicine and Surgery

OTS-4641.1

NEW SECTION

WAC 246-853-075 Health equity continuing education training requirements. (1) An osteopathic physician must complete two hours of health equity continuing education training every four years as described in WAC 246-12-800 through 246-12-830.

(2) The two hours of health equity continuing education an osteopathic physician completes count toward meeting applicable continuing education requirements.

WSR 23-23-081
 PERMANENT RULES
 OFFICE OF THE
 INSURANCE COMMISSIONER

[Insurance Commissioner Matter R 2023-01—Filed November 13, 2023, 2:44 p.m., effective December 14, 2023]

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

Purpose: The commissioner is adopting rules to amend current rules to align with SHB 1266 (chapter 27, Laws of 2023), which created a new section in chapter 48.02 RCW, and amended RCW 48.15.103, 48.17.170, 48.17.450, and 48.17.475. In doing so, it will clarify for insurance producers which address of record the commissioner will utilize when communicating with them.

Citation of Rules Affected by this Order: Amending WAC 284-17-005 and 284-17-065.

Statutory Authority for Adoption: RCW 48.02.060 and 48.17.005.

Adopted under notice filed as WSR 23-20-123 on October 4, 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 2, 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 0, Repealed 0.

Date Adopted: November 13, 2023.

Mike Kreidler
 Insurance Commissioner

OTS-4825.1

AMENDATORY SECTION (Amending WSR 11-04-067, filed 1/28/11, effective 2/28/11)

WAC 284-17-005 Address of record. (1) The address of record used by the commissioner will be:

(a) ~~((For disciplinary orders,))~~ The last U.S. mailing address provided by the person or business entity to the commissioner (~~(#~~

~~(b) For all other matters, the last email address provided by the person or business entity to the commissioner. This will be the email address listed in the mailing address section of the commissioner's licensing data base [database].))~~ for all notices, orders, or written communication, including any notification of investigation, notification of audit and findings resulting from such audit, or written communication pursuant to RCW 48.17.475 (2)(c)(ii).

(b) The last email address of record, listed in the mailing address section of the commissioner's licensing database, may only be used, if:

- (i) The communication is not required to be sent to the person's mailing address pursuant to RCW 48.17.450(2) or 48.15.103(4);
- (ii) The person has affirmatively consented to receive communications from the commissioner by email; and
- (iii) The email from the commissioner does not require a response.

NOTE: However, if a response is required by the commissioner, then the email must comply with the requirements of RCW 48.17.475 (2)(b) or 48.15.103 (8)(b), whichever is applicable, before it is sent.

(2) Licensees must advise the commissioner of any change of address within ~~((thirty))~~ 30 days after a change of address. This includes any change in the person's residence, mailing, business or email address. Failure to advise the commissioner of a change of address may subject a licensee to disciplinary action under RCW 48.17.530 and 48.17.560.

AMENDATORY SECTION (Amending WSR 11-04-067, filed 1/28/11, effective 2/28/11)

WAC 284-17-065 Required email address for licensing transactions. (1) Each applicant, individual or business entity licensee, insurance education provider, and insurer must provide the commissioner with a valid email address. ~~((As provided in WAC 284-17-005 (1)(b), the email address will be the official contact address for all communication regarding licensing processes.))~~ The following do not need to comply with the provisions of RCW 48.17.450(3) and 48.15.103(3) (affirmative consent and require a response):

- (a) Email communication sent to an applicant before the issuance of license; or
- (b) Auto-generated email communication regarding license applications or license renewal processes.

(2) Each applicant, individual or business entity licensee, insurance education provider, and insurer must notify the commissioner of any change to their email address within ~~((thirty))~~ 30 days after the change.

(3) This section applies to an insurer when appointing, terminating, or renewing the appointment of a licensee.

WSR 23-23-082
PERMANENT RULES
DEPARTMENT OF

CHILDREN, YOUTH, AND FAMILIES

[Filed November 13, 2023, 2:59 p.m., effective December 14, 2023]

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

Purpose: The department of children, youth, and families is amending these rules to extend the homeless grace period and to open the care up to more providers.

Citation of Rules Affected by this Order: Amending WAC 110-15-0023 and 110-15-0024.

Statutory Authority for Adoption: Chapters 43.215 and 43.216 RCW.

Adopted under notice filed as WSR 23-18-042 on August 30, 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 2, 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 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: November 13, 2023.

Brenda Villarreal
Rules Coordinator

OTS-4717.1

AMENDATORY SECTION (Amending WSR 20-15-161, filed 7/22/20, effective 8/22/20)

WAC 110-15-0023 Homeless grace period (HGP). (1) A homeless grace period (HGP) is established as described in this section.

(2) ~~((DCYF may grant a consumer experiencing homelessness a twelve-month grace period to submit the documentation described in this subsection. The children of the consumer experiencing homelessness may receive WCCC services during the HGP. Within twelve months of the child being authorized in the WCCC program, the consumer must submit to DCYF:~~

~~(i) Documentation verifying participation in an approved activity as described in WAC 110-15-0040, 110-15-0045, or 110-15-0050;~~

~~(ii) Third-party verification of employment; and~~

~~(iii) Verification that any outstanding copayment owed by the consumer has been paid or written verification of a payment plan agreed to by the child care provider who is owed the outstanding copayment.~~

~~(3) A consumer is eligible for HGP if the consumer:~~

~~(a) Is experiencing, and DCYF verifies, homelessness at the time of the consumer's application for benefits;~~

~~(b) Has not been approved for HGP within the previous twelve months; and~~

~~(c) Except for the requirements described in subsection (1) of this section, meets all eligibility requirements described in this chapter.~~

~~(4)) A family experiencing homelessness at the time the consumer applies for child care subsidy is eligible for HGP under this section when:~~

~~(a) They meet all eligibility requirements described in WAC 110-15-0005, except for WAC 110-15-0005 (1) (d) and (f); and~~

~~(b) Their household income is under 85 percent of the state median income (SMI).~~

~~(3) Consumers approved by DCYF for HGP are eligible to receive:~~

~~(a) A ((twelve)) 12-month certification period;~~

~~(b) A copayment waiver; and~~

~~(c) An authorization for full-time care as described in WAC 110-15-0190.~~

~~((5) Authorizations for HGP eligible consumers may only be authorized for licensed care, certified care, or DCYF contracted provider care.~~

~~(6) Consumers authorized care under HGP must provide required verification when reapplying at the end of their certification as described in WAC 110-15-0109.~~

~~(7)) (4) Consumers approved under HGP are not subject to overpayment unless the consumer obtained benefits by failing to report accurate information that resulted in an error in determining the consumer's eligibility for HGP.~~

AMENDATORY SECTION (Amending WSR 19-12-058, filed 5/31/19, effective 7/1/19)

WAC 110-15-0024 Categorical eligibility for families receiving child protective, child welfare, or family assessment response services. (1) Families with children who have received child protective services as defined and used by chapters 26.44 and 74.13 RCW, child welfare services as defined and used by chapter 74.13 RCW, or services through a family assessment response, as defined and used by chapter 26.44 RCW in the six months previous to application or reapplication for working connections child care (WCCC) benefits are eligible for WCCC benefits for a ((twelve)) 12-month period if, in addition the:

(a) Consumer is a Washington state resident;

(b) Family has been referred for child care as part of the family's case management as defined by RCW 74.13.020; and

(c) Child or children are residing with a biological parent or guardian.

(2) Families eligible for WCCC under this section will:

(a) Have no copayment;

(b) Be authorized for full-time child care regardless of participation in an approved activity; and

(c) Be eligible to have benefits paid only to a ((licensed, certified, or contracted child care)) provider that meets the requirements in WAC 110-15-0125.

WSR 23-23-083
PERMANENT RULES
DEPARTMENT OF

CHILDREN, YOUTH, AND FAMILIES

[Filed November 13, 2023, 3:02 p.m., effective December 14, 2023]

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

Purpose: The department of children, youth, and families is amending this rule to increase the nonstandard hours bonus to \$135 per the governor's 2023 budget.

Citation of Rules Affected by this Order: Amending WAC 110-15-0249.

Statutory Authority for Adoption: RCW 74.04.050.

Other Authority: RCW 74.04.050.

Adopted under notice filed as WSR 23-18-040 on August 30, 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 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 0, Repealed 0.

Date Adopted: November 13, 2023.

Brenda Villarreal
Rules Coordinator

OTS-4719.1

AMENDATORY SECTION (Amending WSR 22-05-007, filed 2/3/22, effective 3/6/22)

WAC 110-15-0249 Nonstandard hours bonus. (1) Consumers' providers may receive a nonstandard hours bonus (NSHB) payments per child per month for care provided if:

(a) The providers are licensed or certified;

(b) They provide at least 30 hours of nonstandard hours care during one month; and

(c) The total cost of the state's NSHB payments do not exceed the amount appropriated for this purpose by the legislature for the current fiscal year.

(2) Nonstandard hours are defined as:

(a) Before 6 a.m. or after 6 p.m.;

(b) Any hours on Saturdays and Sundays; and

(c) Any hours on legal holidays, as defined in RCW 1.16.050.

(3) NSHB amounts are:

(a) (~~Ninety~~) One hundred thirty-five dollars for family homes; and

(b) (~~Seventy-five~~) One hundred thirty-five dollars for centers.

**WSR 23-23-084
PERMANENT RULES
DEPARTMENT OF
CHILDREN, YOUTH, AND FAMILIES**

[Filed November 13, 2023, 3:04 p.m., effective December 14, 2023]

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

Purpose: The department of children, youth, and families is amending these rules to increase child care center and licensed family home provider rates to the 85th percentile of the current market and increasing family friends and neighbor rates to \$3.85 effective July 1, 2023, and delay implementation for another increase to \$4.00 on July 1, 2024.

Citation of Rules Affected by this Order: Amending WAC 110-15-0200, 110-15-0205, and 110-15-0240.

Statutory Authority for Adoption: RCW 74.04.050.

Other Authority: E2SSB 5237; and chapter 199, Laws of 2021.

Adopted under notice filed as WSR 23-18-041 on August 30, 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 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 3, Repealed 0.

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

Date Adopted: November 13, 2023.

Brenda Villarreal
Rules Coordinator

OTS-4718.2

AMENDATORY SECTION (Amending WSR 22-16-081, filed 8/1/22, effective 9/1/22)

WAC 110-15-0200 Daily child care rates—Licensed or certified child care centers and DCYF contracted seasonal day camps. (1) **Base rate.** Effective July 1, (~~2022~~) 2023, the child care subsidy rates paid to licensed or certified child care centers or DCYF contracted seasonal day camps are:

		Infants (Birth - 11 mos.)	Toddlers (12 - 29 mos.)	Preschool (30 mos. - 6 yrs not attending kindergarten or school)	School-age (5 - 12 yrs attending kindergarten or school)
Region 1	Full-Day	(\$48.02) <u>\$62.05</u>	(\$43.50) <u>\$56.14</u>	(\$39.67) <u>\$53.18</u>	(\$39.15) <u>\$53.36</u>
	Half-Day	(\$24.04) <u>\$31.03</u>	(\$21.75) <u>\$28.07</u>	(\$19.84) <u>\$26.59</u>	(\$19.58) <u>\$26.68</u>
Spokane County	Full-Day	\$68.54	(\$55.37) <u>\$56.59</u>	\$52.14	(\$40.59) <u>\$49.00</u>
	Half-Day	\$34.27	(\$27.69) <u>\$28.30</u>	\$26.07	(\$20.30) <u>\$24.50</u>

		Infants (Birth - 11 mos.)	Toddlers (12 - 29 mos.)	Preschool (30 mos. - 6 yrs not attending kindergarten or school)	School-age (5 - 12 yrs attending kindergarten or school)
Region 2	Full-Day	(\$55.68) \$59.09	(\$42.44) \$49.09	(\$42.34) \$44.77	(\$31.74) \$32.73
	Half-Day	(\$27.84) \$29.55	(\$21.22) \$24.55	(\$21.17) \$22.39	(\$15.87) \$16.37
Region 3	Full-Day	\$88.58	(\$79.36) \$80.36	(\$66.89) \$72.50	(\$50.62) \$65.45
	Half-Day	\$44.29	(\$39.68) \$40.18	(\$33.45) \$36.25	(\$25.31) \$32.73
Region 4	Full-Day	(\$111.05) \$113.64	(\$92.28) \$101.59	(\$83.31) \$85.68	(\$52.20) \$90.64
	Half-Day	(\$55.53) \$56.82	(\$46.14) \$50.80	(\$41.66) \$42.84	(\$26.10) \$45.32
Region 5	Full-Day	\$72.56	(\$62.80) \$64.00	\$55.77	(\$40.60) \$54.18
	Half-Day	\$36.28	(\$31.40) \$32.00	\$27.89	(\$20.30) \$27.09
Region 6	Full-Day	(\$66.12) \$77.00	(\$59.16) \$67.50	(\$54.52) \$57.73	(\$41.66) \$50.23
	Half-Day	(\$33.06) \$38.50	(\$29.58) \$33.75	(\$27.26) \$28.87	(\$20.83) \$25.12

(a) Centers in Clark County are paid Region 3 rates.

(b) Centers in Benton, Walla Walla, and Whitman counties are paid Region 6 rates.

(2) WAC 110-300-0005 and 110-300-0356 allow providers to care for children from birth up to and including the end of their eligibility period after their 13th birthday.

(3) Providers must obtain child-specific and time-limited exceptions from DCYF to provide care for children outside the age listed on the center's license.

(4) If providers are granted an exception to care for a child who is 13 years old or older at application or reapplication:

(a) The payment rate is the same as subsection (1) of this section, and the five through 12 year age range column is used for comparison; and

(b) The children must meet the special needs requirement described in WAC 110-15-0220.

AMENDATORY SECTION (Amending WSR 22-05-007, filed 2/3/22, effective 3/6/22)

WAC 110-15-0205 Daily child care rates—Licensed or certified family home child care providers. (1) **Monthly unit.** DCYF authorizes care as monthly units as described in WAC 110-15-0190, the calculation of which is based on the full-day, partial-day, and half-day rates in subsection (2) of this section.

(2) Effective July 1, (~~2021~~) 2023, DCYF calculates licensed or certified family home providers' monthly units based on the following child care subsidy rates:

	Infants (Birth - 11 mos.)	Enhanced Toddlers (12 - 17 mos.)	Toddlers (18 - 29 mos.)	Preschool (30 mos. - 6 yrs not attending kindergarten or school)	School-age (5 - 12 yrs attending kindergarten or school)
(Region Full-Day	\$40.00	\$40.00	\$35.00	\$32.00	\$30.00
† Half-Day	\$20.00	\$20.00	\$17.50	\$16.00	\$15.00
Partial-Day	\$30.00	\$30.00	\$26.25	\$24.00	\$22.50
Spokane Full-Day	\$42.00	\$42.00	\$40.00	\$37.00	\$36.00
County Half-Day	\$21.00	\$21.00	\$20.00	\$18.50	\$18.00
Partial-Day	\$31.50	\$31.50	\$30.00	\$27.75	\$27.00
Region 2 Full-Day	\$45.00	\$45.00	\$37.50	\$35.00	\$32.00
Half-Day	\$22.50	\$22.50	\$18.75	\$17.50	\$16.00
Partial-Day	\$33.75	\$33.75	\$28.13	\$26.25	\$24.00

	Infants (Birth - 11 mos.)	Enhanced Toddlers (12 - 17 mos.)	Toddlers (18 - 29 mos.)	Preschool (30 mos. - 6 yrs not attending kindergarten or school)	School-age (5 - 12 yrs attending kindergarten or school)
<u>Region 3</u> Full-Day	\$55.00	\$55.00	\$48.86	\$48.00	\$40.00
Half-Day	\$27.50	\$27.50	\$24.43	\$24.00	\$20.00
Partial-Day	\$41.25	\$41.25	\$36.65	\$36.00	\$30.00
<u>Region 4</u> Full-Day	\$68.18	\$68.18	\$63.64	\$59.09	\$40.00
Half-Day	\$34.09	\$34.09	\$31.82	\$29.55	\$20.00
Partial-Day	\$51.14	\$51.14	\$47.73	\$44.32	\$30.00
<u>Region 5</u> Full-Day	\$48.86	\$48.86	\$42.00	\$39.09	\$35.71
Half-Day	\$24.43	\$24.43	\$21.00	\$19.55	\$17.86
Partial-Day	\$36.65	\$36.65	\$31.50	\$29.32	\$26.78
<u>Region 6</u> Full-Day	\$45.00	\$45.00	\$43.18	\$38.00	\$32.50
Half-Day	\$22.50	\$22.50	\$21.59	\$19.00	\$16.25
Partial-Day	\$33.75	\$33.75	\$32.39	\$28.50	(\$24.38))
<u>Region 1</u> Full-Day	\$49.23	\$49.23	\$47.09	\$40.00	\$36.59
Half-Day	\$24.62	\$24.62	\$23.55	\$20.00	\$18.30
Partial-Day	\$36.92	\$36.92	\$35.32	\$30.00	\$27.44
<u>Spokane</u> Full-Day	\$48.00	\$48.00	\$48.00	\$45.00	\$45.00
<u>County</u> Half-Day	\$24.00	\$24.00	\$24.00	\$22.50	\$22.50
Partial-Day	\$36.00	\$36.00	\$36.00	\$33.75	\$33.75
<u>Region 2</u> Full-Day	\$66.00	\$66.00	\$59.09	\$48.00	\$40.00
Half-Day	\$33.00	\$33.00	\$29.55	\$24.00	\$20.00
Partial-Day	\$49.50	\$49.50	\$44.32	\$36.00	\$30.00
<u>Region 3</u> Full-Day	\$65.00	\$65.00	\$59.09	\$54.18	\$49.23
Half-Day	\$32.50	\$32.50	\$29.55	\$27.09	\$24.62
Partial-Day	\$48.75	\$48.75	\$44.32	\$40.64	\$36.92
<u>Region 4</u> Full-Day	\$81.82	\$81.82	\$75.00	\$68.95	\$60.00
Half-Day	\$40.91	\$40.91	\$37.50	\$34.48	\$30.00
Partial-Day	\$61.37	\$61.37	\$56.25	\$51.71	\$45.00
<u>Region 5</u> Full-Day	\$59.09	\$59.09	\$59.09	\$49.23	\$44.32
Half-Day	\$29.55	\$29.55	\$29.55	\$24.62	\$22.16
Partial-Day	\$44.32	\$44.32	\$44.32	\$36.92	\$33.24
<u>Region 6</u> Full-Day	\$59.09	\$59.09	\$55.00	\$53.00	\$45.00
Half-Day	\$29.55	\$29.55	\$27.50	\$26.50	\$22.50
Partial-Day	\$44.32	\$44.32	\$41.25	\$39.75	\$33.75

(3) The monthly unit for family home providers in all regions and for all ages will include a partial-day rate that is 75 percent of the full-day rate when:

(a) Providers provide child care services for a child during a morning session and an afternoon session. A morning session begins at any time after 12:00 a.m. and ends before 12:00 p.m. An afternoon session begins at any time after 12:00 p.m. and ends before 12:00 a.m.;

(b) The child is absent from care in order to attend school or preschool; and

(c) Family home providers are not entitled to payment at the full-day rate.

(4) Monthly units for school age children will be adjusted for the months of July and August based on the consumers' approved activities and the children's schedules for care during the summer.

(5) School age children will be authorized for 22 full days in July and August when:

(a) They are authorized for a full-time, full-time partial-day, monthly unit; or

(b) They are authorized for a part-time, part-time partial-day, monthly unit;

- (c) Are scheduled for child care with a single provider at least 110 hours per month; and
- (d) The consumer participates in an approved activity at least 110 hours per month.
- (6) Monthly units will be prorated for partial months of authorization.
- (7) The monthly unit amount is averaged over all months of authorized care. Supplemental payments will not be made for calendar months with more than the average number of care days.
- (8) Supplemental authorization for payment may be requested by consumers for unexpected hours of care needed for allowable activities or changes in their schedules.
- (9) WAC 110-300-0005 and 110-300-0355 allow providers to care for children from birth up to and including the end of their eligibility period after their 13th birthday.
- (10) Providers must obtain a child-specific and time-limited exception from DCYF to provide care for children outside the age listed on their licenses.
- (11) For providers who are granted an exception to care for a child who is 13 years of age or older at application or reapplication:
- (a) The payment rate is the same as subsection (1) of this section and the five through 12 year age range column is used for comparison; and
- (b) The child must meet the special needs requirement as described in WAC 110-15-0220.
- (12) DCYF pays family home child care providers at the licensed home rate regardless of their relation to the children (with the exception listed in subsection (13) of this section).
- (13) DCYF cannot pay family home child care providers to provide care for children in their care if the provider is:
- (a) The child's biological, adoptive or step-parent;
- (b) The child's guardian or the guardian's spouse or live-in partner; or
- (c) Another adult acting in loco parentis or that adult's spouse or live-in partner.

AMENDATORY SECTION (Amending WSR 22-05-007, filed 2/3/22, effective 3/6/22)

- WAC 110-15-0240 Child care subsidy rates—In-home/relative providers.** (1) **Base rate.** When consumers employ in-home/relative providers, DCYF pays (~~(\$2.65)~~) \$3.85 per hour per child. Beginning July 1, (~~(2022)~~) 2024, the maximum child care subsidy rate is (~~(\$3.00)~~) \$4.00 per hour per child.
- (2) DCYF may pay above the maximum hourly rate for children who have special needs pursuant to WAC 110-15-0235.
- (3) DCYF makes the WCCC payment directly to consumers' eligible providers.
- (4) When applicable, DCYF pays the employer's share of the following:
- (a) Social Security and medicare taxes (FICA) up to the wage limit;
- (b) Federal Unemployment Taxes (FUTA); and
- (c) State unemployment taxes (SUTA).

(5) For in-home/relative providers who receive less than the wage base limit per family in a calendar year, DCYF refunds all withheld taxes to them.

WSR 23-23-087

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed November 13, 2023, 3:54 p.m., effective December 14, 2023]

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

Purpose: Creating a new section under chapter 308-101 WAC to define business rules, guidelines, and the process for conducting administrative reviews of the petitioner's commercial driver's license disqualifications based on an adverse decision on the admin per se/ implied consent hearing, per RCW 46.20.308

Citation of Rules Affected by this Order: Amending WAC 308-101-230 Final orders.

Statutory Authority for Adoption: RCW 34.05.220 Rules for agency procedure—Indexes of opinions and statements [RCW 46.01.110].

Adopted under notice filed as WSR 23-19-099 on September 20, 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 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: November 13, 2023.

Ellis Starrett
Rules and Policy Manager

OTS-4943.1

AMENDATORY SECTION (Amending WSR 18-11-098, filed 5/21/18, effective 9/4/18)

WAC 308-101-230 Final orders. (1) Every decision and final order shall:

(a) Be correctly captioned as to the name of the department of licensing and name of the proceeding;

(b) Designate all parties and representatives participating in the proceeding;

(c) Contain a final order disposing of all contested issues; and

(d) Contain a statement describing the right to appeal.

(2) In the event the original hearings examiner is unavailable, the department may assign a case to another hearings examiner to either hear the case if the record has not closed, or in a case where the record is closed, make a determination as to the findings of fact and conclusions of law based on the record submitted.

(3) At any stage prior to commencement of the hearing the department may reassign a matter to a different hearings examiner.

(4) Pursuant to RCW 46.20.308, any commercial driver's license (CDL) holder that requests an administrative hearing to contest a suspension or revocation of their personal driver's license (PDL) and that hearing results in a verdict sustaining the suspension or revocation of the PDL, shall also receive an administrative review of the CDL disqualification under RCW 46.25.090. The administrative review shall be conducted no later than five business days after the final order is entered resolving the administrative sanction on the PDL. The sanctions, suspension, revocation, and/or disqualification of both the PDL and CDL for the same incident shall run concurrently.

WSR 23-23-095

PERMANENT RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed November 14, 2023, 2:04 p.m., effective January 1, 2024]

Effective Date of Rule: January 1, 2024.

Purpose: The paid family and medical leave (PFML) program (Title 50A RCW) is adopting rule amendments to implement SSB 5286 (chapter 116, Laws of 2023) and SSB 5586 (chapter 375, Laws of 2023). SSB 5286 made changes to RCW 50A.10.030 regarding how the annual premium rate is calculated for employers and employees. SSB 5586 made changes to RCW 50A.25.040 that will allow employers to access information about current employees to include the type of leave being taken, the requested duration of leave, and whether an employee was approved for and paid benefits for any given week.

The PFML program is also adopting amendments to rules and repealing a rule regarding public records to eliminate redundancies and refer to agency rules regarding records requests.

Citation of Rules Affected by this Order: Repealing WAC 192-810-020 Purpose; and amending WAC 192-500-035 Interested parties, 192-510-090 How will the department determine the premium rate for each calendar year?, 192-810-010 Definitions, and 192-810-030 How do individuals and entities request records from the department?

Statutory Authority for Adoption: RCW 50A.05.060, 50A.10.030, 50A.25.040.

Adopted under notice filed as WSR 23-19-086 on September 19, 2023.

A final cost-benefit analysis is available by contacting Janette Benham, Employment Security Department, P.O. Box 9046, Olympia, WA 98507-9046, phone 360-790-6583, TTY relay 711, contact Teresa Eckstein at 360-507-9890 for accommodations, email rules@esd.wa.gov, website <https://paidleave.wa.gov/rulemaking/>.

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 2, 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 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 1.

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 4, Repealed 1.

Date Adopted: November 14, 2023.

April Amundson
Policy and Rules Manager, ESPI
Leave and Care Programs

OTS-4929.1

AMENDATORY SECTION (Amending WSR 20-20-074, filed 10/2/20, effective 11/2/20)

WAC 192-500-035 Interested parties. (1) In all determinations, cases, and appeals adjudicated under Title 50A RCW the employment security department is an "interested party."

(2) Other interested parties in paid family or medical leave determinations related to the state plan, complaints under chapter 50A.40 RCW, and appeals include:

(a) The employee or former employee; and

(b) An employer or former employer of that employee that is required to provide information to the department related to the determination or appeal in question.

(3) Other interested parties in paid family or medical leave determinations related to an approved voluntary plan include:

(a) The employer or former employer; and

(b) An employee or former employee.

(4) The department may designate an employee or employer as an interested party in other determinations made by the department.

(5) For the purposes of RCW 50A.25.040(3), an employer from whom leave is being taken is considered an interested party.

OTS-4930.1

AMENDATORY SECTION (Amending WSR 20-20-073, filed 10/2/20, effective 11/2/20)

WAC 192-510-090 How will the department determine the premium rate for each calendar year? (1) For calendar years 2021 ~~((and thereafter))~~, 2022, and 2023, the total premium rate shall be based on the family and medical leave insurance account balance ratio as of September 30th of the previous year.

~~((2))~~ (a) The commissioner shall calculate the account balance ratio by dividing the balance of the family and medical leave insurance account by total covered wages paid by employers and those electing coverage.

~~((3))~~ (b) For the purposes of this section, "total covered wages" is defined as the total amount of wages paid to employees that are subject to the paid family and medical leave premium from July 1st of the previous calendar year to June 30th of the current calendar year as reported by employers.

(2) For calendar years 2024 and thereafter, the total premium rate shall be based on the calculation specified in RCW 50A.10.030.

(3) For the purposes of the calculation described in subsection (2) of this section, a small business grant paid to an employer as specified by chapter 50A.24 RCW shall be considered a benefit paid.

OTS-4931.1

AMENDATORY SECTION (Amending WSR 20-01-087, filed 12/12/19, effective 1/12/20)

WAC 192-810-010 Definitions. (1) The definitions set forth in RCW 42.56.010 and WAC 192-02-020 apply to this chapter unless the context clearly ((requires)) indicates otherwise.

(2) (~~"Public records officer" means the departmental employee responsible for responses to requests for public records or that person's designee.~~

~~(3) "Department" means the employment security department.~~

~~(4))~~ An employer's "own records" as used in RCW 50A.25.040 means records and information provided to the department by the employer or the employer's predecessor in interest.

AMENDATORY SECTION (Amending WSR 21-04-067, filed 1/29/21, effective 3/1/21)

WAC 192-810-030 How do individuals and entities request records from the department? (1) The department will manage ((all)) records requests ((consistent with the provisions of chapter 42.56 RCW)) as outlined in chapter 192-02 WAC.

(2) ((Requests for public records shall be submitted to the public records officer. Contact the public records officer at:

~~Public Records Officer~~

~~P.O. Box 9046~~

~~Olympia, WA 98507-9046~~

~~Phone: 1-844-766-8930~~

~~Email: Recordsdisclosure@esd.wa.gov~~

~~(3))~~ If an individual requests records or information concerning that individual held by the department under RCW 50A.25.040, those records must be released only to the requesting individual.

((4)) (3) If an individual submits a records request and asks that the requested records be sent to a third party directly, the individual must follow the provisions of RCW 50A.25.040.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 192-810-020 Purpose.

WSR 23-23-102
PERMANENT RULES
BUILDING CODE COUNCIL

[Filed November 15, 2023, 9:42 a.m., effective March 16, 2024]

Effective Date of Rule: March 16, 2024.

Purpose: Reconciling state amendments with section renumbering and model code modifications in the 2021 International Building Code/ 2021 International Existing Building Code; correcting errors and omissions.

Citation of Rules Affected by this Order: Amending 31 sections in chapter 51-50 WAC.

Statutory Authority for Adoption: RCW 19.27.031, 19.27.074.

Other Authority: RCW 19.27.031, 19.27.074.

Adopted under notice filed as WSR 23-14-123 on July 5, 2023.

Changes Other than Editing from Proposed to Adopted Version:

WAC	Section	Change	Rationale/Discussion
51-50-008	Implementation	Implementation date is changed from October 29, 2023, to March 15, 2024.	The state building code council voted to delay implementation of all codes on September 15, 2023.
51-50-0705	Table 705.8	On line for "3 to less than 5, Unprotected, Nonsprinklered." Removed hypertext referring to footnote K.	This was done to correct a typo and to align with the International Code Council (ICC) model code text.
51-50-1110	1110.2 Exception #8	"Toileting" changed to "bathing."	This was done to correct a typo and to align with the ICC model code text.
51-50-3500	NFPA	Changes section reference from "903.2" to "903.3.2."	Corrects an error. There is no reference to NFPA in International Building Code Section 903.2.

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 31, 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 31, Repealed 0.

Date Adopted: October 20, 2023.

Tony Doan
 Council Chair

OTS-4702.6

AMENDATORY SECTION (Amending WSR 22-13-094, 23-12-103, and 23-20-023, filed 6/14/22, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-50-008 Implementation. The *International Building Code* adopted under chapter 51-50 WAC shall become effective in all counties and cities of this state on ~~((July 1, 2023))~~ March 15, 2024.

AMENDATORY SECTION (Amending WSR 20-01-090, filed 12/12/19, effective 7/1/20)

WAC 51-50-0303 Section 303—Assembly Group A.

303.4 Assembly Group A-3. Group A-3 occupancy includes assembly uses intended for worship, recreation or amusement and other assembly uses not classified elsewhere in Group A including, but not limited to:

- Amusement arcades;
- Art galleries more than 3,000 square feet (279 m²);
- Bowling alleys;
- Community halls;
- Courtrooms;
- Dance halls (not including food or drink consumption);
- Exhibition halls;
- Funeral parlors;
- *Greenhouses* for the conservation and exhibition of plants that provide public access;
- Gymnasiums (without spectator seating);
- Indoor swimming pools (without spectator seating);
- Indoor tennis courts (without spectator seating);
- Lecture halls;
- Libraries;
- Museums;
- *Places of religious worship*;
- Pool and billiard parlors;
- Waiting areas in transportation terminals.

AMENDATORY SECTION (Amending WSR 22-13-094, 23-12-103, and 23-20-023, filed 6/14/22, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-50-0403 Section 403—High-rise buildings.

~~((**403.5.4 Smokeproof enclosures.** Every required *interior exit stairway* serving floors more than 75 feet (22,860 mm) above the lowest level of fire department vehicle access shall be a *smokeproof enclosure* in accordance with Sections 909.20 and 1023.12. Where interior exit stairways and ramps are pressurized in accordance with Section 909.20.5, the smoke control pressurization system shall comply with the requirements specified in Section 909.6.3.))~~

403.4.8.3 Standby power loads. The following are classified as standby power loads:

1. *Ventilation* and *automatic* fire detection equipment for *smokeproof* enclosures.
2. Elevators.

3. Where elevators are provided in a *high-rise building* for accessible means of egress, fire service access or occupant self-evacuation, the *standby power system* shall also comply with Sections 1009.4, 3007 or 3008, as applicable.

4. Sump pumps required by ASME A17.1 serving pit drains at the bottom of elevator hoistways of fire service access or occupant evacuation elevators.

403.5.4 Smokeproof enclosures. Every required *interior exit stairway* serving floors more than 75 feet (22,860 mm) above the lowest level of fire department vehicle access shall be a *smokeproof enclosure* in accordance with Sections 909.20 and 1023.12. Where interior exit stairways and ramps are pressurized in accordance with Section 909.20.5, the smoke control pressurization system shall comply with the requirements specified in Section 909.6.3.

AMENDATORY SECTION (Amending WSR 22-13-094, 23-12-103, and 23-20-023, filed 6/14/22, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-50-0412 Section 412—Aircraft-related occupancies.

412.2.2.1 Stairways. Stairways in airport traffic control towers shall be in accordance with Section 1011. *Exit stairways* shall be *smokeproof enclosures* complying with one of the alternatives provided in Section 909.20. Where interior exit stairways and ramps are pressurized in accordance with Section 909.20.5, the smoke control pressurization system shall comply with the requirements specified in Section 909.6.3.

EXCEPTION: *Stairways in airport traffic control towers are not required to comply with Section 1011.12.*

[F] 412.7.3 Means of egress. The *means of egress* from *heliports, helipads* and *helistops* shall comply with the provisions of Chapter 10. Landing areas located on buildings or structures shall have two or more exits or access to exits. For landing areas less than 60 feet in length or less than 2,000 square feet (186 m²) in area, the second means of egress is permitted to be a fire escape, alternating tread device or ladder leading to the floor below. On Group I-2 roofs with heliports or helipads and helistops, rooftop structures enclosing exit stair enclosures or elevator shafts shall be enclosed with fire barriers and opening protectives that match the rating of their respective shaft enclosures below.

AMENDATORY SECTION (Amending WSR 22-13-094, 23-12-103, and 23-20-023, filed 6/14/22, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-50-0430 Section 430—Recycled materials.

((430)) 430.1 Recyclable materials, compost, and solid waste storage. Space shall be provided for the storage of recycled materials, compost, and solid waste for all new buildings.

EXCEPTION: Group R-3 and Group U Occupancies.

The storage area shall be designed to meet the needs of the occupancy, efficiency of pickup, and be available to occupants and haulers.

AMENDATORY SECTION (Amending WSR 22-13-094, 23-12-103, and 23-20-023, filed 6/14/22, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-50-0504 Section 504—Building height and number of stories.

**Table 504.3
Allowable Building Height in Feet Above Grade Plane^a**

Occupancy Classification	Type of Construction												
	See Footnotes	Type I		Type II		Type III		Type IV				Type V	
		A	B	A	B	A	B	A	B	C	HT	A	B
A, B, E, F, M, S, U	NS ^b	UL	160	65	55	65	55	65	65	65	65	50	40
	S	UL	180	85	75	85	75	270	180	85	85	70	60
H-1, H-2, H-3, H-5	NS ^{c,d}	UL	160	65	55	65	55	120	90	65	65	50	40
	S												
H-4	NS ^{c,d}	UL	160	65	55	65	55	65	65	65	65	50	40
	S	UL	180	85	75	85	75	140	100	85	85	70	60
I-1 Condition 1, I-3	NS ^{d,e}	UL	160	65	55	65	55	65	65	65	65	50	40
	S	UL	180	85	75	85	75	180	120	85	85	70	60
I-1 Condition 2, I-2	NS ^{d,e,f}	UL	160	65	55	65	55	65	65	65	65	50	40
	S ⁱ	UL	180	85									
I-4	NS ^{d,g}	UL	160	65	55	65	55	65	65	65	65	50	40
	S	UL	180	85	75	85	75	180	120	85	85	70	60
R ^h	NS ^d	UL	160	65	55	65	55	65	65	65	65	50	40
	S13D	60	60	60	60	60	60	60	60	60	60	50	40
	S13R	60	60	60	60	60	60	60	60	60	60	60	60
	S	UL	180	85	75	85	75	270	180	85	85	70	60

For SI: 1 foot = 304.8 mm.

UL = Unlimited; NS = Buildings not equipped throughout with an automatic sprinkler system; S = Buildings equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1; S13R = Buildings equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.2; S13D = Buildings equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.3.

- a See Chapters 4 and 5 for specific exceptions to the allowable height in this chapter.
- b See Section 903.2 for the minimum thresholds for protection by an automatic sprinkler system for specific occupancies.
- c New Group H occupancies are required to be protected by an automatic sprinkler system in accordance with Section 903.2.5.
- d The NS value is only for use in evaluation of existing building height in accordance with the International Existing Building Code.
- e New Group I-1 and I-3 occupancies are required to be protected by an automatic sprinkler system in accordance with Section 903.2.6. For new Group I-1 occupancies Condition 1, see Exception 1 of Section 903.2.6.
- f New and existing Group I-2 occupancies are required to be protected by an automatic sprinkler system in accordance with Section 903.2.6 and Section 1103.5 of the *International Fire Code*.
- g For new Group I-4 occupancies, see Exceptions 2 and 3 of Section 903.2.6.
- h New Group R occupancies are required to be protected by an automatic sprinkler system in accordance with Section 903.2.8.
- i I-1, Condition 2 Assisted living facilities licensed in accordance with chapter 388-78A WAC and residential treatment facilities as licensed by Washington state under chapter 246-337 WAC shall be permitted to use the allowable height above grade plane for Group R-2 occupancies.

**Table 504.4
Allowable Number of Stories Above Grade Plane^{a,b}**

Occupancy Classification	Type of Construction												
	See Footnotes	Type I		Type II		Type III		Type IV				Type V	
		A	B	A	B	A	B	A	B	C	HT	A	B
A-1	NS	UL	5	3	2	3	2	3	3	3	3	2	1
	S	UL	6	4	3	4	3	9	6	4	4	3	2
A-2	NS	UL	11	3	2	3	2	3	3	3	3	2	1
	S	UL	12	4	3	4	3	18	12	6	4	3	2

Occupancy Classification	Type of Construction												
	See Footnotes	Type I		Type II		Type III		Type IV				Type V	
		A	B	A	B	A	B	A	B	C	HT	A	B
A-3	NS	UL	11	3	2	3	2	3	3	3	3	2	1
	S	UL	12	4	3	4	3	18	12	6	4	3	2
A-4	NS	UL	11	3	2	3	2	3	3	3	3	2	1
	S	UL	12	4	3	4	3	18	12	6	4	3	2
A-5	NS	UL	UL	UL	UL	UL	UL	1	1	1	UL	UL	UL
	S	UL	UL	UL	UL	UL	UL	UL	UL	UL	UL	UL	UL
B	NS	UL	11	5	3	5	3	5	5	5	5	3	2
	S	UL	12	6	4	6	4	18	12	9	6	4	3
E	NS	UL	5	3	2	3	2	3	3	3	3	1	1
	S	UL	6	4	3	4	3	9	6	4	4	2	2
F-1	NS	UL	11	4	2	3	2	3	3	3	4	2	1
	S	UL	12	5	3	4	3	10	7	5	5	3	2
F-2	NS	UL	11	5	3	4	3	5	5	5	5	3	2
	S	UL	12	6	4	5	4	12	8	6	6	4	3
H-1	NS ^{e,d}	1	1	1	1	1	1	NP	NP	NP	1	1	NP
	S							1	1	1			
H-2	NS ^{e,d}	UL	3	2	1	2	1	1	1	1	2	1	1
	S							2	2	2			
H-3	NS ^{e,d}	UL	6	4	2	4	2	3	3	3	4	2	1
	S							4	4	4			
H-4	NS ^{e,d}	UL	7	5	3	5	3	5	5	5	5	3	2
	S	UL	8	6	4	6	4	8	7	6	6	4	3
H-5	NS ^{e,d}	4	4	3	3	3	3	2	2	2	3	3	2
	S							3	3	3			
I-1 Condition 1	NS ^{d,e}	UL	9	4	3	4	3	4	4	4	4	3	2
	S	UL	10	5	4	5	4	10	7	5	5	4	3
I-1 Condition 2	NS ^{d,e}	UL	9	4	3	4	3	3	3	3	4	3	2
	S ⁱ	UL	10	5				10	6	4			
I-2	NS ^{d,f}	UL	4	2	1	1	NP	NP	NP	NP	1	1	NP
	S	UL	5	3				7	5	1			
I-3	NS ^{d,e}	UL	4	2	1	2	1	2	2	2	2	2	1
	S	UL	5	3	2	3	2	7	5	3	3	3	2
I-4	NS ^{d,g}	UL	5	3	2	3	2	3	3	3	3	1	1
	S	UL	6	4	3	4	3	9	6	4	4	2	2
M	NS	UL	11	4	2	4	2	4	4	4	4	3	1
	S	UL	12	5	3	5	3	12	8	6	5	4	2
R-1 ^h	NS ^d	UL	11	4	4	4	4	4	4	4	4	3	2
	S13R	4	4									4	3
	S	UL	12	5	5	5	5	18	12	8	5	4	3
R-2 ^h	NS ^d	UL	11	4	4	4	4	4	4	4	4	3	2
	S13R	4	4	4								4	3
	S	UL	12	5	5	5	5	18	12	8	5	4	3

Occupancy Classification	Type of Construction												
	See Footnotes	Type I		Type II		Type III		Type IV				Type V	
		A	B	A	B	A	B	A	B	C	HT	A	B
R-3 ^h	NS ^d	UL	11	4	4	4	4	4	4	4	4	3	3
	S13D	4	4									3	3
	S13R	4	4									4	4
	S	UL	12	5	5	5	5	18	12	5	5	4	4
R-4 ^h	NS ^d	UL	11	4	4	4	4	4	4	4	4	3	2
	S13D	4	4									3	2
	S13R	4	4									4	3
	S	UL	12	5	5	5	5	18	12	5	5	4	3
S-1	NS	UL	11	4	2	3	2	4	4	4	4	3	1
	S	UL	12	5	4	4	4	10	7	5	5	4	2
S-2	NS	UL	11	5	3	4	3	4	4	4	5	4	2
	S	UL	12	6	4	5	4	12	8	5	6	5	3
U	NS	UL	5	4	2	3	2	4	4	4	4	2	1
	S	UL	6	5	3	4	3	9	6	5	5	3	2

UL = Unlimited; NP = Not permitted; NS = Buildings not equipped throughout with an automatic sprinkler system; S = Buildings equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1; S13R = Buildings equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.2; S13D = Buildings equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.3.

- a See Chapters 4 and 5 for specific exceptions to the allowable height in this chapter.
- b See Section 903.2 for the minimum thresholds for protection by an automatic sprinkler system for specific occupancies.
- c New Group H occupancies are required to be protected by an automatic sprinkler system in accordance with Section 903.2.5.
- d The NS value is only for use in evaluation of existing building height in accordance with the International Existing Building Code.
- e New Group I-1 and I-3 occupancies are required to be protected by an automatic sprinkler system in accordance with Section 903.2.6. For new Group I-1 occupancies Condition 1, see Exception 1 of Section 903.2.6.
- f New and existing Group I-2 occupancies are required to be protected by an automatic sprinkler system in accordance with Section 903.2.6 and Section 1103.5 of the *International Fire Code*.
- g For new Group I-4 occupancies, see Exceptions 2 and 3 of Section 903.2.6.
- h New Group R occupancies are required to be protected by an automatic sprinkler system in accordance with Section 903.2.8.
- i Group I-1, Condition 2 Assisted living facilities licensed in accordance with chapter 388-78A WAC and residential treatment facilities as licensed by Washington state under chapter 246-337 WAC shall be permitted to use the allowable number of stories for Group R-2 occupancies.

504.4.1 Stair enclosure pressurization increase. For Group R-1, R-2, and I-1 Condition 2 Assisted living facilities licensed under chapter 388-78A WAC and residential treatment facilities as licensed by Washington state under chapter 246-337 WAC located in buildings of Type VA construction equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1, the maximum number of stories permitted in Section 504.4 may be increased by one provided the interior exit stairways and ramps are pressurized in accordance with Sections 909.6.3 and 909.20. Legally required standby power shall be provided in accordance with Sections 909.11 and 2702.17 for buildings constructed in compliance with this section and be connected to stairway shaft pressurization equipment, elevators and lifts used for accessible means of egress (if provided), elevator hoistway pressurization equipment (if provided) and other life safety equipment as determined by the authority having jurisdiction. For the purposes of this section, legally required standby power shall comply with 2020 NEC Section 701.12, options (C), (D), (E), (F), (H) or (J) or subsequent revised section number(s).

AMENDATORY SECTION (Amending WSR 22-13-094, 23-12-103, and 23-20-023, filed 6/14/22, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-50-0505 Section 0505—Mezzanines and equipment platforms.

505.1 General. *Mezzanines* shall comply with Section 505.2. *Equipment platforms* shall comply with Section 505.3.

EXCEPTION: *Lofts* in Group R occupancy dwelling units and sleeping units shall be permitted to comply with Section ((420.13)) 420.14, subject to the limitations in Section ((420.13.1)) 420.14.1.

AMENDATORY SECTION (Amending WSR 22-13-094, 23-12-103, and 23-20-023, filed 6/14/22, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-50-0509 Section 509—Incidental uses.

**Table ((509)) 509.1
Incidental Uses**

Room or Area	Separation and/or Protection
Dry type transformers over 112.5 kVA and required to be in a fire resistant room per NEC (NFPA 70) Section 450.21 (B) ¹	1 hour or provide automatic sprinkler system

¹ Dry type transformers rated over 35,000 volts and oil-insulated transformers shall be installed in a transformer vault complying with NFPA 70.

(Remainder of table unchanged)

AMENDATORY SECTION (Amending WSR 22-13-094, 23-12-103, and 23-20-023, filed 6/14/22, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-50-0705 Section 705—Exterior walls.

705.2 Projections. *Cornices*, roof and eave overhangs, projecting floors above, exterior balconies and similar projections extending beyond the *exterior wall* shall conform to the requirements of this section and Section 1405. Exterior egress balconies and exterior exit *stairways* and *ramps* shall comply with Sections 1021 and 1027, respectively. Projections shall not extend any closer to the line used to determine the fire separation distance than shown in Table 705.2.

EXCEPTIONS: 1. Buildings on the same lot and considered as portions of one building in accordance with Section 705.3 are not required to comply with this section for projections between the buildings.
2. Projecting floors complying with Section 705.2.4 are not required to comply with the projection limitations of Table 705.2.

705.2.5 Projecting floors. Where the fire separation distance on a lower floor is greater than the fire separation distance on the floor immediately above, the projecting floor shall have not less than the *fire-resistance rating* as the exterior wall above based on Table 602. The *fire-resistant rating* of the *horizontal* portion shall be continuous to the lower *vertical* wall.

Table 705.5

Fire-Resistance Rating Requirements for Exterior Walls Based on Fire Separation Distance^{a,d,g,j}

Fire Separation Distance = X (feet)	Type of Construction	Occupancy Group H ^e	Occupancy Group F-1, M, S-1 ^f	Occupancy Group A, B, E, F-2, I, R ⁱ , S-2, U ^h
X < 5 ^b	All	3	2	1
5 ≤ X < 10	IA, IVA	3	2	1
	Others	2	1	1
10 ≤ X < 30	IA, IB, IVA, IVB	2	1	1 ^c
	IIB, VB	1	0	0
	Others	1	1	1 ^c
X ≥ 30	All	0	0	0

For SI: 1 foot = 304.8 mm.

- a Load-bearing exterior walls shall also comply with the fire-resistance rating requirements of Table 601.
- b See Section 706.1.1 for party walls.
- c Open parking garages complying with Section 406 shall not be required to have a fire-resistance rating.
- d The fire-resistance rating of an exterior wall is determined based upon the fire separation distance of the exterior wall and the story in which the wall is located.
- e For special requirements for Group H occupancies, see Section 415.6.
- f For special requirements for Group S aircraft hangars, see Section 412.3.1.
- g Where Table 705.8 permits nonbearing exterior walls with unlimited area of unprotected openings, the required fire-resistance rating for the exterior walls is 0 hours.
- h For a building containing only a Group U occupancy private garage or carport, the exterior wall shall not be required to have a fire-resistance rating where the fire separation distance is 5 feet (1523 mm) or greater.
- i For a Group R-3 building of Type II-B or Type V-B construction, the exterior wall shall not be required to have a fire-resistance rating where the fire separation distance is 5 feet (1523 mm) or greater.
- j In a mixed occupancy building containing Group R-3 and Group U private garage, the exterior wall fire-resistance rating shall be as required for Group R-3.

**Table 705.8
Maximum Area of Exterior Wall Openings Based on Fire Separation Distance and Degree of Opening Protection¹**

Fire Separation Distance (feet)	Degree of Opening Protection	Allowable Area ^a
0 to less than 3 ^{b,c,k}	Unprotected, Nonsprinklered (UP, NS)	Not Permitted ^k
	Unprotected, Sprinklered (UP, S) ⁱ	Not Permitted ^k
	Protected (P)	Not Permitted ^k
3 to less than 5 ^{d,e}	Unprotected, Nonsprinklered (UP, NS)	Not Permitted(^k)
	Unprotected, Sprinklered (UP, S) ⁱ	15%
	Protected (P)	15%
5 to less than 10 ^{e,f,j}	Unprotected, Nonsprinklered (UP, NS)	10% ^h
	Unprotected, Sprinklered (UP, S) ⁱ	25%
	Protected (P)	25%
10 to less than 15 ^{e,f,g,j}	Unprotected, Nonsprinklered (UP, NS)	15% ^h
	Unprotected, Sprinklered (UP, S) ⁱ	45%
	Protected (P)	45%
15 to less than 20 ^{f,g,j}	Unprotected, Nonsprinklered (UP, NS)	25%
	Unprotected, Sprinklered (UP, S) ⁱ	75%
	Protected (P)	75%
20 to less than 25 ^{f,g,j}	Unprotected, Nonsprinklered (UP, NS)	45%
	Unprotected, Sprinklered (UP, S) ⁱ	No Limit
	Protected (P)	No Limit
25 to less than 30 ^{f,g,j}	Unprotected, Nonsprinklered (UP, NS)	70%
	Unprotected, Sprinklered (UP, S) ⁱ	No Limit
	Protected (P)	No Limit

Fire Separation Distance (feet)	Degree of Opening Protection	Allowable Area ^a
30 or greater	Unprotected, Nonsprinklered (UP, NS)	No Limit
	Unprotected, Sprinklered (UP, S) ⁱ	No Limit
	Protected (P)	No Limit

For SI: 1 foot = 304.8 mm.

UP, NS = Unprotected openings in buildings not equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1.

UP, S = Unprotected openings in buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1.

P = Openings protected with an opening protective assembly in accordance with Section 705.8.2.

^a Values indicated are the percentage of the area of the exterior wall, per story.

^b For the requirements for fire walls of buildings with differing heights, see Section 706.6.1.

^c For openings in a fire wall for buildings on the same lot, see Section 706.8.

^d The maximum percentage of unprotected and protected openings shall be 25 percent for Group R-3 occupancies.

^e Unprotected openings shall not be permitted for openings with a fire separation distance of less than 15 feet for Group H-2 and H-3 occupancies.

^f The area of unprotected and protected openings shall not be limited for Group R-3 occupancies, with a fire separation distance of 5 feet or greater.

^g The area of openings in an open parking structure with a fire separation distance of 10 feet or greater shall not be limited.

^h Includes buildings accessory to Group R-3.

ⁱ Not applicable to Group H-1, H-2, and H-3 occupancies.

^j The area of openings in a building containing only a Group U occupancy private garage or carport with a fire separation distance of 5 feet or greater shall not be limited.

^k For openings between S-2 parking garage and Group R-2 building, see Section 705.3, Exception 2.

^l In a mixed occupancy building containing Group R-3 and Group U private garage, the maximum area of exterior openings shall be as required for Group R-3.

AMENDATORY SECTION (Amending WSR 22-13-094, 23-12-103, and 23-20-023, filed 6/14/22, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-50-0722 ((Section 722—Calculated fire resistance.)) Re-served.

~~((722.7.2.2 Exterior surfaces. Layers of Type X gypsum board serving as noncombustible protection for the outside of the exterior heavy timber walls determined in accordance with Table 722.7.1(a) shall be fastened 12 inches on center each way and 6 inches on center at all joints or ends. All panel edges shall be attached with fasteners located at least 1 inch but not more than 2 inches from the panel edge. Fasteners shall comply with one of the following:~~

~~1. Galvanized nails of minimum 12 gage with a 7/16 inch head of sufficient length to penetrate the mass timber a minimum of 1 inch.~~

~~2. Screws that comply with ASTM C1002 (Type S, Type W, or Type G) of sufficient length to penetrate the mass timber a minimum of 1 inch.))~~

AMENDATORY SECTION (Amending WSR 22-13-094, 23-12-103, and 23-20-023, filed 6/14/22, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-50-0903 Section 903—Automatic sprinkler systems.

903.2.1.3 Group A-3. An automatic sprinkler system shall be provided throughout stories containing Group A-3 occupancies and throughout all stories from the Group A-3 occupancy to and including the levels of exit discharge serving that occupancy where one of the following conditions exists:

1. The fire area exceeds 12,000 square feet (1115 m²).

2. The fire area has an occupant load of 300 or more.

3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.

EXCEPTION: For fixed guideway transit and passenger rail system stations, an automatic sprinkler system shall be provided in accordance with Section ((314)) 3116.

903.2.1.6 Assembly occupancies on roofs. Where an occupied roof has an assembly occupancy with an *occupant load* exceeding 100 for Group A-2, and 300 for other Group A occupancies, the building shall be equipped with an *automatic sprinkler system* in accordance with Section 903.3.1.1 or 903.3.1.2.

EXCEPTION: Open parking garages of Type I or Type II construction.

903.2.1.8 Nightclub. An *automatic sprinkler system* shall be provided throughout Group A-2 nightclubs as defined in this code.

903.2.3 Group E. An *automatic sprinkler system* shall be provided for fire areas containing Group E occupancies where the fire area has an occupant load of 51 or more, calculated in accordance with Table 1004.5.

EXCEPTIONS:

1. Portable school classrooms with an occupant load of 50 or less calculated in accordance with Table 1004.5, provided that the aggregate area of any cluster of portable school classrooms does not exceed 6,000 square feet (557 m²); and clusters of portable school classrooms shall be separated as required by the building code; or
2. Portable school classrooms with an occupant load from 51 through 98, calculated in accordance with Table 1004.5, and provided with two means of direct independent exterior egress from each classroom in accordance with Chapter 10, and one exit from each classroom shall be accessible, provided that the aggregate area of any cluster of portable classrooms does not exceed 6,000 square feet (557 m²); and clusters of portable school classrooms shall be separated as required by the building code; or
3. Fire areas containing day care and preschool facilities with a total occupant load of 100 or less located at the level of exit discharge where every room in which care is provided has not fewer than one exit discharge door.

903.2.6 Group I. An *automatic sprinkler system* shall be provided throughout buildings with a Group I *fire area*.

EXCEPTIONS:

1. An *automatic sprinkler system* installed in accordance with Section 903.3.1.2 shall be permitted in Group I-1 Condition 1 facilities.
2. Where new construction house 16 persons receiving care, an automatic sprinkler system installed in accordance with Section 903.3.1.2 shall be permitted for Group I-1, Condition 2, assisted living facilities licensed under chapter 388-78A WAC and residential treatment facilities licensed under chapter 246-337 WAC.
3. An automatic sprinkler system installed in accordance with Section 903.3.1.2 shall be permitted in additions to existing buildings where both of the following situations are true:
 - 3.1. The addition is made to a building previously approved as Group LC or Group R-2 that houses either an assisted living facility licensed under chapter 388-78A WAC or residential treatment facility licensed under chapter 246-337 WAC.
 - 3.2. The addition contains spaces for 16 or fewer persons receiving care.

903.2.6.1 Group I-4. An *automatic sprinkler system* shall be provided in fire areas containing Group I-4 occupancies where the *fire area* has an occupant load of 51 or more, calculated in accordance with Table 1004.5.

EXCEPTIONS:

1. An automatic sprinkler system is not required for Group I-4 day care facilities with a total occupant load of 100 or less, and located at the level of exit discharge and where every room where care is provided has not fewer than one exterior exit door.
2. In buildings where Group I-4 day care is provided on levels other than the level of exit discharge, an automatic sprinkler system in accordance with Section 903.3.1.1 shall be installed on the entire floor where care is provided, all floors between the level of care and the level of exit discharge and all floors below the level of exit discharge other than areas classified as an open parking garage.

903.2.8 Group R. An *automatic fire sprinkler system* installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R *fire area*.

EXCEPTION: Group R-1 if all of the following conditions apply:

1. The Group R fire area is no more than 500 square feet and is used for recreational use only.
2. The Group R fire area is only one story.
3. The Group R fire area does not include a basement.
4. The Group R fire area is no closer than 30 feet from another structure.
5. Cooking is not allowed within the Group R fire area.
6. The Group R fire area has an occupant load of no more than 8.
7. A hand held (portable) fire extinguisher is in every Group R fire area.

903.2.11 Specific building areas and hazards. In all occupancies other than Group U, an *automatic sprinkler system* shall be installed for building design or hazards in the locations set forth in Sections 903.2.11.1 through 903.2.11.7.

903.2.11.1.3 Basements. Where any portion of a *basement* is located more than 75 feet (22,860 mm) from openings required by Section 903.2.11.1, or where new walls, partitions or other similar obstruc-

tions are installed that increase the *exit access* travel distance to more than 75 feet, the basement shall be equipped throughout with an approved *automatic sprinkler system*.

903.2.11.7 Relocatable buildings within buildings. Relocatable buildings or structures located within a building with an *approved* fire sprinkler system shall be provided with fire sprinkler protection within the occupiable space of the building and the space underneath the relocatable building.

EXCEPTIONS:

1. Sprinkler protection is not required underneath the building when the space is separated from the adjacent space by construction resisting the passage of smoke and heat and combustible storage will not be located there.
2. If the building or structure does not have a roof or ceiling obstructing the overhead sprinklers.
3. Construction trailers and temporary offices used during new building construction prior to occupancy.
4. Movable shopping mall kiosks with a roof or canopy dimension of less than 4 feet on the smallest side.

903.3.1.2 NFPA 13R sprinkler systems. *Automatic sprinkler systems* in Group R occupancies up to and including four stories in height in buildings not exceeding 60 feet (18,288 mm) in height above grade plane shall be *permitted* to be installed throughout in accordance with NFPA 13R.

The number of stories of Group R occupancies constructed in accordance with Sections 510.2 and 510.4 shall be measured from the horizontal assembly creating separate buildings.

903.3.5.3 Underground portions of fire protection system water supply piping. The installation or modification of an underground water main, public or private, supplying a water-based fire protection system shall be in accordance with NFPA 24 and chapter 18.160 RCW. Piping and appurtenances downstream of the first control valve on the lateral or service line from the distribution main to one-foot above finished floor shall be *approved* by the *fire code official*. Such underground piping shall be installed by a fire sprinkler system contractor licensed in accordance with chapter 18.160 RCW and holding either a Level U or a Level 3 license. For underground piping supplying systems installed in accordance with Section 903.3.1.2, a Level 2, 3, or U licensed contractor is acceptable.

AMENDATORY SECTION (Amending WSR 22-13-094, 23-12-103, and 23-20-023, filed 6/14/22, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-50-0907 Section 907—Fire alarm and detection systems.

[F] 907.2.3 Group E. Group E occupancies shall be provided with a *manual fire alarm system* that initiates the occupant notification signal utilizing one of the following:

1. An emergency voice/alarm communication system meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6; or

2. A system developed as part of a safe school plan adopted in accordance with RCW 28A.320.125 or developed as part of an emergency response system consistent with the provisions of RCW 28A.320.126. The system must achieve all of the following performance standards:

- 2.1 The ability to broadcast voice messages or customized announcements;

- 2.2 Includes a feature for multiple sounds, including sounds to initiate a lock down;

- 2.3 The ability to deliver messages to the interior of a building, areas outside of a building as designated pursuant to the safe school plan, and to personnel;
- 2.4 The ability for two-way communications;
- 2.5 The ability for individual room calling;
- 2.6 The ability for a manual override;
- 2.7 Installation in accordance with NFPA 72;
- 2.8 Provide 15 minutes of battery backup for alarm and 24 hours of battery backup for standby; and
- 2.9 Includes a program for annual inspection and maintenance in accordance with NFPA 72.

EXCEPTIONS:

- 1. A manual fire alarm system shall not be required in Group E occupancies with an occupant load of 50 or less.
- 2. Emergency voice/alarm communication systems meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall not be required in Group E occupancies with occupant loads of 100 or less, such as individual portable school classroom buildings; provided that activation of the manual fire alarm system initiates an approved occupant notification signal in accordance with Section 907.5.
- 3. Where an existing approved alarm system is in place, an emergency voice/alarm system is not required in any portion of an existing Group E building undergoing any one of the following repairs, alteration or addition:
 - 3.1 Alteration or repair to an existing building including, without limitation, alterations to rooms and systems, and/or corridor configurations, not exceeding 35 percent of the fire area of the building (or the fire area undergoing the alteration or repair if the building is comprised of two or more fire areas); or
 - 3.2 An addition to an existing building, not exceeding 35 percent of the fire area of the building (or the fire area to which the addition is made if the building is comprised of two or more fire areas).
- 4. Manual fire alarm boxes shall not be required in Group E occupancies where all of the following apply:
 - 4.1 Interior *corridors* are protected by smoke detectors.
 - 4.2 Auditoriums, cafeterias, gymnasiums and similar areas are protected by *heat detectors* or other *approved* detection devices.
 - 4.3 Shops and laboratories involving dust or vapors are protected by heat detectors or other approved detection devices.
 - 4.4 Manual activation is provided from a normally occupied location.
- 5. Manual fire alarm boxes shall not be required in Group E occupancies where all of the following apply:
 - 5.1 The building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1.
 - 5.2 The emergency voice/alarm communication system will activate on sprinkler waterflow.
 - 5.3 Manual activation is provided from a normally occupied location.

[F] 907.2.3.1 Sprinkler systems or detection. When *automatic sprinkler systems* or *smoke detectors* are installed, such systems or detectors shall be connected to the building *fire alarm system*.

[F] 907.2.6.4 Group I-4 occupancies. A manual *fire alarm system* that initiates the occupant notification signal utilizing an emergency voice/alarm communication system meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall be installed in Group I-4 occupancies. When *automatic sprinkler systems* or *smoke detectors* are installed, such systems or detectors shall be connected to the building *fire alarm system*.

EXCEPTIONS:

- 1. A manual fire alarm system is not required in Group I-4 occupancies with an occupant load of 50 or less.
- 2. Emergency voice alarm communication systems meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall not be required in Group I-4 occupancies with occupant loads of 100 or less, provided that activation of the manual fire alarm system initiates an approved occupant notification signal in accordance with Section 907.5.

907.2.11.1 Group R-1. Single- or multiple-station smoke alarms shall be installed in all of the following locations in Group R-1:

- 1. In sleeping areas.
- 2. In each *loft* constructed in accordance with Section 420.14.
- 3. In every room in the path of the means of egress from the sleeping area to the door leading from the sleeping unit.
- 4. In each story within the sleeping unit, including basements.

For sleeping units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

907.2.11.2 Groups R-2, R-3, R-4, and I-1. Single- or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4, and I-1 regardless of *occupant load* at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In each *loft* constructed in accordance with Section 420.14.
4. In each story within a *dwelling unit*, including *basements* but not including crawl spaces and uninhabitable attics. In *dwellings* or *dwelling units* with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

[F] 907.5.2.1.2 Maximum sound pressure. The total sound pressure level produced by combining the ambient sound pressure level with all audible notification appliances operating shall not exceed 110 dBA at the minimum hearing distance from the audible appliance. For systems operating in public mode, the maximum sound pressure level shall not exceed 30 dBA over the average ambient sound level. Where the average ambient noise is greater than 95 dBA, visible alarm notification appliances shall be provided in accordance with NFPA 72 and audible alarm notification appliances shall not be required.

907.9 Reserved.

[F] 907.10 NICET: National Institute for Certification in Engineering Technologies.

907.10.1 Scope. This section shall apply to new and existing fire alarm systems.

907.10.2 Design review. All construction documents shall be reviewed by a NICET III in fire alarms or a licensed professional engineer (PE) in Washington prior to being submitted for permitting. The reviewing professional shall submit a stamped, signed, and dated letter; or a verification method approved by the local authority having jurisdiction indicating the system has been reviewed and meets or exceeds the design requirements of the state of Washington and the local jurisdiction. (Effective July 1, 2018.)

907.10.3 Testing/maintenance. All inspection, testing, maintenance and programing not defined as "electrical construction trade" by chapter 19.28 RCW shall be completed by a NICET II in fire alarms. (Effective July 1, 2018.)

AMENDATORY SECTION (Amending WSR 22-13-094, 23-12-103, and 23-20-023, filed 6/14/22, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-50-1004 Section 1004—Occupant load.

**Table 1004.5
Maximum Floor Area Allowance Per Occupant**

FUNCTION OF SPACE	OCCUPANT LOAD FACTOR ^a
Accessory storage areas, mechanical equipment room	300 gross
Agricultural building	300 gross

FUNCTION OF SPACE	OCCUPANT LOAD FACTOR ^a
Aircraft hangars	500 gross
Airport terminal	
Baggage claim	20 gross
Baggage handling	300 gross
Concourse	100 gross
Waiting areas	15 gross
Assembly	
Gaming floors (keno, slots, etc.)	11 gross
Exhibit gallery and museum	30 net
Billiard table/game table area	50 gross
Assembly with fixed seats	See Section 1004.6
Assembly without fixed seats	
Concentrated (chairs only - not fixed)	7 net
Standing space	5 net
Unconcentrated (tables and chairs)	15 net
Bowling centers, allow 5 persons for each lane including 15 feet of runway, and for additional areas	7 net
Business areas	
Concentrated business use areas	150 gross (See Section 1004.8)
Courtrooms - Other than fixed seating areas	40 net
Day care	35 net
Dormitories	50 gross
Educational	
Classroom area	20 net
Shops and other vocational room areas	50 net
Exercise rooms	50 gross
Fixed guideway transit and passenger rail systems	100 gross (See Section (3114))
Platform	3116)
Concourse/lobby	
Group H-5 fabrication and manufacturing areas	200 gross
Industrial areas	100 gross
Institutional areas	
Inpatient treatment areas	240 gross
Outpatient areas	100 gross
Sleeping areas	120 gross
Kitchens, commercial	200 gross
Library	
Reading rooms	50 net
Stack area	100 gross
Locker rooms	50 gross

FUNCTION OF SPACE	OCCUPANT LOAD FACTOR ^a
Mall buildings - Covered and open	See Section 402.8.2
Mercantile	60 gross
Storage, stock, shipping areas	300 gross
Parking garages	200 gross
Residential	200 gross
Skating rinks, swimming pools	
Rink and pool	50 gross
Decks	15 gross
Stages and platforms	15 net
Warehouses	500 gross

a Floor area in square feet per occupant.

AMENDATORY SECTION (Amending WSR 22-13-094, 23-12-103, and 23-20-023, filed 6/14/22, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-50-1006 Section 1006—Number of exits and exit access doorways.

**Table 1006.2.1
Spaces with One Exit or Exit Access Doorway**

OCCUPANCY	MAXIMUM OCCUPANT LOAD OF SPACE	MAXIMUM COMMON PATH OF EGRESS TRAVEL DISTANCE (feet)		
		Without Sprinkler System (feet)		With Sprinkler System (feet)
		Occupant Load		
		OL ≤ 30	OL ((≥)) ≥ 30	
A ^c , E ^h , M	49	75	75	75 ^a
B	49	100	75	100 ^a
F	49	75	75	100 ^a
H-1, H-2, H-3	3	NP	NP	25 ^b
H-4, H-5	10	NP	NP	75 ^b
I-1, I-2 ^d , I-4	10	NP	NP	75((b)) ^a
I-3	10	NP	NP	100 ^a
R-1	10	NP	NP	75 ^a
R-2	20	NP	NP	125 ^a
R-3 ^e	20	NP	NP	125 ^{a,g}
R-4 ^e	20	NP	NP	125 ^{a,g}
S ^f	29	100	75	100 ^a
U	49	100	75	75 ^a

For SI: 1 foot = 304.8 mm.

NP = Not Permitted.

- a Buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2. See Section 903 for occupancies where automatic sprinkler systems are permitted in accordance with Section 903.3.1.2.
- b Group H occupancies equipped throughout with an automatic sprinkler system in accordance with Section 903.2.5.
- c For a room or space used for assembly purposes having fixed seating, see Section 1029.8.
- d For the travel distance limitations in Group I-2, see Section 407.4.
- e The common path of egress travel distance shall only apply in a Group R-3 occupancy located in a mixed occupancy building.

- f The length of common path of egress travel distance in a Group S-2 open parking garage shall be not more than 100 feet.
- g For the travel distance limitations in Groups R-3 and R-4 equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.3, see Section 1006.2.2.6.
- h Day care facilities, rooms or spaces where care is provided for more than 10 children that are 2 1/2 years of age or less, shall have access to not less than two exits or exit access doorways.

1006.2.1 Egress based on occupant load and common path of egress travel distance. Two exits or exit access doorways from any space shall be provided where the design occupant load or the common path of egress travel distance exceeds the values listed in Table 1006.2.1. The cumulative occupant load from adjacent rooms, areas or spaces shall be determined in accordance with Section 1004.2.

EXCEPTIONS:

1. The number of exits from foyers, lobbies, vestibules or similar spaces need not be based on cumulative occupant loads for areas discharging through such spaces, but the capacity of the exits from such spaces shall be based on applicable cumulative occupant loads.
2. Care suites in Group I-2 occupancies complying with Section 407.4.
3. Unoccupied mechanical rooms and *penthouses* are not required to comply with the common path of egress travel distance measurement.
4. The common path of travel for fixed transit and passenger rail system stations shall be in accordance with Section 3116.

1006.2.1.1 Three or more exits or exit access doorways. Three *exits* or *exit access* doorways shall be provided from any space with an *occupant load* of 501 to 1,000. Four *exits* or *exit access* doorways shall be provided from any space with an occupant load greater than 1,000.

EXCEPTION: The number of required exits for fixed transit and passenger rail systems may be reduced by one at open stations.

1006.3.4 Single exits. A single *exit* or *access* to a single *exit* shall be permitted from any story or occupied roof where one of the following conditions exists:

1. The *occupant load*, number of *dwelling units* and *exit access* travel distance within the portion of the building served by the single *exit* do not exceed the values in Table 1006.3.4(1) or 1006.3.4(2).

2. Rooms, areas and spaces complying with Section 1006.2.1 with *exits* that discharge directly to the exterior at the level of *exit discharge*, are permitted to have one *exit* or *access* to a single exit.

3. Parking garages where vehicles are mechanically parked shall be permitted to have one exit or access to a single exit.

4. Groups R-3 and R-4 occupancies shall be permitted to have one *exit* or *access* to a single exit.

5. Individual single-story or multistory dwelling units shall be permitted to have a single *exit* or *access* to a single *exit* from the *dwelling unit* provided that both of the following criteria are met:

- 5.1. The *dwelling unit* complies with Section 1006.2.1 as a space with one *means of egress*.

- 5.2. Either the *exit* from the *dwelling unit* discharges directly to the exterior at the level of *exit discharge*, or the *exit access* outside the dwelling unit's entrance door provides access to not less than two approved independent *exits*.

AMENDATORY SECTION (Amending WSR 22-13-094, 23-12-103, and 23-20-023, filed 6/14/22, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-50-1101 Section 1101—General.

1101.2 Design. Buildings and facilities shall be designed and constructed to be accessible in accordance with this code and ICC A117.1, except those portions of ICC A117.1 amended by this section.

1101.2.1 Reserved.

1101.2.2 (ICC A117.1 Section 404.2.8) Door-opening force. Fire doors and doors or gates required to be equipped with panic hardware, break away features or other factors requiring higher opening force for safety reasons shall have the minimum opening force allowable in scoping provisions adopted by the appropriate administrative authority. For other doors or gates, the force for pushing or pulling open doors or gates shall be as follows:

1. Interior hinged door: 5.0 pounds (22.2 N) maximum
2. Interior sliding or folding doors: 5.0 pounds (22.2 N) maximum
3. Exterior hinged, sliding or folding door: 10 pounds (44.4 N)

maximum.

EXCEPTION: The force required to retract latch bolts or disengage other devices that hold the door or gate in a closed position shall not apply to panic hardware, delayed egress devices or fire-rated hardware.

1101.2.3 Reserved.

1101.2.4 (ICC ANSI A117.1 603.6) Operable parts. Operable parts on drying equipment, towel or cleansing product dispensers, and disposal fixtures shall comply with Table 603.6.

1101.2.5 (ICC A117.1 Section 604.6) Flush controls. Flush controls shall be hand operated or automatic. Hand operated flush controls shall comply with Section 309, except the maximum height above the floor shall be 44 inches. Flush controls shall be located on the open side of the water closet.

EXCEPTION: In ambulatory accessible compartments complying with Section 604.10, flush controls shall be permitted to be located on either side of the water closet.

1101.2.6 (ICC A117.1 Section 703.6.3.1) International Symbol of Accessibility. Where the International Symbol of Accessibility is required, it shall be proportioned complying with ICC A117.1 Figure 703.6.3.1. All interior and exterior signs depicting the International Symbol of Accessibility shall be white on a blue background.

1101.2.7 (ICC A117.1 Section 502.2) Vehicle space size. Car and van parking spaces shall be 96 inches (2440 mm) minimum in width.

1101.2.8 (ICC A117.1 Section 502.4.2) Access aisle width. Access aisles serving car parking spaces shall be 60 inches (1525 mm) minimum in width. Access aisles serving van parking spaces shall be 96 inches (2440 mm) minimum in width.

1101.2.9 (ICC A117.1 Section 502.7) Identification. Accessible parking spaces shall be indicated by a vertical sign. The signs shall include the International Symbol of Accessibility complying with section 703.6.3.1. Such symbol shall be white on a blue background. Signs identifying van parking spaces shall contain the designation "van accessible." The sign may include additional language such as, but not limited to, an indication of the amount of the monetary penalty defined in RCW 46.19.050 for parking in the space without a valid permit. A vertical "no parking" sign shall be erected at the head of each access aisle located adjacent to an accessible parking space. The sign may include additional language such as, but not limited to, an indication of any penalty for parking in an access aisle. Such signs shall be 60 inches (1525 mm) minimum above the floor of the parking space, measured to the bottom of the sign.

AMENDATORY SECTION (Amending WSR 22-13-094, 23-12-103, and 23-20-023, filed 6/14/22, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-50-1108 Section 1108—Dwelling units and sleeping units.

1108.6.2.2.1 Type A units. In Group R-2 Occupancies containing more than 10 dwelling units or sleeping units, at least 5 percent, but not less than one, of the units shall be a Type A unit. All units on a site shall be considered to determine the total number of units and the required number of Type A units. Type A units shall be dispersed among the various classes of units, as described in Section 1108.6. Bedrooms in monasteries and convents shall be counted as *sleeping units* for the purpose of determining the number of units. Where the *sleeping units* are grouped into suites, only one *sleeping unit* in each suite shall count towards the number of required *Type A units*.

EXCEPTIONS: 1. The number of Type A units is permitted to be reduced in accordance with Section ((H07:7)) 1108.7.
2. Existing structures on a site shall not contribute to the total number of units on a site.

AMENDATORY SECTION (Amending WSR 22-13-094, 23-12-103, and 23-20-023, filed 6/14/22, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-50-1110 Section 1110—Other features and facilities.

1110.2 Toilet and bathing facilities. Each toilet room and bathing room shall be accessible. Where a floor level is not required to be connected by an accessible route, the only toilet rooms or bathing rooms provided within the facility shall not be located on the inaccessible floor. Except as provided for in Sections 1110.2.4 and 1110.2.5 at least one of each type of fixture, element, control or dispenser in each accessible toilet room and bathing room shall be accessible.

EXCEPTIONS: 1. Toilet rooms or bathing rooms accessed only through a private office, not for common or public use and intended for use by a single occupant, shall be permitted to comply with the specific exceptions in ICC A117.1.
2. This section is not applicable to toilet and bathing rooms that serve dwelling units or sleeping units that are not required to be accessible by Section 1108.
3. Where multiple single-user all-gender toilet rooms or bathing rooms are clustered at a single location, at least 50 percent shall be accessible.
4. Where no more than one urinal is provided in a toilet room or bathing room, the urinal is not required to be accessible.
5. Toilet rooms or bathing rooms that are part of critical care or intensive care patient sleeping rooms serving accessible units are not required to be accessible.
6. Toilet rooms or bathing rooms designed for bariatrics patients are not required to comply with the toilet room and bathing room requirement in ICC A117.1. The sleeping units served by bariatrics toilet or bathing rooms shall not count toward the required number of accessible sleeping units.
7. Where permitted in Section ((H07)) 1108, in toilet rooms or bathrooms serving accessible units, water closets designed for assisted toileting shall be permitted to comply with Section ((H09:2.4)) 1110.2.2.
8. Where permitted in Section ((H07)) 1108, in bathrooms serving accessible units, showers designed for assisted ((toileting)) bathing shall be permitted to comply with Section ((H09:2.5)) 1110.2.3.
9. Where toilet facilities are primarily for children's use, required accessible water closets, toilet compartments and lavatories shall be permitted to comply with children's provision of ICC A117.1.

1110.5.1 Minimum number. Not fewer than two drinking fountains shall be provided. One drinking fountain shall comply with the requirements for people who use a wheelchair and one drinking fountain shall comply with the requirements for standing persons.

EXCEPTIONS: 1. A single drinking fountain with two separate spouts that complies with the requirements for people who use a wheelchair and standing persons shall be permitted to be substituted for two separate drinking fountains.
2. Where drinking fountains are primarily for children's use, drinking fountains for people using wheelchairs shall be permitted to comply with the children's provisions in ICC A117.1 and drinking fountains for standing children shall be permitted to provide the spout at 30 inches (762 mm) minimum above the floor.
3. In all occupancies that require more than two drinking fountains per floor or secured area, bottle filling stations shall be allowed to be substituted in accordance with Section 2902.5.

AMENDATORY SECTION (Amending WSR 20-21-021, filed 10/9/20, effective 11/9/20)

WAC 51-50-1203 Section 1203—Temperature control.

1203.1 Equipment and systems. Interior spaces intended for human occupancy shall be provided with active or passive space-heating systems capable of maintaining an indoor temperature of not less than 68°F (20°C) at a point 3 feet (914 mm) above the floor on the design heating day.

EXCEPTIONS: 1. Interior spaces where the primary purpose of the space is not associated with human comfort.
2. Group F, H, S, or U occupancies.
3. Group R-1 Occupancies not more than 500 square feet (46 m²).

1203.2 Definitions. For the purposes of this section only, the following definitions apply.

DESIGNATED AREAS are those areas designated by a county to be an urban growth area in chapter 36.70A RCW and those areas designated by the U.S. Environmental Protection Agency as being in nonattainment for particulate matter.

SUBSTANTIALLY REMODELED means any alteration or restoration of a building exceeding 60 percent of the appraised value of such building within a 12-month period. For the purpose of this section, the appraised value is the estimated cost to replace the building and structure in-kind, based on current replacement costs.

1203.3 Primary heating source. Primary heating sources in all new and substantially remodeled buildings in designated areas shall not be dependent upon wood stoves.

1203.4 Solid fuel burning devices. No new or used solid fuel burning device shall be installed in new or existing buildings unless such device is United States Environmental Protection Agency certified or exempt from certification by the United States Environmental Protection Agency and conforms with RCW ((70.94.011, 70.94.450, 70.94.453 and 70.94.457)) 70A.15.1005, 70A.15.3500, 70A.15.3510, and 70A.15.3530.

EXCEPTIONS: 1. Wood cook stoves.
2. Antique wood heaters manufactured prior to 1940.

AMENDATORY SECTION (Amending WSR 22-13-094, 23-12-103, and 23-20-023, filed 6/14/22, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-50-1208 Section 1208—(~~Dwelling unit size~~) Interior space dimensions.

1208.3 Dwelling unit size. Dwelling units shall have a minimum of 190 square feet (17.7 m²) of habitable space.

1208.4 Room area. Every *dwelling unit* shall have not less than one room that shall have not less than 120 square feet (11.2 m²) of *net floor area*. *Sleeping units* and other habitable rooms of a *dwelling unit* shall have a *net floor area* of not less than 70 square feet (6.5 m²).

EXCEPTION: Kitchens are not required to be of a minimum floor area.

1208.5 Efficiency dwelling units. *Efficiency dwelling units* shall conform to the requirements of the code except as modified herein:

1. The unit's habitable space shall comply with Sections 1208.1 through 1208.4.
2. The unit shall be provided with a separate closet.
3. For other than *accessible*, Type A and Type B dwelling units, the unit shall be provided with a kitchen sink, cooking appliance and refrigerator, each having a clear working space of not less than 30 inches (762 mm) in front. Light and *ventilation* conforming to this code shall be provided.
4. The unit shall be provided with a separate bathroom containing a water closet, lavatory, and bathtub or shower.

AMENDATORY SECTION (Amending WSR 23-02-073, 23-12-103, and 23-20-023, filed 1/4/23, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-50-1613 Section 1613—Earthquake loads.

1613.4 Amendments to ASCE 7. The provisions of Section 1613.4 shall be permitted as an amendment to the relevant provisions of ASCE 7. The text of ASCE 7 shall be amended as indicated in Sections 1613.4.1 through 1613.4.6.

1613.4.1 ASCE 7 Section 12.2.5.4. Amend ASCE 7 Section 12.2.5.4 as follows:

12.2.5.4 Increased structural height limit for steel eccentrically braced frames, steel special concentrically braced frames, steel buckling-restrained braced frames, steel special plate shear walls, and special reinforced concrete shear walls. The limits on height, h_n , in Table 12.2-1 are permitted to be increased from 160 ft (50 m) to 240 ft (75 m) for structures assigned to Seismic Design Categories D or E and from 100 ft (30 m) to 160 ft (50 m) for structures assigned to Seismic Design Category F, provided that the seismic force-resisting systems are limited to steel eccentrically braced frames, steel special concentrically braced frames, steel buckling-restrained braced frames, steel special plate shear walls, or special reinforced concrete cast-in-place shear walls and all of the following requirements are met:

1. The structure shall not have an extreme torsional irregularity as defined in Table 12.3-1 (horizontal structural irregularity Type 1b).
2. The steel eccentrically braced frames, steel special concentrically braced frames, steel buckling-restrained braced frames, steel special plate shear walls or special reinforced concrete shear walls in any one plane shall resist no more than 60 percent of the total seismic forces in each direction, neglecting accidental torsional effects.
3. Where floor and roof diaphragms transfer forces from the vertical seismic force-resisting elements above the diaphragm to other vertical force-resisting elements below the diaphragm, these in-plane transfer forces shall be amplified by the overstrength factor, Ω_o for the design of the diaphragm flexure, shear, and collectors.
4. The earthquake force demands in foundation mat slabs, grade beams, and pile caps supporting braced frames and/or walls arranged to form a shear-resisting core shall be amplified by 2 for shear and 1.5 for flexure. The redundancy factor, ρ , applies and shall be the same as that used for the structure in accordance with Section 12.3.4.

1613.4.2 ASCE 7 Section 12.6. Amend ASCE 7 Section 12.6 and Table 12.6-1 to read as follows:

12.6 ANALYSIS PROCEDURE SELECTION

12.6.1 Analysis procedure. The structural analysis required by Chapter 12 shall consist of one of the types permitted in Table 12.6-1, based on the structure's seismic design category, structural system, dynamic properties, and regularity, or with the approval of the authority having jurisdiction, an alternative generally accepted procedure is permitted to be used. The analysis procedure selected shall be completed in accordance with the requirements of the corresponding section referenced in Table 12.6-1.

**Table 12.6-1
Permitted Analytical Procedures**

Seismic Design Category	Structural Characteristics	Equivalent Lateral Force Procedure, Section 12.8 ^a	Modal Response Spectrum Analysis, Section 12.9.1, or Linear Response History Analysis, Section 12.9.2	Nonlinear Response History Procedures, Chapter 16 ^a
B, C	All structures	P	P	P
D, E, F	Risk Category I or II buildings not exceeding two stories above the base	P	P	P
	Structures of light frame construction	P	P	P
	Structures with no structural irregularities and not exceeding 160 ft in structural height	P	P	P
	Structures exceeding 160 ft in structural height with no structural irregularities and with $T < 3.5T_s$	P	P	P
	Structures not exceeding 160 ft in structural height and having only horizontal irregularities of Type 2, 3, 4, or 5 in Table 12.3-1 or vertical irregularities of Type 4, 5a, or 5b in Table 12.3-2	P	P	P
	All other structures \leq 240 ft in height	NP	P	P
	All structures $>$ 240 ft in height	NP	NP	p ^c

^a P: Permitted; NP: Not Permitted; $T_s = S_{D1}/S_{D5}$.

1613.4.3 ASCE 7 Section 11.2. Amend ASCE 7 Section 11.2 to include the following definition:

USGS SEISMIC DESIGN GEODATABASE: A U.S. Geological Survey (USGS) database of geocoded values of seismic design parameters and geocoded sets of multiperiod 5%-damped risk-targeted maximum considered earthquake (MCEER) response spectra. The parameters obtained from this database may only be used where referenced by Section 11.4.8.1.

User Note: The USGS Seismic Design Geodatabase is intended to be accessed through a USGS Seismic Design web service that allows the user to specify the site location, by latitude and longitude, and the site class to obtain the seismic design data. The USGS web service spatial-

ly interpolates between the gridded data of the USGS geodatabase. Both the USGS geodatabase and the USGS web service can be accessed at <https://doi.org/10.5066/F7NK3C76>. The USGS Seismic Design Geodatabase is available at the ASCE 7 Hazard Tool <https://asce7hazardtool.online/> or an approved equivalent.

1613.4.4 ASCE 7 Section 11.4.8. Amend ASCE 7 Section 11.4.8 to include the following section:

11.4.8.1 Multiperiod design response spectrum. As an alternative to the ground motion hazard analysis requirements of Section 11.4.8, and suitable for all structures other than those designated Site Class F (unless exempted in accordance with Section 20.3.1), a multiperiod design response spectrum may be developed as follows:

1. For exclusive use with the USGS Seismic Design Geodatabase in accordance with this section, the site class shall be determined per Section 20.6.

2. Where a multiperiod design response spectrum is developed in accordance with this section, the parameters S_M , S_{M1} , S_D , S_{D1} , and T_L as obtained by the USGS Seismic Design Geodatabase shall be used for all applications of these parameters in this standard.

3. The S_S and S_1 parameters obtained by the USGS Seismic Design Geodatabase are only permitted to be used in development of the multiperiod design response spectrum and are not permitted to be used in other applications in this standard. The mapped parameters S_S and S_1 as determined by Section 11.4.2 and peak ground acceleration parameter PGA_M as determined by Section 11.8.3 shall be used for all other applications in this standard.

4. At discrete values of period, T , equal to 0.0s, 0.01s, 0.02s, 0.03s, 0.05s, 0.075s, 0.1s, 0.15s, 0.2s, 0.25s, 0.3s, 0.4s, 0.5s, 0.75s, 1.0s, 1.5s, 2.0s, 3.0s, 4.0s, 5.0s, 7.5s, and 10.0s, the 5%-damped design spectral response acceleration parameter, S_a , shall be taken as 2/3 of the multiperiod 5%-damped MCER response spectrum from the USGS Seismic Design Geodatabase for the applicable site class.

5. At each response period, T , less than 10.0s and not equal to one of the discrete values of period, T , listed in Item 4 above, S_a , shall be determined by linear interpolation between values of S_a , of Item 4 above.

6. At each response period, T , greater than 10.0s, S_a shall be taken as the value of S_a at the period of 10.0s, factored by $10/T$, where the value of T is less than or equal to that of the long-period transition period, T_L , and shall be taken as the value of S_a at the period of 10.0s factored by $10T_L/T^2$, where the value of T is greater than that of the long-period transition period, T_L .

7. Where an MCER response spectrum is required, it shall be determined by multiplying the multiperiod design response spectrum by 1.5.

8. For use with the equivalent lateral force procedure, the spectral acceleration S_a at T shall be permitted to replace S_{D1}/T in Equation (12.8-3) and $S_{D1} T_L/T^2$ in Equation (12.8-4).

1613.4.5 ASCE 7 Section 20.6. Amend ASCE 7 Chapter 20 to include the following section:

Section 20.6 Site classification procedure for use with Section

11.4.8.1. For exclusive use in determining the multiperiod design re-

sponse spectrum and associated spectral parameters in accordance with Section 11.4.8.1, the site class shall be determined in accordance with this section. For all other applications in this standard the site class shall be determined per Section 20.1.

20.6.1 Site classification. The site soil shall be classified in accordance with Table 20.6-1 and Section 20.6.2 based on the average shear wave velocity parameter, \bar{v}_s , which is derived from the measured shear wave velocity profile from the ground surface to a depth of 100 ft (30 m). Where shear wave velocity is not measured, appropriate generalized correlations between shear wave velocity and standard penetration test (SPT) blow counts, cone penetration test (CPT) tip resistance, shear strength, or other geotechnical parameters shall be used to obtain an estimated shear wave velocity profile, as described in Section 20.6.3. Where site-specific data (measured shear wave velocities or other geotechnical data that can be used to estimate shear wave velocity) are available only to a maximum depth less than 100 ft (30 m), shall be estimated as described in Section 20.6.3.

Where the soil properties are not known in sufficient detail to determine the site class, the most critical site conditions of Site Class C, Site Class CD and Site Class D, as defined in Section 20.6.2, shall be used unless the authority having jurisdiction or geotechnical data determine that Site Class DE, E or F soils are present at the site. Site Classes A and B shall not be assigned to a site if there is more than 10 ft (3.1 m) of soil between the rock surface and the bottom of the spread footing or mat foundation.

20.6.2 Site class definitions. Site class types shall be assigned in accordance with the definitions provided in Table 20.6.2-1 and this section.

20.6.2.1 Soft clay Site Class E. Where a site does not qualify under the criteria for Site Class F per Section 20.3.1 and there is a total thickness of soft clay greater than 10 ft (3 m), where a soft clay layer is defined by $s_u < 500$ psf ($s_u < 25$ kPa), $w \geq 40\%$, and $PI > 20$, it shall be classified as Site Class E. This classification is made regardless of \bar{v}_s , as computed in Section 20.4.

20.6.2.2 Site Classes C, CD, D, DE and E. The assignment of Site Class C, CD, D, DE and E soils shall be made based on the average shear wave velocity, which is derived from the site shear wave velocity profile from the ground surface to a depth of 100 ft (30 m), as described in Section 20.4.

20.6.2.3 Site Classes B and BC (medium hard and soft rock). Site Class B can only be assigned to a site on the basis of shear wave velocity measured on site. If shear wave velocity data are not available and the site condition is estimated by a geotechnical engineer, engineering geologist, or seismologist as Site Class B or BC on the basis of site geology, consisting of competent rock with moderate fracturing and weathering, the site shall be classified as Site Class BC. Softer and more highly fractured and weathered rock shall either be measured on site for shear wave velocity or classified as Site Class C.

20.6.2.4 Site Class A (hard rock). The hard rock, Site Class A, category shall be supported by shear wave velocity measurement, either on site or on profiles of the same rock type in the same formation with an equal or greater degree of weathering and fracturing. Where hard rock conditions are known to be continuous to a depth of 100 ft (30

m), surficial shear wave velocity measurements to maximum depths less than 100 ft are permitted to be extrapolated to assess \bar{v}_s .

Table 20.6.2-1 Site Classification

Site Class	\bar{v}_s Calculated Using Measured or Estimated Shear Wave Velocity Profile (ft/s)
A. Hard Rock	> 5,000
B. Medium Hard Rock	> 3,000 to 5,000
BC. Soft Rock	> 2,100 to 3,000
C. Very Dense Sand or Hard Clay	> 1,450 to 2,100
CD. Dense Sand or Very Stiff Clay	> 1,000 to 1,450
D. Medium Dense Sand or Stiff Clay	> 700 to 1,000
DE. Loose Sand or Medium Stiff Clay	> 500 to 700
E. Very Loose Sand or Soft Clay	\leq 500

20.6.3 Estimation of shear wave velocity profiles. Where measured shear wave velocity data are not available, shear wave velocity shall be estimated as a function of depth using correlations with suitable geotechnical parameters, including standard penetration test (SPT) blow counts, shear strength, overburden pressure, void ratio, or cone penetration test (CPT) tip resistance, measured at the site.

Site class based on estimated values of shall be derived using \bar{v}_s , $\bar{v}_s/1.3$, and $1.3\bar{v}_s$ when correlation models are used to derive shear wave velocities. Where correlations derived for specific local regions can be demonstrated to have greater accuracy, factors less than 1.3 can be used if approved by the authority having jurisdiction. If the different average velocities result in different site classes per Table 20.6.2-1, the most critical of the site classes for ground motion analysis at each period shall be used.

Where the available data used to establish the shear wave velocity profile extends to depths less than 100 ft (30 m) but more than 50 ft (15 m), and the site geology is such that soft layers are unlikely to be encountered between 50 and 100 ft, the shear wave velocity of the last layer in the profile shall be extended to 100 ft for the calculation of in Equation (20.4-1). Where the data does not extend to depths of 50 ft (15 m), default site classes, as described in Section 20.6.1, shall be used unless another site class can be justified on the basis of the site geology.

1613.4.6 ASCE 7 Section 21.3.1. Amend ASCE 7 Section 21.3 to include the following section:

Section 21.3.1 Alternate minimum design spectral response accelerations. As an alternate approach to Section 21.3, the lower limit of S_a is permitted to be determined according to this section. The design spectral response acceleration at any period shall not be taken less than 80% of the multiperiod design response spectrum as determined by Section 11.4.8.1.

For sites classified as Site Class F requiring site-specific analysis in accordance with Section 11.4.8, the design spectral response acceleration at any period shall not be less than 80% of S_a determined for Site Class E.

EXCEPTION: Where a different site class can be justified using the site-specific classification procedures in accordance with Section 20.6.2.2, a lower limit of 80% of S_a for the justified site class shall be permitted to be used.

AMENDATORY SECTION (Amending WSR 23-02-073, 23-12-103, and 23-20-023, filed 1/4/23, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-50-2103 Section 2103—((Mortar)) Masonry construction materials.

2103.2.4 Mortar for adhered masonry veneer. Mortar for use with adhered masonry veneer shall conform to ASTM C270 for Type N or S, or shall comply with ANSI A118.4 or A118.15 for modified dry-set cement mortar. The cementitious bond coat shall comply with ANSI A118.4 or A118.15.

AMENDATORY SECTION (Amending WSR 22-13-094, 23-12-103, and 23-20-023, filed 6/14/22, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-50-2902 Section 2902—Minimum plumbing facilities.

2902.1 Minimum number of fixtures. Plumbing fixtures shall be provided in the minimum number shown in Table 2902.1. Uses not shown in Table 2902.1 shall be determined individually by the *building official* based on the occupancy which most nearly resembles the proposed occupancy. The number of occupants shall be determined by this code. Plumbing fixtures need not be provided for unoccupied buildings or facilities.

2902.1.1.1 Private offices. Fixtures only accessible to private offices shall not be counted to determine compliance with this section.

2902.1.1.2 Urinals in men's facilities. Where urinals in men's facilities are provided, one water closet less than the number specified may be provided for each urinal installed, except the number of water closets in such cases shall not be reduced to less than one quarter (25 percent) of the minimum specified.

2902.1.1.3 Urinals in all-gender facilities. Where urinals are provided in all-gender facilities, one water closet less than the number specified may be provided for each urinal installed, except the number of water closets in such cases shall not be reduced less than one quarter (25 percent) of the minimum specified.

2902.2 Separate facilities. Where plumbing fixtures are required, separate facilities shall be provided for each sex.

EXCEPTIONS:

1. Separate facilities shall not be required for *dwelling units* and *sleeping units*.
2. Separate facilities shall not be required in structures or tenant spaces with a total *occupant load*, including both employees and customers, of 15 or fewer.
3. Separate facilities shall not be required in mercantile occupancies in which the maximum occupant load is 100 or fewer.
4. Separate facilities shall not be required in business occupancies in which the maximum occupant load is 25 or fewer.
5. Separate facilities shall not be required in spaces primarily used for drinking or dining with a total occupant load, including both employees and customers, of 30 or fewer.
6. Separate facilities shall not be required when all-gender facilities are provided in accordance with Section 2902.2.2.
7. Separate facilities shall not be required where rooms having both water closets and lavatory fixtures are designed for use by both sexes and privacy for water closets are installed in accordance with Section 1210.3.1. Urinals shall be located in an area visually separated from the remainder of the facility or each urinal that is provided shall be located in a stall.

2902.2.2 All-gender facilities. All-gender toilet facilities, when provided, shall be in accordance with the following:

1. There is no reduction in the number of fixtures required to be provided for male and female in the type of occupancy and in the minimum number shown in Table 2902.1.

2. All-gender multiuser toilet rooms shall have water closets and urinals located in toilet compartments in accordance with ICC A117.1.

3. All-gender multiuser toilet room water closet and urinal compartments shall have full-height walls and a door enclosing the fixture to ensure privacy.

4. All-gender toilet room water closet and urinal compartment doors shall be securable from within the compartment.

5. All-gender toilet rooms provided for the use of multiple occupants, the egress door from the room shall not be lockable from the inside of the room.

6. Compartments shall not be required in a single-occupant toilet room with a lockable door.

2902.3 Employee and public toilet facilities. For structures and tenant spaces intended for public utilization, customers, patrons and visitors shall be provided with public toilet facilities. Employees associated with structures and tenant spaces shall be provided with toilet facilities. The number of plumbing fixtures located within the required toilet facilities shall be provided in accordance with Section 2902 for all users. Employee toilet facilities shall be either separate or combined employee and public toilet facilities.

EXCEPTION:

Public toilet facilities shall not be required for:

1. Parking garages where operated without parking attendants.
2. Structures and tenant spaces intended for quick transactions, including takeout, pickup and drop-off, having a public access area less than or equal to 300 square feet (28 m²).
3. Fixed guideway transit and passenger rail systems constructed in accordance with Section ((342)) 3116.

2902.3.3 Location of toilet facilities in occupancies other than

malls. In occupancies other than covered and open mall buildings, the required *public* and employee toilet facilities shall be located in each building not more than one story above or below the space required to be provided with toilet facilities, or conveniently in a building adjacent thereto on the same property, and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m).

EXCEPTIONS:

1. The location and maximum distances of travel to required employee facilities in factory and industrial occupancies shall be permitted to exceed that required by this section, provided that the location and maximum distance of travel are *approved*.
2. The location and maximum distances of travel to required public and employee facilities in Group S occupancies shall be permitted to exceed that required by this section, provided that the location and maximum distances of travel are approved.

2902.5 Drinking fountain location. Drinking fountains shall not be required to be located in individual tenant spaces provided that public drinking fountains are located within a distance of travel of 500 feet of the most remote location in the tenant space and not more than one story above or below the tenant space. Where the tenant space is in a covered or open mall, such distance shall not exceed 300 feet. Drinking fountains shall be located on an accessible route. Drinking fountains shall not be located in toilet rooms.

2902.5.1 Drinking fountain number. Occupant loads over 30 shall have one drinking fountain for the first 150 occupants, then one per each additional 500 occupants.

EXCEPTIONS:

1. Sporting facilities with concessions serving drinks shall have one drinking fountain for each 1000 occupants.
2. A drinking fountain need not be provided in a drinking or dining establishment.

2902.5.2 Multistory buildings. Drinking fountains shall be provided on each floor having more than 30 occupants in schools, dormitories, auditoriums, theaters, offices and public buildings.

2902.5.3 Penal institutions. Penal institutions shall have one drinking fountain on each cell block floor and one on each exercise floor.

2902.5.4 Bottle filling stations. Bottle filling stations shall be provided in accordance with Sections 2902.5.4.1 through 2902.5.4.3.

2902.5.4.1 Group E occupancies. In Group E occupancies with an occupant load over 30, a minimum of one bottle filling station shall be provided on each floor. This bottle filling station may be integral to a drinking fountain.

2902.5.4.2 Substitution. In all occupancies that require more than two drinking fountains per floor or secured area, *bottle filling stations* shall be permitted to be substituted for up to 50 percent of the required number of drinking fountains.

2902.5.4.3 Accessibility. At least one of the required bottle filling stations shall be located in accordance with Section 309 of ICC A117.1.

2902.6 Small occupancies. This section is not adopted.

2902.8 Dwelling units. Dwelling units shall be provided with a kitchen sink.

2902.9 Water. Each required sink, lavatory, bathtub and shower stall shall be equipped with hot and cold running water necessary for its normal operation.

SECTION 2903—RESERVED.

SECTION 2904—RESERVED.

**Table 2902.1
Minimum Number of Required Plumbing Fixtures^a**

(See Sections 2902.2 and 2902.3)

No.	Classification	Occupancy	Description	Water Closets		Lavatories		Bathubs/ Showers	
				Male	Female	Male	Female		
1	Assembly	A-1 ^d	Theaters and other buildings for the performing arts and motion pictures	1 per 125	1 per 65	1 per 200		—	
		A-2 ^d	Nightclubs, bars, taverns, dance halls and buildings for similar purposes	1 per 40	1 per 40	1 per 75		—	
			Restaurants, banquet halls and food courts	1 per 75	1 per 75	1 per 200		—	
		A-3 ^d	Auditoriums without permanent seating, art galleries, exhibition halls, museums, lecture halls, libraries, arcades and gymnasiums	1 per 125	1 per 65	1 per 200		—	
			Passenger terminals and transportation facilities	1 per 500	1 per 500	1 per 750		—	
			Places of worship and other religious services	1 per 150	1 per 75	1 per 200		—	
		A-4	Coliseums, arenas, skating rinks, pools, and tennis courts for indoor sporting events and activities	1 per 75 for first 1,500 and 1 per 120 for remainder exceeding 1,500	1 per 40 for first 1,520 and 1 per 60 for remainder exceeding 1,520	1 per 200	1 per 150		—
		A-5	Stadiums, amusement parks, bleachers and grandstands for outdoor sporting events and activities	1 per 75 for first 1,500 and 1 per 120 for remainder exceeding 1,500	1 per 40 for first 1,520 and 1 per 60 for remainder exceeding 1,520	1 per 200	1 per 150		—

No.	Classification	Occupancy	Description	Water Closets		Lavatories		Bathubs/ Showers
				Male	Female	Male	Female	
2	Business	B	Buildings for the transaction of business, professional services, other services involving merchandise, office buildings, banks, light industrial and similar uses	1 per 25 for first 50 and 1 per 50 for the remainder exceeding 50		1 per 40 for first 80 and 1 per 80 for remainder exceeding 80		—
3	Educational	E ^e	Educational facilities	1 per 35	1 per 25	1 per 85	1 per 50	—
4	Factory and industrial	F-1 and F-2	Structures in which occupants are engaged in work fabricating, assembling or processing of products or materials	1 per 100		1 per 100		Check State (UPC)
5	Institutional	I-1	Residential care	1 per 10		1 per 10		1 per 8
		I-2	Hospitals, ambulatory nursing home care recipient ^b	1 per room ^c		1 per room ^c		1 per 15
			Employees, other than residential care ^b	1 per 25		1 per 35		—
			Visitors other than residential care	1 per 75		1 per 100		—
		I-3	Prisons ^b	1 per cell		1 per cell		1 per 15
			Reformatories, detention centers and correctional centers ^b	1 per 15		1 per 15		1 per 15
			Employees ^b	1 per 25		1 per 35		—
I-4	Adult day care and child day care	1 per 15		1 per 15		1		
6	Mercantile	M	Retail stores, service stations, shops, salesrooms, markets and shopping centers	1 per 500		1 per 750		—
7	Residential	R-1	Hotels, motels, boarding houses (transient)	1 per sleeping unit		1 per sleeping unit		1 per sleeping unit
		R-2	Dormitories, fraternities, sororities and boarding houses (not transient)	1 per 10		1 per 10		1 per 8
			Apartment house	1 per dwelling unit		1 per dwelling unit		1 per dwelling unit
		R-3	One- and two-family dwellings	1 per dwelling unit		1 per 10		1 per dwelling unit
			Congregate living facilities with 16 or fewer persons	1 per 10		1 per 10		1 per 8
R-4	Congregate living facilities with 16 or fewer persons	1 per 10		1 per 10		1 per 8		
8	Storage	S-1 S-2	Structures for the storage of goods, warehouses, storehouses and freight depots, low and moderate hazard	1 per 100		1 per 100		Check State (UPC)

- a. The fixtures shown are based on one fixture being the minimum required for the number of persons indicated or any fraction of the number of persons indicated. The number of occupants shall be determined by this code, except with respect to Group E occupancies the provisions of note "e" shall apply.
- b. Toilet facilities for employees shall be separate from facilities for inmates or care recipients.
- c. A single-occupant toilet room with one water closet and one lavatory serving not more than two adjacent patient sleeping units shall be permitted where such room is provided with direct access from each patient sleeping unit and with provisions for privacy.
- d. The occupant load for seasonal outdoor seating and entertainment areas shall be included when determining the minimum number of facilities required.
- e. For Group E occupancies: The number of occupants shall be determined by using a calculation of 100 square feet gross building area per student for the minimum number of plumbing fixtures.

AMENDATORY SECTION (Amending WSR 20-01-090, filed 12/12/19, effective 7/1/20)

WAC 51-50-30020 ((Reserved.)) Section 30020—Hoistway enclosures.

3002.4 Elevator car to accommodate ambulance stretcher.

In buildings provided with an elevator, at least one elevator shall provide fire department emergency access to all floors served in:

1. Buildings four or more stories above or below grade plane; and
2. Any R-1, R-2, or I occupancy building regardless of the number of stories.

The elevator car shall be of a size and arrangement to accommodate a 24-inch by 84-inch (610 mm by 2134 mm) ambulance stretcher with not less than 5-inch (127 mm) radius corners, in the horizontal, open position. The elevator shall be identified by the international symbol for emergency medical services (star of life). The symbol shall not be less than 3 inches (76 mm) in height and shall be placed inside on both sides of the hoistway door frame on both the designated level and the alternate level.

EXCEPTION: Private residence elevators are not required to comply with this section.

AMENDATORY SECTION (Amending WSR 20-01-103, filed 12/13/19, effective 7/1/20)

WAC 51-50-3006 Section 3006—((Elevators and conveying systems)) Elevator lobbies and hoistway opening protection.

3006.3 Hoistway opening protection. Where Section 3006.2 requires protection of the elevator hoistway door opening, the protection shall be provided by one of the following:

1. An enclosed elevator lobby shall be provided at each floor to separate the elevator hoistway shaft enclosure doors from each floor by fire partitions in accordance with Section 708. In addition, doors protecting openings in the elevator lobby enclosure walls shall comply with Section 716.2.2.1 as required for corridor walls. Penetrations of the enclosed elevator lobby by ducts and air transfer openings shall be protected as required for corridors in accordance with Section 717.5.4.1.

2. An enclosed elevator lobby shall be provided at each floor to separate the elevator hoistway shaft enclosure doors from each floor by smoke partitions in accordance with Section 710 where the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2. In addition, doors protecting openings in the smoke partitions shall comply with Sections 710.5.2.2, 710.5.2.3, and 716.2.6.1. Penetrations of the enclosed elevator lobby by ducts and air transfer openings shall be protected as required for corridors in accordance with Section 717.5.4.1.

3. Additional doors shall be provided at each elevator hoistway door opening in accordance with Section 3002.6. Such door shall comply with the smoke and draft control door assembly requirements in Section 716.2.2.1.1 when tested in accordance with UL 1784 without an artificial bottom seal.

4. The elevator hoistway shall be pressurized in accordance with Sections 909.6.3 and 909.21.

AMENDATORY SECTION (Amending WSR 22-13-094, 23-12-103, and 23-20-023, filed 6/14/22, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-50-3101 Section 3101—General.

3101.1 Scope. The provisions of this chapter shall govern special building construction including *membrane structures*, temporary structures, *pedestrian walkways* and tunnels, *automatic vehicular gates*, *awnings* and *canopies*, *marquees*, signs, towers, antennas, relocatable buildings, swimming pool enclosures and safety devices, solar energy systems and fixed guideway transit and passenger rail systems, public use restroom buildings on publicly owned lands in *flood hazard areas*, and *intermodal shipping containers*.

AMENDATORY SECTION (Amending WSR 22-13-094, 23-12-103, and 23-20-023, filed 6/14/22, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-50-3103 Temporary structures.

3103.1 General. The provisions of this section shall apply to structures erected for a period of less than 180 days. *Special event structures*, tents, umbrella structures and other membrane structures erected for a period of less than 180 days shall also comply with the *International Fire Code*. Those erected for a longer period of time shall comply with applicable sections of this code.

EXCEPTION: The building official may authorize unheated tents and yurts under 500 square feet (46 m²) accommodating an R-1 Occupancy for recreational use as a temporary structure and allow them to be used indefinitely.

AMENDATORY SECTION (Amending WSR 22-13-094, 23-12-103, and 23-20-023, filed 6/14/22, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-50-3116 Section 3116—Fixed guideway transit and passenger rail systems.

3116.1 Construction. Construction of fixed guideway transit and passenger rail systems shall be in accordance with NFPA 130-2020, standard for fixed guideway transit and passenger rail systems, as modified in Section 3116.2.

3116.2 Modifications to NFPA 130.

5.2.2.1 Building construction for stations shall be in accordance with Table 5.2.2.1 based upon station configuration.

5.2.2.2 Construction types shall conform to the requirements in IBC Chapter 6, unless otherwise exempted in this section.

**Table 5.2.2.1
Minimum Construction Requirements
for New Station Structures**

Station Configuration	Construction Type†
Stations erected entirely above grade and in a separate building:	
Open stations	Type IIB
Enclosed stations	Type IIA
Stations erected entirely or partially below grade:	
Open above grade portions of below grade structures*	Type IIA
Below grade portions of structures	Type IB
Below grade structures with occupant loads exceeding 1000	Type IA

* Roofs not supporting an occupancy above are not required to have a fire resistance rating.

† Construction types are in accordance with the IBC.

5.2.4.3 Ancillary spaces. Fire resistance ratings of separations between ancillary occupancies shall be established as required for accessory occupancies and incidental uses by the IBC and in accordance with ASTM E119 and ANSI/UL 263.

5.2.5.4 Materials used as interior finish in open stations shall comply with the requirements of IBC, Chapter 8.

5.3.1* General.

5.3.1.1 The provisions for means of egress for a station shall comply with IBC, Chapter 10, except as herein modified.

5.3.2 Occupant load.

5.3.2.1 The occupant load for a station shall be based on the train load of trains simultaneously entering the station on all tracks in normal traffic direction plus the simultaneous entraining load awaiting trains.

1. The train load shall consider only one train at any one track, inside a station.

2. The basis for calculating train and entraining loads shall be the peak period ridership figures as projected for design of a new system or as updated for an operating system.

5.3.2.2* For station(s) servicing areas such as civic centers, sports complexes, and convention centers, the peak ridership figures shall consider events that establish occupant loads not included in normal passenger loads.

5.3.2.2.1 Where station occupancy is anticipated to be greater than design capacity during a major event the operating agency shall initiate approved measures to restrict access to the station, when required by the fire code official, to ensure existing means of egress are adequate as an alternate to account for peak ridership associated with major events.

5.3.2.3 At multilevel, multiline, or multiplatform stations, occupant loads shall be determined as follows:

1. The maximum occupant load for each platform shall be considered separately for the purpose of sizing the means of egress from that platform.

2.* Simultaneous loads shall be considered for all egress routes passing through each level of that station.

5.3.2.4 Where an area within a station is intended for use by other than passengers or employees, the following parameters shall apply:

1. The occupant load for that area shall be determined in accordance with the provisions of the IBC ((NFPA-101)) as appropriate for the use.

2. The additional occupant load shall be included in determining the required egress from that area.

3. The additional occupant load shall be permitted to be omitted from the station occupant load where the area has independent means of egress of sufficient number and capacity.

5.3.3.4 Travel distance. For open stations the maximum travel distance on the platform to a point at which a means of egress route leaves the platform shall not exceed 100 m (325 ft). For enclosed stations the travel distance to an exit shall not exceed 76 m (250 ft).

5.3.5 Stairs and escalators.

5.3.5.1 Stairs and escalators permitted by Section 5.2.4.1 to be unenclosed shall be permitted to be counted as contributing to the egress capacity in stations as detailed in Sections 5.2.2 and 5.3.3.

5.3.5.2 Stairs in the means of egress shall be a minimum of 1120 mm (44 in.) wide.

5.3.5.3* Capacity and travel speed for stairs and escalators shall be computed as follows:

1. Capacity - 0.0555 p/mm-min (1.41 p/in.-min)

2.* Travel speed - 14.6 m/min (48 ft/min) (indicates vertical component of travel speed)

5.3.5.4 Escalators shall not account for more than one-half of the egress capacity at any one level.

5.3.5.6* In calculating the egress capacity of escalators, the following criteria shall be met:

1. One escalator at each level shall be considered as being out of service.

2. The escalator chosen shall be the one having the most adverse effect upon egress capacity.

5.3.5.7 Where escalators are permitted as a means of egress in stations, the following criteria shall be met:

1.* The escalators shall be constructed of noncombustible materials.

2.* Escalators running in the direction of egress shall be permitted to remain operating.

3. Escalators running reverse to the direction of egress shall be capable of being stopped locally and remotely as follows:

a. Locally by a manual stopping device at the escalator.

b. Remotely by one of the following:

i. A manual stopping device at a remote location.

ii. As part of a preplanned evacuation response.

4.* Where provision is made for remote stopping of escalators counted as means of egress, one of the following shall apply:

a. The stop shall be delayed until it is preceded by a minimum 15-second audible signal or warning message sounded at the escalator.

b. Where escalators are equipped with the necessary controls to decelerate in a controlled manner under the full rated load, the stop shall be delayed for at least 5 seconds before beginning deceleration, and the deceleration rate shall be no greater than 0.052 m/sec^2 (0.17 ft/sec^2).

5. Where an audible signal or warning message is used, the following shall apply:

a. The signal or message shall have a sound intensity that is at least 15 dBA above the average ambient sound level for the entire length of the escalator.

b. The signal shall be distinct from the fire alarm signal.

c. The warning message shall meet audibility and intelligibility requirements.

5.3.7* Doors, gates, security grilles, and exit hatches.

5.3.7.1 The egress capacity for doors and gates in a means of egress serving public areas shall be computed as follows:

1. Sixty people per minute (p/min) for single leaf doors and gates.

2.* 0.0819 p/mm-min (2.08 p/in.-min) for bi-parting multileaf doors and gates measured for the clear width dimension.

5.3.7.2 Gates in a means of egress shall be designed in accordance with the requirements for doors serving as a means of egress.

5.3.7.2.1 Security grilles are allowed when designed and operated in accordance with the IBC.

5.3.7.3 Where used, exit hatches shall comply with the requirements of Sections 6.3.3.15 through 6.3.3.17.

5.3.9* Horizontal exits. Horizontal exits shall comply with IBC Section 1026.

5.3.11 Means of egress lighting.

5.3.11.1 Illumination of the means of egress in stations, including escalators that are considered a means of egress, shall be in accordance with IBC Section 1008.

5.3.11.2 Means of egress, including escalators considered as means of egress, shall be provided with a system of emergency lighting in accordance with IBC Section 1008

5.3.11.3 In addition to the requirements of Sections 5.3.11.1 and 5.3.11.2:

1. Lighting for stairs and escalators shall be designed to emphasize illumination on the top and bottom steps and landings.

2. Where newel- and comb-lighting is provided for escalator steps, such lighting shall be on emergency power circuits.

AMENDATORY SECTION (Amending WSR 22-13-094, 23-12-103, and 23-20-023, filed 6/14/22, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-50-3314 Section 3314—Fire watch during construction.

3314.1 Fire watch during construction. Where required by the fire code official, a fire watch shall be provided during nonworking hours for

new construction that exceeds 40 feet (12,192 mm) in height above the lowest adjacent grade.

- EXCEPTIONS:
1. New construction that is built under the IRC.
 2. New construction less than 5 stories and 50,000 square feet (4645 m²) per story.

AMENDATORY SECTION (Amending WSR 23-02-073, 23-12-103, and 23-20-023, filed 1/4/23, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-50-3500 Chapter 35—Referenced standards. Add the reference standards as follows:

Standard reference number	Title	Referenced in code section number
((ACI 561-21	Assessment, Repair, and Rehabilitation of Existing Concrete Structures	405.1.1))
ASCE/SEI 7-16	Minimum Design Loads and Associated Criteria for Buildings and Other Structures with Supplement No. 1, Supplement No. 2, and Supplement No. 3.	<u>No amendments to the referenced sections</u>
ASCE/SEI 7-22	Minimum Design Loads and Associated Criteria for Buildings and Other Structures	1615.1
NFPA 130-20	Standard for Fixed Guideway Transit and Passenger Rail Systems	3101.1, 3116
NFPA ((13-16) 13-19	Standard for the Installation of Sprinkler Systems (except ((8.15.5.3(5))) 9.3.6.3.5)	403.3.3, 712.1.3.1, 903.3.1.1, ((903.2)) 903.3.2, 903.3.8.2, 903.8.5, 904.13, 905.3.4, 907.6.4, 1019.3

AMENDATORY SECTION (Amending WSR 16-03-064, filed 1/19/16, effective 7/1/16)

WAC 51-50-480000 ((2015)) 2021 International Existing Building Code.

AMENDATORY SECTION (Amending WSR 16-03-064, filed 1/19/16, effective 7/1/16)

WAC 51-50-480101 Section 101—Scope and general requirements.

101.4.2 Buildings previously occupied. The legal occupancy of any building existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the *International Fire Code*, or as deemed necessary by the *code official* to mitigate an unsafe building. For the purpose of

this section, "unsafe building" is not to be construed as mere lack of compliance with the current code.

101.6 Appendices. The *code official* is authorized to require rehabilitation and retrofit of buildings, structures, or individual structural members in accordance with the appendices of this code if such appendices have been individually adopted. Appendix A, Guidelines for the Seismic Retrofit of Existing Buildings, is hereby adopted as part of this code without any specific adoption by the local jurisdiction.

AMENDATORY SECTION (Amending WSR 23-02-073, 23-12-103, and 23-20-023, filed 1/4/23, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-50-480200 Section 201.3—Definitions.

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the other International Codes and the Uniform Plumbing Code, such terms shall have the meanings ascribed to them in those codes.

202 General definitions.

ADULT FAMILY HOME. A dwelling, licensed by the (~~(state of)~~) Washington state department of social and health services, in which a person or persons provide personal care, special care, room and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services. An existing adult family home may provide services to up to eight adults upon approval from the department of social and health services in accordance with RCW 70.128.066.

SUBSTANTIAL DAMAGE. For the purpose of determining compliance with the flood provisions of this code, damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the value determined by one of the following methods:

1. Values developed for property tax assessment, adjusted to the approximate market value where the land is appraised separately from the structure.
2. Through a professional appraiser using estimates of a structure's actual cash value, including depreciation and improvements.
3. The latest building valuation data published by the International Code Council.
4. Qualified estimates based on the professional judgment of the building official. However, when the ratio falls between 40 and 60 percent, the building official may require the applicant to provide a detailed list of costs.

SUBSTANTIAL IMPROVEMENT. For the purpose of determining compliance with the flood provisions of this code, any repair, alteration, addition, or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the value determined by one of the following methods:

1. Values developed for property tax assessment, adjusted to the approximate market value where the land is appraised separately from the structure.
2. Through a professional appraiser using estimates of a structure's actual cash value, including depreciation and improvements.

3. The latest building valuation data published by the International Code Council.

4. Qualified estimates based on the professional judgment of the building official. However, when the ratio falls between 40 and 60 percent, the building official may require the applicant to provide a detailed list of costs.

If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either of the following:

1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the code official and that is the minimum necessary to ensure safe living conditions.

2. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

AMENDATORY SECTION (Amending WSR 23-02-073, 23-12-103, and 23-20-023, filed 1/4/23, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-50-480306 Section 306—(~~Structural~~) Accessibility for existing buildings.

306.6 Additions. Provisions for new construction shall apply to *additions*. An *addition* that affects the accessibility to, or contains an area of, a *primary function* shall comply with the requirements in Section 306.7.1. Limited-use/limited-application elevators installed in accordance with ASME A17.1 shall be permitted as a component of an accessible route connecting the existing construction to the addition.

306.7.1 Alterations affecting an area containing a primary function.

Where an *alteration* affects the accessibility to, or contains an area of *primary function*, the route to the *primary function* area shall be accessible. Toilet facilities and drinking fountains serving the area of *primary function*, including the route from the area of *primary function* to these facilities, shall be accessible. Priority shall be given to the improvements affecting the accessible route to the *primary function* area.

EXCEPTIONS:

1. The cumulative costs of providing the accessible route of travel, toilet facilities, and drinking fountains are not required to exceed 20 percent of the costs of the alterations affecting the area of primary function.
2. This provision does not apply to alterations limited solely to windows, hardware, operating controls, electrical outlets, and signs.
3. This provision does not apply to alterations limited solely to mechanical systems, electrical systems, installation or alteration of fire protection systems and abatement of hazardous materials.
4. This provision does not apply to alterations undertaken for the primary purpose of increasing the accessibility of a facility.
5. This provision does not apply to altered areas limited to Type B dwelling and sleeping units.

306.7.8 Platform lifts and limited-use/limited-application elevators.

Vertical and inclined platform (wheelchair) lifts complying with ICC A117.1 and installed in accordance with ASME A18.1 shall be permitted as a component of an accessible route.

Limited-use/Limited-application elevators installed in accordance with ASME A17.1 shall be permitted as a component of an accessible route.

AMENDATORY SECTION (Amending WSR 23-02-073, 23-12-103, and 23-20-023, filed 1/4/23, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-50-480503 Section 503—Alterations.

503.13 Voluntary lateral force-resisting system alterations. Structural alterations that are intended exclusively to improve the lateral force resisting system and are not required by other sections of this code, shall not be required to meet the requirements of Section 1609 or 1613 of the *International Building Code*, provided that all of the following apply:

1. The capacity of existing structural systems to resist forces is not reduced.
2. New structural elements are detailed and connected to existing or new structural elements as required by the selected design criteria.

2.1 Where approved, new lateral force-resisting systems are permitted to be of a type designated as "Ordinary" or "Intermediate" where ASCE 7 Table 12.2-1 states these types of systems are not permitted provided that both of the following apply:

2.1.1 The selected design criteria is the International Building Code.

2.1.2 The new "Ordinary" or "Intermediate" system provides deformation compatibility with the existing lateral force-resisting system.

3. New or relocated nonstructural elements are detailed and connected to existing or new structural elements as required by the *International Building Code* for new construction.

4. The alterations do not create a structural irregularity as defined in ASCE 7 or make an existing structural irregularity more severe.

503.19 Seismic requirements for alterations with increased occupant load of unreinforced masonry or hollow clay tile buildings. In addition to the requirements in Sections 503.4 through 503.11, alterations meeting all of the following conditions shall comply with the applicable requirements in Sections 503.19.1 through 503.19.4.

1. The occupant load of a building increases by more than 20 percent for occupancy groups A, I, E, R, M, B, H, or S used for storage of hazardous materials.

2. Buildings assigned to Seismic Design Category C, D, E, or F.

3. The building's structural system includes unreinforced masonry and hollow clay tile bearing walls.

Where there is a change of occupancy with the alteration, the most restrictive seismic requirements in accordance with Section 506 and this section shall apply. The cumulative effect of alterations compared with the original occupant load that have an increase in occupant load over time exceeding 20 percent shall comply with these provisions.

EXCEPTIONS:

1. A cumulative increase in the occupant load of less than 50 for occupancy categories A or I.
2. A cumulative increase in the occupant load of less than 25 for E occupancies.
3. R-3 occupancies, and all other R occupancies with an increase of 5 dwelling or sleeping units or less.
4. A cumulative increase in occupant load of less than 100 for occupancy categories M or B.
5. A cumulative increase in the occupant load of less than 10 for H occupancies or S occupancies using hazardous materials.

503.19.1 Large buildings. Buildings four or more stories or buildings more than 12,000 square feet shall be required to perform seismic evaluation in accordance with (~~IEBC~~) Section 304.3. Any lateral resisting elements shall be required to comply with design requirements

for reduced seismic forces in accordance with Section 304.3.2 where found to be deficient.

503.19.2 Parapet bracing. Buildings with parapets constructed of unreinforced masonry where the parapet height to thickness ratio exceeds 1.5:1 shall be required to have parapets anchored, removed, or altered to resist out-of-plane seismic forces unless an evaluation demonstrates compliance of such items. Use of reduced seismic forces in accordance with Section 304.3.2 shall be permitted.

503.19.3 Floor and roof wall anchors. The alteration work shall include the installation of wall anchors at the floor and roof lines unless an evaluation demonstrates compliance of existing wall anchorage. Use of reduced seismic forces in accordance with Section 304.3.2 shall be permitted.

503.19.4 Bracing of partitions and nonstructural walls. Unreinforced masonry partitions and nonstructural walls within the alteration area and adjacent to egress paths from the alteration area shall be anchored, removed, or altered to resist out-of-plane seismic forces unless an evaluation demonstrates compliance of such items. Use of reduced seismic forces in accordance with Section 304.3.2 shall be permitted.

AMENDATORY SECTION (Amending WSR 23-02-073, 23-12-103, and 23-20-023, filed 1/4/23, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-50-480805 Section 805—Structural.

805.4 Voluntary lateral force-resisting system alterations. Structural alterations that are intended exclusively to improve the lateral force resisting system and are not required by other sections of this code shall not be required to meet the requirements of Section 1609 or Section 1613 of the *International Building Code*, provided that the following conditions are met:

1. The capacity of existing structural systems to resist forces is not reduced.
2. New structural elements are detailed and connected to existing or new structural elements as required by the selected design criteria.

2.1 Where approved, new lateral force-resisting systems are permitted to be of a type designated as "Ordinary" or "Intermediate" where ASCE 7 Table 12.2-1 states these types of systems are not permitted provided that both of the following apply:

2.1.1 The selected design criteria is the *International Building Code*.

2.1.2 The new "Ordinary" or "Intermediate" system provides deformation compatibility with the existing lateral force-resisting system.

3. New or relocated nonstructural elements are detailed and connected to existing or new structural elements as required by the *International Building Code* for new construction.

4. The alterations do not create a structural irregularity as defined in ASCE 7 or make an existing structural irregularity more severe.

805.5 Seismic requirements for Level 2 alterations with increased occupant load of unreinforced masonry or hollow clay tile buildings. In addition to the requirements in (~~IBC~~) Section 805.3, Level 2 alter-

ations meeting all of the following conditions shall comply with the applicable requirements in Sections 805.5.1 through 805.5.4.

1. The occupant load of a building increases by more than 20 percent for occupancy groups A, I, E, R, M, B, H, or S used for storage of hazardous materials.

2. Buildings assigned to Seismic Design Category C, D, E, or F.

3. The building's structural system includes unreinforced masonry and hollow clay tile bearing walls.

Where there is a change of occupancy with the alteration, the most restrictive seismic requirements in accordance with (~~IEBC~~) Section 1006 and this section shall apply. The cumulative effect of alterations compared with the original occupant load that have an increase in occupant load over time exceeding 20 percent shall comply with these provisions.

EXCEPTIONS:

1. An increase in the occupant load of less than 50 for occupancy categories A or I.
2. An increase in the occupant load of less than 25 for E occupancies.
3. R-3 occupancies, and all other R occupancies with an increase of 5 dwelling or sleeping units or less.
4. An increase in occupant load of less than 100 for occupancy categories M or B.
5. A cumulative increase in the occupant load of less than 10 for H occupancies or S occupancies using hazardous materials.

805.5.1 Large buildings. Buildings four or more stories or buildings more than 12,000 square feet shall be required to perform seismic evaluation in accordance with (~~IEBC~~) Section 304.3. Any lateral resisting elements shall be required to comply with design requirements for reduced seismic forces in accordance with Section 304.3.2 where found to be deficient.

805.5.2 Parapet bracing. Buildings with parapets constructed of unreinforced masonry where the parapet height to thickness ratio exceeds 1.5:1 shall be required to have parapets anchored, removed or altered to resist out-of-plane seismic forces, unless an evaluation demonstrates compliance of such items. Use of reduced seismic forces in accordance with Section 304.3.2 shall be permitted.

805.5.3 Floor and roof wall anchors. The alteration shall include the installation of wall anchors at the floor and roof lines, unless an evaluation demonstrates compliance of existing wall anchorage. Use of reduced seismic forces in accordance with (~~IEBC~~) Section 304.3.2 shall be permitted.

805.5.4 Bracing of partitions and nonstructural walls. Unreinforced masonry partitions and nonstructural walls within the work area and adjacent to egress paths from the alteration area shall be anchored, removed or altered to resist out-of-plane seismic forces, unless an evaluation demonstrates compliance of such items. Use of reduced seismic forces in accordance with Section 304.3.2 shall be permitted.

AMENDATORY SECTION (Amending WSR 20-21-021, filed 10/9/20, effective 11/9/20)

WAC 51-50-481009 Section 1009—Plumbing.

1009.1 Increased demand. Where the occupancy of an existing building or part of an existing building is changed such that the new occupancy is subject to increased or different plumbing fixture requirements or to increased water supply requirements in accordance with the Uniform Plumbing Code, the new occupancy shall comply with the intent of the respective Uniform Plumbing Code provisions.

EXCEPTION: Only where the occupant load of the story is increased by more than 20 percent, plumbing fixtures for the story shall be provided in quantities specified in Chapter 29 of the *International Building Code*, based on the increased occupant load.

1009.2 Food-handling occupancies. If the new occupancy is a food-handling establishment, all existing sanitary waste lines above the food or drink preparation or storage areas shall be panned or otherwise protected to prevent leaking pipes or condensation on pipes from contaminating food or drink. New drainage lines shall not be installed above such areas and shall be protected in accordance with the *Uniform Plumbing Code*.

1009.3 Interceptor required. If the new occupancy will produce grease or oil-laden wastes, interceptors shall be provided as required in the *Uniform Plumbing Code*.

1009.5 Group I-2. If the occupancy group is changed to Group I-2, the plumbing system shall comply with the applicable requirements of the *Uniform Plumbing Code*.

AMENDATORY SECTION (Amending WSR 20-21-021, filed 10/9/20, effective 11/9/20)

WAC 51-50-481101 Section 1101—(~~Change of occupancy classification~~) General.

1101.1 Scope. An addition to a building or structure shall comply with the International Codes and Uniform Plumbing Code as adopted for new construction without requiring the existing building or structure to comply with any requirements of those codes or of these provisions, except as required by this chapter. Where an *addition* impacts the *existing building* or structure, that portion shall comply with this code.

AMENDATORY SECTION (Amending WSR 23-02-073, 23-12-103, and 23-20-023, filed 1/4/23, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-50-481201 Section 1201—Historic buildings—General.

1201.1 Scope. This chapter is intended to provide means for the preservation of *historic buildings*. It is the purpose of this chapter to encourage cost-effective preservation of original or restored architectural elements and features and to provide a historic building that will result in a reasonable degree of safety, based on accepted life and fire safety practices, compared to the existing building. (~~Historical~~) *Historic buildings* shall comply with the provisions of this chapter relating to their *repair, alteration, relocation and change of occupancy*.

SECTION 1202—Reserved.

NEW SECTION

WAC 51-50-481600 Chapter 16—Referenced standards. Add the reference standards as follows:

Standard reference number	Title	Referenced in code section number
ACI 562-21	Assessment, Repair, and Rehabilitation of Existing Concrete Structures	405.1.1

WSR 23-23-104
PERMANENT RULES
BUILDING CODE COUNCIL

[Filed November 15, 2023, 9:59 a.m., effective March 16, 2024]

Effective Date of Rule: March 16, 2024.

Purpose: Reconciling state amendments with section renumbering and model code modifications in the 2021 International Residential Code; correcting errors and omissions.

Citation of Rules Affected by this Order: Amending 36 sections in chapter 51-51 WAC.

Statutory Authority for Adoption: RCW 19.27.031, 19.27.074.

Other Authority: RCW 19.27.031, 19.27.074.

Adopted under notice filed as WSR 23-15-030 on July 10, 2023.

Changes Other than Editing from Proposed to Adopted Version:

WAC	Section	Change	Rationale/Discussion
51-51-003	International Residential Code	Appendix references are renamed to add the letter "A" before named appendices.	The modification provides consistency with the model code format. There is no intended change in regulatory effect.
51-51-008	Implementation	Implementation date is changed from October 29, 2023, to March 15, 2024.	The state building code council voted to delay implementation of all codes on September 15, 2023.
51-51-01010	R101.2 Exceptions	Appendix references are renamed to add the letter "A" before named appendices.	The modification provides consistency with the model code format. There is no intended change in regulatory effect.
51-51-0102	R102.7.2 Exception #2	Appendix references are renamed to add the letter "A" before named appendices.	The modification provides consistency with the model code format. There is no intended change in regulatory effect.
51-51-0302	R302.13 Exception #1	Appendix references are renamed to add the letter "A" before named appendices.	The modification provides consistency with the model code format. There is no intended change in regulatory effect.
52-52-0331	R331.1	Changes section numbering from R331 to R331.1	Editorial correction; there is no change in regulatory effect.
51-51-0408	R408.2 Exception	Appendix references are renamed to add the letter "A" before named appendices.	The modification provides consistency with the model code format. There is no intended change in regulatory effect.
	R408.3	Appendix references are renamed to add the letter "A" before named appendices.	The modification provides consistency with the model code format. There is no intended change in regulatory effect.
51-51-0507	T507.5 Footnote (i)	Figure number changed from R507.5 to R507.6	Editorial correction; there is no change in regulatory effect.
51-51-1505	T1505.4.4.3	Changes value for hood over electric range from 60% to 65%.	The modification provides consistency with the International Mechanical Code.
51-51-60104	Appendix AQ	Adds letter "A" to appendix title letter.	The modification provides consistency with the model code format. There is no intended change in regulatory effect.
51-51-60105	Appendix AWU	Adds letter "A" to appendix title letter.	The modification provides consistency with the model code format. There is no intended change in regulatory effect.
51-51-60106	Appendix AT	Adds letter "A" to appendix title letter.	The modification provides consistency with the model code format. There is no intended change in regulatory effect.

WAC	Section	Change	Rationale/Discussion
51-51-60107	Appendix AWV	Adds letter "A" to appendix title letter.	The modification provides consistency with the model code format. There is no intended change in regulatory effect.
	Appendix AWV	Changes format of all section numbering from "WAV" to "AWV."	The modification provides consistency with the model code format. There is no intended change in regulatory effect.
51-51-60108	Appendix AWY	Adds letter "A" to appendix title letter.	The modification provides consistency with the model code format. There is no intended change in regulatory effect.
	Appendix AWY	Changes format of all section numbering from "WAY" to "AWY."	The modification provides consistency with the model code format. There is no intended change in regulatory effect.
51-51-60108	Appendix AWZ	Adds letter "A" to appendix title letter.	The modification provides consistency with the model code format. There is no intended change in regulatory effect.
	Appendix AWZ	Changes format of all section numbering from "WAZ" to "AWZ."	The modification provides consistency with the model code format. There is no intended change in regulatory effect.

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 36, 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 36, Repealed 0.

Date Adopted: October 20, 2023.

Tony Doan
Council Chair

OTS-4745.6

AMENDATORY SECTION (Amending WSR 23-02-058, 23-12-104, and 23-20-024, filed 1/3/23, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-51-003 International Residential Code. The 2021 edition of the *International Residential Code* as published by the International Code Council is hereby adopted by reference with the following additions, deletions, and exceptions: Provided that chapters 11 and 25 through 43 of this code are not adopted. Energy Code is regulated by chapter 51-11R WAC; Plumbing Code is regulated by chapter 51-56 WAC; Electrical Code is regulated by chapter 296-46B WAC or Electrical Code as adopted by the local jurisdiction. Appendix AF, Radon Control Methods, Appendix AQ, Tiny Homes, and Appendix AWU, Dwelling Unit Fire Sprinkler Systems, are included in adoption of the International Residential Code.

AMENDATORY SECTION (Amending WSR 23-02-058, 23-12-104, and 23-20-024, filed 1/3/23, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-51-008 Implementation. The International Residential Code adopted by chapter 51-51 WAC shall become effective in all counties and cities of this state on ~~((July 1, 2023))~~ March 15, 2024.

AMENDATORY SECTION (Amending WSR 23-02-058, 23-12-104, and 23-20-024, filed 1/3/23, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-51-01010 Section R101—Scope and general requirements.

R101.2 Scope. The provisions of the *International Residential Code for One- and Two-Family Dwellings* shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings, adult family homes, and townhouses not more than three stories above grade plane in height with a separate means of egress and their accessory structures not more than three stories above grade plane in height.

EXCEPTIONS:

1. Live/work units located in townhouses and complying with the requirements of Section 508.5 of the *International Building Code* shall be permitted to be constructed in accordance with the *International Residential Code for One- and Two-Family Dwellings*. An automatic sprinkler system required by Section 508.5.7 of the *International Building Code* where constructed under the *International Residential Code for One- and Two-Family Dwellings* shall conform to Appendix AWU.
2. Owner-occupied lodging houses with one or two guestrooms shall be permitted to be constructed in accordance with the *International Residential Code for One- and Two-Family Dwellings*.
3. Owner-occupied lodging homes with three to five guestrooms shall be permitted to be constructed in accordance with the *International Residential Code for One- and Two-Family Dwellings* where equipped with an automatic fire sprinkler system in accordance with Appendix AWU.
4. A care facility with five or fewer persons receiving custodial care within a dwelling unit shall be permitted to be constructed in accordance with the *International Residential Code for One- and Two-Family Dwellings* where equipped with an automatic fire sprinkler system in accordance with Appendix AWU.
5. A care facility with five or fewer persons receiving medical care within a dwelling unit shall be permitted to be constructed in accordance with the *International Residential Code for One- and Two-Family Dwellings* where equipped with an automatic fire sprinkler system in accordance with Appendix AWU.
6. A care facility with five or fewer persons receiving care that are within a single-family dwelling shall be permitted to be constructed in accordance with the *International Residential Code for One- and Two-Family Dwellings* where equipped with an automatic fire sprinkler system in accordance with Appendix AWU.

AMENDATORY SECTION (Amending WSR 23-02-058, 23-12-104, and 23-20-024, filed 1/3/23, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-51-0102 Section R102—Applicability.

R102.5 Appendices. Provisions in the appendices shall not apply unless specifically referenced in the adopting ordinance. An appendix adopted by a local jurisdiction shall not be effective unless approved by the state building code council pursuant to RCW 19.27.060 (1) (a).

EXCEPTIONS:

1. The state building code council has determined that a local ordinance providing specifications for light straw-clay or strawbale construction, ~~((or))~~ requiring a solar-ready zone, ~~((or))~~ requiring fire sprinklers, or addressing construction and demolition material management or building deconstruction in accordance with Appendix AR, AS, ~~((or V))~~ AT, AWV, AWY, or AWZ of this ~~((chapter))~~ code may be adopted by any local government upon notification of the council.
2. Appendix AF, Radon Control Methods, Appendix AQ, Tiny Homes, and Appendix AWU, Dwelling Unit Fire Sprinkler Systems, are included in adoption of the International Residential Code.

R102.7.1 Additions, alterations, change of use, repairs, or relocations. Additions, alterations, repairs, or relocations shall be permitted to conform to the requirements of the provisions of Chapter 45 or shall conform to the requirements for new structure without requiring the existing structure to comply with the requirements of this code, unless otherwise stated. Additions, alterations, repairs, and

relocations shall not cause an existing structure to become less compliant with the provisions of this code than the existing building or structure was prior to the *addition, alteration, repair, or relocation*. Where *additions, alterations, or changes of use* to an existing structure result in a use or occupancy, height, or means of egress outside the scope of this code, the building shall comply with the *International Existing Building Code*.

EXCEPTIONS: 1. Additions with less than 500 square feet of conditioned floor area are exempt from the requirements for Whole-House Ventilation Systems, Section M1505.4.
 2. Additions or alterations to existing buildings which do not require the construction of foundations, crawlspaces, slabs or basements shall not be required to meet the requirements for radon protection in Section R332.1 and Appendix AF.

R102.7.2 Moved buildings. Buildings or structures moved into or within a jurisdiction shall comply with the provisions of this code, the *International Building Code* (chapter 51-50 WAC), the *International Mechanical Code* (chapter 51-52 WAC), the *International Fire Code* (chapter 51-54A WAC), the *Uniform Plumbing Code and Standards* (chapter 51-56 WAC), and the *Washington State Energy Code* (chapter 51-11R WAC) for new buildings or structures.

EXCEPTION: Group R-3 buildings or structures are not required to comply if:
 1. The original occupancy classification is not changed; and
 2. The original building is not substantially remodeled or rehabilitated. For the purposes of this section a building shall be considered to be substantially remodeled when the costs of remodeling exceed 60 percent of the value of the building exclusive of the costs relating to preparation, construction, demolition or renovation of foundations.

AMENDATORY SECTION (Amending WSR 23-02-058, 23-12-104, and 23-20-024, filed 1/3/23, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-51-0301 Section R301—Design criteria.

R301.2 Climatic and geographic design criteria. Buildings shall be constructed in accordance with the provisions of this code as limited by the provisions of this section. Additional criteria shall be established by the local jurisdiction and set forth in Table R301.2((+1)). The local jurisdiction shall designate the salt water coastal areas within their jurisdiction.

R301.2.2.10 Anchorage of water heaters. In *Seismic Design Categories D₀, D₁ and D₂*, and in townhouses in *Seismic Design Category C*, water heaters and thermal storage units shall be anchored against movement and overturning in accordance with Section M1307.2 or the *Uniform Plumbing Code Section 507.2*.

R301.5 Live load. The minimum uniformly distributed live load shall be as provided in Table R301.5.

TABLE R301.5
 MINIMUM UNIFORMLY DISTRIBUTED LIVE LOADS
 (in pounds per square foot)

Use	Uniform Load (psf)	Concentrated Load (lb)
Uninhabitable attics without storage ^b	10	-
Uninhabitable attics with limited storage ^{b, g}	20	-
Habitable attics and attics served with fixed stairs	30	-
Balconies (exterior) and decks ^e	60 ^j	-
Fire escapes	40	-

Use	Uniform Load (psf)	Concentrated Load (lb)
Guards	-	200 ^{h,i}
Guard in-fill components ^f	-	50 ^h
Handrail ^d	((200 ^h)) ₋	((=)) 200 ^h
Passenger vehicle garages ^a	50 ^a	2,000((^h)) ₋ ^a
Areas other than sleeping areas	40	-
Sleeping areas	30	-
Stairs	40 ^c	300 ^c

For SI: 1 pound per square foot = 0.0479 kPa, 1 square inch = 645 mm, 1 pound = 4.45 N

- a. Elevated garage floors shall be capable of supporting the uniformly distributed live load or a 2,000-pound concentrated load applied on an area of 4-1/2 inches by 4-1/2 inches, whichever produces the greater stresses.
- b. Uninhabitable attics without storage are those where the clear height between joists and rafters is not more than 42 inches, or where there are not two or more adjacent trusses with web configurations capable of accommodating an assumed rectangle 42 inches in height by 24 inches in width, or greater, within the plane of the trusses. This live load need not be assumed to act concurrently with any other live load requirements.
- c. Individual stair treads shall be capable of supporting the uniformly distributed live load or a 300-pound concentrated load applied on an area of 2 inches by 2 inches, whichever produces the greater stresses.
- d. A single concentrated load applied in any direction at any point along the top. For a guard not required to serve as a handrail, the load need not be applied to the top element of the guard in a direction parallel to such element.
- e. See Section R507.1 for decks attached to exterior walls.
- f. Guard in-fill components (all those except the handrail), balusters and panel fillers shall be designed to withstand a horizontally applied normal load of 50 pounds on an area equal to 1 square foot. This load need not be assumed to act concurrently with any other live load requirement.
- g. Uninhabitable attics with limited storage are those where the clear height between joists and rafters is 42 inches or greater, or where there are two or more adjacent trusses with web configurations capable of accommodating an assumed rectangle 42 inches in height by 24 inches in width, or greater, within the plane of the trusses. The live load need only be applied to those portions of the joists or truss bottom chords where all of the following conditions are met:
 - g.1. The attic area is accessed from an opening not less than 20 inches in width by 30 inches in length that is located where the clear height in the attic is not less than 30 inches.
 - g.2. The slopes of the joists or truss bottom chords are not greater than 2 ((inches)) units vertical to 12 units horizontal.
 - g.3. Required insulation depth is less than the joist or truss bottom chord member depth. The remaining portions of the joists or truss bottom chords shall be designed for a uniformly distributed concurrent live load of not less than 10 pounds per square foot.
- h. Glazing used in handrail assemblies and guards shall be designed with a load adjustment factor of 4. The load adjustment factor shall be applied to each of the concentrated loads applied to the top of the rail, and to the load on the in-fill components. These loads shall be determined independent of one another, and loads are assumed not to occur with any other live load.
- i. Where the top of a guard system is not required to serve as a handrail, the single concentrated load shall be applied at any point along the top, in the vertical downward direction and in the horizontal direction away from the walking surface. Where the top of a guard is also serving as the handrail, a single concentrated load shall be applied in any direction at any point along the top. Concentrated loads shall not be applied concurrently.
- j. Where structural tables in Section R507 only specify snow loads, the values corresponding to 70 psf snow loads shall be used.

AMENDATORY SECTION (Amending WSR 23-02-058, 23-12-104, and 23-20-024, filed 1/3/23, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-51-0302 Section R302—Fire-resistant construction.

R302.2.2 Common walls. Common walls separating *townhouse units* shall be assigned a fire resistance rating in accordance with Item 1 or 2 and shall be rated for fire exposure from both sides. Common walls shall extend to and be tight against the exterior sheathing of the exterior walls, or the inside face of exterior walls without stud cavities, and the underside of the roof sheathing. The common wall shared by two *townhouse units* shall be constructed without plumbing or mechanical equipment, ducts or vents, other than water-filled fire sprinkler piping in the cavity of the common wall. Electrical installations shall be in accordance with chapter 296-46B WAC, Electrical safety standards, administration, and installation. Penetrations of the membrane of common walls for electrical outlet boxes shall be in accordance with Section R302.4.

1. Where an automatic sprinkler system in accordance with Section P2904 is provided, the common wall shall be not less than a 1-hour fire-resistance-rated wall assembly tested in accordance with ASTM E119, UL 263 or Section 703.2.2 of the *International Building Code*.

2. Where an automatic sprinkler system in accordance with Section P2904 is not provided, the common wall shall be not less than a 2-hour fire-resistance-rated wall assembly tested in accordance with ASTM E119, UL 263 or Section 703.2.2 of the *International Building Code*.

EXCEPTION: Common walls are permitted to extend to and be tight against the interior side of the exterior walls if the cavity between the end of the common wall and the exterior sheathing is filled with a minimum of 2-inch nominal thickness wood studs.

R302.2.3 Continuity. The fire-resistance-rated wall or assembly separating *townhouse units* shall be continuous from the foundation to the underside of the roof sheathing, deck or slab. The fire-resistance rating shall extend the full length of the wall or assembly, including wall extensions through and separating attached enclosed accessory structures.

Where a story extends beyond the exterior wall of a story below:

1. The fire-resistance-rated wall or assembly shall extend to the outside edge of the upper story (see Figure R302.2(1)); or

2. The underside of the exposed floor-ceiling assembly shall be protected as required for projections in Section R302 (see Figure R302.2(2)).

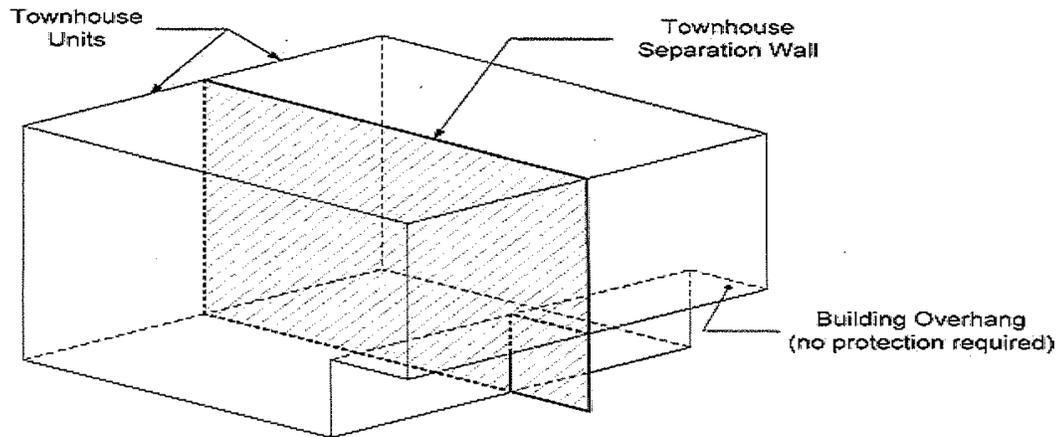


FIGURE R302.2(1)
EXTENDED TOWNHOUSE SEPARATION WALL

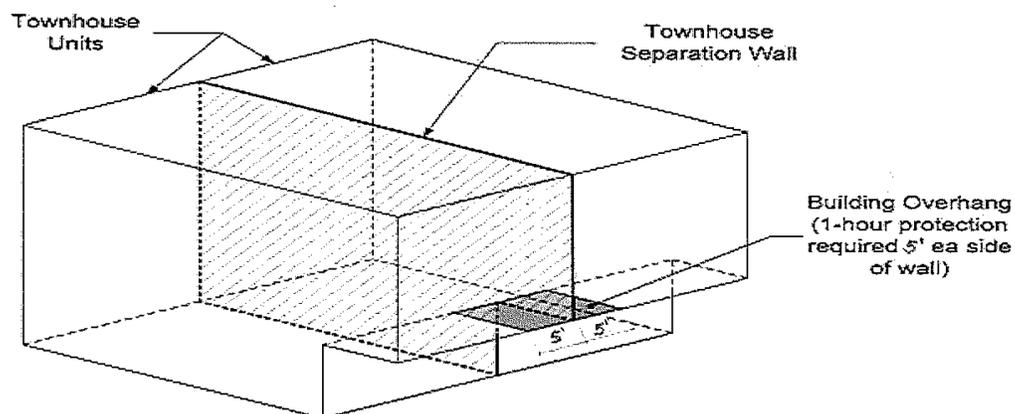


FIGURE R302.2(2)
TOWNHOUSE SEPARATION OVERHANG PROTECTION

R302.2.4 Parapets for townhouses. Parapets constructed in accordance with Section R302.2.5 shall be constructed for *townhouses* as an extension of exterior walls or common walls separating *townhouse units* in accordance with the following:

1. Where roof surfaces adjacent to the wall or walls are at the same elevation, the parapet shall extend not less than 30 inches (762 mm) above the roof surfaces.

2. Where roof surfaces adjacent to the wall or walls are at different elevations and the higher roof is not more than 30 inches (762 mm) above the lower roof, the parapet shall extend not less than 30 inches (762 mm) above the lower roof surface.

EXCEPTION: A parapet is not required in the preceding two cases where the roof covering complies with a minimum Class C rating as tested in accordance with ASTM E108 or UL 790 and the roof decking or sheathing is of noncombustible materials or fire retardant-treated wood for a distance of 4 feet (1219 mm) on each side of the wall or walls, or one layer of 5/8-inch (15.9 mm) Type X gypsum board is installed directly beneath the roof decking or sheathing, supported by not less than nominal 2-inch (51 mm) ledgers attached to the sides of the roof framing members, for a distance of not less than 4 feet (1219 mm) on each side of the wall or walls and any openings or penetrations in the roof are not within 4 feet (1219 mm) of the common walls. Fire retardant-treated wood shall meet the requirements of Sections R802.1.5 and R803.2.1.2.

3. A parapet is not required where roof surfaces adjacent to the wall or walls are at different elevations and the higher roof is more than 30 inches (762 mm) above the lower roof. The common wall construction from the lower roof to the underside of the higher roof deck shall have not less than a 1-hour fire-resistance rating. The wall shall be rated for exposure from both sides.

TABLE R302.1(1)
EXTERIOR WALLS

No Change to the Table

- a The fire-resistance rating shall be permitted to be reduced to 0 hours on the underside of the eave overhang if fireblocking is provided from the wall top plate to the underside of the roof sheathing.
- b The fire-resistance rating shall be permitted to be reduced to 0 hours on the underside of the rake overhang where ventilation openings are not installed in the rake overhang or in walls that are common to attic areas.

TABLE R302.1(2)
EXTERIOR WALLS - DWELLINGS WITH FIRE SPRINKLERS

No Change to the Table

- a For residential subdivisions where all dwellings are equipped throughout with an automatic sprinkler system installed in accordance with Section P2904, the fire separation distance for exterior walls not fire-resistance-rated and for fire-resistance-rated projections shall be permitted to be reduced to 0 feet, and unlimited unprotected openings and penetrations shall be permitted, where the adjoining lot provides an open setback yard that is 6 feet or more in width on the opposite side of the property line.
- b The fire-resistance rating shall be permitted to be reduced to 0 hours on the underside of the eave overhang if fireblocking is provided from the wall top plate to the underside of the roof sheathing.
- c The fire-resistance rating shall be permitted to be reduced to 0 hours on the underside of the rake overhang where ventilation openings are not installed in the rake overhang or in walls that are common to attic areas.

R302.3 Two-family dwellings. Wall and floor/ceiling assemblies separating *dwelling units* in two-family dwellings shall be constructed in accordance with Section R302.3.1 through R302.3.5. One accessory dwelling unit constructed within an existing *dwelling unit* need not be considered a separated dwelling unit in a two-family dwelling where all required smoke alarms, in the accessory dwelling unit and the primary dwelling unit, are interconnected in such a manner that the actuation of one alarm will activate all alarms in both the primary dwelling unit and the accessory dwelling unit.

R302.3.1 Separation. *Dwelling units* in two-family dwellings shall be separated from each other by wall and floor assemblies having not less than a 1-hour fire-resistance rating where tested in accordance with ASTM E119, UL 263 or Section 703.2.2 of the *International Building Code*.

EXCEPTIONS: 1. A fire-resistance rating of 1/2 hour shall be permitted in buildings equipped throughout with an automatic sprinkler system installed in accordance with ((NFPA-13D)) Section 2904.
2. Where an accessory dwelling unit is added within an existing single-family residence to create a two-family dwelling, fire-rated separation between the accessory dwelling unit and the primary dwelling unit is not required when all required smoke alarms are interconnected in such a manner that the actuation of one alarm will activate all alarms in both the primary dwelling unit and the accessory dwelling unit.

R302.3.2 Continuity. Fire-resistance-rated floor/ceiling and wall assemblies shall extend to and be tight against the *exterior wall*, and wall assemblies shall extend from the foundation to the underside of the roof sheathing.

EXCEPTION: Wall assemblies need not extend through attic spaces where the ceiling is protected by not less than 5/8-inch (15.9 mm) Type X gypsum board, an attic draft stop constructed as specified in Section R302.12.1 is provided above and along the wall assembly separating the dwellings and the structural framing supporting the ceiling is protected by not less than 1/2-inch (12.7 mm) gypsum board or equivalent.

R302.3.3 Supporting construction. Where floor/ceiling assemblies are required to be fire-resistance rated by Section R302.3, the supporting

construction of such assemblies shall have an equal or greater fire-resistance rating.

R302.3.4 ((-)) Openings protection between two-family dwellings. Openings in the common fire-resistance-rated wall assembly located between units of a two-family dwelling shall be equipped with not less than a 45-minute fire-rated door assembly equipped with a self-closing or automatic-closing device.

EXCEPTION: A 20-minute fire-rated door assembly is permitted in buildings equipped throughout with an automatic sprinkler system installed in accordance with Section P2904 or NFPA 13D.

R302.3.5 Shared accessory rooms. Shared accessory rooms shall be separated from each individual dwelling unit in accordance with Table R302.3.5. Openings between the shared accessory room and the dwelling unit shall comply with Section R302.3.5.1. Attachment of gypsum board shall comply with Table R702.3.5.

R302.3.5.1 Opening protection. Openings from a shared accessory room or area directly into a room used for sleeping purposes shall not be permitted. Other openings between the shared accessory room or area shall be equipped with solid wood doors not less than 1 3/8 inches in thickness, solid or honeycomb core steel doors not less than 1 3/8 inches thick, or a fire door assembly with a 20-minute fire-protection rating, equipped with a self-closing or automatic-closing device.

R302.3.5.2 Duct penetration. Ducts penetrating the walls or ceilings separating the dwelling from the shared accessory room shall be constructed of a minimum No. 26 gage (0.48 mm) sheet steel or other approved material and shall not have openings into the shared accessory room.

R302.3.5.3 Other penetrations. Penetrations through the walls, ceiling, and floor level separation required in Section R302.3.5 shall be protected as required by Section R302.11, Item 4.

**TABLE R302.3.5
DWELLING-SHARED ACCESSORY ROOM SEPARATION**

SEPARATION	MATERIAL
From the dwelling units and attics.	Not less than 1/2-inch gypsum board or equivalent applied to the accessory room side wall.
From habitable rooms above or below the shared accessory room.	Not less than 5/8-inch Type X gypsum board or equivalent.
Structures supporting floor/ceiling assemblies used for separation required by this section.	Not less than 1/2-inch gypsum board or equivalent.

R302.13 Fire protection of floors. Floor assemblies that are not required elsewhere in this code to be fire-resistance rated, shall be provided with a 1/2-inch (12.7 mm) gypsum wallboard membrane, 5/8-inch (16 mm) wood structural panel membrane, or equivalent on the underside of the floor framing member. Penetrations or openings for ducts, vents, electrical outlets, lighting, devices, luminaires, wires, speakers, drainage, piping and similar openings or penetrations shall be permitted.

EXCEPTIONS: 1. Floor assemblies located directly over a space protected by an automatic sprinkler system in accordance with Appendix AWU, NFPA 13D, or other approved equivalent sprinkler system.
2. Floor assemblies located directly over a crawl space not intended for storage or fuel-fired appliances.
3. Portions of floor assemblies shall be permitted to be unprotected when complying with the following:

- 3.1. The aggregate area of the unprotected portions shall not exceed 80 square feet (7.4 m²) per story.
- 3.2. Fire blocking in accordance with Section R302.11.1 is installed along the perimeter of the unprotected portion to separate the unprotected portion from the remainder of the floor assembly.
4. Wood floor assemblies using ((dimensional)) dimension lumber or *structural composite lumber* with a cross sectional area equal to or greater than 2-inch by 10-inch (50.8 mm by 254 mm) nominal dimension, or other approved floor assemblies demonstrating equivalent fire performance.

AMENDATORY SECTION (Amending WSR 23-02-058, 23-12-104, and 23-20-024, filed 1/3/23, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-51-0303 Section R303—Light, ventilation and heating.

R303.1 Natural light. All habitable rooms shall have an aggregate glazing area of not less than 8 percent of the floor area of such rooms.

EXCEPTION: The glazed areas need not be installed in rooms where artificial light is provided capable of producing an average illumination of 6 footcandles (65 lux) over the area of the room at a height of 30 inches (762 mm) above the floor level.

R303.2 Adjoining rooms. For the purpose of determining light requirements, any room shall be considered as a portion of an adjoining room when at least one-half of the area of the common wall is open and unobstructed and provides an opening of not less than one-tenth of the floor area of the interior room but not less than 25 square feet (2.3 m²).

EXCEPTION: Openings required for light shall be permitted to open into a sunroom with thermal isolation or a patio cover, provided there is an openable area between the adjoining room and the sunroom or a patio cover of not less than one-tenth of the floor area of the interior room but not less than 20 square feet (2 m²).

R303.3 Bathrooms. This section is not adopted.

R303.4 Minimum ventilation performance. Dwelling units shall be equipped with local exhaust and whole-house ventilation systems designed and installed as specified in Section M1505.

EXCEPTION: Additions with less than 500 square feet of conditioned floor area are exempt from the requirements in this Code for Whole-House Ventilation Systems.

R303.5.1 Intake openings. Mechanical and gravity outdoor air intake openings shall be located a minimum of 10 feet (3048 mm) from any hazardous or noxious contaminant, such as vents, chimneys, plumbing vents, streets, alleys, parking lots and loading docks, except as otherwise specified in this code.

For the purpose of this section, the exhaust from *dwelling unit* toilet rooms, bathrooms and kitchens shall not be considered as hazardous or noxious.

EXCEPTIONS:

1. The 10-foot (3048 mm) separation is not required where the intake opening is located 3 feet (914 mm) or greater below the contaminant source.
2. Vents and chimneys serving fuel-burning appliances shall be terminated in accordance with the applicable provisions of Chapters 18 and 24.
3. Clothes dryer exhaust ducts shall be terminated in accordance with Section M1502.3.

R303.5.2 Exhaust openings. Exhaust air shall not be directed onto walkways. All exhaust ducts shall terminate outside the building. Terminal elements shall have at least the equivalent net free area of the duct work.

R303.5.2.1 Exhaust ducts. Exhaust ducts shall be equipped with back-draft dampers. All exhaust ducts in unconditioned spaces shall be insulated to a minimum of R-4.

R303.7 Interior stairway illumination. Interior stairways shall be provided with an artificial light source to illuminate the landings and treads. Stairway illumination shall receive primary power from the

building wiring. The light source shall be capable of illuminating treads and landings to levels not less than 1 foot-candle (11 lux) measured at the center of treads and landings. There shall be a wall switch at each floor level to control the light source where the stairway has six or more risers.

EXCEPTION: A switch is not required where remote, central or automatic control of lighting is provided.

R303.8 Exterior stairway illumination. Exterior *stairways* shall be provided with an artificial light source located at the top landing of the *stairway*. *Stairway* illumination shall receive primary power from the building wiring. Exterior *stairways* providing access to a *basement* from the outdoor grade level shall be provided with an artificial light source located at the bottom landing of the *stairway*.

R303.9 Required glazed openings. Required glazed openings shall open directly onto a street or public alley, or a yard or court located on the same *lot* as the building.

EXCEPTIONS:

1. Required glazed openings that face into a roofed porch where the porch abuts a street, yard or court are permitted where the longer side of the porch is not less than 65 percent unobstructed and the ceiling height is not less than 7 feet (2134 mm).
2. Eave projections shall not be considered as obstructing the clear open space of a yard or court.
3. Required glazed openings that face into the area under a deck, balcony, bay or floor cantilever are permitted where an unobstructed pathway of not less than 36 inches (914 mm) in height, 36 inches (914 mm) in width, and no greater than 60 inches (1524 mm) in length is provided and opens to a yard or court. The pathway shall be measured from the exterior face of the glazed opening, or if the glazed opening is in a window well, at the window well wall furthest from the exterior face of the glazed opening.

R303.10 Required heating. When the winter design temperature in Table R301.2(~~(+1)~~) is below 60°F (16°C), every *dwelling unit* shall be provided with heating facilities capable of maintaining a minimum room temperature of 68°F (20°C) at a point 3 feet (914 mm) above the floor and 2 feet (610 mm) from exterior walls in all habitable rooms at design temperature. The installation of one or more portable heaters shall not be used to achieve compliance with this section.

EXCEPTION: Unheated recreational tents or yurts not exceeding 500 square feet provided it is not occupied as a permanent dwelling.

R303.10.1 Definitions. For the purposes of this section only, the following definitions apply.

DESIGNATED AREAS are those areas designated by a county to be an urban growth area in chapter 36.70A RCW and those areas designated by the U.S. Environmental Protection Agency as being in nonattainment for particulate matter.

SUBSTANTIALLY REMODELED means any alteration or restoration of a building exceeding 60 percent of the appraised value of such building within a 12-month period. For the purpose of this section, the appraised value is the estimated cost to replace the building and structure in kind, based on current replacement costs.

R303.10.2 Primary heating source. Primary heating sources in all new and substantially remodeled buildings in designated areas shall not be dependent upon wood stoves.

R303.10.3 Solid fuel burning devices. No new or used solid fuel burning device shall be installed in new or existing buildings unless such device is U.S. Environmental Protection Agency certified or exempt from certification by the United States Environmental Protection Agency and conforms with RCW 70A.15.1005, 70A.15.3500, 70A.15.3510, and 70A.15.3530.

EXCEPTIONS:

1. Wood cook stoves.
2. Antique wood heaters manufactured prior to 1940.

AMENDATORY SECTION (Amending WSR 23-02-058, 23-12-104, and 23-20-024, filed 1/3/23, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-51-0311 Section R311—Means of egress.

R311.4 Vertical egress. Egress from habitable levels including habitable attics and basements not provided with an egress door in accordance with Section R311.2 shall be by a ramp in accordance with Section R311.8 or a stairway in accordance with Section R311.7.

EXCEPTION: Stairways, alternating tread devices, ship's ladders, or ladders within an individual dwelling unit or sleeping unit used for access to areas of 200 square feet (18.6 m²) or less, are exempt from the requirements of Sections R311.4 and R311.7, where such devices do not provide exclusive access to a kitchen or bathroom. Such areas shall not be located more than 10 feet (3048 mm) above the finished floor of the space below.

R311.7.11 Alternating tread devices. *Alternating tread devices* shall not be used as an element of a means of egress. *Alternating tread devices* shall be permitted provided that a required means of egress stairway or ramp serves the same space at each adjoining level or where a means of egress is not required. The clear width at and below the handrails shall be not less than 20 inches (508 mm).

EXCEPTION: Not adopted.

R311.7.12 Ship's ladders. Ship's ladders shall not be used as an element of a means of egress. Ship's ladders shall be permitted provided that a required means of egress stairway or ramp serves the same space at each adjoining level or where a means of egress is not required. The clear width at and below the handrails shall be not less than 20 inches (508 mm).

EXCEPTION: Not adopted.

AMENDATORY SECTION (Amending WSR 23-02-058, 23-12-104, and 23-20-024, filed 1/3/23, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-51-0312 Section R312—Guards and window fall protection.

R312.1.1 Where required. *Guards* shall be provided for those portions of open-sided walking surfaces, including floors, mezzanines, *lofts* in accordance with Section R333, stairs, ramps, and landings, that are located more than 30 inches (762 mm) measured vertically to the floor or *grade* below at any point within 36 inches (914 mm) horizontally to the edge of the open side. Insect screening shall not be considered as a *guard*.

R312.1.2 Height. Required *guards* at open-sided walking surfaces, including stairs, porches, balconies or landings, shall be not less than 36 inches (914 mm) in height as measured vertically above the adjacent walking surface or the line connecting the *nosings*.

EXCEPTIONS:

1. *Guards* on the open sides of stairs shall have a height of not less than 34 inches (864 mm) measured vertically from a line connecting the *nosings*.
2. Where the top of the *guard* serves as a handrail on the open sides of stairs, the top of the *guard* shall be not less than 34 inches (864 mm) and not more than 38 inches (965 mm) as measured vertically from a line connecting the *nosings*.
3. In areas with ceiling heights of 7 feet (2134 mm) or less in *lofts* constructed in accordance with Section R333, *guards* shall not be less than 36 inches (914 mm) in height or one-half of the clear height from the *loft* floor to the *loft* ceiling, whichever is less.

AMENDATORY SECTION (Amending WSR 23-02-058, 23-12-104, and 23-20-024, filed 1/3/23, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-51-0314 Section R314—Smoke alarms and heat detection.

R314.1 General. Smoke alarms, heat detectors, and heat alarms shall comply with NFPA 72 and this section.

R314.1.1 Listings. Smoke alarms shall be listed in accordance with UL 217. Heat detectors and heat alarms shall be listed for the intended application. Combination smoke and carbon monoxide alarms shall be listed in accordance with UL 217 and UL 2034.

R314.2 Where required. Smoke alarms, heat detectors, and heat alarms shall be provided in accordance with this section.

R314.2.1 New construction. Smoke alarms shall be provided in *dwelling units*. A heat detector or heat alarm shall be provided in new attached garages.

R314.2.2 Alterations, repairs and additions. Where *alterations, repairs* or *additions* requiring a permit occur, or where one or more sleeping rooms are added or created in existing dwellings, or where an accessory dwelling unit is created within an existing *dwelling unit*, each *dwelling unit* shall be equipped with smoke alarms as required for new dwellings.

EXCEPTIONS: 1. Work involving the exterior surfaces of *dwellings*, such as the replacement of roofing or siding, the *addition* or replacement of windows or doors, or the addition of a porch or deck are exempt from the requirements of this section.
2. Installation, *alteration* or repairs of plumbing, electrical or mechanical systems are exempt from the requirements of this section.

R314.2.3 New attached garages. A heat detector or heat alarm rated for the ambient outdoor temperatures and humidity shall be installed in new garages that are attached to or located under new and existing dwellings. Heat detectors and heat alarms shall be installed in a central location and in accordance with the manufacturer's instructions.

EXCEPTION: Heat detectors and heat alarms shall not be required in dwellings without commercial power.

R314.3 Location. Smoke alarms shall be installed in the following locations:

1. In each sleeping room.
2. Outside each separate sleeping area in the immediate vicinity of the bedrooms.
3. On each additional story of the dwelling, including basements and habitable attics but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.
4. Smoke alarms shall be installed not less than 3 feet (914 mm) horizontally from the door or opening of a bathroom that contains a bathtub or shower unless this would prevent placement of a smoke alarm required by Section R314.3.
5. In napping areas in a family home child care.
6. In the hallway and in the room open to the hallway in dwelling units where the ceiling height of a room open to a hallway serving bedrooms exceeds that of the hallway by 24 inches (610 mm) or more.
7. Within the room to which a loft is open, in the immediate vicinity of the loft.

R314.4 Interconnection. Where more than one smoke alarm is required to be installed within an individual *dwelling unit* in accordance with Section ((R314.2)) R314.3, the alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual *dwelling unit*. Where an accessory *dwelling unit* is created within an existing *dwelling unit* all required smoke alarms, in the accessory *dwelling unit* and the primary *dwelling unit*, shall be interconnected in such a manner that the actuation of one alarm will activate all alarms in both the primary *dwelling unit* and the accessory *dwelling unit*. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm.

EXCEPTION: Smoke alarms and alarms installed to satisfy Section R314.4.1 shall not be required to be interconnected to existing smoke alarms where such existing smoke alarms are not interconnected or where such new smoke alarm or alarm is not capable of being interconnected to the existing smoke alarms.

R314.4.1 Heat detection interconnection. Heat detectors and heat alarms shall be connected to an alarm or a smoke alarm that is installed in the *dwelling*. Alarms and smoke alarms that are installed for this purpose shall be located in a hallway, room, or other location that will provide occupant notification.

R314.6 Power source. Smoke alarms, heat alarms, and heat detectors shall receive their primary power from the building wiring where such wiring is served from a commercial source and, where primary power is interrupted, shall receive power from a battery. Wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection.

EXCEPTIONS: 1. Smoke alarms shall be permitted to be battery operated where installed in buildings without commercial power.
2. Smoke alarms installed in accordance with Section R314.2.2 shall be permitted to be battery powered.

AMENDATORY SECTION (Amending WSR 20-21-041, filed 10/13/20, effective 11/13/20)

WAC 51-51-03240 Section R324—Solar energy systems.

R324.3 Photovoltaic systems. Installation, modification, or alteration of solar photovoltaic power systems shall comply with this section and the *International Fire Code*. Section R104.11 ((alternate)) alternative materials and methods of this code shall be considered when approving the installation of solar photovoltaic power systems. Photovoltaic systems shall be designed and installed in accordance with Sections R324.3.1 through R324.6 and chapter 19.28 RCW. Inverters shall be listed and labeled in accordance with UL 1741. Systems connected to the utility grid shall use inverters listed for utility interaction.

EXCEPTION: Detached, nonhabitable Group U structures shall not be subject to the requirements of this section for structural and fire safety.

R324.4 Rooftop-mounted photovoltaic systems. Rooftop-mounted photovoltaic panel systems installed on or above the roof covering shall be designed and installed in accordance with Section R907.

EXCEPTION: The roof structure shall be deemed adequate to support the load of the rooftop solar photovoltaic system if all of the following requirements are met:
1. The solar photovoltaic panel system shall be designed for the wind speed of the local area, and shall be installed per the manufacturer's specifications.
2. The ground snow load does not exceed 70 pounds per square foot (3.35 kPa).
3. The total dead load of modules, supports, mountings, raceways, and all other appurtenances weigh no more than 4 pounds per square foot (19.5 kg/m²).
4. Photovoltaic modules are not mounted higher than 18 inches (457 mm) above the surface of the roofing to which they are affixed.

5. Supports for solar modules are to be installed to spread the dead load across as many roof-framing members as needed, so that no point load exceeds 50 pounds (22.7 kg).

R324.7.1 This section is not adopted.

AMENDATORY SECTION (Amending WSR 23-02-058, 23-12-104, and 23-20-024, filed 1/3/23, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-51-0326 Section R326—Habitable attics.

R326.1 General. *Habitable attics* shall comply with Sections ((R326)) R326.1 through R326.4.

EXCEPTION: Lofts in dwelling units and sleeping units shall be permitted to comply with Section R333, subject to the limitations in Section R333.1.

AMENDATORY SECTION (Amending WSR 20-03-023, filed 1/6/20, effective 7/1/20)

WAC 51-51-0330 Section R330—Adult family homes.

R330.1 General. This section shall apply to all newly constructed adult family homes and all existing single-family homes being converted to adult family homes. This section shall not apply to those adult family homes licensed by the state of Washington department of social and health services prior to July 1, 2001.

R330.2 Reserved.

R330.3 Sleeping room classification. Each sleeping room in an adult family home shall be classified as:

1. Type S - Where the means of egress contains stairs, elevators, or platform lifts.
2. Type NS1 - Where one means of egress is at grade level or a ramp constructed in accordance with Section R330.9 is provided.
3. Type NS2 - Where two means of egress are at grade level or ramps constructed in accordance with Section R330.9 are provided.

R330.4 Types of locking devices and door activation. All bedroom and bathroom doors shall be openable from the outside when locked.

Every closet shall be readily openable from the inside.

Operable parts of door handles, pulls, latches, locks, and other devices installed in adult family homes shall be operable with one hand and shall not require tight grasping, pinching or twisting of the wrist. Pocket doors shall have graspable hardware available when in the closed or open position.

The force required to activate operable parts shall be 5.0 pounds (22.2 N) maximum. Required exit doors shall have no additional locking devices.

Required exit door hardware shall unlock inside and outside mechanisms when exiting the building allowing reentry into the adult family home without the use of a key, tool or special knowledge.

R330.5 Smoke and carbon monoxide alarm requirements. All adult family homes shall be equipped with smoke and carbon monoxide alarms installed as required in Sections R314 and R315.1. Alarms shall be installed in such a manner so that the detection device warning is audible from all areas of the dwelling upon activation of a single alarm.

R330.6 Escape windows and doors. Every sleeping room shall be provided with emergency escape and rescue windows as required by Section R310. No alternatives to the sill height such as steps, raised platforms or other devices placed by the openings will be approved as meeting this requirement.

R330.7 Fire apparatus access roads and water supply for fire protection. Adult family homes shall be served by fire apparatus access roads and water supplies meeting the requirements of the local jurisdiction.

R330.8 Grab bar general requirements. Where facilities are designated for use by adult family home clients, grab bars for water closets, bathtubs, and shower stalls shall be installed according to this section.

R330.8.1 Grab bar cross section. Grab bars with a circular cross section shall have an outside diameter of 1 1/4 inch (32 mm) minimum and 2 inches (50 mm) maximum. Grab bars with noncircular cross section shall have a cross section dimension of 2 inches (50 mm) maximum and a perimeter dimension of 4 inches (102 mm) minimum and 4 5/8 inches maximum.

R330.8.2 Grab bar installation. Grab bars shall have a spacing of 1 1/2 inch (32 mm) between the wall and the bar. Projecting objects, control valves and bathtub or shower stall enclosure features above, below and at the ends of the grab bar shall have a clear space of 1 1/2 inch (32 mm) to the grab bar.

EXCEPTION: Swing-up grab bars shall not be required to meet the 1 1/2 inch (32 mm) spacing requirement.

Grab bars shall have a structural strength of 250 pounds applied at any point on the grab bar, fastener, mounting device or supporting structural member. Grab bars shall not be supported directly by any residential grade fiberglass bathing or showering unit. Acrylic bars found in bathing units shall be removed.

Fixed position grab bars, when mounted, shall not rotate, spin or move and have a graspable surface finish.

R330.8.3 Grab bars at water closets. Water closets shall have grab bars mounted on both sides. Grab bars can be a combination of fixed position and swing-up bars. Grab bars shall meet the requirements of Section R330.8. Grab bars shall mount between 33 inches (838 mm) and 36 inches (914 mm) above floor grade. Centerline distance between grab bars, regardless of type used, shall be between 25 inches (635 mm) minimum and 30 inches (762 mm) maximum.

R330.8.3.1 Fixed position grab bars. Fixed position grab bars shall be a minimum of 36 inches (914 mm) in length and start 12 inches (305 mm) from the rear wall.

R330.8.3.2 Swing-up grab bars. Swing-up grab bars shall be a minimum of 28 inches (711 mm) in length from the rear wall.

R330.8.4 Grab bars at bathtubs. Horizontal and vertical grab bars shall meet the requirements of Section R330.8.

R330.8.4.1 Vertical grab bars. Vertical grab bars shall be a minimum of 18 inches (457 mm) long and installed at the control end wall and head end wall. Grab bars shall mount within 4 inches (102 mm) of the exterior of the bathtub edge or within 4 inches (102 mm) within the

bathtub. The bottom end of the bar shall start between 36 inches (914 mm) and 42 inches (1067 mm) above floor grade.

EXCEPTION: The required vertical grab bar can be substituted with a floor to ceiling grab bar meeting the requirements of Section R325.8 at the control end and head end entry points.

R330.8.4.2 Horizontal grab bars. Horizontal grab bars shall be provided at the control end, head end, and the back wall within the bathtub area. Grab bars shall be mounted between 33 inches (838 mm) and 36 inches (914 mm) above floor grade. Control end and head end grab bars shall be 24 inches (610 mm) minimum in length. Back wall grab bars shall be 36 inches (914 mm) minimum in length.

R330.8.5 Grab bars at shower stalls. Where shower stalls are provided to meet the requirements for bathing facilities, grab bars shall meet the requirements of Section R330.8.

EXCEPTION: Shower stalls with permanent built-in seats are not required to have vertical or horizontal grab bars at the seat end wall. A vertical floor to ceiling grab bar shall be installed within 4 inches of the exterior of the shower aligned with the nose of the built-in seat.

R330.8.5.1 Vertical grab bars. Vertical grab bars shall be 18 inches (457 mm) minimum in length and installed at the control end wall and head end wall. Vertical bars shall be mounted within 4 inches (102 mm) of the exterior of the shower stall or within 4 inches (102 mm) inside the shower stall. The bottom end of vertical bars mount between 36 inches (914 mm) and 42 inches (1067 mm) above floor grade.

R330.8.5.2 Horizontal grab bars. Horizontal grab bars shall be installed on all sides of the shower stall mounted between 33 inches (838 mm) and 36 inches (914 mm) above the floor grade. Horizontal grab bars shall be a maximum of 6 inches (152 mm) from adjacent walls. Horizontal grab bars shall not interfere with shower control valves.

R330.9 Ramps. All interior and exterior ramps, when provided, shall be constructed in accordance with Section R311.8 with a maximum slope of 1 vertical to 12 horizontal. The exception to Section R311.8.1 is not allowed for adult family homes. Handrails shall be installed in accordance with Section R330.9.1.

R330.9.1 Handrails for ramps. Handrails shall be installed on both sides of ramps between the slope of 1 vertical to 12 horizontal and 1 vertical and 20 horizontal in accordance with Sections R311.8.3.1 through R311.8.3.3.

R330.10 Stair treads and risers. Stair treads and risers shall be constructed in accordance with Section R311.7.5. Handrails shall be installed in accordance with Section R330.10.1.

R330.10.1 Handrails for treads and risers. Handrails shall be installed on both sides of treads and risers numbering from one riser to multiple risers. Handrails shall be installed in accordance with Sections R311.7.8.1 through R311.7.8.4.

R330.11 Shower stalls. Where provided to meet the requirements for bathing facilities, the minimum size of shower stalls for an adult family home shall be 30 inches (762 mm) deep by 48 inches (1219 mm) long.

AMENDATORY SECTION (Amending WSR 23-02-058, 23-12-104, and 23-20-024, filed 1/3/23, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-51-0333 Section R333—Lofts.

R333.1 General. Where provided in dwelling units or sleeping units, lofts shall comply with this code as modified by Sections R333.1 through R333.5. Lofts constructed in compliance with this section shall be considered a portion of the story below. Such lofts shall not contribute to the number of stories as regulated by this code.

EXCEPTION: Lofts need not comply with Section R333 where they meet any of the following conditions:

1. The loft has a maximum depth of less than 3 feet (914 mm).
2. The loft has a floor area of less than 35 square feet (3.3 m²).
3. The loft is not provided with a permanent means of egress.

R333.2 Loft limitations. Lofts shall comply with the following conditions:

1. The loft floor area shall be less than 70 square feet (6.5 m²).
2. The loft ceiling height shall not exceed 7 feet (2134 mm) for more than one half of the loft floor area.

The provisions of Sections R333.3 through R333.5 shall not apply to lofts that do not comply with Items 1 and 2 of this section.

R333.3 Loft ceiling height. The ceiling height below a loft shall not be less than 7 feet (2134 mm). The ceiling height above the finished floor of the loft shall not be less than 3 feet (914 mm). Portions of the loft with a sloped ceiling measuring less than 3 feet (914 mm) from the finished floor to the finished ceiling shall not contribute to the loft floor area.

R333.4 Loft area. The aggregate area of all lofts and mezzanines within a room shall comply with Section R325.3.

EXCEPTION: The area of a single loft located within a dwelling unit or sleeping unit equipped with an automatic sprinkler system in accordance with Section P2904 shall not be greater than two-thirds of the area of the room in which it is located, provided that no other lofts or mezzanines are open to the room in which the loft is located.

R333.5 Permanent egress for lofts. Where a permanent means of egress is provided for lofts, the means of egress shall comply with Section R311 as modified by Section R333.5.1.

R333.5.1 Ceiling height at loft means of egress. A minimum ceiling height of 3 feet (914 mm) shall be provided for the entire width of the means of egress from the loft.

AMENDATORY SECTION (Amending WSR 23-02-058, 23-12-104, and 23-20-024, filed 1/3/23, 6/7/23, and 9/25/23, effective 3/15/24)

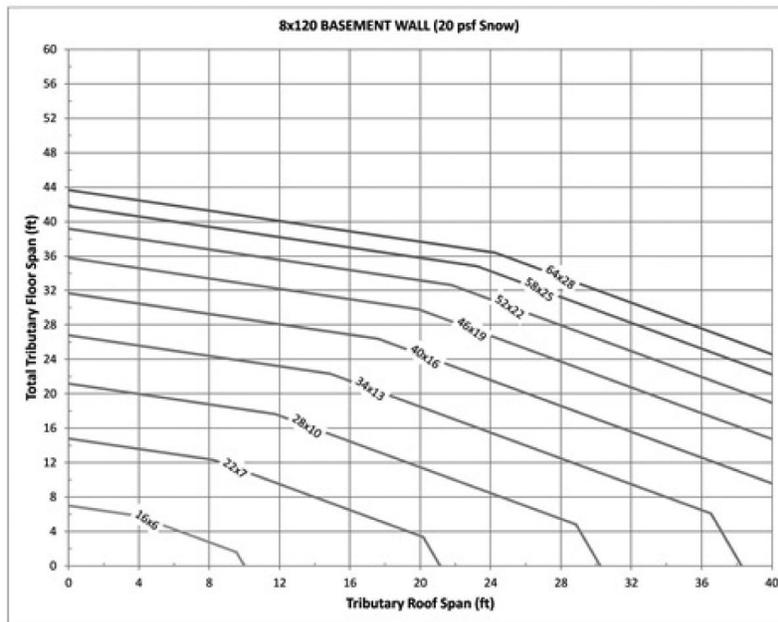
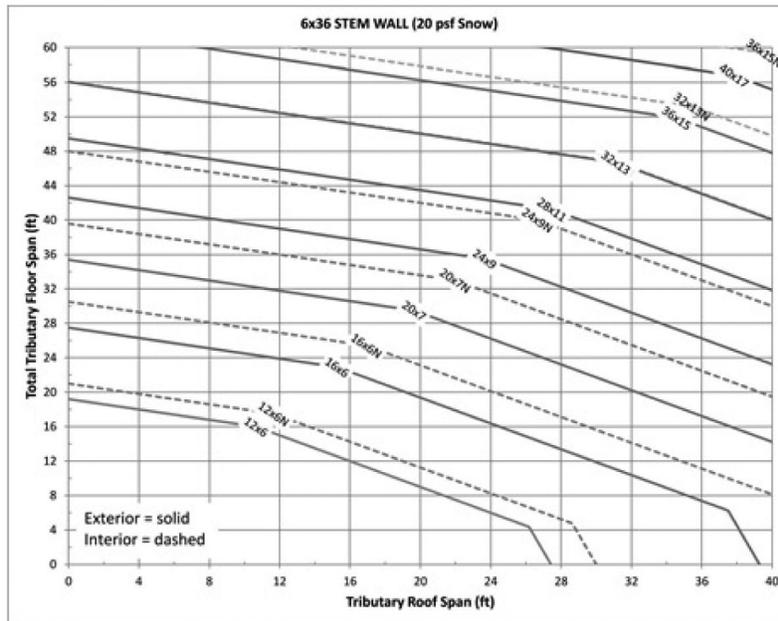
WAC 51-51-0403 Section R403—Footings.

R403.1.1 Minimum size. The minimum width, W, and thickness, T, for concrete footings shall be in accordance with Tables R403.1(1) through R403.1(3) and Figure R403.1(1) or R403.1.3, as applicable, but not less than 12 inches (305 mm) in width and 6 inches (152 mm) in depth. The footing width shall be based on the load-bearing value of the soil in accordance with Table R401.4.1. Footing projections, P, shall be not less than 2 inches (51 mm) and shall not exceed the thickness of the footing. Footing thickness and projection for fireplaces shall be in accordance with Section R1001. The size of footings supporting

piers and columns shall be based on the tributary load and allowable soil pressure in accordance with Table R401.4.1. Footings for wood foundations shall be in accordance with the details set forth in Section R403.2, and Figures R403.1(2) and R403.1(3). Footings for precast foundation shall be in accordance with the details set forth in Section R403.4, Table R403.4, and Figures R403.4(1) and R403.4(2).

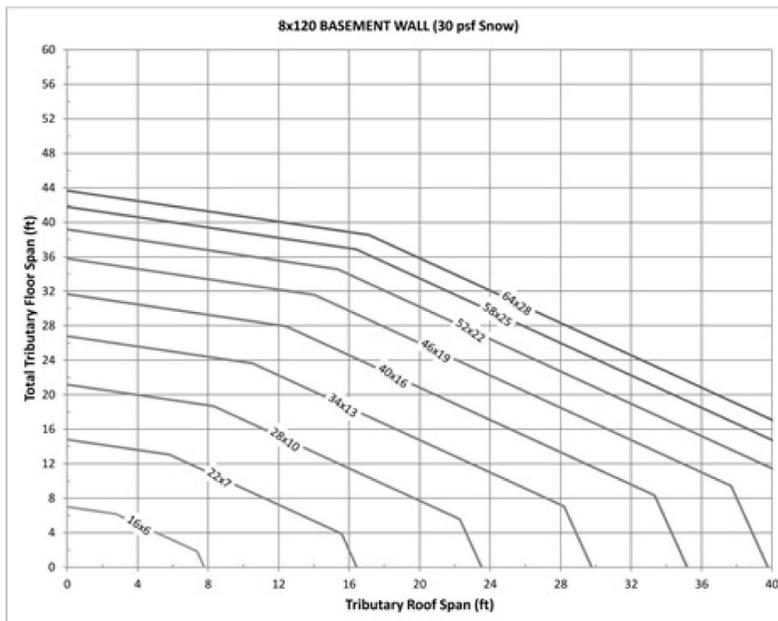
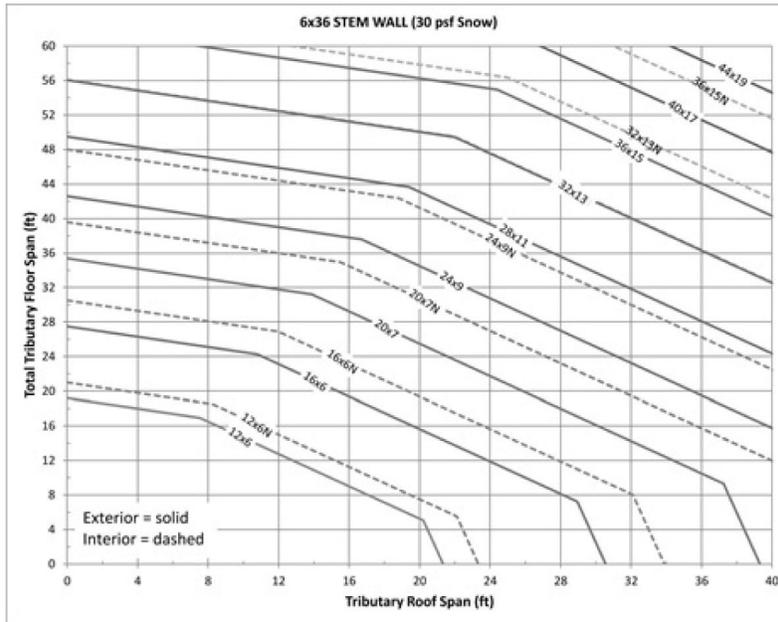
EXCEPTION: Light-frame construction shall be permitted to have minimum footing size in accordance with Figures R403.1.1(1) through R403.1.1(4) in lieu of that determined by Table R403.1(1).

Figure R403.1.1(1)
Alternative Minimum Footing Size for Light-Frame Construction
a, b, c, d, e, f, g, h, i
20 PSF Snow Load



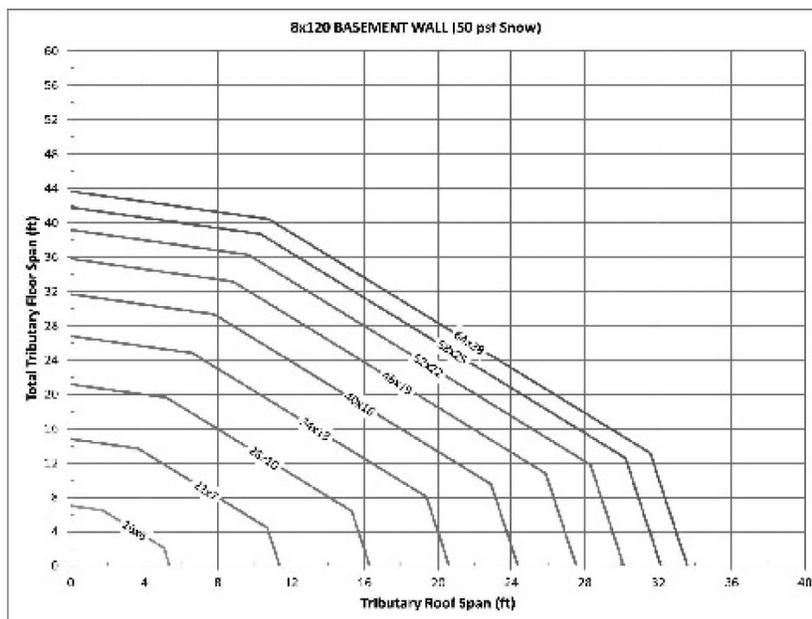
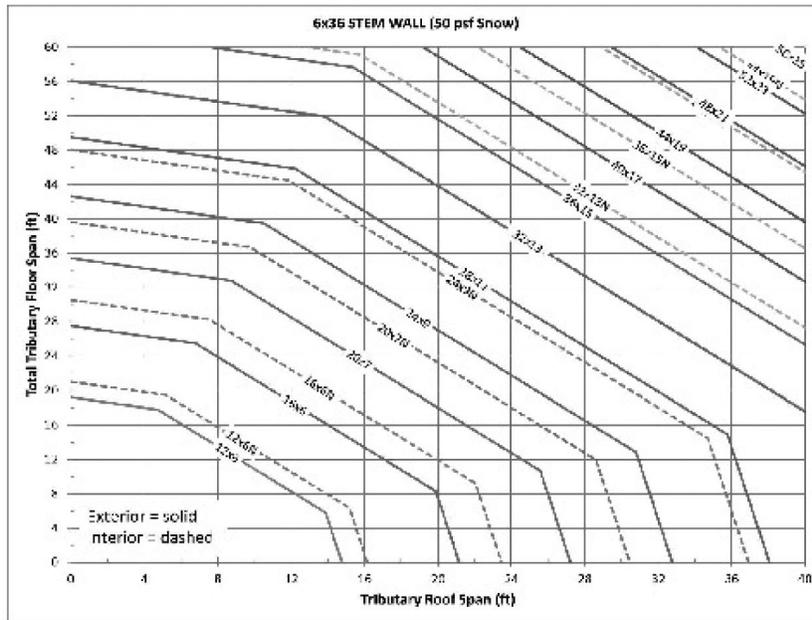
- Notes:
- a The minimum footing size is based on the following assumptions: Material weights per Section R301.2.2.2.1 and soil density = 120 pcf. Wood-framed walls = 10 foot; crawlspace stem wall = 6 inches × 36 inches; basement wall = 8 inches × 120 inches. Total load (TL) equal to the maximum of three load combinations: LC1=D+L, LC2=D+S and LC3=D+0.75(L+S), where D=dead load, L=live load, S=snow load. TL=max(LC1, LC2, LC3).
 - b Use tributary span of floor and roof. Figure may be used to size exterior and interior footings.
 - c Add 4 feet to tributary floor span for each wood-framed wall above first level (i.e., ((4')) 4 feet for 2-story, ((8')) 8 feet for 3-story).
 - d Multiply floor span by 1.25 for interior footings supporting continuous joists.
 - e Multiply footing width by (1500 psf/capacity) for soil capacity other than 1500 psf. See Section R403.1.1 for thickness.
 - f Dashed line may be used for interior footing size only.
 - g Use footing size indicated on line above the span combination used.
 - h For span combinations above the upper line, a design professional is required.
 - i Interpolation between footing sizes is allowed. Extrapolation is not allowed.

Figure R403.1.1(2)
 Alternative Minimum Footing Size for Light-Frame Construction
 a, b, c, d, e, f, g, h, i
 30 PSF Snow Load



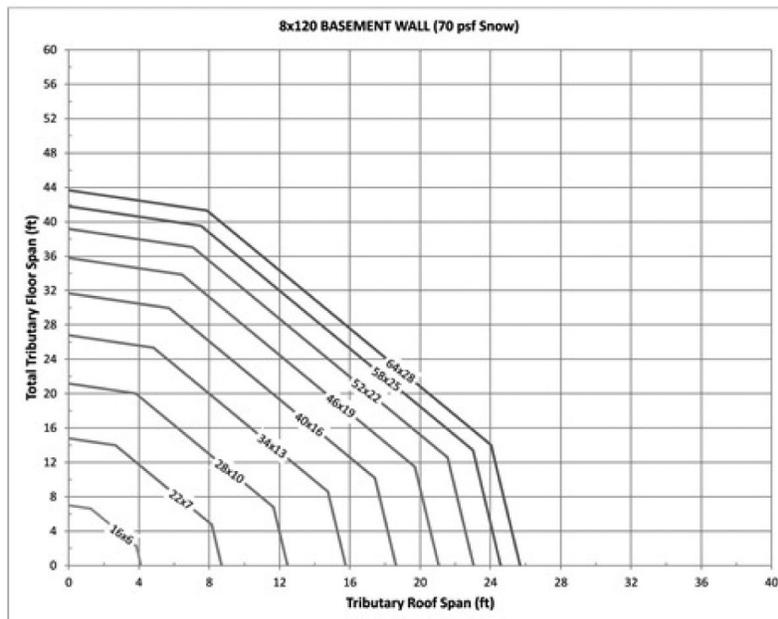
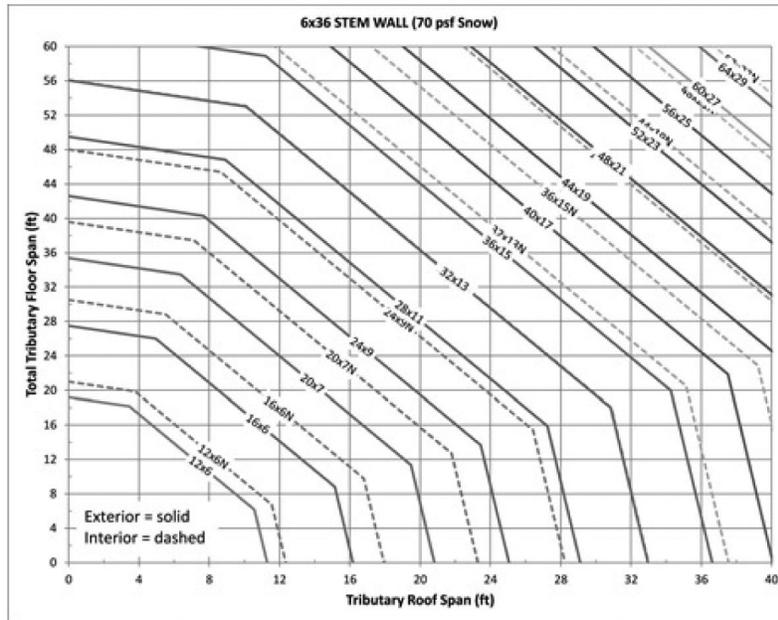
- Notes:
- a The minimum footing size is based on the following assumptions: Material weights per Section R301.2.2.1 and soil density = 120 pcf. Wood-framed walls = 10 foot; crawlspace stem wall = 6 inches × 36 inches; basement wall = 8 inches × 120 inches. Total load (TL) equal to the maximum of three load combinations: LC1=D+L, LC2=D+S and LC3=D+0.75(L+S), where D=dead load, L=live load, S=snow load. TL=max(LC1, LC2, LC3).
 - b Use tributary span of floor and roof. Figure may be used to size exterior and interior footings.
 - c Add 4 feet to tributary floor span for each wood-framed wall above first level (i.e., ((#)) 4 feet for 2-story, ((#)) 8 feet for 3-story).
 - d Multiply floor span by 1.25 for interior footings supporting continuous joists.
 - e Multiply footing width by (1500 psf/capacity) for soil capacity other than 1500 psf. See Section R403.1.1 for thickness.
 - f Dashed line may be used for interior footing size only.
 - g Use footing size indicated on line above the span combination used.
 - h For span combinations above the upper line, a design professional is required.
 - i Interpolation between footing sizes is allowed. Extrapolation is not allowed.

Figure R403.1.1(3)
 Alternative Minimum Footing Size for Light-Frame Construction
 a, b, c, d, e, f, g, h, i
 50 PSF Snow Load



- Notes:
- a The minimum footing size is based on the following assumptions: Material weights per Section R301.2.2.2.1 and soil density = 120 pcf. Wood-framed walls = 10 foot; crawlspace stem wall = 6 inches × 36 inches; basement wall = 8 inches × 120 inches. Total load (TL) equal to the maximum of three load combinations: LC1=D+L, LC2=D+S and LC3=D+0.75(L+S), where D=dead load, L=live load, S=snow load. TL=max(LC1, LC2, LC3).
 - b Use tributary span of floor and roof. Figure may be used to size exterior and interior footings.
 - c Add 4 feet to tributary floor span for each wood-framed wall above first level (i.e., ((4[#])) 4 feet for 2-story, ((8[#])) 8 feet for 3-story).
 - d Multiply floor span by 1.25 for interior footings supporting continuous joists.
 - e Multiply footing width by (1500 psf/capacity) for soil capacity other than 1500 psf. See Section R403.1.1 for thickness.
 - f Dashed line may be used for interior footing size only.
 - g Use footing size indicated on line above the span combination used.
 - h For span combinations above the upper line, a design professional is required.
 - i Interpolation between footing sizes is allowed. Extrapolation is not allowed.

Figure R403.1.1(4)
 Alternative Minimum Footing Size for Light-Frame Construction
 a, b, c, d, e, f, g, h, i
 70 PSF Snow Load



- Notes:
- a The minimum footing size is based on the following assumptions: Material weights per Section R301.2.2.2.1 and soil density = 120 pcf. Wood-framed walls = 10 foot; crawlspace stem wall = 6 inches × 36 inches; basement wall = 8 inches × 120 inches. Total load (TL) equal to the maximum of three load combinations: LC1=D+L, LC2=D+S and LC3=D+0.75(L+S), where D=dead load, L=live load, S=snow load. TL=max(LC1, LC2, LC3).
 - b Use tributary span of floor and roof. Figure may be used to size exterior and interior footings.
 - c Add 4 feet to tributary floor span for each wood-framed wall above first level (i.e., ((4)) 4 feet for 2-story, ((8)) 8 feet for 3-story).
 - d Multiply floor span by 1.25 for interior footings supporting continuous joists.
 - e Multiply footing width by (1500 psf/capacity) for soil capacity other than 1500 psf. See Section R403.1.1 for thickness.
 - f Dashed line may be used for interior footing size only.
 - g Use footing size indicated on line above the span combination used.
 - h For span combinations above the upper line, a design professional is required.
 - i Interpolation between footing sizes is allowed. Extrapolation is not allowed.

AMENDATORY SECTION (Amending WSR 23-02-058, 23-12-104, and 23-20-024, filed 1/3/23, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-51-0408 Section R408—Under-floor space.

R408.1 Ventilation. The under-floor space between the bottom of the floor joists and the earth under any building (except space occupied by a basement) shall have ventilation openings through foundation walls or exterior walls. A ground cover of six mil (0.006 inch thick) black polyethylene or approved equal shall be laid over the ground within crawl spaces. The ground cover shall be overlapped ((six)) 6 inches (152 mm) minimum at the joints and shall extend to the foundation wall.

EXCEPTION: The ground cover may be omitted in crawl spaces if the crawl space has a concrete slab floor with a minimum thickness of ((two)) 2 inches (51 mm).

R408.2 Openings for under-floor ventilation. The minimum net area of ventilation openings shall not be less than 1 square foot (0.0929 m²) for each 300 square feet (28 m²) of under-floor area. Required openings shall be evenly placed to provide cross ventilation of the space except one side of the building shall be permitted to have no ventilation openings. Ventilation openings shall be covered for their height and width with any of the following materials provided that the least dimension of the covering shall not exceed 1/4 inch (6.4 mm), and operational louvers are permitted:

1. Perforated sheet metal plates not less than 0.070 inch (1.8 mm) thick.
2. Expanded sheet metal plates not less than 0.047 inch (1.2 mm) thick.
3. Cast-iron grill or grating.
4. Extruded load-bearing brick vents.
5. Hardware cloth of 0.035 inch (0.89 mm) wire or heavier.
6. Corrosion-resistant wire mesh, with the least dimension being 1/8 inch (3.2 mm).

EXCEPTION: The total area of ventilation openings shall be permitted to be reduced to 1/1,500 of the under-floor area where the ground surface is covered with an approved Class I vapor retarder material and the required openings are placed to provide cross ventilation of the space. The installation of operable louvers shall not be prohibited. If the installed ventilation is less than 1/300, or if operable louvers are installed, a radon vent shall be installed to originate from a point between the ground cover and soil. The radon vent shall be installed in accordance with the requirements of Appendix AF (Radon) of this code.

R408.3 Unvented crawl space. Ventilation openings in under-floor spaces specified in Section R408.2 shall not be required where:

1. Exposed earth is covered with a continuous Class I vapor retarder. Joints of the vapor retarder shall overlap by 6 inches (152 mm) and shall be sealed or taped. The edges of the vapor retarder shall extend at least 6 inches (152 mm) up the stem wall and shall be attached and sealed to the stem wall; and a radon system shall be in-

stalled that meets the requirements of Appendix AF (Radon) of this code.

2. Continuously operated mechanical exhaust ventilation is provided at a rate equal to 1 cubic foot per minute (0.47 L/s) for each 50 square feet (4.7 m²) of crawlspace floor area. Exhaust ventilation shall terminate to the exterior.

EXCEPTION: Plenum in existing structures complying with Section M1601.5, if under-floor space is used as a plenum.

R408.8 Under-floor vapor retarder. This section is not adopted.

AMENDATORY SECTION (Amending WSR 23-02-058, 23-12-104, and 23-20-024, filed 1/3/23, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-51-0507 Section R507—Decks.

TABLE R507.3.1
MINIMUM FOOTING SIZE FOR DECKS

LIVE OR GROUND SNOW LOAD (psf)	TRIBUTARY AREA(°) (sq.ft.)	LOAD-BEARING VALUE OF SOILS ^{acd} (psf)								
		1500 ^c ((psf))			2000 ^c ((psf))			≥ 3000 ^c ((psf))		
		Side of a square footing (inches)	Diameter of a round footing (inches)	Thickness ^f (inches)	Side of a square footing (inches)	Diameter of a round footing (inches)	Thickness ^f (inches)	Side of a square footing (inches)	Diameter of a round footing (inches)	Thickness ^f (inches)
60 Live or 70 Ground Snow Load	5	7	8	6	7	8	6	7	8	6
	20	12	14	6	11	13	6	9	10	6
	40	18	20	6	15	17	6	12	14	6
	60	21	24	8	19	21	6	15	17	6
	80	25	28	9	21	24	8	18	20	6
	100	28	31	11	24	27	9	20	22	7
	120	30	34	12	26	30	10	21	24	8
	140	33	37	13	28	32	11	23	26	9
160	35	40	15	30	34	12	25	28	9	

For SI: 1 inch = 25.4 mm, 1 square foot = 0.0929 m², 1 pound per square foot = 0.0479 kPa.

- a. Interpolation permitted, extrapolation not permitted.
- b. Reserved.
- c. Footing dimensions shall allow complete bearing of the post.
- d. If the support is a brick or CMU pier, the footing shall have a minimum 2-inch projection on all sides.
- e. Area, in square feet, of deck surface supported by post and footings.
- f. Minimum thickness shall only apply to plain concrete footings,

R507.4 Deck posts. For single-level decks, wood post size shall be in accordance with Table R507.4.

TABLE R507.4
DECK POST HEIGHT

((LOADS ^b (psf)	POST SPECIES ^c	POST SIZE ^d	MAXIMUM DECK POST HEIGHT ^a (feet-inches)							
			Tributary Area ^{g,h} (sq. ft.)							
			20	40	60	80	100	120	140	160))
LOADS ^b (psf)	POST SPECIES ^c	POST SIZE ^d	TRIBUTARY AREA ^{g,h} (sq. ft.)							
			20	40	60	80	100	120	140	160
			MAXIMUM DECK POST HEIGHT ^a (feet-inches)							
60 Live Load, ≤60 Ground Snow Load	Douglas Fir ^e , Hem-fir ^e , SPF ^e	4 x 4	14-0	10-10	8-7	7-0	5-8	4-1	NP	NP
		4 x 6	14-0	13-10	11-1	9-5	8-2	7-3	6-4	5-4
		6 x 6	14-0	14-0	14-0	14-0	14-0	13-3	10-9	6-11
		8 x 8	14-0	14-0	14-0	14-0	14-0	14-0	14-0	14-0
	Redwood ^f , Western Cedars ^f , Ponderosa Pine ^f , Red Pine ^f	4 x 4	14-0	10-3	7-0	NP	NP	NP	NP	NP
		4 x 6	14-0	13-6	10-6	8-4	5-10	NP	NP	NP
		6 x 6	14-0	14-0	14-0	14-0	11-11	NP	NP	NP
		8 x 8	14-0	14-0	14-0	14-0	14-0	14-0	14-0	14-0
70 Ground Snow Load	Douglas Fir ^e , Hem-fir ^e , SPF ^e	4 x 4	14-0	10-1	7-11	6-6	5-3	3-7	NP	NP
		4 x 6	14-0	12-10	10-3	8-9	7-7	6-8	5-10	4-11
		6 x 6	14-0	14-0	14-0	14-0	14-0	12-2	9-9	5-9
		8 x 8	14-0	14-0	14-0	14-0	14-0	14-0	14-0	14-0
	Redwood ^f , Western Cedars ^f , Ponderosa Pine ^f , Red Pine ^f	4 x 4	14-0	9-5	6-5	NP	NP	NP	NP	NP
		4 x 6	14-0	12-6	9-8	7-7	5-3	NP	NP	NP
		6 x 6	14-0	14-0	14-0	14-0	10-8	NP	NP	NP
		8 x 8	14-0	14-0	14-0	14-0	14-0	14-0	14-0	14-0

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm, 1 square foot = 0.0929 m², 1 pound per square foot = 0.0479 kPa, NP = Not permitted.

- a. Measured from the underside of the beam to top of footing or pier.
- b. 10 psf dead load. Snow load not assumed to be concurrent with live load.
- c. No. 2 grade, wet service factor included.
- d. Notched deck posts shall be sized to accommodate beam size ((per)) in accordance with Section R507.5.2.
- e. Includes incising factor.
- f. Incising factor not included.
- g. Area, in square feet, of deck surface supported by post and footing.
- h. Interpolation permitted. Extrapolation not permitted.

R507.5 Deck beams. Maximum allowable spans for wood deck beams, as shown in Figure R507.5, shall be in accordance with Table R507.5. Beam plies shall be fastened together with two rows of 10d (3-inch x 0.128-inch) nails minimum at 16 inches (406 mm) on center along each edge. Beams shall be permitted to cantilever at each end up to one-fourth of the ((allowable)) actual beam span. Deck beams of other materials shall be permitted where designed in accordance with accepted engineering practices.

Tables R507.5(1) through R507.5(4) are not adopted.

TABLE R507.5
MAXIMUM DECK BEAM SPAN - 60 PSF LIVE LOAD or
70 PSF GROUND SNOW LOAD^c

BEAM SPECIES ^d	BEAM SIZE ^e	EFFECTIVE DECK JOIST SPAN LENGTH ^{a,i} (feet)						
		6	8	10	12	14	16	18
		MAXIMUM DECK BEAM SPAN LENGTH ^{a,b,f} (feet-inches)						
Douglas fir-larch ^g , Hem-fir ^g , Spruce-pine-fir ^g	1-2×6	3-5	2-10	2-5	2-2	2-0	1-10	1-9
	1-2×8	4-7	3-8	3-2	2-10	2-7	2-5	2-4
	1-2×10	5-8	4-9	4-1	3-8	3-4	3-1	2-11
	1-2×12	6-7	5-8	5-0	4-6	4-1	3-10	3-7
	2-2×6	5-2	4-6	4-0	3-5	3-1	2-10	2-7
	2-2×8	6-11	6-0	5-3	4-7	4-1	3-8	3-5
	2-2×10	8-5	7-4	6-6	5-10	5-2	4-9	4-5
	2-2×12	9-10	8-6	7-7	6-11	6-4	5-9	5-4
	3-2×6	6-6	5-7	5-0	4-7	4-2	3-9	3-5
	3-2×8	8-8	7-6	6-8	6-1	5-6	5-0	4-7
	3-2×10	10-7	9-2	8-2	7-6	6-11	6-4	5-10
3-2×12	12-4	10-8	9-7	8-9	8-1	7-7	7-1	
Redwood ^h , Western Cedars ^h , Ponderosa Pine ^h , Red Pine ^h	1-2×6	3-6	2-11	2-6	2-3	2-0	1-11	1-9
	1-2×8	4-6	3-10	3-3	2-11	2-8	2-6	2-4
	1-2×10	5-6	4-9	4-2	3-9	3-5	3-2	3-0
	1-2×12	6-4	5-6	4-11	4-6	4-2	3-11	3-8
	2-2×6	5-3	4-7	4-1	3-6	3-2	2-11	2-8
	2-2×8	6-8	5-9	5-2	4-8	4-2	3-10	3-6
	2-2×10	8-2	7-1	6-4	5-9	5-4	4-10	4-6
	2-2×12	9-5	8-2	7-4	6-8	6-2	5-9	5-5
	3-2×6	6-4	5-8	5-1	4-8	4-3	3-10	3-6
	3-2×8	8-4	7-3	6-5	5-11	5-5	5-1	4-8
	3-2×10	10-2	8-10	7-11	7-2	6-8	6-3	5-11
3-2×12	11-10	10-3	9-2	8-4	7-9	7-3	6-10	

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm, 1 pound per square foot = 0.0479 kPa, 1 pound = 0.454 kg.

- a. Interpolation allowed. Extrapolation is not allowed.
- b. Beams supporting a single span of joists with or without cantilever.
- c. Dead load = 10 psf, L/Δ = 360 at mainspan, L/Δ = 180 at cantilever. Snow load not assumed to be concurrent with live load.
- d. No. 2 grade, wet service factor included.
- e. Beam depth shall be equal to or greater than the depth of intersecting joist for a flush beam connection.
- f. Beam cantilevers are limited to the adjacent beam's span divided by 4.
- g. Includes incising factor.
- h. Incising factor not included.
- i. Deck joist span as shown in Figure R507.5.
- j. For calculation of effective joist span, the actual joist span length shall be multiplied by the joist span factor in accordance with Table R507.5(5).

R507.6 Deck joists. Maximum allowable spans for wood deck joists, as shown in Figure R507.6, shall be in accordance with Table R507.6. The maximum joist spacing shall be limited by the decking materials in accordance with Table R507.7.

TABLE R507.6
MAXIMUM DECK JOIST SPANS

LOAD ^a (psf)	JOIST SPECIES ^b	JOIST SIZE	ALLOWABLE JOIST SPAN ^{b,c} (feet-inches)			MAXIMUM CANTILEVER ^{d,f,(g)} (feet-inches)							
			Joist Spacing (inches)			Adjacent Joist Back Span ^g (feet)							
			12	16	24	4	6	8	10	12	14	16	18
60 Live Load or 70 Ground Snow Load	Douglas fir-larch ^e , Hem-fir ^e , Spruce-pine-fir ^e	2×6	7-11	7-1	5-9	1-0	1-6	NP	NP	NP	NP	NP	NP
		2×8	10-5	9-5	7-8	1-0	1-6	2-0	2-1	NP	NP	NP	NP
		2×10	13-3	11-6	9-5	1-0	1-6	2-0	2-6	2-8	NP	NP	NP
		2×12	15-5	13-4	10-11	1-0	1-6	2-0	2-6	3-0	3-3	NP	NP
	Redwood ^f , Western Cedars ^f , Ponderosa Pine ^f , Red Pine ^f	2×6	7-4	6-8	5-10	1-0	1-4	NP	NP	NP	NP	NP	NP
		2×8	9-8	8-10	7-4	1-0	1-6	1-11	NP	NP	NP	NP	NP
		2×10	12-4	11-0	9-0	1-0	1-6	2-0	2-6	2-6	NP	NP	NP
		2×12	14-9	12-9	10-5	1-0	1-6	2-0	2-6	3-0	3-0	NP	NP

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm, 1 pound per square foot = 0.0479 kPa, 1 pound = 0.454 kg, NP = Not permitted.

- a. Dead load = 10 psf dead load. Snow load not assumed to be concurrent with live load.
- b. No. 2 grade, wet service factor included.
- c. L/Δ = 360 at main span.
- d. L/Δ = 180 at cantilever with 220-pound point load applied to end.
- e. Includes incising factor.
- f. Incising factor not included.
- g. Interpolation permitted. Extrapolation not permitted.

R507.9.1.2 Band joist details. Band joists supporting a ledger shall be a minimum 2-inch-nominal (51 mm), solid-sawn, spruce-pine-fir or better lumber or minimum 1-inch (25 mm) nominal engineered wood rim boards in accordance with Section R502.1.7. Band joists shall bear fully on the primary structure capable of supporting all required loads.

TABLE R507.9.1.3(1)
DECK LEDGER CONNECTION TO BAND JOIST

LOAD ^c (psf)	JOIST SPAN ^a (feet)	ON-CENTER SPACING OF FASTENERS ^b (inches)		
		1/2-inch diameter lag screw with 1/2-inch maximum sheathing ^{d,e}	1/2-inch diameter bolt with 1/2-inch maximum sheathing ^e	1/2-inch diameter bolt with 1-inch maximum sheathing ^f
60 Live Load or 70 Ground Snow Load	6	22	36	35
	8	16	31	26
	10	13	25	21
	12	11	20	17
	14	9	17	15
	16	8	15	13
	18	7	13	11

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm, 1 pound per square foot = 0.0479 kPa.

- a. Interpolation permitted. Extrapolation is not permitted.
- b. Ledgers shall be flashed in accordance with Section R703.4 to prevent water from contacting the house band joist.
- c. Dead load = 10 psf. Snow load shall not be assumed to act concurrently with live load.
- d. The tip of the lag screw shall fully extend beyond the inside face of the band joist.
- e. Sheathing shall be wood structural panel or solid sawn lumber.
- f. Sheathing shall be permitted to be wood structural panel, gypsum board, fiberboard, lumber or foam sheathing. Up to 1/2-inch thickness of stacked washers shall be permitted to substitute for up to 1/2 inch of allowable sheathing thickness where combined with wood structural panel or lumber sheathing.

R507.9.2 Deck lateral load connections. Lateral loads shall be transferred to the ground or to a structure capable of transmitting them to the ground. Where the lateral load connection is provided in accordance with Figure R507.9.2(1), hold-down tension devices shall be installed in not less than two locations per deck, within 24 inches of each end of the deck. Each device shall have an allowable stress design capacity of not less than 1500 pounds (6672 N). Where the lateral load connections are provided in accordance with Figure R507.9.2(2),

the hold-down tension devices shall be installed in not less than four locations per deck, and each device shall have an allowable stress design capacity of not less than 750 pounds (3336 N).

EXCEPTION: Decks not more than 30 inches above grade at any point may be unattached.

TABLE ((R507.9.1)) R507.9.1.3(2)
PLACEMENT OF LAG SCREWS AND BOLTS IN DECK LEDGERS AND BAND JOISTS

MINIMUM END AND EDGE DISTANCES AND SPACING BETWEEN ROWS				
	TOP EDGE	BOTTOM EDGE	ENDS	ROW SPACING
Ledger ^a	2 inches ^d	3/4 inch	2 inches ^b	1 5/8 inches ^b
Band joist ^c	3/4 inch	2 inches ^c	2 inches ^b	1 5/8 inches ^b

For SI: 1 inch = 25.4 mm.

- a Lag screws or bolts shall be staggered from the top to the bottom along the horizontal run of the deck ledger in accordance with Figure ((R507.2.1(+))) R507.9.1.3(1).
- b Maximum 5 inches.
- c For engineered rim joists, the manufacturer's recommendations shall govern.
- d The minimum distance from bottom row of lag screws or bolts to the top edge of the ledger shall be in accordance with Figure ((R507.2.1(+))) R507.9.1.3(1).
- e The 2 inches may be reduced to 3/4 inch when the band joist is directly supported by a mudsill, a header or by double top wall plates.

~~((TABLE R507.9.3(1) DECK LEDGER CONNECTION TO BAND JOIST~~

LOAD ^c (psf)	JOIST SPAN ^a (feet)	1/2-inch diameter leg screw with 1/2-inch maximum sheathing ^{d,e}	1/2-inch diameter bolt with 1/2-inch maximum sheathing ^c	1/2-inch diameter bolt with 1-inch maximum sheathing ^f
		ON-CENTER SPACING OF FASTENERS ^b (inches)		
60 Ground Snow Load	6	25	36	36
	8	18	35	30
	10	15	28	24
	12	12	23	20
	14	10	20	17
	16	9	17	15
70 Ground Snow Load	6	22	36	35
	8	16	31	26
	10	13	25	21
	12	11	20	17
	14	9	17	15
	16	8	15	13
	18	7	13	11

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm, 1 pound per square foot = 0.0479 kPa.

- a: Interpolation permitted. Extrapolation not permitted.
- b: Ledgers shall be flashed in accordance with Section R703.4 to prevent water from contacting the house band joist.
- c: Dead Load = 10 psf. Snow load shall not be assumed to act concurrently with live load.
- d: The tip of the lag screw shall fully extend beyond the inside face of the band joist.
- e: Sheathing shall be wood structural panel or solid-sawn lumber.
- f: Sheathing shall be permitted to be wood structural panel, gypsum board, fiberboard, lumber or foam sheathing. Up to 1/2 inch thickness of stacked washers shall be permitted to substitute for up to 1/2 inch of allowable sheathing thickness where combined with wood structural panel or lumber sheathing.)

AMENDATORY SECTION (Amending WSR 13-04-068, filed 2/1/13, effective 7/1/13)

WAC 51-51-1001 Section R1001—Masonry fireplaces.

R1001.7.1 Damper. Masonry fireplaces shall be equipped with a ferrous metal damper located at least 8 inches (203 mm) above the top of the fireplace opening. Dampers shall be installed in the fireplace or the chimney venting the fireplace, and shall be operable from the room containing the fireplace.

Fireplaces shall be provided with each of the following:

1. Tightly fitting flue dampers, operated by a readily accessible manual or approved automatic control.

EXCEPTION: Fireplaces with gas logs shall be installed in accordance with the *International Mechanical Code* Section 901, except that the standards for liquefied petroleum gas installations shall be NFPA 58 (*Liquefied Petroleum Gas Code*) and NFPA 54 (*National Fuel Gas Code*).

2. An outside source for combustion air ducted into the firebox. The duct shall be at least 6 square inches (3870 mm²), and shall be provided with an operable outside air duct damper.

3. Site built fireplaces shall have tight-fitting glass or metal doors, or a flue draft induction fan or as approved for minimizing back-drafting. Factory built fireplaces shall use doors listed for the installed appliance.

AMENDATORY SECTION (Amending WSR 16-03-025, filed 1/11/16, effective 7/1/16)

WAC 51-51-1002 Section R1002—Masonry heaters.

R1002.2 Installation. *Masonry heaters* shall be installed in accordance with this section and shall be a masonry heater type approved by the department of ecology. Masonry heaters shall comply with one of the following:

1. *Masonry heaters* shall comply with the requirements of ASTM E 1602; or

2. *Masonry heaters* shall be *listed* and *labeled* in accordance with UL 1482 or CEN 15250 and installed in accordance with the manufacturer's installation instructions.

R1002.2.1 Combustion air and doors. Masonry heaters shall be provided with both of the following:

1. Primary combustion air ducted from the outside of the structure to the appliance.

2. Tight-fitting ceramic glass or metal doors. Flue dampers, when provided, shall have an external control and when in the closed position shall have a net free area of not less than ((5%)) five percent of the flue cross sectional area.

AMENDATORY SECTION (Amending WSR 20-03-023, filed 1/6/20, effective 7/1/20)

WAC 51-51-1006 Section R1006—Exterior air supply.

R1006.4 Passageway. This section is not adopted.

R1006.6 Solid fuel-burning appliances and fireplaces. Solid fuel-burning appliances and fireplaces shall be provided with tight-fitting metal or ceramic glass doors, and:

1. A source from outside the structure of primary combustion air, connected to the appliance (~~as per~~) in accordance with manufacturer's specification. The air inlet shall originate at a point below the fire box. The duct shall be 4 inches (102 mm) or greater in diameter, not exceed 20 feet (6096 mm) in length, and be installed (~~as per~~) in accordance with manufacturer's instructions; or

2. The appliance and manufacturer's recommended combustion air supply, as an installed unit, shall be certified by an independent testing laboratory to have passed Test No. 11-Negative Pressure Test, Section 12.3, of ULC S627-M1984 "Space Heaters for Use with Solid Fuels," modified as follows:

Negative pressure of 8 Pascal shall be initially established with the chamber sealed and the air supply, if not directly connected to the appliance, closed off.

The air supply if not directly connected to the appliance, shall then be opened.

The maximum allowable air exchange rate from chamber leakage and intentional air supply for the unit (appliance with combustion air supply) in the test chamber is 3.5 air changes per hour, or 28 cfm (cubic feet of air per minute), whichever is less.

EXCEPTION: Combustion air may be supplied to the room in which the solid fuel burning appliance is located in lieu of direct ducting, provided that one of the following conditions is met:

1. The solid fuel-burning appliance is part of a central heating plant and installed in an unconditioned space in conformance with the International Mechanical Code; or
2. The solid fuel-burning appliance is installed in existing construction directly on a concrete floor or surrounded by masonry materials as in a fireplace. The combustion air terminus shall be located as close to the solid fuel-burning appliance as possible and shall be provided with a barometric damper or equivalent. The combustion air source shall be specified by the manufacturer or no less than 4 inches (102 mm) in diameter or the equivalent in area or as approved.

AMENDATORY SECTION (Amending WSR 13-04-068, filed 2/1/13, effective 7/1/13)

WAC 51-51-1201 Section M1201—General.

M1201.1 Scope. The provisions of Chapters 12 through 24 shall regulate the design, installation, maintenance, *alteration* and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions within buildings. These chapters shall also regulate those mechanical systems, system components, equipment and appliances specifically addressed in this code.

EXCEPTION: The standards for liquefied petroleum gas installations shall be the 2011 Edition of NFPA 58 (*Liquefied Petroleum Gas Code*) and the 2012 Edition of ANSI Z223.1/NFPA 54 (*National Fuel Gas Code*).

M1201.3 Construction documents. The plans and specifications shall show in sufficient detail pertinent data and features of the materials, equipment and systems as herein governed including, but not limited to: Design criteria, size and type of apparatus and equipment, systems and equipment controls, provisions for combustion air to fuel-burning appliances, and other pertinent data to indicate conformance with the requirements of this code.

M1201.4 Testing. At the discretion of the building official, flow testing may be required to verify that the mechanical system(s) satisfies the requirements of this code. Specific testing required by other sections of this code shall be performed. Flow testing may be per-

formed using flow hoods measuring at the intake or exhaust points of the system, in-line pitot tube, or pitot-traverse type measurement systems in the duct, short-term tracer gas measurements, or other means approved by the building official.

AMENDATORY SECTION (Amending WSR 16-03-025, filed 1/11/16, effective 7/1/16)

WAC 51-51-1413 Section M1413—Evaporative cooling equipment.

M1413.1 General. Evaporative *cooling equipment* and *appliances* shall comply with UL 1995 ((~~ef~~)) or UL/CSA/ANCE 60335-2-40 and shall be installed:

1. In accordance with the manufacturer's instructions.
2. On level platforms in accordance with ((M1305.1.4.1))

M1305.1.3.1.

3. So that openings in exterior walls are flashed in accordance with Section R703.4.
4. So as to protect the potable water supply in accordance with Section 603 of the state plumbing code.
5. So that air intake opening locations are in accordance with Section R303.5.1.

AMENDATORY SECTION (Amending WSR 23-02-058, 23-12-104, and 23-20-024, filed 1/3/23, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-51-1505 Section M1505—Mechanical ventilation.

M1505.1 General. Where local exhaust or whole-house mechanical *ventilation* is provided, the ventilation system shall be designed in accordance with this section.

EXCEPTION: Alternate balanced whole-house *ventilation* systems and local exhaust systems designed and commissioned in accordance with ASHRAE 62.2 are permitted.

M1505.4 Whole-house mechanical ventilation system. Each dwelling unit shall be equipped with a ventilation system. The whole-house mechanical ventilation systems shall be designed in accordance with Sections M1505.4.1 through M1505.4.4.

M1505.4.1 System design. The whole-house ventilation system shall consist of one or more supply fans, one or more exhaust fans, or an ERV/HRV with integral fans, associated ducts and controls. Whole-house mechanical ventilation system supply and exhaust fans shall meet the requirements of Sections M1505.4.1.2, M1505.4.1.3, M1505.4.1.4, and M1505.4.1.5. Local exhaust fans are permitted to serve as part of the whole-house ventilation system when provided with the proper controls in accordance with Section M1505.4.2. The systems shall be designed and installed to exhaust and/or supply the minimum outdoor airflow rates required by Section M1505.4.3 as modified by whole-house ventilation system coefficients in Section M1505.4.3.1 where applicable. The whole-house ventilation system shall operate continuously at the minimum ventilation rate required by Section M1505.4.2 unless configured with intermittent off controls ((~~per~~)) in accordance with Section M1505.4.3.2.

M1505.4.1.1 Whole-house system component requirements. Whole-house ventilation supply and exhaust fans specified in this section shall have a minimum efficacy as prescribed in the *Washington State Energy Code*. Design and installation of the system or equipment shall be carried out in accordance with manufacturers' installation instructions. Whole-house ventilation fans shall be rated for sound at no less than the minimum airflow rate required by Section M1505.4.3.1. Ventilation fans shall be rated for sound at a maximum of 1.0 sone. This sound rating shall be at a minimum of 0.1 in. w.c. (25 Pa) static pressure in accordance with HVI procedures specified in Sections M1505.4.1.2 and M1505.4.1.3.

EXCEPTION: HVAC air handlers, ERV/HRV units, and remote mounted fans need not meet the sound requirements. To be considered for this exception, a remote mounted fan must be mounted outside the habitable spaces, bathrooms, toilets, and hallways, and there must be at least 4 (four) feet (1.3 m) of ductwork between the fan and the intake grille.

The whole-house supply fan shall provide ducted outdoor ventilation air to each habitable space within the residential unit.

EXCEPTION: Interior joining spaces provided with a 30 cfm whole-house transfer fan or a permanent opening with an area of not less than 8 percent of the floor area of the interior adjoining space but not less than 25 square feet do not require ducted outdoor ventilation air to be supplied directly to the space. Whole-house transfer fans shall meet the sone rating of Section M1505.4.1.1 and shall have whole-house ventilation controls that comply with Section M1505.4.2.

M1505.4.1.2 Exhaust fans. Exhaust fans required shall be ducted directly to the outside. Exhaust air outlets shall be designed to limit the pressure difference to the outside and equipped with backdraft dampers or motorized dampers in accordance with the *Washington State Energy Code*. Exhaust fans shall be tested and rated in accordance with the airflow and sound rating procedures of the Home Ventilating Institute (HVI 915, HVI Loudness Testing and Rating Procedure, HVI 916, HVI Airflow Test Procedure, and HVI 920, HVI Product Performance Certification Procedure, as applicable). Exhaust fans required in this section may be used to provide local ventilation. Bathroom exhaust fans that are designed for intermittent exhaust airflow rates higher than the continuous exhaust airflow rates in Table M1505.4.3.2 shall be provided with occupancy sensors or humidity sensors to automatically override the fan to the high speed airflow rate. The exhaust fans shall be tested and the testing results shall be submitted and posted in accordance with Section M1505.4.1.6.

M1505.4.1.3 Supply fans. Supply fans used in meeting the requirements of this section shall supply outdoor air from intake openings in accordance with ((IMC)) the International Mechanical Code Sections 401.4 and 401.5. When designed for intermittent off operation, supply systems shall be equipped with motorized dampers in accordance with the *Washington State Energy Code*. Supply fans shall be tested and rated in accordance with the airflow and sound rating procedures of the Home Ventilating Institute (HVI 915, HVI Loudness Testing and Rating Procedure, HVI 916, HVI Airflow Test Procedure, and HVI 920, HVI Product Performance Certification Procedure, as applicable). Where outdoor air is provided by supply fan systems the outdoor air shall be filtered. The filter shall be accessible for regular maintenance and replacement. The filter shall have a Minimum Efficiency Rating Value (MERV) of at least 8.

M1505.4.1.4 Balanced whole-house ventilation system. A balanced whole-house ventilation system shall include both supply and exhaust fans. The supply and exhaust fans shall have airflow that is within 10 percent of each other. The tested and balanced total mechanical exhaust airflow rate is within 10 percent or 5 cfm, whichever is greater, of the total mechanical supply airflow rate. The flow rate test results

shall be submitted and posted in accordance with Section M1505.4.1.7. The exhaust fan shall meet the requirements of Section M1505.4.1.2. The supply fan shall meet the requirements of Section M1505.4.1.3. Balanced ventilation systems with both supply and exhaust fans in a packaged product, such as an ERV/HRV shall meet the requirements of HVI 920, as applicable. Local exhaust systems that are not a component of the whole-house mechanical ventilation system are exempt from the balanced airflow calculation.

M1505.4.1.5 Furnace integrated supply. Systems using space heating and/or cooling air handler fans for outdoor air supply distribution are not permitted.

EXCEPTION: Air handler fans shall have multispeed or variable speed supply airflow control capability with a low speed operation not greater than 25 percent of the rated supply airflow capacity during ventilation only operation. Outdoor air intake openings must meet the provisions of Sections R303.5 and R303.6 and must include a motorized damper that is activated by the whole-house ventilation system controller. The motorized damper must be controlled to maintain the outdoor airflow intake airflow within 10 percent of the whole-house mechanical exhaust airflow rate. The flow rate for the outdoor air intake must be tested and verified at the minimum ventilation fan speed and the maximum heating or cooling fan speed. The results of the test shall be submitted and posted in accordance with Section M1505.4.1.7.

M1505.4.1.6 Testing. Whole-house mechanical ventilation systems shall be tested, balanced and verified to provide a flow rate not less than the minimum required by Sections M1505.4.3 and M1505.4.4.1. Testing shall be performed according to the ventilation equipment manufacturer's instructions, or by using a flow hood, flow grid, or other airflow measuring device at the mechanical ventilation fan's inlet terminals, outlet terminals or grilles or in the connected ventilation ducts. Where required by the building official, testing shall be conducted by an approved third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the building official and be posted in the dwelling unit per Section M1505.4.1.7.

M1505.4.1.7 Certificate. A permanent certificate shall be completed by the mechanical contractor, test and balance contractor or other approved party and posted on a wall in the space where the furnace is located, a utility room, or an approved location inside the building. When located on an electrical panel, the certificate shall not cover or obstruct the visibility of the circuit directory label, service disconnect label, or other required labels. The certificate shall list the flow rate determined from the delivered airflow of the whole-house mechanical ventilation system as installed and the type of mechanical whole-house ventilation system used to comply with Section M1505.4.3.1.

M1505.4.2 System controls. The whole-house mechanical ventilation system shall be provided with controls that comply with the following:

1. The whole-house ventilation system shall be controlled with manual switches, timers or other means that provide for automatic operation of the ventilation system that are readily accessible by the occupant;

2. Whole-house mechanical ventilation system shall be provided with controls that enable manual override off of the system by the occupant during periods of poor outdoor air quality. Controls shall include permanent text or a symbol indicating their function. Recommended control permanent labeling to include text similar to the following: "Leave on unless outdoor air quality is very poor." Manual controls shall be readily accessible by the occupant;

3. Whole-house ventilation systems shall be configured to operate continuously except where intermittent off controls and sizing are provided (~~per~~) in accordance with Section M1505.4.3.2.

M1505.4.3 Mechanical ventilation rate. The whole-house mechanical ventilation system shall provide outdoor air at a continuous rate as determined in accordance with Table M1505.4.3(1) or Equation 15-1.

Equation 15-1

Ventilation rate in cubic feet per minute = (0.01 × total square foot area of house) + [7.5 × (number of bedrooms + 1)] but not less than 30 cfm for each dwelling unit

**Table M1505.4.3(1)
Whole-House Mechanical Ventilation Airflow Rate**

Dwelling Unit Floor Area (square feet)	Number of Bedrooms				
	0 - 1	2	3	4	5 or more
	Airflow in cfm				
< 500	30	30	35	45	50
501 - 1,000	30	35	40	50	55
1,001 - 1,500	30	40	45	55	60
1,501 - 2,000	35	45	50	60	65
2,001 - 2,500	40	50	55	65	70
2,501 - 3,000	45	55	60	70	75
3,001 - 3,500	50	60	65	75	80
3,501 - 4,000	55	65	70	80	85
4,001 - 4,500	60	70	75	85	90
4,501 - 5,000	65	75	80	90	95

M1505.4.3.1 Ventilation quality adjustment. The minimum whole-house ventilation rate from Section 1505.4.3 shall be adjusted by the system coefficient in Table M1505.4.3(2) based on the system type not meeting the definition of a *balanced whole-house ventilation* system and/or not meeting the definition of a *distributed whole-house ventilation* system.

$$Q_v = Q_r * C_{system}$$

(Equation 15-2)

Where:

- Q_v = Quality-adjusted ventilation airflow rate in cubic feet per minute (cfm).
- Q_r = Ventilation airflow rate, cubic feet per minute (cfm) from Equation 15-1 or Table M1505.4.3(1).
- C_{system} = System coefficient from Table 1505.4.3(2).

**Table M1505.4.3(2)
System Coefficient (C_{system})**

System Type	Distributed	Not Distributed
Balanced	1.0	1.25
Not balanced	1.25	1.5

M1505.4.3.2 Intermittent off operation. Whole-house mechanical ventilation systems shall be provided with advanced controls that are configured to operate the system with intermittent off operation shall operate for a least two hours in each four-hour segment. The whole-house ventilation airflow rate determined in accordance with Section M1505.4.3 as corrected by Section M1505.4.3.1 is multiplied by the factor determined in accordance with Table M1505.4.3.2.

**Table M1505.4.3.2
Intermittent Off Whole-House (-)
Mechanical Ventilation Rate Factors^{a,b}**

Run-time % in Each 4-hour Segment	50%	66%	75%	100%
Factor ^a	2	1.5	1.3	1.0

a. For ventilation system run-time values between those given, the factors are permitted to be determined by interpolation.

b. Extrapolation beyond the table is prohibited.

M1505.4.4 Local exhaust rates. Local exhaust systems shall be designed to have the capacity to exhaust the minimum airflow rate determined in accordance with Table M1505.4.4.1. If the local exhaust fan is included in the whole-house ventilation system, in accordance with Section 1505.4.1, then the exhaust fan shall be controlled to operate as specified in Section M1505.4.2.

M1505.4.4.1 Local exhaust. Bathrooms, toilet rooms, and kitchens shall include a local exhaust system. Such local exhaust systems shall have the capacity to exhaust the minimum airflow rate in accordance with Table M1505.4.4.1. Fans required by this section shall be provided with controls that enable manual override or automatic occupancy sensor, humidity sensor, timer controls, or pollutant sensor controls. An "on/off" switch shall meet this requirement for manual controls. Manual fan controls shall be readily accessible in the room served by the fan.

**Table M1505.4.4.1
Minimum Local Exhaust Rates**

Area to Be Exhausted	Exhaust Rates	
	Intermittent	Continuous
Open Kitchens	In accordance with Section M1505.4.4.3	Not Permitted
Enclosed Kitchens	In accordance with Section M1505.4.4.3	5 ACH based on kitchen volume
Bathrooms - Toilet rooms	50 cfm	20 cfm

M1505.4.4.2 Local exhaust fans. Exhaust fans shall meet the following criteria:

1. Exhaust fans shall be tested and rated in accordance with the airflow and sound rating procedures of the Home Ventilating Institute (HVI 915, HVI Loudness Testing and Rating Procedure, HVI 916, HVI Air-

flow Test Procedure, and HVI 920, HVI Product Performance Certification Procedure).

2. Fan airflow rating and duct system shall be designed and installed to deliver at least the exhaust airflow required by Table M1505.4.4.1. The airflows required refer to the delivered airflow of the system as installed and tested using a flow hood, flow grid, or other airflow measurement device. Local exhaust systems shall be tested, balanced, and verified to provide a flow rate not less than the minimum required by this section.

3. Design and installation of the system or equipment shall be carried out in accordance with manufacturers' installation instructions.

4. Intermittent local exhaust systems serving kitchens shall be rated for sound at a maximum of 3 sones at one or more airflow settings not less than 100 cfm at a static pressure not less than that determined at working speed as specified in HVI 916 Section 7.2.

5. Continuous local exhaust systems serving kitchens shall be rated for sound at a maximum of 1 sone((s)) at one or more airflow settings not less than 100 cfm at a static pressure not less than that determined at working speed as specified in HVI 916 Section 7.2.

EXCEPTIONS: 1. The installed airflow is not required to be field-verified where an exhaust airflow rating at a pressure of 0.25 in. w.g. is used, provided the duct sizing meets the prescriptive requirements of Table M1505.4.4.2.
2. Remote mounted fans need not meet sound requirements. To be considered for this exception, a remote mounted fan shall be mounted outside the kitchen, and there shall be at least 4 feet (1 m) of ductwork between the fan and the intake grille.

**Table M1505.4.4.2
Prescriptive Exhaust Duct Sizing**

Fan Tested cfm at 0.25 inches w.g.	Minimum Flex Diameter	Maximum Length in Feet	Minimum Smooth Diameter	Maximum Length in Feet	Maximum Elbows ^a
50	4 inches	25	4 inches	70	3
50	5 inches	90	5 inches	100	3
50	6 inches	No Limit	6 inches	No Limit	3
80	4 inches ^b	NA	4 inches	20	3
80	5 inches	15	5 inches	100	3
80	6 inches	90	6 inches	No Limit	3
100	5 inches ^b	NA	5 inches	50	3
100	6 inches	45	6 inches	No Limit	3
125	6 inches	15	6 inches	No Limit	3
125	7 inches	70	7 inches	No Limit	3

a. For each additional elbow, subtract 10 feet from length.

b. Flex ducts of this diameter are not permitted with fans of this size.

M1505.4.4.3 Local intermittent kitchen exhaust system. Kitchen range hoods for domestic cooking appliances shall meet or exceed either the minimum airflow or the minimum capture efficiency in accordance with Table M1505.4.4.3. Capture efficiency ratings shall be determined in accordance with ASTM E3087.

EXCEPTION: Other intermittent kitchen exhaust fans, including downdraft, shall meet or exceed 300 cfm airflow.

**Table M1505.4.4.3
Kitchen Range Hood Airflow Rates
(cfm) and ASTM E3087 Capture Efficiency (CE) Ratings According to
Kitchen Range Fuel Type**

Hood Over Electric Range	Hood Over Combustion Range
((60%)) 65% CE or 160 cfm	80% CE or 250 cfm

M1505.4.4.3.1 Field verification and diagnostic testing for local intermittent kitchen exhaust system. The local exhaust system for kitchens shall be installed to comply with local mechanical exhaust requirements specified in Section M1505.4.4.3 and shall be field verified in accordance with the procedures below to confirm the model is rated by HVI or AHAM to comply with the following requirements:

1. Local intermittent exhaust systems for kitchens shall be tested and verified to provide a minimum airflow rate or capture efficiency required by Table M1505.4.4.3. Testing shall include verification of the maximum sound rating as specified in Section M1505.4.4.3.2. Testing for the intermittent kitchen exhaust systems shall occur with the whole-house ventilation system operating and with all dwelling unit or sleeping unit entry doors closed. Testing for exhaust systems that require makeup air in accordance with Section M1503.6 shall include verifying that the mechanical makeup air system is controlled to automatically start. Testing for exhaust systems that do not require mechanical makeup air in accordance with Section M1503.6 and that are exempt from pressurize equalization shall be tested with operable openings manually opened unless design exhaust airflow can be achieved with all operable openings closed. Testing shall be performed according to the ventilation equipment manufacturer's instructions, or by using a flow hood, flow grid, or other airflow measuring device. Where required by the building official, testing shall be conducted by an approved third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the building official.

EXCEPTION: The installed airflow is not required to be field-verified where an exhaust airflow rating at a pressure of 0.25 in. w.g. is used, provided the duct sizing meets the prescriptive requirements of Table M1505.4.4.2.

2. The verification shall utilize certified rating data from the HVI Publication 911, AHAM-Certified Range Hood Directory, or another directory of certified product performance ratings approved by the code official for determining compliance. The verification procedure shall consist of visual inspection of the local intermittent kitchen exhaust system to verify and record the following information:

- 2.1. The manufacturer name and model number.
- 2.2. The model is listed in the HVI, AHAM, or equivalent directory.
- 2.3. The rated airflow value listed in the HVI, AHAM, or equivalent directory.
- 2.4. The sound rating value listed in the HVI, AHAM, or equivalent directory.
- 2.5. If the value for the rated airflow given in the directory is greater than or equal to the airflow requirements specified in Section M1505.4.4.3 and if the value for the sound rating given in the directory is less than or equal to the sound rating requirements specified in Section M1505.4.4.2, then the local intermittent kitchen exhaust system complies, otherwise the local intermittent kitchen exhaust system does not comply.

AMENDATORY SECTION (Amending WSR 16-03-025, filed 1/11/16, effective 7/1/16)

WAC 51-51-1600 Chapter 16—Duct systems.

M1601.1.1 Above-ground duct systems. Above-ground duct systems shall conform to the following:

1. Equipment connected to duct systems shall be designed to limit discharge air temperature to a maximum of 250°F (121°C).

2. Factory-made ducts shall be listed and labeled in accordance with UL 181 and installed in accordance with the manufacturer's instructions.

3. Fibrous duct construction shall conform to the SMACNA *Fibrous Glass Duct Construction Standards* or NAIMA *Fibrous Glass Duct Construction Standards*.

4. Field-fabricated and shop-fabricated metal and flexible duct constructions shall conform to the SMACNA *HVAC Duct Construction Standards—Metal and Flexible*, except as allowed by Table M1601.1.1. Galvanized steel shall conform to ASTM A 653.

5. Use of gypsum products to construct return air ducts or plenums is permitted, provided that the air temperature does not exceed 125°F (52°C) and exposed surfaces are not subject to condensation.

6. Duct systems shall be constructed of materials having a flame spread index not greater than 200.

7. Stud wall cavities and the spaces between solid floor joists shall not be used as a duct or an air plenum in new construction. For existing systems, stud wall cavities and the spaces between solid floor joists to be used as air plenums shall comply with the following:

7.1. These cavities or spaces shall not be used as a plenum for supply air.

7.2. These cavities or spaces shall not be part of a required fire-resistance-rated assembly.

7.3. Stud wall cavities shall not convey air from more than one floor level.

7.4. Stud wall cavities and joist-space plenums shall be isolated from adjacent concealed spaces by tight-fitting fire blocking in accordance with Section ~~((R602.8))~~ R302.11. Fireblocking materials used for isolation shall comply with Section R302.11.1.

7.5. Stud wall cavities in the outside walls of building envelope assemblies shall not be utilized as air plenums.

AMENDATORY SECTION (Amending WSR 16-03-025, filed 1/11/16, effective 7/1/16)

WAC 51-51-2000 Chapter 20—Boilers and water heaters. Informational Note: Boilers, water heaters and pressure vessels are regulated by chapter 70.79 RCW and chapter 296-104 WAC in addition to the requirements of this code.

Section M2005.1 General. Water heaters shall be installed in accordance with Chapter 5 of the state plumbing code, the manufacturer's instructions and the requirements of this code. Water heaters installed in an attic shall comply with the requirements of Section ~~((M1305.1.3))~~ M1305.1.2. Gas-fired water heaters shall comply with the

requirements in Chapter 24. Domestic electric water heaters shall comply with UL 174. Oil-fired water heaters shall comply with UL 732. Thermal solar water heaters shall comply with Chapter 23 and UL 174. Solid fuel-fired water heaters shall comply with UL 2523.

AMENDATORY SECTION (Amending WSR 16-03-025, filed 1/11/16, effective 7/1/16)

WAC 51-51-2300 Section M2301—Solar thermal energy systems.

M2301.2.3 Pressure and temperature relief valves and system components. System components containing fluids shall be protected with temperature and pressure relief valves or pressure relief valves. Relief devices shall be installed in sections of the system so that a section cannot be valved off or isolated from a relief device. Direct systems and the potable water portion of indirect systems shall be equipped with a relief valve in accordance with Section 504 of the state plumbing code. For indirect systems, pressure relief valves in solar loops shall comply with SRCC 300. System components shall have a working pressure rating of not less than the setting of the pressure relief device.

M2301.2.5 Piping insulation. Piping shall be insulated in accordance with the requirements of the state energy code. Exterior insulation shall be protected from ultraviolet degradation. The entire solar loop shall be insulated. Where split-style insulation is used, the seam shall be sealed. Fittings shall be fully insulated.

M2301.4 Heat transfer gasses or liquids and heat exchangers. *Essentially toxic transfer (~~liquids~~) fluids*, ethylene glycol, flammable gasses and flammable liquids shall not be used as heat transfer fluids. Heat transfer gasses and liquids shall be rated to withstand the system's maximum design temperature under operating conditions without degradation. Heat exchangers used in solar thermal systems shall comply with Section 603.5.4 of the state plumbing code and SRCC 300.

Heat transfer fluids shall be in accordance with SRCC 300. The flash point of the heat transfer fluids utilized in solar thermal systems shall be not less than 50 degrees F above the design maximum non-operating or no-flow temperature attained by the fluid in the collector.

M2301.7 Solar thermal systems for heating potable water. Where a solar thermal system heats potable water to supply a potable hot water distribution system, the solar thermal system shall be in accordance with Sections M2301.7.1, M2301.7.2 and the state plumbing code.

M2301.7.1 Indirect systems. Heat exchangers that are components of indirect solar thermal heating systems shall comply with the state plumbing code.

M2301.7.2 Direct systems. Where potable water is directly heated by a solar thermal system, the pipe, fittings, valves and other components that are in contact with the potable water in the solar heating system shall comply with the requirements of Chapter 6 of the state plumbing code.

AMENDATORY SECTION (Amending WSR 20-12-027, filed 5/27/20, effective 7/1/20)

WAC 51-51-2904 Section 2904—Dwelling unit fire-sprinkler systems.

P2904.1.1 Required sprinkler locations. Sprinklers shall be installed to protect all areas of a *dwelling unit*.

EXCEPTIONS:

1. Uninhabitable attics, crawl spaces and normally unoccupied concealed spaces that do not contain fuel-fired appliances do not require sprinklers. In uninhabitable attics, crawl spaces and normally unoccupied concealed spaces that contain fuel-fired equipment, a sprinkler shall be installed above the equipment; however, sprinklers shall not be required in the remainder of the space.
2. Clothes closets, linen closets and pantries not exceeding 24 square feet (2.2 m²) in area, with the smallest dimension not greater than 3 feet (915 mm) and having wall and ceiling surfaces of gypsum board.
3. Bathrooms not more than 55 square feet (5.1 m²) in area.
4. Garages; carports; exterior porches; unheated entry areas, such as mud rooms, that are adjacent to an exterior door; and similar areas.

AMENDATORY SECTION (Amending WSR 23-02-058, 23-12-104, and 23-20-024, filed 1/3/23, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-51-4400 Referenced standards.

AHAM

Association of Home Appliance Manufacturers
1111 19th St N.W., #402
Washington D.C. 20036

HRH-2-2019: Household Range Hoods.

M1505.4.4.2

Certified Range Hood Directory

M1505.4.4.3.1

ANCE

NMX-J-521/2-40-ANCE—2019/CAN/CSA-22.2 No. 60335-2-40—19/UL 60335-2-40-2019 Household and Similar Electrical Appliances - Safety-Part 2-40: Particular Requirements for Electric Heat Pumps, Air-Conditioners and Dehumidifiers.

M1403.1, M1412.1, M1413.1

ANSI

LC 1/CSA 6.26—18: Fuel Gas Piping Systems Using Corrugated Stainless Steel Tubing (CSST).

G2414.5.4, G2411.3, G2415.5
403.5.5

ASHRAE

34—2019: Designation and Safety Classification of Refrigerants.

M1411.1

62.2-2019: Ventilation and Acceptable Indoor Air Quality in Residential Buildings.

M1505.1

ASTM

E2556/((E2556M-10)) E2556M-2010 (2016): Standard Specification for Vapor Permeable Flexible Sheet Water-Resistive Barriers Intended for Mechanical Attachment.

M1411.1

E2558-2013: Standard Test Method for Determining Particulate Matter Emissions from Fires in Wood-burning Fireplaces.

R1004.1.1

E3087—18: Standard Test Method for Measuring Capture Efficiency of Domestic Range Hoods.

M1505.4.4.3.2, Table M1505.4.4.3

CSA**CAN/CSA/C22.2 No. 60335-2-40—2012 60335-2-40—2019****NMX-J-521/2-40-ANCE—2019/CAN/CSA-C22.2 No. 60335-2-40—19/UL 60335-2-40-2019 Household and Similar Electric Appliances, Part 2-40-Safety: Particular Requirements for Electric Heat Pumps, Air-Conditioners and Dehumidifiers.**

M2006.1

HVI**HVI Publication 911: Certified Home Ventilation Products Directory.**

M1505.4.4.3.1

HVI Publication 915 (2016 with 2020 Update): Procedure for Loudness Rating of Residential Fan Products.

M1505.4.1.2, M1505.4.1.3, M1505.4.4.2

HVI Publication 916 (2015 with 2020 Update): Air Flow Test Procedure.

M1505.4.1.2, M1505.4.1.3, M1505.4.4.2

HVI Publication 920 (2020): Product Performance Certification Procedure Including Verification and Challenge.

M1505.4.1.2, M1505.4.1.3, M1505.4.1.5, M1505.4.4.2

UL**UL/CSA/ANCE 60335-2-40—2019 Household and Similar Electrical Appliances Safety-Part 2-40: Particular Requirements for Electrical Heat Pumps, Air Conditioners and Dehumidifiers.**

M1403.1, M1412.1, M1413.1

AMENDATORY SECTION (Amending WSR 23-02-058, 23-12-104, and 23-20-024, filed 1/3/23, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-51-4502 Section R4502—Compliance.

R4502.1 General. The work shall not cause the building or structure to become unsafe or adversely affect the performance of the building; shall not cause an existing mechanical or plumbing system to become unsafe, hazardous, insanitary, or overloaded; and unless expressly permitted by these provisions, shall not make the building any less compliant with this code or to any previously approved alternative arrangements than it was before the work was undertaken.

R4502.2 Structural. Structural elements and systems that are altered, repaired, or replaced shall comply with the structural provisions of this chapter and of Chapter 3 through Chapter 10 of the *International Residential Code* unless noted otherwise.

R4502.2.1 Minimum design loads. The minimum design loads for the structure shall be the loads applicable at the time the building was

constructed. The minimum design loads for the structural components shall comply with the *International Residential Code*. Structural elements that are uncovered during the course of the alteration and that are found to be unsafe shall be repaired in accordance with Section R102.7.1.

R4502.2.2 Unreinforced masonry parapet bracing. Unreinforced masonry buildings located in Seismic Design Category D₀, D₁, or D₂ shall have parapet bracing and wall anchors installed at the roofline whenever a reroofing permit is issued. Such parapet bracing and wall anchors shall be of an approved design unless an evaluation demonstrates compliance of the existing bracing and anchorage.

R4502.3 Smoke alarms. Smoke alarms shall be provided in accordance with Section R314.2.2.

R4502.4 Carbon monoxide alarms. Carbon monoxide alarms shall be provided in accordance with Section R315.2.2.

R4502.5 Replacement windows. Where an existing window, including the sash and glazed portion, or safety glazing is replaced, the replacement window or safety glazing shall comply with the requirements of Sections 4502.5.1 through 4502.5.5 as applicable.

R4502.5.1 Energy efficiency. Replacement windows shall comply with the requirements of the Washington State Energy Code-Residential.

R4502.5.2 Safety glazing. Replacement glazing in hazardous locations shall comply with the safety glazing requirements of Section R308.

R4502.5.3 Window fall protection. Window fall protection shall be installed (~~per~~) in accordance with Section R312.2.

EXCEPTION: Where only the window glazing is being replaced.

R4502.5.4 Replacement windows for emergency escape and rescue openings. Replacement windows shall be exempt from Sections R310.2 and R310.4.4, provided that the replacement window meets the following conditions:

1. The replacement window is the manufacturer's largest standard size window that will fit within the existing frame or existing rough opening. The replacement window is of the same operating style as the existing window or a style that provides for an equal or greater window opening area than the existing window.

2. The replacement window is not part of a change of use.

R4502.5.5 Window opening control device and fall protection device height. Window opening control devices or fall protection device shall be located at a height (~~per~~) in accordance with Section R310.1.1 or at as low a height as can be installed within the existing clear opening.

R4502.6 Flood hazard areas. Work performed in existing buildings located in a flood hazard area as established by Table R301.2(~~(+)~~) shall be subject to the provisions of Section R105.3.1.1.

AMENDATORY SECTION (Amending WSR 20-03-023, filed 1/6/20, effective 7/1/20)

WAC 51-51-60103 Section AF103—Requirements.

AF103.1 General. The following construction techniques are intended to resist radon entry and prepare the building for post-construction radon mitigation, if necessary (see Figure ((AF103)) AF103.1). These techniques are required in high radon potential counties designated in Table AF101(1).

AMENDATORY SECTION (Amending WSR 20-21-041, filed 10/13/20, effective 11/13/20)

WAC 51-51-60104 Appendix AQ—Tiny houses.

AQ102 Definitions.

EGRESS ROOF ACCESS WINDOW. See Chapter 2.

LANDING PLATFORM. See Chapter 2.

LOFT. (~~This definition is not adopted.~~

~~SLEEPING LOFT.~~) See Chapter 2.

TINY HOUSE. A *dwelling unit* that is 400 square feet (37 m²) or less in floor area excluding *sleeping lofts*.

AQ103.1 Minimum ceiling height. Habitable space in tiny houses shall have a ceiling height of not less than 6 feet 8 inches (2032 mm). Bathrooms, toilet rooms and kitchens shall have a ceiling height of not less than 6 feet 4 inches (1930 mm). Obstructions including, but not limited to, beams, girders, ducts and lighting, shall not extend below these minimum ceiling heights.

EXCEPTION: Ceiling heights in (*sleeping*) *lofts* shall be in accordance with Section ((R326)) R333.

AQ104 Energy conservation.

AQ104.1 Air leakage testing. The air leakage rate for tiny houses shall not exceed 0.30 cfm at 50 Pascals of pressure per ((feet)) square foot of the dwelling unit enclosure area. Testing shall be conducted in accordance with RESNET/ICC 380, ASTM E 779 or ASTM E 1827 and reported at a pressure of 0.2 inch w.g. (50 Pascals). Where required by the code official, testing shall be conducted by an approved third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the code official. Testing shall be performed after the continuous air barrier, including all penetrations, is completed and sealed.

During testing:

1. Exterior windows and doors, fireplace and stove doors shall be closed, but not sealed, beyond the intended weather stripping or other infiltration control measures.

2. Dampers including exhaust, intake, makeup air, backdraft and flue dampers shall be closed, but not sealed beyond intended infiltration control measures.

3. Interior doors, if installed at the time of the test, shall be open.

4. Exterior louvers for continuous ventilation systems and heat recovery ventilators shall be closed and sealed.

5. Heating and cooling systems, if installed at the time of the test, shall be turned off.

6. Supply and return registers, if installed at the time of the test, shall be fully open.

AQ104.1.1 Whole-house mechanical ventilation. Where an air leakage rate not exceeding 0.30 cfm per ft of the dwelling unit enclosure area in accordance with Section AQ106.1 is provided, the tiny house shall be provided with whole-house mechanical ventilation in accordance with Section M1505.4.

AQ105 Emergency escape and rescue openings. This section is not adopted.

AQ106 Energy conservation. This section is not adopted.

AMENDATORY SECTION (Amending WSR 23-02-058, 23-12-104, and 23-20-024, filed 1/3/23, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-51-60105 Appendix U—Dwelling unit fire sprinkler systems. The design and installation of residential fire sprinkler systems shall be in accordance with the International Residential Code Section P2904 Dwelling Unit Fire Sprinkler Systems.

P2904.1.1 Required sprinkler locations. Sprinklers shall be installed to protect all areas of a dwelling unit.

EXCEPTIONS:

1. Uninhabitable attics, crawl spaces and normally unoccupied concealed spaces that do not contain fuel-fired appliances do not require sprinklers. In uninhabitable attics, crawl spaces and normally unoccupied concealed spaces that contain fuel-fired equipment, a sprinkler shall be installed above the equipment; however, sprinklers shall not be required in the remainder of the space.
2. Clothes closets, linen closets and pantries not exceeding 24 square feet (2.2 m²) in area, with the smallest dimension not greater than 3 feet (915 mm) and having wall and ceiling surfaces of gypsum board.
3. Bathrooms not more than 55 square feet (5.1 m²) in area.
4. Garages; carports; exterior porches; unheated entry areas, such as mud rooms, that are adjacent to an exterior door; and similar areas.

AMENDATORY SECTION (Amending WSR 23-02-058, 23-12-104, and 23-20-024, filed 1/3/23, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-51-60106 Appendix T—Solar-ready provisions-detached one- and two-family dwellings and townhouses. The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.

AT101 Scope.

AT102 General definitions.

AT102.1 General. The following term shall, for the purpose of this appendix, have the meaning shown herein.

Solar-ready zone. A section or sections of the roof or building overhang designated and reserved for the future installation of a solar photovoltaic or solar water-heating system.

AT103 Solar ready zone.

AT103.3 Solar-ready zone area. The total solar-ready zone area shall be not less than 300 square feet (27.87 m²) exclusive of mandatory access or set back areas as required by this code. New townhouses three stories or less in height above grade plane and with a total floor area less than or equal to 2,000 square feet (185.8 m²) per dwelling shall have a solar-ready zone area of not less than 150 square feet (13.94 m²). The solar-ready zone shall be composed of areas not less than 5 feet (1.52 m) in width and not less than 80 square feet (7.44

m²) exclusive of access or set back areas as required in this code or the applicable provisions of the *International Fire Code*. No portion of the solar zone shall be located on a roof slope greater than 2:12 that faces within 45 degrees of true north.

AT103.6 Capped roof penetration sleeve. A capped roof penetration sleeve shall be provided adjacent to a solar-ready zone when the solar-ready zone has a roof slope of 2:12 or less. The capped roof penetration sleeve shall be sized to accommodate the future photovoltaic system conduit, but shall have an inside diameter not less than 1 1/4 inches.

AMENDATORY SECTION (Amending WSR 20-03-023, filed 1/6/20, effective 7/1/20)

WAC 51-51-60107 Appendix AWV—Fire sprinklers. The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.

(~~AV107.1~~) AWV107.1 Fire sprinklers. An approved automatic fire sprinkler system shall be installed in new one-family and two-family dwellings and townhouses in accordance with Appendix AWU.

AMENDATORY SECTION (Amending WSR 23-02-058, 23-12-104, and 23-20-024, filed 1/3/23, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-51-60108 Appendix Y—Construction and demolition material management. The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.

(~~AY101~~) AWY101 General.

(~~AY101.1~~) AWY101.1 Purpose. The purpose of this code section is to increase the reuse and recycling of construction and demolition materials.

(~~AY101.2~~) AWY101.2 Scope. This code section applies to new *buildings and structures* construction, *alterations* to existing *buildings and structures* and the *demolition* of existing *buildings and structures* having a work area greater than 750 square feet (69.68 m²) or with a project value greater than \$75,000, whichever is more restrictive.

EXCEPTION: Projects determined to be unsafe.

(~~AY102~~) AWY102 General definitions.

AWY102.1 General. The following words and terms shall, for the purposes of this appendix, have the meanings shown herein. Refer to Chapter 2 of this code for general definitions.

Demolition. The process of razing, relocating, or removing an existing *building or structure*, or a portion thereof.

Divert, diverted, or diversion. The *reuse, recycling*, or beneficial use of construction and *demolition* materials.

Recycling. The process of transforming or remanufacturing waste materials into useable or marketable materials for use other than landfill disposal or incineration.

Reuse. The return of a material into the economic stream for use.

Salvage. The recovery of construction and *demolition building* material and components from a *building* or site in order to increase the *reuse* or repurpose potential of these materials and decrease the amount of material being sent to the landfill. *Salvaged* material may be sold, donated, or reused on site.

((AY103)) AWY103 Construction and demolition material management.

((AY103.1)) AWY103.1 Collection containers. All sites where *recyclable* construction and *demolition* materials are generated and transported for *recycling* must provide a separate container for *nonrecyclable* materials pursuant to WAC 173-345-040.

((AY103.2)) AWY103.2 Salvage assessment. A *salvage* assessment shall be submitted prior to *permit* issuance. The *salvage* assessment shall identify the *building* components of an existing *building* that, if removed, have the potential to be *reused*. This assessment shall be signed by the *owner* and serve as an affidavit stating that the project shall be executed in compliance with the requirements of this code.

EXCEPTION: Projects that include only new construction.

((AY103.3)) AWY103.3 Waste diversion report. A waste diversion report shall be submitted prior to issuance of the Certificate of Occupancy or approval of final inspection. The waste diversion report shall identify the following:

1. Weight or volume of project-generated construction and *demolition* material;
2. Whether the material was disposed in a landfill or *diverted*;
3. The hauler of the material;
4. The receiving facility or location; and
5. The date materials were accepted by the receiving facility or location.

AMENDATORY SECTION (Amending WSR 23-02-058, 23-12-104, and 23-20-024, filed 1/3/23, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-51-60109 Appendix Z—Building deconstruction. The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.

((AZ101)) AWZ101 General.

((AZ101.1)) AWZ101.1 Purpose. The purpose of this section is to increase the amount of material *salvaged* for *reuse* through the act of *deconstruction* when a *building* or *structure* is *demolished*. Used sawn lumber is permitted to be *reused* in accordance with Section R602.1.1.1.

((AZ101.2)) AWZ101.2 Scope. This section applies to existing dwellings, townhouses, and accessory structures permitted to be demolished that are greater than 750 square feet (69.68 m²) and meet one of the following:

1. The structure has been identified as a historic building; or
2. The structure was built 90, or more, years ago.

EXCEPTIONS:

1. The structure is determined to be unsafe by the engineer of record;
2. The structure shall be relocated;
3. The engineer of (~~record building official~~) record determines that 50 percent, by weight, of the material in the structure that is not concrete, is not suitable for reuse.

((AZ102)) AWZ102 General definitions.

((AZ102.1)) AWZ102.1 General. The following words and terms shall, for the purposes of this appendix, have the meanings shown herein. Refer to Chapter 2 of this code for general definitions.

Deconstruction. The systematic disassembly of a *structure*, in order to *salvage building materials* or components for the primary purpose of *reusing materials* to the maximum extent possible, with a secondary purpose of *recycling* the remaining materials.

Demolition. The process of razing, relocating, or removing an existing *building or structure*, or a portion thereof.

Heavy machinery. Heavy machinery includes, but is not limited to, track hoes, excavators, skid steer loaders, or forklifts.

Recycling. The process of transforming or remanufacturing waste materials into useable or marketable materials for use other than landfill disposal or incineration.

Reuse. The return of a material into the economic stream for use.

Salvage. The recovery of construction and *demolition building material* and components from a *building* or site in order to increase the *reuse* or repurpose potential of these materials and decrease the amount of material being sent to the landfill. *Salvaged material* may be sold, donated, or *reused*.

((AZ103)) AWZ103 Deconstruction.

((AZ103.1)) AWZ103.1 Deconstruction. Buildings and structures meeting the requirements of Section AZ101.2 shall be deconstructed.

((AZ103.2)) AWZ103.2 Heavy machinery. Heavy machinery may not be used in deconstruction to remove or dismantle components of buildings and structures in ways that render the components unsuitable for salvage.

WSR 23-23-105
PERMANENT RULES
BUILDING CODE COUNCIL

[Filed November 15, 2023, 10:01 a.m., effective March 16, 2024]

Effective Date of Rule: March 16, 2024.

Purpose: Reconciling state amendments with section renumbering and model code modifications in the 2021 International Mechanical Code and International Fuel Gas Code; correcting errors and omissions.

Citation of Rules Affected by this Order: Amending eight sections in chapter 51-52 WAC.

Statutory Authority for Adoption: RCW 19.27.031, 19.27.074.

Other Authority: RCW 19.27.031, 19.27.074.

Adopted under notice filed as WSR 23-15-016 on July 7, 2023.

Changes Other than Editing from Proposed to Adopted Version:

WAC	Section	Change	Rationale/Discussion
51-52-008	Implementation	Implementation date is changed from October 29, 2023, to March 15, 2024.	The state building code council voted to delay implementation of all codes on September 15, 2023.
51-52-0403	403.3.2.4	Specifically declares section 403.3.2.4 "not adopted."	This section is in direct conflict with the state amendment in section 403.4.5. The adoption of section 403.4.5 was intended to replace the text in section 403.3.2.4; however, 403.3.2.4 was inadvertently missed during the code adoption process. The amendment corrects an oversight and clarifies that section 403.3.2.4 is not adopted in Washington state.
	403.4.3	In explanation of variable "Qr" reference to section "403.4.1" is corrected to "403.4.2."	This change is necessary to correct an error in the original filing.
	403.4.4.1 Exception #2	Changes reference from "403.3.6" to "403.4.6."	This change is necessary to correct an error in the original filing.
	403.4.5 #3	Changes the word "operating" to "operate."	Corrects incorrect grammar clarifying the intent of the amendment.

A final cost-benefit analysis is available by contacting Dustin Curb, 1500 Jefferson Street S.E., Olympia, WA 98504, phone 360-972-4158, email dustin.curb@des.wa.gov, website <https://www.sbcc.wa.gov/>.

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

Number of Sections Adopted at 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 8, 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 8, Repealed 0.

Date Adopted: October 20, 2023.

Tony Doan
 Council Chair

OTS-4722.4

AMENDATORY SECTION (Amending WSR 23-02-055, 23-12-106, and 23-20-025, filed 1/3/23, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-52-003 International Mechanical Code. The 2021 edition of the *International Mechanical Code* published by the International Code ((Conference)) Council is hereby adopted by reference with the exceptions noted in this chapter of the Washington Administrative Code (WAC).

AMENDATORY SECTION (Amending WSR 23-02-055, 23-12-106, and 23-20-025, filed 1/3/23, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-52-008 Implementation. The International Mechanical Code adopted by chapter 51-52 WAC shall become effective in all counties and cities of this state on ((July 1, 2023)) March 15, 2024.

AMENDATORY SECTION (Amending WSR 23-02-055, 23-12-106, and 23-20-025, filed 1/3/23, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-52-0401 Section 401—General.

401.2 Ventilation required. Every occupied space other than enclosed parking garages and buildings used for repair of automobiles shall be ventilated in accordance with Section 401.2.1, 401.2.2 or 401.2.3. Enclosed parking garages and buildings used for repair of automobiles shall be ventilated by mechanical means in accordance with Sections 403 and 404.

401.2.1 Group R occupancies. Ventilation in Group R occupancies shall be provided in accordance with Section 403.4.

401.2.2 Ambulatory care facilities and Group I-2 occupancies. Ambulatory care facilities and Group I-2 occupancies shall be ventilated by mechanical means in accordance with Section 407.

401.2.3 All other occupancies. Ventilation in all other occupancies shall be provided by natural means in accordance with Section 402 or by mechanical means in accordance with Sections 403.1 to 403.7.

401.3 When required. Group R occupancies shall be vented continuously or intermittently in accordance with Section 403.4. Ventilation in all other occupancies shall be provided during the periods that the room or space is occupied.

401.4 Intake opening location. Air intake openings shall comply with all of the following:

1. Intake openings shall be located not less than 10 feet (3048 mm) from lot lines or buildings on the same lot. Lot lines shall not be defined as a separation from a street or public way.

2. Mechanical and gravity outdoor air intake openings shall be located not less than 10 feet (3048 mm) horizontally from any hazardous or noxious contaminant source, such as vents, streets, alleys,

parking lots, and loading docks, except as specified in Item 3 or Section 501.3.1. Outdoor air intake openings shall be permitted to be located less than 10 feet (3048 mm) horizontally from streets, alleys, parking garage entries, parking lots, and loading docks provided that the openings are located not less than 25 feet (7620 mm) vertically above such locations. Where openings front on a street or public way, the distance shall be measured from the closest edge of the street or public way.

EXCEPTIONS:

1. Intake air openings providing less than 500 cfm of outdoor air to Group R occupancies are permitted to be located less than 10 feet (3048 mm) horizontally from parking lots provided that the openings are not less than 15 feet (4572 mm) vertically above the parking lot.
2. Intake air openings providing less than 500 cfm of outdoor air to Group R occupancies are permitted to be located less than 10 feet (3048 mm) horizontally from parking lots provided that the openings are not less than 15 feet (4572 mm) vertically above the clear height for vehicles in the parking garage.

3. Intake openings shall be located not less than 3 feet (914 mm) below contaminant sources where such sources are located within 10 feet (3048 mm) of the opening. Separation is not required between intake air openings, operable openings, and living space exhaust air openings of an individual dwelling unit or sleeping unit where an approved factory-built intake/exhaust combination termination fitting is used to separate the air streams in accordance with the manufacturer's instructions. For these combined terminations, the exhaust air concentration within the intake airflow shall not exceed 10 percent as established by the manufacturer, in accordance with ASHRAE 62.2 Section 6.8, Exception 4. A minimum of three feet (914 mm) separation shall be maintained between other environmental air exhaust outlets and other dwelling or sleeping unit factory-built intake/exhaust combination termination fittings.

4. Intake openings on structures in flood hazard areas shall be at or above the elevation required by Section 1612 of the *International Building Code* for utilities and attendant equipment.

EXCEPTION: Enclosed parking garage and repair garage ventilation air intakes are permitted to be located less than 10 feet horizontally from or 25 feet vertically above a street, alley, parking lot, and loading dock.

401.7 Testing and balancing. At the discretion of the building official, flow testing may be required to verify that the mechanical system(s) satisfies the requirements of this chapter. Flow testing may be performed using flow hood measuring at the intake or exhaust points of the system, in-line pitot tube, or pitot-traverse type measurement systems in the duct, short term tracer gas measurements, or other means approved by the code official.

AMENDATORY SECTION (Amending WSR 23-02-055, 23-12-106, and 23-20-025, filed 1/3/23, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-52-0403 Section 403—Mechanical ventilation.

403.1 Ventilation system. Mechanical ventilation shall be provided by a method of supply air and return or *exhaust air*. The amount of supply air shall be approximately equal to the amount of return and *exhaust air*. The system shall not be prohibited from producing negative or positive pressure. The system to convey ventilation air shall be designed and installed in accordance with Chapter 6.

403.2 Outdoor air required. The minimum *outdoor airflow rate* shall be determined in accordance with Section 403.3.

EXCEPTIONS:

1. Where the registered design professional demonstrates that an engineered ventilation system design will prevent the maximum concentration of contaminants from exceeding that obtainable by the rate of *outdoor air* ventilation determined in accordance with Section 403.3, the minimum required rate of *outdoor air* shall be reduced in accordance with such engineered system design.
2. Alternate systems designed in accordance with ASHRAE Standard 62.1 Section 6.2, Ventilation Rate Procedure, shall be permitted.

403.2.1 Recirculation of air. The air required by Section 403.3 shall not be recirculated. Air in excess of that required by Section 403.3 shall not be prohibited from being recirculated as a component of supply air to building spaces, except that:

1. Ventilation air shall not be recirculated from one dwelling to another or to dissimilar occupancies.

2. Supply air to a swimming pool and associated deck areas shall not be recirculated unless such air is dehumidified to maintain the relative humidity of the area at 60 percent or less. Air from this area shall not be recirculated to other spaces where 10 percent or more of the resulting supply airstream consists of air recirculated from these spaces. The design and installation of dehumidification systems shall comply with ANSI/ACCA 10 Manual SPS.

3. Where mechanical exhaust is required by Note b in Table 403.3.1.1, recirculation of air from such spaces shall be prohibited. All air supplied to such spaces shall be exhausted, including any air in excess of that required by Table 403.3.1.1.

4. Where mechanical exhaust is required by Note g in Table 403.3.1.1, mechanical exhaust is required and recirculation from such spaces is prohibited where more than 10 percent of the resulting supply airstream consists of air recirculated from these spaces. Recirculation of air that is contained completely within such spaces shall not be prohibited.

403.3 Outdoor air and local exhaust airflow rates. Group R occupancies shall be provided with outdoor air and local exhaust in accordance with Section 403.4. All other buildings intended to be occupied shall be provided with outdoor air and local exhaust in accordance with Section 403.3.1.

403.3.1.1 Outdoor airflow rate. Ventilation systems shall be designed to have the capacity to supply the minimum outdoor airflow rate determined in accordance with this section. In each occupiable space, the ventilation system shall be designed to deliver the required rate of outdoor airflow to the breathing zone. Outdoor air shall be supplied directly to each occupiable space from an air handling unit through a fully ducted path or ducted to within 12 inches of the return air opening of a fan-powered terminal unit used to transfer the outdoor air to the occupiable space. The occupant load utilized for design of the ventilation system shall not be less than the number determined from the estimated maximum occupant load rate indicated in Table 403.3.1.1. Ventilation rates for occupancies not represented in Table 403.3.1.1 shall be those for a listed occupancy classification that is most similar in terms of occupant density, activities and building construction; or shall be determined by an approved engineering analysis. The ventilation system, including transfer fan-powered terminal units, shall be designed to supply the required rate of ventilation air continuously during the period the building is occupied, except as otherwise stated in other provisions of the code.

With the exception of smoking lounges, the ventilation rates in Table 403.3.1.1 are based on the absence of smoking in occupiable spaces. Where smoking is anticipated in a space other than a smoking lounge, the ventilation system serving the space shall be designed to provide ventilation over and above that required by Table 403.3.1.1 in accordance with accepted engineering practice.

EXCEPTION: Where occupancy density is known and documented in the plans, the outside air rate may be based on the design occupant density. Under no circumstance shall the occupancies used result in outside air less than one-half that resulting from application of Table 403.3.1.1 estimated maximum occupancy rates.

Table 403.3.1.1
REQUIRED OUTDOOR VENTILATION AIR

Occupancy Classification	Occupant Density #/1000 ft ^{2a}	People Outdoor Airflow Rate in Breathing Zone R_p cfm/Person	Area Outdoor Airflow Rate in Breathing Zone R_a cfm/ft ^{2a}	Exhaust Airflow Rate cfm/ft ^{2a}
Correctional facilities				
Booking/waiting	50	7.5	0.06	—
Cells				
Without plumbing fixtures	25	5	0.12	—
With plumbing fixtures ^g	25	5	0.12	1.0
Day room	30	5	0.06	—
Dining halls	—	—	—	—
(see "Food and beverage service")	—	—	—	—
Guard stations	15	5	0.06	—
Dry cleaners, laundries				
Coin-operated dry cleaner	20	15	—	—
Coin-operated laundries	20	7.5	0.12	—
Commercial dry cleaner	30	30	—	—
Commercial laundry	10	5	0.12	—
Storage, pick up	30	7.5	0.12	—
Education				
Art classroom ^g	20	10	0.18	0.7
Auditoriums	150	5	0.06	—
Classrooms (ages 5 through 8)	25	10	0.12	—
Classrooms (age 9 plus)	35	10	0.12	—
Computer lab	25	10	0.12	—
Corridors (see "Public spaces")	—	—	—	—
Day care (through age 4)	25	10	0.18	—
Lecture classroom	65	7.5	0.06	—
Lecture hall (fixed seats)	150	7.5	0.06	—
Locker/dressing rooms ^g	—	—	—	0.25
Media center	25	10	0.12	—
Multiuse assembly	100	7.5	0.06	—
Music/theater/dance	35	10	0.06	—
Science laboratories ^g	25	10	0.18	1.0
Smoking lounges ^b	70	60	—	—
Sports locker rooms ^g	—	—	—	0.5
Wood/metal shops ^g	20	10	0.18	0.5
Food and beverage service				
Bars, cocktail lounges	100	7.5	0.18	—
Cafeteria, fast food	100	7.5	0.18	—
Dining rooms	70	7.5	0.18	—
Kitchens (cooking) ^b	20	7.5	0.12	0.7
Hotels, motels, resorts, and dormitories				
Bathrooms/toilets—private ^g	—	—	—	25/50 ^f
Bedroom/living room	10	5	0.06	—
Conference/meeting	50	5	0.06	—
Dormitory sleeping area	20	5	0.06	—
Gambling casinos	120	7.5	0.18	—
Lobbies/prefunction	30	7.5	0.06	—
Multipurpose assembly	120	50	0.06	—

Occupancy Classification	Occupant Density #/1000 ft ^{2a}	People Outdoor Airflow Rate in Breathing Zone R_p cfm/Person	Area Outdoor Airflow Rate in Breathing Zone R_a cfm/ft ^{2a}	Exhaust Airflow Rate cfm/ft ^{2a}
Offices				
Conference rooms	50	5	0.06	—
Kitchenettes ^k	25	5	0.06	0.30
Office spaces	5	5	0.06	—
Reception areas	30	5	0.06	—
Telephone/data entry	60	5	0.06	—
Main entry lobbies	10	5	0.06	—
Private dwellings, single and multiple				
Garages, common for multiple units ^b	—	—	—	0.75
Kitchens ^b				See Table 403.4.7
Living areas ^c		See Table 403.4.2	—	—
Toilet rooms and bathrooms ^g	—	—	—	See Table 403.4.7
Public spaces				
Corridors serving other than Group R occupancies	—	—	0.06	—
Corridors serving Group R dwelling or sleeping units with whole house exhaust system	—	—	0.12	—
Corridors serving Group R dwelling or sleeping units with other than whole house exhaust system	—	—	0.06	—
Courtrooms	70	5	0.06	—
Elevator car	—	—	—	<u>((+)) 1.0</u>
Elevator lobbies in parking garage	—	—	1.0	—
Legislative chambers	50	5	0.06	—
Libraries	10	5	0.12	—
Museums (children's)	40	7.5	0.12	—
Museums/galleries	40	7.5	0.06	—
Places of religious worship	120	5	0.06	—
Shower room (per showerhead) ^g	—	—	—	50/20 ^f
Smoking lounges ^b	70	60	—	—
Toilet rooms—Public ^g	—	—	—	50/70 ^e
Retail stores, sales floors, and showroom floors				
Dressing rooms	—	—	—	0.25
Mall common areas	40	7.5	0.06	—
Sales	15	7.5	0.12	—
Shipping and receiving	2	10	0.12	—
Smoking lounges ^b	70	60	—	—
Storage rooms	—	—	0.12	—
Warehouses (see "Storage")	—	10	0.06	—
Specialty shops				
Automotive motor fuel-dispensing stations ^b	—	—	—	1.5
Barber	25	7.5	0.06	0.5
Beauty salons ^b	25	20	0.12	0.6
Embalming rooms ^b	—	—	—	2.0
Nail salons ^{b,h}	25	20	0.12	0.6
Pet shops (animal areas) ^b	10	7.5	0.18	0.9
Supermarkets	8	7.5	0.06	—
Sports and amusement				
Disco/dance floors	100	20	0.06	—
Bowling alleys (seating areas)	40	10	0.12	—

Occupancy Classification	Occupant Density #/1000 ft ^{2a}	People Outdoor Airflow Rate in Breathing Zone R_p cfm/Person	Area Outdoor Airflow Rate in Breathing Zone R_a cfm/ft ^{2a}	Exhaust Airflow Rate cfm/ft ^{2a}
Game arcades	20	7.5	0.18	—
Ice arenas, without combustion engines ^j	—	—	0.30	0.5
Gym, stadium, arena (play area) ^j	((—)) <u>7</u>	((—)) <u>20</u>	((0.30) <u>0.18</u>)	—
Spectator areas	150	7.5	0.06	—
Swimming pools (pool and deck area)	—	—	0.48	—
Health club/aerobics room	40	20	0.06	—
Health club/weight room	10	20	0.06	—
Storage				
Janitor closets, trash rooms, recycling rooms	—	—	—	1.0
Repair garages, enclosed parking garage ^{b, d}	—	—	—	0.75
Storage rooms, chemical	—	—	—	1.5
Warehouses	—	—	0.06	—
Theaters				
Auditoriums (see "Education")	—	—	—	—
Lobbies	150	5	0.06	—
Stages, studios	70	10	0.06	—
Ticket booths	60	5	0.06	—
Transportation				
Platforms	100	7.5	0.06	—
Transportation waiting	100	7.5	0.06	—
Workrooms				
Bank vaults/safe deposit	5	5	0.06	—
Darkrooms	—	—	—	1.0
Copy, printing rooms	4	5	0.06	0.5
Freezer and refrigerated spaces (<50°F)	0	10	0	0
Meat processing ^c	10	15	—	—
Pharmacy (prep. area)	10	5	0.18	—
Photo studios	10	5	0.12	—
Computer (without printing)	4	5	0.06	—

- For SI: 1 cubic foot per minute = 0.0004719 m³/s, 1 ton = 908 kg, 1 cubic foot per minutes per square foot = 0.00508 m³/(s•m²), °C = [(°F) -32]/1.8, 1 square foot = 0.0929 m².
- Based upon *net occupiable floor area*.
 - Mechanical exhaust required and the recirculation of air from such spaces is prohibited. Recirculation of air that is contained completely within such spaces shall not be prohibited (see Section 403.2.1, Item 3).
 - Spaces unheated or maintained below 50°F are not covered by these requirements unless the occupancy is continuous.
 - Ventilation systems in enclosed parking garages shall comply with Section 404.
 - Rates are per water closet or urinal. The higher rate shall be provided where the exhaust system is designed to operate intermittently. The lower rate shall be permitted only where the exhaust system is designed to operate continuously while occupied.
 - Rates are per room unless otherwise indicated. The higher rate shall be provided where the exhaust system is designed to operate intermittently. The lower rate shall be permitted only where the exhaust system is designed to operate continuously while occupied.
 - Mechanical exhaust is required and recirculation from such spaces is prohibited. For occupancies other than science laboratories, where there is a wheel-type energy recovery ventilation (ERV) unit in the exhaust system design, the volume of air leaked from the exhaust airstream into the outdoor airstream within the ERV shall be less than 10 percent of the outdoor air volume. Recirculation of air that is contained completely within such spaces shall not be prohibited (see Section 403.2.1, Items 2 and 4).
 - For nail salons, each manicure and pedicure station shall be provided with a *source capture system* capable of exhausting not less than 50 cfm per station. Exhaust inlets shall be located in accordance with Section 502.20. Where one or more required source capture systems operate continuously during occupancy, the exhaust rate from such systems shall be permitted to be applied to the exhaust flow rate required by Table 403.3.1.1 for the nail salon.
 - Reserved.
 - When combustion equipment is intended to be used on the playing surface, additional dilution ventilation and/or source control shall be provided.
 - Kitchenettes require exhaust when they contain a domestic cooking appliance range or oven that is installed in accordance with Table 507.1.2. Kitchenettes that only contain a microwave cooking appliance are not required to have exhaust. A kitchenette may not contain commercial cooking appliances that require Type I or Type II exhaust as these occupancies are required to be exhausted to the kitchen category in Table 403.3.1.1.

403.3.1.1.2.3 Multiple zone recirculating systems. For ventilation systems wherein one or more air handlers supply a mixture of outdoor air and recirculated air to more than one ventilation zone, the out-

door air intake flow (V_{ot}) shall be determined in accordance with Sections 403.3.1.1.2.3.1 through 403.3.1.1.2.3.4.

403.3.1.1.2.3.1 Uncorrected outdoor air intake. The uncorrected outdoor air intake flow (V_{ot}) shall be determined in accordance with Equation 4-5.

$$V_{ou} = D \sum_{all\ zones} (R_p \times P_z) + \sum_{all\ zones} (R_a \times A_z) \quad \text{(Equation 4-5)}$$

403.3.1.1.2.3.1.1 Occupant diversity. The occupant diversity ratio (D) shall be determined in accordance with Equation 4-6 to account for variations in population within the ventilation zones served by the system.

$$D = P_s / \sum_{all\ zones} P_z \quad \text{(Equation 4-6)}$$

where:

P_s = System population: The total population in the area served by the system.

EXCEPTION: Alternative methods to account for occupant diversity shall be permitted, provided the resulting V_{ou} value is no less than that determined using Equation 4-5.

403.3.1.1.2.3.1.2 Design system population. Design system population (P_s) shall equal the largest (peak) number of people expected to occupy all ventilation zones served by the ventilation system during use.

Note: Design system population is always equal to or less than the sum of design zone population for all zones in the area served by the system because all zones may or may not be simultaneously occupied at design population.

403.3.1.1.2.3.2 System ventilation efficiency. The system ventilation efficiency (E_v) shall be determined in accordance with Section 403.3.1.1.2.3.3 for the Simplified Procedure or Appendix A of ASHRAE 62.1 for the Alternative Procedure.

Note: These procedures also establish zone minimum primary airflow rates for VAV systems.

403.3.1.1.2.3.3 Simplified procedure.

403.3.1.1.2.3.3.1 System ventilation efficiency. System ventilation efficiency (E_v) shall be determined in accordance with Equation 4-6a or 4-6b.

$$E_v = 0.88 \times D + 0.22 \text{ for } D < 0.60 \quad \text{(Equation 4-6a)}$$

$$E_v = 0.75 \text{ for } D \geq 0.60 \quad \text{(Equation 4-6b)}$$

403.3.1.1.2.3.3.2 Zone minimum primary airflow. For each zone, the minimum primary airflow (V_{pz-min}) shall be determined in accordance with Equation 4-7.

$$V_{pz-min} = V_{oz} \times 1.5 \quad \text{(Equation 4-7)}$$

403.3.1.1.2.3.4 Outdoor air intake. The design outdoor air intake flow (V_{ot}) shall be determined in accordance with Equation 4-8.

$$V_{ot} = V_{ou} / E_v \quad \text{(Equation 4-8)}$$

403.3.2 Group R-2, R-3 and R-4 occupancies. This section is not adopted. See Section 403.4.

403.3.2.1 Outdoor air for dwelling units. This section is not adopted.

403.3.2.2 Outdoor air for other spaces. This section is not adopted.

403.3.2.3 Local exhaust. This section is not adopted.

403.3.2.4 System controls. This section is not adopted.

403.4 Group R whole house mechanical ventilation system. Each dwelling unit or sleeping unit shall be equipped with a whole house mechanical ventilation system that complies with Sections 403.4.1 through 403.4.6. Each dwelling unit or sleeping unit shall be equipped with local exhaust complying with Section 403.4.7. All occupied spaces, including public corridors, other than the Group R dwelling units and/or sleeping units, that support these Group R occupancies shall meet the ((ventilation requirement of)) natural ventilation requirements of Section 402 or the mechanical ventilation requirements of Sections 403.1 through 403.3.

EXCEPTION: Alternate balanced whole house ventilation systems and local exhaust systems subject to the Washington State Energy Code, Residential Provisions serving Group R dwelling units designed and commissioned in accordance with ASHRAE Standard 62.2 are permitted.

403.4.1 System design. The whole house ventilation system shall consist of one or more supply fans, one or more exhaust fans, or an ERV/HRV with integral fans; and the associated ducts and controls. Local exhaust fans shall be permitted to serve as part of the whole house ventilation system when provided with the proper controls in accordance with Section 403.4.5. The systems shall be designed and installed to supply and exhaust the minimum outdoor airflow rates in accordance with Section 403.4.2 as corrected by the balanced and/or distributed whole house ventilation system coefficients in accordance with Section 403.4.3 where applicable.

Table 403.4.2
WHOLE HOUSE MECHANICAL VENTILATION AIRFLOW RATE
(CONTINUOUSLY OPERATING SYSTEMS)

Floor Area (ft ²)	Bedrooms ⁽¹⁾ a				
	1	2	3	4	>5
<500	30	30	35	45	50
500 - 1000	30	35	40	50	55
1001 - 1500	30	40	45	55	60
1501 - 2000	35	45	50	60	65
2001 - 2500	40	50	55	65	70
2501 - 3000	45	55	60	70	75
3001 - 3500	50	60	65	75	80
3501 - 4000	55	65	70	80	85
4001 - 4500	60	70	75	85	90
4501 - 5000	65	75	80	90	95

⁽¹⁾ a Minimum airflow (Q_r) is set at not less than 30 cfm for each dwelling units.

403.4.2 Whole house mechanical ventilation rates. The sleeping unit whole house mechanical ventilation minimum outdoor airflow rate shall be determined in accordance with the breathing zone ventilation rates minimum outdoor airflow rate shall be determined in accordance with the breathing zone ventilation rates requirements of Section 403.3.1.1.2 using Equation 4-2. The dwelling unit whole house mechanical ventilation minimum outdoor airflow rate shall be determined in accordance with Equation 4-10 or Table 403.4.2.

$$Q_r = 0.01 * A_{\text{floor}} + 7.5 * (N_{\text{br}} + 1) \text{ (Equation 4-10)}$$

where:

- Q_r = Ventilation airflow rate, cubic feet per minute (cfm) but not less than 30 cfm for each dwelling unit.
- A_{floor} = Conditioned floor area, square feet (ft²)
- N_{br} = Number of bedrooms, not less than one.

Table 403.4.3
SYSTEM COEFFICIENT (C_{system})

System Type	Distributed	Not Distributed
Balanced	1.0	1.25
Not Balanced	1.25	1.5

403.4.3 Ventilation quality adjustment. The minimum whole house ventilation rate from Section 403.4.2 shall be adjusted by the system coefficient in Table 403.4.3 based on the system type not meeting the definition of a *balanced whole house ventilation system* and/or not meeting the definition of a *distributed whole house ventilation system*.

$$Q_v = Q_r * C_{\text{system}} \text{ (Equation 4-11)}$$

where:

- Q_v = Quality-adjusted ventilation airflow rate in cubic feet per minute (cfm)
- Q_r = Ventilation airflow rate, cubic feet per minute (cfm) from Equation 4-10 or Table ((403.4.1) 403.4.2)
- C_{system} = System coefficient from Table 403.4.3

403.4.4 Whole house ventilation residential occupancies. Residential dwelling and sleeping unit whole house ventilation systems shall meet the requirements of Sections 403.4.4.1 or 403.4.4.2 depending on the occupancy of the residential unit.

403.4.4.1 Whole house ventilation in Group R-2 occupancies. Residential dwelling and sleeping units in Group R-2 occupancies system shall include supply and exhaust fans and be a *balanced whole house ventilation system* in accordance with Section 403.4.6.3. The system shall include a heat or energy recovery ventilator with a sensible heat recovery effectiveness as prescribed in Section C403.3.6 or when selected as an option of R406 of the *Washington State Energy Code*. The whole house ventilation system shall operate continuously at the minimum ventilation rate determined in accordance with Section 403.4. The whole house supply fan shall provide ducted outdoor ventilation air to each habitable space within the residential unit.

EXCEPTIONS: 1. *Interior adjoining spaces* that are ventilated from another habitable space are not required to have outdoor air ducted directly to the adjoining space. These systems are considered *not distributed whole house ventilation systems* and shall use the "not distributed" quality adjustment system coefficient in accordance with Section 403.4.3.
2. *Interior adjacent rooms* that are ventilated from another habitable space are not required to have outdoor air ducted directly to the *interior adjacent room*. These systems are considered *not distributed whole house ventilation systems* and shall use the "not distributed" quality adjustment system coefficient in accordance with Section 403.4.3. The interior adjacent room shall be provided with a transfer fan with a minimum airflow rate of 30 cfm or with relief air inlet with a minimum airflow of 20 cfm that is connected to the exhaust/relief air inlet of an ERV/HRV whole house ventilation system. Transfer fans that ventilate *interior adjacent rooms* shall meet the same rating in Section ((403.3.6) 403.4.6 and shall have whole house ventilation controls in accordance with Section 403.4.5.

403.4.4.2 Whole house ventilation for other than Group R-2 occupancies. Residential dwelling and sleeping units in other than Group R-2 occupancies, including I-1 condition 2 occupancies, shall have a whole house mechanical ventilation system with supply and exhaust fans in accordance with Section 403.4.6.1, 403.4.6.2, 403.4.6.3, or 403.4.6.4. The whole house ventilation system shall operate continuously at the

minimum ventilation rate determined in accordance with Section 403.4.2 unless configured with intermittent off controls in accordance with Section 403.4.6.5. The whole house supply fan shall provide ducted outdoor ventilation air to each habitable space within the residential unit.

EXCEPTIONS:

1. *Interior adjoining spaces* that are ventilated from another habitable space are not required to have outdoor air ducted directly to the adjoining space. These systems are considered *not distributed whole house ventilation systems* and shall use the "not distributed" quality adjustment system coefficient in accordance with Section 403.4.3.
2. *Interior adjacent rooms* that are ventilated from another habitable space are not required to have outdoor air ducted directly to the *interior adjacent room*. These systems are considered *not distributed whole house ventilation systems* and shall use the "not distributed" quality adjustment system coefficient in accordance with Section 403.4.3. The interior adjacent room shall be provided with a transfer fan with a minimum airflow rate of 30 cfm or with relief air inlet with a minimum airflow of 20 cfm that is connected to the exhaust/relief air inlet of an ERV/HRV whole house ventilation system. Transfer fans that ventilate *interior adjacent rooms* shall meet the same rating in Section 403.4.6 and shall have whole house ventilation controls in accordance with Section 403.4.5.

403.4.5 Whole house ventilation controls.

1. The whole house ventilation system shall be controlled with manual switches, timers or other means that provide for automatic operation of the ventilation system that are readily accessible by the occupant;

2. Whole house mechanical ventilation system shall be provided with controls that enable manual override off of the system by the occupant during periods of poor outdoor air quality. Controls shall include permanent text or a symbol indicating their function. Recommended control permanent labeling to include text similar to the following: "Leave on unless outdoor air quality is very poor." Manual controls shall be provided with ready access for the occupant.

EXCEPTION: Central whole house mechanical systems with supply air and/or exhaust that serve more than one dwelling or sleep units are not required to have manual override off controls accessible to the occupant.

3. Whole house ventilation systems shall be configured to (~~operating~~) operate continuously except where intermittent off controls are provided in accordance with Section 403.4.6.5 and allowed by Section 403.4.4.2.

403.4.6 Whole house ventilation system component requirements. Whole house ventilation supply and exhaust fans specified in this section shall have a minimum efficacy as prescribed in the *Washington State Energy Code*. The fans shall be rated for sound at a maximum of 1.0 sone at design airflow and static pressure conditions. Design and installation of the system or equipment shall be carried out in accordance with manufacturer's installation instructions.

EXCEPTIONS:

1. Central supply or exhaust fans serving multiple residential units do not need to comply with the maximum fan sone requirements.
2. Interior joining spaces provided with a 30 cfm transfer fan or a 25 square foot permanent opening do not require supply ventilation air directly to the space. Transfer fans shall meet the sone rating above and have whole house ventilation controls in accordance with Section 403.4.5.

403.4.6.1 Exhaust fans. Exhaust fans required shall be ducted directly to the outside in accordance with Section 501.3. Exhaust air outlets shall be designed to limit the pressure difference to the outside to limiting the outlet free area maximum velocity to 500 feet per minute and equipped with backdraft dampers or motorized dampers in accordance with *Washington State Energy Code*. Exhaust fans shall be tested and rated in accordance with HVI 915, HVI 916, and HVI 920. Exhaust fans required in this section may be used to provide local ventilation. Exhaust fans serving spaces other than kitchens that are designed for intermittent exhaust rates in Table 403.4.7 shall be provided with occupancy sensors, humidity sensors, timer controls, or pollutant sensor controls to automatically override the fan to the high speed airflow rate. The exhaust fans shall be tested and the testing results shall be submitted and posted in accordance with Section 403.4.6.7.

EXCEPTIONS:

1. Central exhaust fans serving multiple residential units do not need to comply with the HVI testing requirements.

2. Inlet free area maximum velocity may exceed 500 feet per minute when a factory-built combined exhaust/intake termination fitting is used.

403.4.6.2 Supply fans. Supply fans used in meeting the requirements of this section shall supply outdoor air from intake openings in accordance with Sections 401.4 and 401.5. Intake air openings shall be designed to limit the pressure difference to the outside to limiting the inlet free area maximum velocity to 500 feet per minute and when designed for intermittent off operation shall be equipped with motorized dampers in accordance with the *Washington State Energy Code*. Supply fans shall be tested and rated in accordance with HVI 915, HVI 916, and HVI 920. Where outdoor air is provided to each habitable dwelling unit or sleeping unit by supply fan systems the outdoor air shall be filtered. The filter shall be provided with access for regular maintenance and replacement. The filter shall have a Minimum Efficiency Rating Value (MERV) of at least 8.

EXCEPTION: Central supply fans serving multiple residential units do not need to comply with the HVI testing requirements.

403.4.6.3 Balanced whole house ventilation system. A balanced whole house ventilation system shall include both supply and exhaust fans. The supply and exhaust fans shall have airflow that is within 10 percent of each other. The tested and balanced total mechanical exhaust airflow rate is within 10 percent or 5 cfm, whichever is greater, of the total mechanical supply airflow rate. The flow rate test results shall be submitted and posted in accordance with Section 403.4.6.7. The exhaust fan shall meet the requirements of Section 403.4.6.1. The supply fan shall meet the requirements of Section 403.4.6.2. For Group R-2 dwelling and sleeping units, the system is required to have balanced whole house ventilation but is not required to have distributed whole house ventilation where the not distributed system coefficient from Table 403.4.3 is utilized to correct the whole house mechanical ventilation rate. The system shall be designed and balanced to meet the pressure equalization requirements of Section 501.4. Local exhaust systems that are not a component of the whole-house mechanical ventilation system are exempt from the balanced airflow calculation.

403.4.6.4 Furnace integrated supply. Systems using space condition heating and/or cooling air handler fans for outdoor air supply air distribution are not permitted.

EXCEPTION: Air handler fans shall be permitted that have multi-speed or variable speed supply airflow control capability with a low speed operation not greater than 25 percent of the rated supply air flow capacity during ventilation only operation. Outdoor air intake openings must meet the provisions of Sections 401.4 and 401.5 and must include a motorized damper that is activated by the whole house ventilation system controller. Intake air openings shall be designed to limit the pressure difference to the outside to limiting the inlet free area maximum velocity to 500 ft per min. The motorized damper must be controlled to maintain the outdoor airflow intake airflow within 10 percent of the whole house mechanical exhaust airflow rate. The supply air handler shall provide supply air to each habitable space in the residential unit. The whole house ventilation system shall include exhaust fans in accordance with Section 403.4.6.1 to meet the pressure equalization requirements of Section 501.4. The flow rate for the outdoor air intake must be tested and verified at the minimum ventilation fan speed and the maximum heating or cooling fan speed. The results of the test shall be submitted and posted in accordance with Section 403.4.6.7.

403.4.6.5 Intermittent off operation. Whole house mechanical ventilation systems shall be provided with advanced controls that are configured to operate the system with intermittent off operation and shall operate for a least two hours in each four-hour segment. The whole house ventilation airflow rate determined in accordance with Section 403.4.2 as corrected by Section 403.4.3 shall be multiplied by the factor determined in accordance with Table 403.4.6.5.

Table 403.4.6.5

INTERMITTENT WHOLE HOUSE MECHANICAL VENTILATION RATE
FACTORS^{a, b}

Run-time Percentage in Each 4-hour Segment	50%	66%	75%	100%
Factor ^a	2	1.5	1.3	1.0

- a For ventilation system run-time values between those given, the factors are permitted to be determined by interpolation.
- b Extrapolation beyond the table is prohibited.

403.4.6.6 Testing. Whole house mechanical ventilation systems shall be tested, balanced and verified to provide a flow rate not less than the minimum required by Sections 403.4.2 and 403.4.3. Testing shall be performed according to the ventilation equipment manufacturer's instructions, or by using a flow hood, flow grid, or other airflow measuring device at the mechanical ventilation fan's inlet terminals, outlet terminals or grilles or in the connected ventilation ducts. Where required by the building official, testing shall be conducted by an approved third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the building official and shall be posted in the residential unit in accordance with Section 403.4.6.7.

403.4.6.7 Certificate. A permanent certificate shall be completed by the mechanical contractor, test and balance contractor or other approved party and posted on a wall in the space where the furnace is located, a utility room, or an approved location inside the building. When located on an electrical panel, the certificate shall not cover or obstruct the visibility of the circuit directory label, service disconnect label, or other required labels. The certificate shall list the flow rate determined from the delivered airflow of the whole house mechanical ventilation system as installed and the type of mechanical whole house ventilation system used to comply with Section 403.4.3.

403.4.7 Local exhaust. Bathrooms, toilet rooms and kitchens shall include a local exhaust system. Such local exhaust systems shall have the capacity to exhaust the minimum airflow rate in accordance with Table 403.4.7 and Table 403.3.1.1, including notes. Fans required by this section shall be provided with controls that enable manual override or automatic occupancy sensor, humidity sensor, timer controls, or pollutant sensor controls. An "on/off" switch shall meet this requirement for manual controls. Manual fan controls shall be provided with ready access in the room served by the fan.

Table 403.4.7
MINIMUM EXHAUST RATES

Area to be exhausted	Exhaust Rate	
	Intermittent	Continuous
Open kitchens	In accordance with Section 403.4.7.3	Not permitted
Enclosed kitchens	In accordance with Section 403.4.7.3	5 ACH based on kitchen volume
Bathrooms - Toilet rooms	50 cfm	20 cfm

403.4.7.1 Whole house exhaust controls. If the local exhaust fan is included in a whole house ventilation system in accordance with Section 403.4.6, the exhaust fan shall be controlled to operate as specified in Section 403.4.5.

403.4.7.2 Local exhaust fans. Exhaust fans shall meet the following criteria.

1. Exhaust fans shall be tested and rated in accordance with HVI 915, HVI 916, and HVI 920 or equivalent.

2. Fan airflow rating and duct system shall be designed and installed to deliver at least the exhaust airflow required by Table 403.4.7. The airflows required refer to the delivered airflow of the system as installed and tested using a flow hood, flow grid, or other airflow measurement device. Local exhaust systems shall be tested and verified to provide a flow rate not less than the minimum required by this section.

3. Design and installation of the system or equipment shall be carried out in accordance with manufacturers' installation instructions.

4. Intermittent local exhaust system serving kitchens shall be rated for sound at a maximum of 3 sones at one or more airflow settings not less than 100 cfm at a static pressure not less than that determined at working speed as specified in HVI 916 Section 7.2.

5. Continuous local exhaust system serving kitchens shall be rated for sound at a maximum of 1 sone at one or more airflow settings not less than 100 cfm at a static pressure not less than that determined at working speed as specified in HVI 916 Section 7.2.

EXCEPTIONS:

1. The installed airflow is not required to be field-verified where an exhaust airflow rating at a pressure of 0.25 in. w.g. may be used, provided the duct sizing meets the prescriptive requirements of Table 403.4.7.2.
2. Remote mounted fans need not meet sound requirements. To be considered for this exception, a remote mounted fan shall be mounted outside the kitchen, and there shall be at least 4 feet (1 m) of ductwork between the fan and the intake grille.

Table 403.4.7.2
PRESCRIPTIVE EXHAUST DUCT SIZING

Fan Tested cfm at 0.25 inches w.g.	Minimum Flex Diameter	Maximum Length in Feet	Minimum Smooth Diameter	Maximum Length in Feet	Maximum Elbows ^a
50	4 inches	25	4 inches	70	3
50	5 inches	90	5 inches	100	3
50	6 inches	No Limit	6 inches	No Limit	3
80	4 inches ^b	NA	4 inches	20	3
80	5 inches	15	5 inches	100	3
80	6 inches	90	6 inches	No Limit	3
100	5 inches ^b	NA	5 inches	50	3
100	6 inches	45	6 inches	No Limit	3
125	6 inches	15	6 inches	No Limit	3
125	7 inches	70	7 inches	No Limit	3

- a. For each additional elbow, subtract 10 feet from length.
- b. Flex ducts of this diameter are not permitted with fans of this size.

403.4.7.3 Local intermittent kitchen exhaust system. Kitchen range hoods for domestic cooking appliances shall meet or exceed either the minimum airflow or the minimum capture efficiency in accordance with Table 403.4.7.3. Capture efficiency ratings shall be determined in accordance with ASTM E3087.

EXCEPTION: Other intermittent kitchen exhaust fans, including downdraft, shall meet or exceed 300 cfm airflow.

Table 403.4.7.3

**Kitchen Range Hood Airflow Rates
(CFM) and ASTM E3087 Capture Efficiency (CE) Ratings According to
Kitchen Range Fuel Type**

Hood Over Electric Range	Hood Over Combustion Range
65 percent CE or 160 cfm	80 percent CE or 250 cfm

403.4.7.3.1 Field verification and diagnostic testing for local intermittent kitchen exhaust system. The local exhaust system for kitchens shall be installed to comply with local mechanical exhaust requirements specified in Section 403.4.7.3 and shall be field verified in accordance with the procedures below to confirm the model is rated by HVI or AHAM to comply with the following requirements:

1. Local intermittent exhaust system for kitchens shall be tested and verified to provide a minimum airflow rate or capture efficiency required by Section 403.4.7.3. Testing shall include verification of the maximum sound rating as specified in Section 403.4.7.2. Testing for the intermittent kitchen exhaust systems shall occur with the whole house ventilation system operating and with all dwelling unit or sleeping unit entry doors closed. Testing for exhaust systems that require mechanical makeup air in accordance with Section 505.4 shall include verifying that the mechanical makeup air opening is open. Testing for exhaust systems that require mechanical makeup air in accordance with Section 505.4 shall include verifying that the mechanical makeup air system is controlled to automatically start. Testing for exhaust systems that do not require mechanical makeup air in accordance with Section 505.4 and that are exempt from pressurize equalization per Section 501.4 shall be tested with operable openings manually opened unless design exhaust airflow can be achieved with all operable openings closed. Where required by the building official, testing shall be conducted by an approved third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the building official.

EXCEPTION: The installed airflow is not required to be field-verified where an exhaust airflow rating at a pressure of 0.25 in. w.g. is used, provided the duct sizing meets the prescriptive requirements of Table 403.4.7.2.

2. The verification shall utilize certified rating data from *HVI Publication 911, AHAM-Certified Range Hood Directory*, or another directory of certified product performance ratings approved by the code official for determining compliance. The verification procedure shall consist of visual inspection of the local intermittent kitchen exhaust system to verify and record the following information:

- 2.1. The manufacturer name and model number.
- 2.2. The model is listed in the HVI, AHAM, or equivalent directory.
- 2.3. The rated airflow value listed in the HVI, AHAM, or equivalent directory.
- 2.4. The sound rating value listed in the HVI, AHAM, or equivalent directory.
- 2.5. If the value for the rated airflow given in the directory is greater than or equal to the airflow requirements specified in Section 403.4.7.3 and if the value for the sound rating given in the directory is less than or equal to the sound rating requirements specified in Section 403.4.7.2, then the local intermittent kitchen exhaust system complies, otherwise the local intermittent kitchen exhaust system does not comply.

AMENDATORY SECTION (Amending WSR 23-02-055, 23-12-106, and 23-20-025, filed 1/3/23, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-52-0501 Section 501—General.

501.3.1 Location of exhaust outlets. The termination point of exhaust outlets and ducts discharging to the outdoors shall be located with the following minimum distances:

1. **For ducts conveying explosive or flammable vapors, fumes or dusts:** 30 feet (9144 mm) from the property line; 10 feet (3048 mm) from operable openings into the building; 6 feet (1829 mm) from exterior walls and roofs; 30 feet (9144 mm) from combustible walls and operable openings into the building which are in the direction of the exhaust discharge; 10 feet (3048 mm) above adjoining grade.

2. **For other product-conveying outlets:** 10 feet (3048 mm) from property lines; 3 feet (914 mm) from exterior walls and roofs; 10 feet (3048 mm) from operable openings into the building; 10 feet (3048 mm) above adjoining grade.

3. **For environmental air exhaust other than enclosed parking garage and transformer vault exhaust:** 3 feet (914 mm) from property lines, 3 feet (914 mm) from operable openings into buildings for all occupancies other than Group U, and 10 feet (3048 mm) from mechanical air intakes. Such exhaust shall not be considered hazardous or noxious. Separation is not required between intake air openings and living space exhaust air openings of an individual dwelling unit or sleeping unit where an approved factory-built intake/exhaust combination termination fitting is used to separate the air streams in accordance with the manufacturer's instructions.

EXCEPTIONS:

1. The separation between an air intake and exhaust outlet on a single listed package HVAC unit.
2. Exhaust from environmental air systems other than garages may be discharged into an open parking garage.
3. Except for Group I occupancies, where ventilation system design circumstances require building HVAC air to be relieved, such as during economizer operation, such air may be relieved into an open or enclosed parking garage within the same building.

4. Exhaust outlets serving structures in flood hazard areas shall be installed at or above the elevation required by Section ((1613)) 1612 of the *International Building Code* for utilities and attendant equipment.

5. For enclosed parking garage exhaust system outlets and transformer vault exhaust system outlets: 10 feet (3048 mm) from property lines which separate one lot from another; 10 feet (3048 mm) from operable openings into buildings; 3 feet (914 mm) horizontally from, 10 feet above, or 10 feet below adjoining finished walkways.

6. For transformer vault exhaust system outlets, subject to the requirements of NFPA 70 Section 450.45: Ten feet (3048 mm) from fire escapes, required means of egress at the exterior of the building, elements of exit discharge, exterior combustible materials, and openings that are not protected in accordance with Section 705.8 of the *International Building Code*; 10 feet (3048 mm) from property lines which separate one lot from another; 10 feet (3048 mm) from operable openings into buildings; 10 feet (3048 mm) above walkways.

7. For elevator machinery rooms in enclosed or open parking garages: Exhaust outlets may discharge air directly into the parking garage.

8. For specific systems see the following sections:

- 8.1. Clothes dryer exhaust, Section 504.4.
- 8.2. Kitchen hoods and other kitchen exhaust equipment, Sections 506.3.13, 506.4 and 506.5.
- 8.3. Dust stock and refuse conveying systems, Section 511.2.
- 8.4. Subslab soil exhaust systems, Section 512.4.

- 8.5. Smoke control systems, Section 513.10.3.
- 8.6. Refrigerant discharge, Section 1105.7.
- 8.7. Machinery room discharge, Section 1105.6.1.

501.4 Pressure equalization. Mechanical exhaust systems shall be sized to remove the quantity of air required by this chapter to be exhausted. The system shall operate when air is required to be exhausted. Where mechanical exhaust is required in a room or space, such space shall be maintained with a neutral or negative pressure. If a greater quantity of air is supplied by a mechanical ventilating supply system than is removed by a mechanical exhaust for a room, adequate means shall be provided for the natural or mechanical exhaust of the excess air supplied. If only a mechanical exhaust system is installed for a room or if a greater quantity of air is removed by a mechanical exhaust system than is supplied by a mechanical ventilating supply system for a room, adequate makeup air consisting of supply air, transfer air or outdoor air shall be provided to satisfy the deficiency. The calculated building infiltration rate shall not be used to satisfy the requirements of this section.

EXCEPTION: Intermittent kitchen exhaust, intermittent domestic dryer exhaust, and intermittent local exhaust systems in R-3 occupancies and dwelling units in R-2 occupancies are excluded from the pressure equalization requirement unless required by Section 504 or Section 505.

AMENDATORY SECTION (Amending WSR 16-01-148, filed 12/21/15, effective 7/1/16)

WAC 51-52-0602 Section 602—(~~Duct construction and installation~~) Plenums.

602.1 General. Supply, return, exhaust, relief and ventilation air plenums shall be limited to uninhabited crawl spaces, areas above a ceiling or below the floor, attic spaces and mechanical equipment rooms. Plenums shall be limited to one fire area. Air systems that serve multiple fire areas shall be ducted from the boundary of the fire area served directly to the air-handling equipment. Fuel-fired appliances shall not be installed within a plenum.

AMENDATORY SECTION (Amending WSR 20-03-041, filed 1/8/20, effective 7/1/20)

WAC 51-52-1106 Section 1106—Machinery room, special requirements.

~~((1106.5.2))~~ **1106.4.2 Emergency ventilation system.** An emergency ventilation system shall be provided at the minimum exhaust rate specified in ASHRAE 15 or Table ~~((1106.5.2))~~ **1106.4.2**. Shutdown of the emergency ventilation system shall be by manual means.

Table ~~((1106.5.2))~~ 1106.4.2
MINIMUM EXHAUST RATES

Refrigerant	Q(m/sec)	Q(cfm)
R32	15.4	32,600
R143A	13.6	28,700
R444A	6.46	13,700

Refrigerant	Q(m/sec)	Q(cfm)
R444B	10.6	22,400
R445A	7.83	16,600
R446A	23.9	50,700
R447A	23.8	50,400
R451A	7.04	15,000
R451B	7.05	15,000
R1234yf	7.80	16,600
R1234ze(E)	5.92	12,600

AMENDATORY SECTION (Amending WSR 23-02-055, 23-12-106, and 23-20-025, filed 1/3/23, 6/7/23, and 9/25/23, effective 3/15/24)

**WAC 51-52-21409 Section 409 (IFGC)—(~~Drips and sloped piping~~)
Shutoff valves.**

**Table 409.1.1
Natural Gas Valve Standards**

Valve Standards	Appliance Shutoff Valve Application Up to 1/2 psig Pressure	Other Valve Applications			
		Up to 1/2 psig Pressure	Up to 2 psig Pressure	Up to 5 psig Pressure	Up to 125 psig Pressure
ANSI Z21.15/CGA 9.1	X	--	--	--	--
ASME B16.44	X	X	X ^a	X ^b	--
ASME B16.33	X	X	X	X	X
ASME B16.38	--	X	X	X	X

For SI: 1 pound per square inch gauge = 6.895 cPsa
 a. If labeled 2G.
 b. If labeled 5G.

WSR 23-23-106
PERMANENT RULES
BUILDING CODE COUNCIL

[Filed November 15, 2023, 10:03 a.m., effective March 16, 2024]

Effective Date of Rule: March 16, 2024.

Purpose: Reconciling state amendments with section renumbering and model code modifications in the 2021 International Fire Code; correcting errors and omissions.

Citation of Rules Affected by this Order: Amending 33 sections in chapter 51-54A WAC.

Statutory Authority for Adoption: RCW 19.27.031, 19.27.074.

Other Authority: RCW 19.27.031, 19.27.074.

Adopted under notice filed as WSR 23-15-050 on July 13, 2023.

Changes Other than Editing from Proposed to Adopted Version:

WAC	Section	Change	Rationale/Discussion
51-54A-008	Implementation	Implementation date is changed from October 29, 2023, to March 15, 2024.	The state building code council voted to delay implementation of all codes on September 15, 2023.
51-54A-0202	Definition: Occupancy Classification: R-2	Relocates "Boarding houses (nontransient) with more than 16 occupants" below "Congregate living facilities (nontransient) with more than 16 occupants."	Editorial modification intended to align with the model code format. There is no intended change in regulatory effect.
51-54A-0510	510.1 and 510.6.1	Replaces "two-way emergency responder communications coverage system" with "emergency responder communications enhancement system."	The modification provides consistency aligning the text in the model code with the state amendments in Chapter 5. There is no intended change in regulatory effect.
51-54A-1015	1015.2	Adds the words "of the International Building Code" after section references.	The modification clarifies section references; there is no intended change in regulatory effect.

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 33, 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 33, Repealed 0.

Date Adopted: October 20, 2023.

Tony Doan
 Council Chair

OTS-4757.4

AMENDATORY SECTION (Amending WSR 22-13-093, 23-12-107, and 23-20-027, filed 6/14/22, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-54A-008 Implementation. The *International Fire Code* adopted by chapter 51-54A WAC shall become effective in all counties and cities of this state on ~~((July 1, 2023))~~ March 15, 2024.

AMENDATORY SECTION (Amending WSR 22-13-093, 23-12-107, and 23-20-027, filed 6/14/22, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-54A-0105 Permits.

105.5.14.1 Lithium batteries. An operational permit is required for an accumulation of more than 15 cubic feet (0.42 m) of lithium-ion and lithium metal batteries, where required by Section 322.1.

105.5.32 Mobile food preparation vehicles. A permit is required for mobile preparation vehicles equipped with appliances that produce smoke or grease-laden vapors or utilize LP-gas systems or CNG systems.

105.6.25 Underground supply piping for automatic sprinkler system. A construction permit is required for the installation of the portion of the underground water supply piping, public or private, supplying a water-based fire protection system. The permit shall apply to all underground piping and appurtenances downstream of the first control valve on the lateral piping or service line from the distribution main to ~~((one))~~ 1 foot above finished floor of the facility with the fire protection system. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.

EXCEPTIONS: 1. When the underground piping is installed by the aboveground piping contractor.
 2. Underground piping that serves a fire protection system installed in accordance with NFPA 13D.

~~((105.5.14.1 Lithium batteries. An operational permit is required for an accumulation of more than 15 cubic feet (0.42 m) of lithium-ion and lithium metal batteries, where required by Section 322.1.))~~

AMENDATORY SECTION (Amending WSR 22-13-093, 23-12-107, and 23-20-027, filed 6/14/22, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-54A-0202 General definitions.

SECTION 202 GENERAL DEFINITIONS

ADULT FAMILY HOME. A dwelling, licensed by the state of Washington department of social and health services, in which a person or persons provide personal care, special care, room and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services. An existing adult family home may provide services to up to eight adults upon approval from the department of social and health services under RCW 70.128.066 and in accordance with Section 903.

ALERT SIGNAL. A distinctive signal indicating the need for trained personnel and occupants to initiate a specific action, such as shelter-in-place.

ALERT SYSTEM. Approved devices, equipment and systems or combinations of systems used to transmit or broadcast an alert signal.

ASSISTED LIVING FACILITY. A home or other institution, licensed by the state of Washington, providing housing, basic services and assuming general responsibility for the safety and well-being of residents under chapters 18.20 RCW and 388-78A WAC. These facilities may provide care to residents with symptoms consistent with dementia requiring additional security measures.

CHILD CARE. For the purposes of these regulations, child care is the care of children during any period of a 24-hour day.

CHILD CARE, FAMILY HOME. A child care facility, licensed by Washington state, located in the dwelling of the person or persons under whose direct care and supervision the child is placed, for the care of 12 or fewer children, including children who reside at the home.

CLUSTER. Clusters are multiple *portable school classrooms* separated by less than the requirements of the building code for separate buildings.

COVERED BOAT MOORAGE. A pier or system of floating or fixed access ways to which vessels on water may be secured and any portion of which are covered by a roof.

CUSTODIAL CARE. Assistance with day-to-day living tasks; such as assistance with cooking, taking medication, bathing, using toilet facilities, and other tasks of daily living. Custodial care includes persons receiving care who have the ability to respond to emergency situations and may receive limited verbal or physical assistance. These care recipients may evacuate at a slower rate and/or who have mental and psychiatric complications.

ELECTRICAL CODE. The National Electrical Code, promulgated by the National Fire Protection Association, as adopted by rule or local ordinance under the authority of chapter 19.28 RCW.

EMERGENCY RESPONDER COMMUNICATIONS ENHANCEMENT SYSTEM (ERCES). An infrastructure solution installed within a building to enhance the communications capabilities for first responders that utilizes solutions such as a signal booster, voting receiver, base station, or other technology capable of enhancing the radio frequency (RF) to ensure effective public safety communications.

FREQUENCY. The particular waveband at which a communications system broadcasts or transmits.

FREQUENCY LICENSE HOLDER(S). The person(s) or entity(s) that are issued the license from the frequency licensing authority of United States or other country of jurisdiction for the frequencies being used by both the in-building emergency responder communications enhancement system and the emergency services communications system that it enhances.

FREQUENCY LICENSING AUTHORITY. The government authority in a country or territory that issues frequency licenses for the use of communications frequencies by authorized entities and individuals.

GRAVITY-OPERATED DROP OUT VENTS. Automatic smoke and heat vents containing heat-sensitive glazing designed to shrink and drop out of the vent openings when exposed to fire.

HOSPICE CARE CENTER. A building or portion thereof used on a 24-hour basis for the provision of hospice services to terminally ill inpatients.

LIMITED VERBAL OR PHYSICAL ASSISTANCE. Persons who, because of age, physical limitations, cognitive limitations, treatment or chemical dependency, and may not independently recognize, respond, or evacuate without limited verbal or physical assistance during an emergency situation. Verbal assistance includes prompting, giving, and repeating instructions. Physical assistance includes assistance with transfers to walking aids or mobility devices and assistance with egress.

MOBILE FOOD PREPARATION VEHICLE. Mobile food preparation vehicles that are equipped with appliances that produce smoke or grease-laden vapors or utilize LP-gas systems or CNG systems for the purpose of preparing and serving food to the public. Vehicles intended for private recreation shall not be considered mobile food preparation vehicles.

MOTOR VEHICLE. Includes, but not limited to, a vehicle, machine, tractor, trailer or semitrailer, or any combination thereof, propelled or drawn by mechanical power and designed for use upon the highways in the transportation of passengers or property. It does not include a vehicle, locomotive or car operated exclusively on a rail or rails, or a trolley bus operated by electric power derived from a fixed overhead wire, furnishing local passenger transportation similar to street-railway service. The term "motor vehicle" also includes freight containers or cargo tanks used, or intended for use, in connection with motor vehicles.

NIGHTCLUB. An A-2 Occupancy use (~~(under the 2006 International Building Code)~~) in which the aggregate area of concentrated use of unfixed chairs and standing space that is specifically designated and primarily used for dancing or viewing performers exceeds 350 square feet (32.5 m²), excluding adjacent lobby areas. "Nightclub" does not include theaters with fixed seating, banquet halls, or lodge halls.

OCCUPANCY CLASSIFICATION. For the purposes of this code, certain occupancies are defined as follows:

Institutional Group I-1. Institutional Group I-1 occupancy shall include buildings, structures or portions thereof for more than 16 persons excluding staff, who reside on a 24-hour basis in a supervised environment and receive custodial care. Buildings of Group I-1 shall be classified as one of the occupancy conditions indicated below. This group shall include, but not be limited to, the following: Assisted living facilities licensed under chapter 388-78A WAC and residential treatment facilities licensed under chapter 246-337 WAC shall be classified as Group I-1, Condition 2.

No change to the rest of the occupancy conditions.

Group I-2. This occupancy shall include buildings and structures used for medical care on a 24-hour basis for more than five persons who are incapable of self-preservation. This group shall include, but not be limited to, the following:

Foster care facilities
Detoxification facilities

Hospice care centers
Hospitals
Nursing homes
Psychiatric hospitals

Five or fewer persons receiving care. A facility such as the above with five or fewer persons receiving such care shall be classified as Group R-3 or shall comply with the *International Residential Code* provided that an *automatic sprinkler system* is installed in accordance with Section 903.3.1.3 or with Section P2904 of the *International Residential Code*.

Family home child care. Family home child care licensed by Washington state for the care of 12 or fewer children shall be classified as Group R-3 or shall comply with the *International Residential Code*.

Adult care facility. A facility that provides accommodations for less than 24 hours for more than 5 unrelated adults and provides supervision and personal care services shall be classified as Group I-4.

EXCEPTION: Where the occupants are capable of responding to an emergency situation without physical assistance from the staff, the facility shall be classified as Group R-3.

Child care facility. Child care facilities that provide supervision and personal care on a less than 24-hour basis for more than 5 children 2 1/2 years of age or less shall be classified as Group I-4.

EXCEPTIONS: 1. A child day care facility that provides care for more than five but no more than 100 children 2 1/2 years or less of age, where the rooms in which the children are cared for are located on a level of exit discharge serving such rooms and each of these child care rooms has an exit door directly to the exterior, shall be classified as Group E.

2. Family child care homes licensed by Washington state for the care of 12 or fewer children shall be classified as Group R-3.

Residential Group R. Residential Group R includes, among others, the use of a building or structure, or a portion thereof, for sleeping purposes when not classified as an Institutional Group I or when not regulated by the *International Residential Code*. This group shall include:

R-1 Residential occupancies containing sleeping units where the occupants are primarily transient in nature, including:

Boarding houses (transient) with more than 10 occupants

Congregate living facilities (transient) with more than 10 occupants

Hotels (transient)

Motels (transient)

R-2 Residential occupancies containing sleeping units or more than two dwelling units where the occupants are primarily permanent in nature, including:

Apartment houses

(~~Boarding houses (nontransient) with more than 16 occupants~~)

Congregate living facilities (nontransient) with more than 16 occupants

Boarding houses (nontransient) with more than 16 occupants

Convents

Dormitories

Fraternities and sororities

Monasteries

Hotels (nontransient)

Live/work units

(~~Monasteries~~)

Motels (nontransient)

Vacation timeshare properties

R-3 Residential occupancies where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-4, or I, including:

Buildings that do not contain more than two dwelling units.

~~((Boarding houses (nontransient) with 16 or fewer occupants.~~

~~Boarding houses (transient) with 10 or fewer occupants.))~~

Care facilities that provide accommodations for five or fewer persons receiving care.

Congregate living facilities (nontransient) with 16 or fewer occupants.

Boarding houses (nontransient) with 16 or fewer occupants

Convents

Dormitories

Fraternities and sororities

Monasteries

Congregate living facilities (transient) with 10 or fewer occupants.

Boarding houses (transient) with 10 or fewer occupants

Lodging houses (transient) with five or fewer guestrooms and 10 or fewer occupants

Care facilities within a dwelling. Care facilities for five or fewer persons receiving care that are within a single-family dwelling are permitted to comply with the *International Residential Code* provided an automatic sprinkler system is installed in accordance with Section 903.3.1.3 or with Section P2904 of the *International Residential Code*.

Adult family homes, family home child care. Adult family homes and family home child care facilities that are within a single-family home are permitted to comply with the *International Residential Code*.

Foster family care homes. Foster family care homes licensed by Washington state are permitted to comply with the *International Residential Code*, as an accessory use to a dwelling, for six or fewer children including those of the resident family.

~~((R-4 Classification is not adopted. Any reference in this code to R-4 does not apply.))~~

PORTABLE SCHOOL CLASSROOM. A prefabricated structure consisting of one or more rooms with direct exterior egress from the classroom(s). The structure is transportable in one or more sections, and is designed to be used as an educational space with or without a permanent foundation. The structure shall be capable of being demounted and relocated to other locations as needs arise.

POWERED MICROMOBILITY DEVICES. Motorized bicycles, motorized scooters, and other personal mobility devices powered by a rechargeable battery. The term does not include motor vehicles that are required to be registered with the department of motor vehicles for the state or jurisdiction.

RECALL SIGNAL. An electrically or mechanically operated signal used to recall occupants after an emergency drill or to terminate a shelter-in-place event that shall be distinct from any alarm or alert signal used to initiate an emergency plan, or other signals.

SHELTER-IN-PLACE. An emergency response used to minimize exposure of facility occupants to chemical or environmental hazards by taking refuge in predetermined interior rooms or areas where actions are taken to isolate the interior environment from the exterior hazard.

SPECIAL HAZARDS SUPPRESSION SYSTEMS. Wet-chemical systems (NFPA 17A), Dry-chemical systems (NFPA 17), Foam systems (NFPA 11), Carbon dioxide systems (NFPA 12), Halon systems (NFPA 12A), Clean-agent systems (NFPA 2001), Automatic water mist systems (NFPA 750), Aerosol fire-extinguishing systems (NFPA 2010), and Explosion prevention systems (NFPA 69).

AMENDATORY SECTION (Amending WSR 22-13-093, 23-12-107, and 23-20-027, filed 6/14/22, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-54A-0314 Indoor displays.

314.4 Vehicles. Liquid- or gas-fueled vehicles, boats, aircraft or other motorcraft shall not be located indoors except as follows:

1. The engine starting system is made inoperable or ignition batteries are disconnected except where the fire code official requires that the batteries remain connected to maintain safety features.

2. Fuel in fuel tanks does not exceed any of the following:

2.1. Class I, II, and III liquid fuel does not exceed one-quarter tank or 5 gallons (19 L), whichever is less.

2.2. LP gas does not exceed one-quarter tank or 6.6 gallons (25 L), whichever is less.

2.3. CNG does not exceed one-quarter tank or 630 cubic feet (17.8 m³), whichever is less.

2.4. Hydrogen does not exceed one-quarter tank or 2,000 cubic feet (0.57 m³), whichever is less.

3. Fuel tanks and fill openings are closed and sealed to prevent tampering.

4. Vehicles, aircraft, boats or other motorcraft equipment are not fueled or defueled within the building.

AMENDATORY SECTION (Amending WSR 22-13-093, 23-12-107, and 23-20-027, filed 6/14/22, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-54A-0322 ((General)) Lithium batteries.

322.1 General. The storage of lithium-ion and lithium metal batteries shall comply with Section 322.

EXCEPTIONS:

1. New or refurbished batteries installed in the equipment, devices, or vehicles they are designed to power.
2. New or refurbished batteries packed for use with the equipment, devices, or vehicles they are designed to power.
3. Batteries in original retail packaging that are rated at 300 watt-hours or less for lithium-ion batteries or contain 25 grams or less of lithium metal for lithium metal batteries.
4. Temporary storage of batteries or battery components during the battery manufacturing process prior to completion of final quality control checks.
5. Temporary storage of batteries during the vehicle manufacturing or repair process.

322.2 Permits. Permits shall be required for an accumulation of more than 15 cubic feet (0.42 m³) of lithium-ion and lithium metal batteries, other than batteries listed in the exceptions to Section 322.1, as set forth in Section 105.5.14.1.

322.3 Fire safety plan. A fire safety plan shall be provided in accordance with Section 403.10.6. In addition, the fire safety plan shall include emergency response actions to be taken upon detection of a fire or possible fire involving lithium-ion or lithium metal battery storage.

322.4 Storage requirements. Lithium-ion and lithium metal batteries shall be stored in accordance with Section 322.4.1, 322.4.2, or 322.4.3, as applicable.

322.4.1 Limited indoor storage in containers. Not more than 15 cubic feet (0.42 m^3) of lithium-ion or lithium metal batteries shall be permitted to be stored in containers in accordance with the following:

1. Containers shall be open-top and constructed of noncombustible materials or shall be approved for battery collection.

2. Individual containers and groups of containers shall not exceed a capacity of 7.5 cubic feet (0.21 m^3).

3. A second container or group of containers shall be separated by not less than 3 feet (914 mm) of open space, or 10 feet (3048 mm) of space that contains combustible materials.

4. Containers shall be located not less than 5 feet (1524 mm) from exits or exit access doors.

322.4.2 Indoor storage areas. Indoor storage areas for lithium-ion and lithium metal batteries, other than those complying with Section 322.4.1, shall comply with Sections 322.4.2.1 through 322.4.2.6.

322.4.2.1 Technical opinion and report. Where required by the *fire code official* a technical opinion and report complying with Section 104.8.2 shall be prepared to evaluate the fire and explosion risks associated with the indoor storage area and to make recommendations for fire and explosion protection. The report shall be submitted to the fire code official and shall require the fire code official's approval prior to issuance of a permit. In addition to the requirements of Section 104.8.2, the technical opinion and report shall specifically evaluate the following:

1. The potential for deflagration of flammable gases released during a thermal runaway event.

2. The basis of design for an automatic sprinkler system or other approved fire suppression system. Such design basis shall reference relevant full-scale fire testing or another approved method of demonstrating sufficiency of the recommended design.

322.4.2.2 Construction requirements. Where indoor storage areas for lithium-ion and lithium metal batteries are located in a building with other uses, battery storage areas shall be separated from the remainder of the building by 2-hour rated fire barriers or horizontal assemblies. Fire barriers shall be constructed in accordance with Section 707 of the International Building Code, and horizontal assemblies shall be constructed in accordance with Section 711 of the International Building Code.

EXCEPTIONS: 1. Where battery storage is contained in one or more approved prefabricated portable structures providing a complete two-hour fire resistance rated enclosure, fire barriers and horizontal assemblies are not required.
2. Where battery storage is limited to new batteries in packaging that has been demonstrated to and approved by the fire code official as sufficient to isolate a fire in packaging to the package interior, fire barriers and horizontal assemblies are not required.

322.4.2.3 Fire protection systems. Indoor storage areas for lithium-ion and lithium metal batteries shall be protected by an automatic sprinkler system complying with Section 903.3.1.1 or an approved alternative fire suppression system. The system design shall be based on recommendations in the approved technical opinion and report required by Section 322.4.2.1.

322.4.2.4 Fire alarm systems. Indoor storage areas for lithium-ion and lithium metal batteries shall be provided with an approved automatic

fire detection and alarm system complying with Section 907. The fire detection system shall use air-aspirating smoke detection, radiant energy-sensing fire detection, or both.

322.4.2.5 Explosion control. Where the approved technical opinion and report required by Section 322.4.2.1 recommends explosion control, explosion control complying with Section 911 shall be provided.

322.4.2.6 Reduced requirements for storage of partially charged batteries. Indoor storage areas for lithium-ion and lithium metal batteries with a demonstrated state of charge not exceeding 30 percent shall not be required to comply with Section 322.4.2.1, 322.4.2.2, or 322.4.2.5, provided that procedures for limiting and verifying that the state of charge will not exceed 30 percent have been approved.

322.4.3 Outdoor storage. Outdoor storage of lithium-ion or lithium metal batteries shall comply with Sections 322.4.3.1 through 322.4.3.3.

322.4.3.1 Distance from storage to exposures. Outdoor storage of lithium-ion or lithium metal batteries, including storage beneath weather protection in accordance with Section 414.6.1 of the International Building Code, shall comply with one of the following:

1. Battery storage shall be located not less than 20 feet (6096 mm) from any building, lot line, public street, public alley, public way, or means of egress.

2. Battery storage shall be located not less than 3 feet (914 mm) from any building, lot line, public street, public alley, public way, or means of egress, where the battery storage is separated by a 2-hour fire-resistance rated assembly without openings or penetrations and extending 5 feet (1524 mm) above and to the sides of the battery storage area.

3. Battery storage shall be located not less than 3 feet (914 mm) from any building, lot line, public street, public alley, public way, or means of egress, where batteries are contained in approved prefabricated portable structures providing a complete 2-hour fire-resistance rated enclosure.

322.4.3.2 Storage area size limits and separation. Outdoor storage areas for lithium-ion or lithium metal batteries, including storage beneath weather-protection in accordance with Section 414.6.1 of the International Building Code, shall not exceed 900 sq. ft. (83.6 m²). The height of battery storage in such areas shall not exceed 10 feet (3048 mm). Multiple battery storage areas shall be separated from each other by not less than 10 feet (3048 mm) of open space.

322.4.3.3 Fire detection. Outdoor storage areas for lithium-ion or lithium metal batteries, regardless of whether such areas are open, under weather protection or in a prefabricated portable structure, shall be provided with an approved automatic fire detection and alarm system complying with Section 907. The fire detection system shall use radiant energy-sensing fire detection.

AMENDATORY SECTION (Amending WSR 22-13-093, 23-12-107, and 23-20-027, filed 6/14/22, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-54A-0403 Emergency preparedness requirements.

403.4.3 Assembly points and fire operations. Assembly points shall not be in areas likely to be utilized for fire service operations.

403.9.2 Group R-2 occupancies. Group R-2 occupancies shall comply with Sections 403.9.2.1 through 403.9.2.4.

403.9.2.4 Group R-2 assisted living and residential care facilities. Assisted living and residential care facilities licensed by the state of Washington shall comply with Section 403.7.1 as required for Group I-1 Condition 2 occupancies.

~~((403.9.3 Group R-4 occupancies. This section not adopted.))~~

403.10.6 Buildings with lithium-ion or lithium metal battery storage. An approved fire safety plan in accordance with Section 404 shall be prepared and maintained for buildings with lithium-ion or lithium metal battery storage.

403.11.3 Crowd managers for gatherings exceeding 1,000 people. Where facilities or events involve a gathering of more than 1,000 people, or as required by the fire code official, crowd managers shall be provided in accordance with Sections 403.11.3.1 through 403.11.3.3.

AMENDATORY SECTION (Amending WSR 22-13-093, 23-12-107, and 23-20-027, filed 6/14/22, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-54A-0406 Employee training and response procedures.

406.1 General. Employees in the occupancies listed in Section 403 shall be trained in the emergency procedures described in their emergency plans. Training shall be based on these plans and as described in Sections 406.2 through ~~((406.3.4))~~ 406.3.5.

406.2 Frequency. Employees shall receive training in the contents of the emergency plans and their duties as part of new employee orientation and at least annually thereafter. Records shall be kept and made available to the fire code official upon request.

406.3 Employee training program. Employees shall be trained in fire prevention, evacuation, sheltering-in-place, and fire safety in accordance with Sections 406.3.1 through ~~((406.3.4))~~ 406.3.5.

406.3.4 Emergency lockdown training. This section is not adopted.

406.3.5 Emergency shelter-in-place training. Where a facility has a shelter-in-place plan, employees shall be trained on the alert and recall signals, communication system, location of emergency supplies, the use of the incident notification and alarm system, and their assigned duties and procedures in the event of an alarm or emergency.

AMENDATORY SECTION (Amending WSR 22-13-093, 23-12-107, and 23-20-027, filed 6/14/22, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-54A-0501 ~~((General.))~~ Reserved.

~~((501.3.1 Site safety plan. The owner or owner's authorized agent shall be responsible for the development, implementation, and maintenance of a site safety plan.))~~

nance of an approved written site safety plan in accordance with Section 3303.)

AMENDATORY SECTION (Amending WSR 13-04-063, filed 2/1/13, effective 7/1/13)

WAC 51-54A-0503 Fire apparatus access roads.

503.1 Where required. Fire apparatus access roads shall be provided and maintained in accordance with locally adopted street, road, and access standards.

503.1.1 Buildings and facilities ((7)). This section is not adopted.

503.1.2 Additional access ((7)). This section is not adopted.

503.1.3 High-piled storage ((7)). This section is not adopted.

503.2 Specifications. This section is not adopted.

503.3 Marking. This section is not adopted.

503.4 Obstruction of fire apparatus access roads. This section is not adopted.

503.4.1 Traffic calming devices. This section is not adopted.

AMENDATORY SECTION (Amending WSR 16-03-055, filed 1/16/16, effective 7/1/16)

WAC 51-54A-0507 Fire protection water supplies.

507.3 Fire flow. Fire flow requirements for buildings or portions of buildings and facilities shall be determined by an approved method.

EXCEPTIONS:

1. Fire flow is not required for structures under 500 square feet (46 m²) with a B, U or R-I occupancy where structures are at least 30 feet (9144 mm) from any other structure and are used only for recreation.
2. In rural and suburban areas in which adequate and reliable water supply systems do not exist, the fire code official is authorized to utilize NFPA 1142 or the *International Wildland-Urban Interface Code*.

AMENDATORY SECTION (Amending WSR 22-13-093, 23-12-107, and 23-20-027, filed 6/14/22, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-54A-0510 Emergency responder communication coverage.

510.1 Emergency responder communication coverage in new buildings. Approved in-building, *emergency responder communications enhancement system (ERCES)* for emergency responders shall be provided in all new buildings. In-building ERCES within the building shall be based on the existing coverage levels of the public safety communication systems utilized by the jurisdiction, measured at the exterior of the building. The ~~((two-way))~~ *emergency responder communications ((coverage)) enhancement system*, where required, shall be of a type determined by the fire code official and the frequency license holder(s). This section shall not require improvement of the existing public safety communication systems.

EXCEPTIONS:

1. Where approved by the building official and the fire code official, a wired communication system in accordance with Section 907.2.13.2 shall be permitted to be installed or maintained instead of an approved communication coverage system.

2. Where it is determined by the *fire code official* that the communication coverage system is not needed.
3. In facilities where emergency responder communication coverage is required and such systems, components or equipment required could have a negative impact on the normal operations of that facility, the *fire code official* shall have the authority to accept an automatically activated *emergency responder communication coverage system*.

510.2 Emergency responder communication enhancement system in existing buildings. Existing buildings shall be provided with approved in-building, *emergency responder communications enhancement system* for emergency responders as required in Chapter 11.

510.3 Permit required. A construction permit for the installation of or modification to in-building, *emergency responder communication enhancement systems* and related equipment is required as specified in Section 105.6.4. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

510.4 Technical requirements. Equipment required to provide in-building, *emergency responder communication enhancement system* shall be listed in accordance with UL 2524. Systems, components and equipment required to provide the in-building, *emergency responder communication enhancement system* shall comply with Sections 510.4.1 through 510.4.2.8.

510.4.1 Emergency responder communication enhancement system signal strength. The building shall be considered to have an acceptable in-building, *emergency responder communication enhancement system* where signal strength measurements in 95 percent of all areas and 99 percent of areas designated as critical areas by the fire code official on each floor of the building meet the signal strength requirements in Sections 510.4.1.1 through 510.4.1.3.

510.4.1.1 Minimum signal strength into the building. The minimum in-bound signal strength shall be sufficient to provide usable voice communications throughout the coverage area as specified by the *fire code official*. The inbound signal level shall be a minimum of -95 dBm in 95 percent of the coverage area and 99 percent in *critical areas* and sufficient to provide not less than a delivered audio quality (DAQ) of 3.0 or an equivalent signal-to-interference-plus-noise ratio (SINR) applicable to the technology for either analog or digital signals.

510.4.2 System design. The in-building, *emergency responder communication enhancement system* shall be designed in accordance with Sections 510.4.2.1 through 510.4.2.8 and NFPA 1221.

510.4.2.1 Amplification systems and components. Buildings and structures that cannot support the required level of in-building, *emergency responder communication enhancement system* shall be equipped with systems and components to enhance the radio signals and achieve the required level of in-building, *emergency responder communication enhancement system* specified in Sections 510.4.1 through 510.4.1.3. In-building, *emergency responder communication enhancement systems* utilizing radio-frequency-emitting devices and cabling shall be approved by the *fire code official*. Prior to installation, all RF-emitting devices shall have the certification of the radio licensing authority and be suitable for public safety use.

510.4.2.2 Technical criteria. The fire code official shall maintain a document providing the specific technical information and requirements for the in-building, *emergency responder communication enhancement system*. This document shall contain, but not be limited to, the various frequencies required, the location of radio sites, the effective radiated power of radio sites, the maximum propagation delay in micro-

seconds, the applications being used and other supporting technical information necessary for system design.

510.4.2.3 Standby power. In-building, *emergency responder communication enhancement systems* coverage systems shall be provided with dedicated standby batteries or provided with 2-hour standby batteries and connected to the facility generator power system in accordance with Section 1203. The standby power supply shall be capable of operating the in-building, *emergency responder communication enhancement system* at 100 percent system capacity for a duration of not less than 12 hours.

510.4.2.4 Signal booster requirements. If used, signal boosters shall meet the following requirements:

1. All signal booster components shall be a National Electrical Manufacturer's Association (NEMA) 4, IP66-type waterproof cabinet or equivalent.

EXCEPTION: *Listed battery systems* that are contained in integrated battery cabinets.

2. Battery systems used for the emergency power source shall be contained in a NEMA 3R or higher-rated cabinet, IP65-type waterproof cabinet or equivalent.

EXCEPTION: *Listed battery systems* that are contained in integrated battery cabinets.

3. Equipment shall have FCC or other radio licensing authority certification and be suitable for public safety use prior to installation.

4. Where a donor antenna exists, isolation shall be maintained between the donor antenna and all inside antennas to not less than 20 dB greater than the system gain under all operating conditions.

5. Bi-directional amplifiers (BDA) used for in-building, *emergency responder communication enhancement systems* shall be fitted with anti-oscillation detection and control circuitry and per-channel AGC.

6. The installation of amplification systems or enhancement systems that operate on or provide the means to cause interference on any in-building, *emergency responder communication enhancement system* network shall be coordinated and approved by the fire code official.

7. Only channelized signal boosters shall be permitted.

EXCEPTION: Broadband BDAs may be utilized when specifically authorized in writing by the *frequency license holder*.

510.4.2.5 System monitoring. The in-building, *emergency responder communication enhancement system* shall include automatic supervisory and trouble signals that are monitored by a supervisory service and are annunciated by the *fire alarm system* in accordance with NFPA 72. The following conditions shall be separately annunciated by the *fire alarm system*, or, if the status of each of the following conditions is individually displayed on a dedicated panel on the in-building, *emergency responder communication enhancement system*, a single automatic supervisory signal may be annunciated on the *fire alarm system* indicating deficiencies of the in-building, *emergency responder communication enhancement system*:

1. Loss of normal AC power supply.
2. System battery charger(s) failure.
3. Malfunction of the donor antenna(s).
4. Failure of active RF-emitting device(s).
5. Low-battery capacity at 70 percent reduction of operating capacity.
6. Active system component malfunction.

7. Malfunction of the communications link between the *fire alarm system* and the in-building, *emergency responder communication enhancement system*.

8. Oscillation of active RF-emitting device(s).

510.4.2.6 Additional frequencies and change of frequencies. The in-building, *emergency responder communication ((coverage)) enhancement system* shall be capable of modification or expansion in the event frequency changes are required by the FCC or other radio licensing authority, or additional frequencies are made available by the FCC or other radio licensing authority.

510.4.2.7 Design documents. The *fire code official* shall have the authority to require "as-built" design documents and specifications for in-building, *emergency responder communication enhancement systems*. The documents shall be in a format acceptable to the *fire code official*.

510.4.2.8 Radio communication antenna density. Systems shall be engineered to minimize the near-far effect. In-building, *emergency responder communication enhancement system* designs shall include sufficient antenna density to address reduced gain conditions.

EXCEPTION: Systems where all portable devices within the same band use active power control features.

510.5 Installation requirements. The installation of the in-building, *emergency responder communication enhancement system* shall be in accordance with NFPA 1221 and Sections 510.5.1 through 510.5.7.

510.5.1 Mounting of the donor antenna(s). To maintain proper alignment with the system designed donor site, donor antennas shall be permanently affixed on the highest possible position on the building or where *approved* by the *fire code official*. A clearly visible sign stating "MOVEMENT OR REPOSITIONING OF THIS ANTENNA IS PROHIBITED WITHOUT APPROVAL FROM THE FIRE CODE OFFICIAL." shall be posted. The antenna installation shall be in accordance with the applicable requirements in the *International Building Code* for weather protection of the building envelope.

510.5.3 Minimum qualifications of personnel. The minimum qualifications of the system designer and lead acceptance test personnel shall include both of the following:

1. A valid FCC-issued general radio telephone operators license.
2. Certification of in-building system training issued by an *approved* organization or *approved* school, or a certificate issued by the manufacturer of the equipment being installed.

510.5.4 Acceptance test procedure. Where an in-building *emergency responder communication enhancement system* is required, and upon completion of installation, the building owner shall have the radio system tested to verify that two-way coverage on each floor of the building is in accordance with Section 510.4.1. The test procedure shall be conducted as follows:

1. Each floor of the building shall be divided into a grid of 20 approximately equal test areas, with a maximum test area size of 6,400 square feet (595 m²). Where the floor area exceeds 128,000 square feet (11,904 m²), the floor shall be divided into as many approximately equal test areas as needed, such that no test area exceeds the maximum square footage allowed for a test area.

2. The test shall be conducted using a calibrated portable radio of the latest brand and model used by the agency talking through the

agency's radio communications system or equipment approved by the *fire code official*.

3. Coverage testing of signal strength shall be conducted using a calibrated spectrum analyzer for each of the test grids. A diagram of this testing shall be created for each floor where coverage is provided, indicating the testing grid used for the test in Section 510.5.4(1), and including signal strengths and frequencies for each test area. Indicate all critical areas.

4. Functional talk-back testing shall be conducted using two calibrated portable radios of the latest brand and model used by the agency's radio communications system or other equipment approved by the *fire code official*. Testing shall use digital audible quality (DAQ) metrics, where a passing result is a DAQ of 3 or higher. Communications between handsets shall be tested and recorded in the grid square diagram required by Section 510.5.3(2); each grid square on each floor; between each critical area and a radio outside the building; between each critical area and the fire command center or fire alarm control panel; between each landing in each stairwell and the fire command center or fire alarm panel.

5. Failure of more than 5 percent of the test areas on any floor shall result in failure of the test.

EXCEPTION: Critical areas shall be provided with 99 percent floor area coverage.

6. In the event that two of the test areas fail the test, in order to be more statistically accurate, the floor shall be permitted to be divided into 40 equal test areas. Failure of not more than two non-adjacent test areas shall not result in failure of the test. If the system fails the 40 area test, the system shall be altered to meet the 95 percent coverage requirement.

7. A test location approximately in the center of each test area shall be selected for the test, with the radio enabled to verify two-way communications to and from the outside of the building through the public agency's radio communications system. Once the test location has been selected, that location shall represent the entire test area. Failure in the selected test location shall be considered to be a failure of that test area. Additional test locations shall not be permitted.

8. The gain values of all amplifiers shall be measured and the test measurement results shall be kept on file with the building owner so that the measurements can be verified during annual tests. In the event that the measurement results become lost, the building owner shall be required to rerun the acceptance test to reestablish the gain values.

9. As part of the installation, a spectrum analyzer or other suitable test equipment shall be utilized to ensure spurious oscillations are not being generated by the subject signal booster. This test shall be conducted at the time of installation and at subsequent annual inspections.

10. Systems shall be tested using two portable radios simultaneously conducting subjective voice quality checks. One portable radio shall be positioned not greater than 10 feet (3048 mm) from the indoor antenna. The second portable radio shall be positioned at a distance that represents the farthest distance from any indoor antenna. With both portable radios simultaneously keyed up on different frequencies within the same band, subjective audio testing shall be conducted and comply with DAQ levels as specified in Sections 510.4.1.1 and 510.4.1.2.

11. **Documentation maintained on premises.** At the conclusion of the testing, and prior to issuance of the building certificate of occupancy, the building owner or owner's representative shall place a copy of the following records in the Distributed Antenna System enclosure or the building engineer's office. The records shall be available to the fire code official and maintained by the building owner for the life of the system:

- a. A certification letter stating that the *emergency responder enhancement coverage system* has been installed and tested in accordance with this code, and that the system is complete and fully functional.
- b. The grid square diagram created as part of testing in Sections 510.5.3(2) and 510.5.3(3).
- c. Data sheets and/or manufacturer specifications for the *emergency responder enhancement coverage system* equipment; back up battery; and charging system (if utilized).
- d. A diagram showing device locations and wiring schematic.
- e. A copy of the electrical permit.

~~((510.5 Installation requirements. The installation of the public safety radio coverage system shall be in accordance with NFPA 1221 and Sections 510.5.1 through 510.5.7.))~~

510.5.5 FCC compliance. The in-building, *emergency responder communication enhancement system* installation and components shall comply with all applicable federal regulations including, but not limited to, FCC 47 C.F.R. Part 90.219.

510.5.6 Wiring. The backbone, antenna distribution, radiating, or any fiber optic cables shall be rated as plenum cables. The backbone cables shall be connected to the antenna distribution, radiating, or copper cables using hybrid coupler devices of a value determined by the overall design. Backbone cables shall be routed through an enclosure that matches the building's required fire-resistance rating for shafts or interior exit stairways. The connection between the backbone cable and the antenna cables shall be made within an enclosure that matches the building's fire-resistance rating for shafts or interior exit stairways, and passage of the antenna distribution cable in and out of the enclosure shall be protected as a penetration per the *International Building Code*.

510.5.7 Identification signs. *Emergency responder enhancement systems* shall be identified by an approved sign located on or near the fire alarm control panel or other approved location stating "This building is equipped with an *Emergency Responder Enhancement Coverage System*. Control Equipment located in or as approved by the *Fire Code Official*." A sign stating "*Emergency Responder Enhancement Coverage System Equipment*" shall be placed on or adjacent to the door of the room containing the main system components.

510.6 Maintenance. The in-building, *emergency responder communication enhancement system* shall be maintained operational at all times in accordance with Sections 510.6.1 through 510.6.4.

510.6.1 Testing and proof of compliance. The owner of the building or owner's authorized agent shall have the in-building, ~~((two-way))~~ *emergency responder communication ((coverage)) enhancement system* inspected and tested annually or where structural changes occur including additions or remodels that could materially change the original field

performance tests. Testing shall consist of the following items 1((-)) through 7((-)):

1. In-building coverage test as required by the *fire code official* as described in Section 510.5.4 or 510.6.1.1.

EXCEPTION: Group R Occupancy annual testing is not required within *dwelling units*.

2. Signal boosters shall be tested to verify that the gain/output level is the same as it was upon initial installation and acceptance or set to optimize the performance of the system.

3. Backup batteries and power supplies shall be tested under load of a period of 1 hour to verify that they will properly operate during an actual power outage. If within the 1-hour test period the battery exhibits symptoms of failure, the test shall be extended for additional 1-hour periods until the integrity of the battery can be determined.

4. All other active components shall be checked to verify operation within the manufacturers specification.

5. If a fire alarm system is present in the building, a test shall be conducted to verify that the fire alarm system is properly supervising the *emergency responder communication ((coverage)) enhancement system* as required in Section 510.4.2.5. The test is performed by simulating alarms to the fire alarm control panel. The certifications in Section 510.5.2 are sufficient for the personnel performing this testing.

6. At the conclusion of testing, a record of the inspection and maintenance along with an updated grid diagram of each floor showing tested strengths in each grid square and each critical area shall be added to the documentation maintained on the premises in accordance with Section 510.5.3.

7. At the conclusion of the testing, a report, which shall verify compliance with Section 510.6.1, shall be submitted to the *fire code official*.

510.6.1.1 Alternative in-building coverage test. When the comprehensive test documentation required by Section 510.5.3 is available, or the most recent full five-year test results are available if the system is older than six years, the in-building coverage test required by the fire code official in Section 510.6.1(1), may be conducted as follows:

1. Functional talk-back testing shall be conducted using two calibrated portable radios of the latest brand and model used by the agency's radio communications system or other equipment approved by the fire code official. Testing shall use digital audible quality (DAQ) metrics, where a passing result is a DAQ of 3 or higher. Communications between handsets in the following locations shall be tested: Between the fire command center or fire alarm control panel and a location outside the building((-)) and between the fire alarm control panel and each landing in each stairwell.

2. Coverage testing of signal strength shall be conducted using a calibrated spectrum analyzer for:

a. Three grid areas per floor. The three grid areas to be tested on each floor are the three grid areas with poorest performance in the acceptance test or the most recent annual test, whichever is more recent;

b. Each of the critical areas identified in acceptance test documentation required by Section 510.5.3, or as modified by the fire code official; and

c. One grid square per serving antenna.

3. The test area boundaries shall not deviate from the areas established at the time of the acceptance test, or as modified by the *fire code official*. The building shall be considered to have acceptable emergency responder communication coverage when the required signal strength requirements in Sections 510.4.1.1 and 510.4.1.2 are located in 95 percent of all areas on each floor of the building and 99 percent in critical areas, and any nonfunctional serving antenna are repaired to function within normal ranges. If the documentation of the acceptance test or most recent previous annual test results are not available or acceptable to the fire code official, the radio coverage verification testing described in Section 510.5.3 shall be conducted.

510.6.2 Additional frequencies. The building owner shall modify or expand the in-building, *emergency responder communication enhancement system* at their expense in the event frequency changes are required by the FCC or other radio licensing authority, or additional frequencies are made available by the FCC or other radio licensing authority. Prior approval of an in-building, *emergency responder communication enhancement system* on previous frequencies does not exempt this section.

510.6.3 Nonpublic safety system. Where other nonpublic safety amplification systems installed in buildings reduce the performance or cause interference with the in-building, *emergency responder communication enhancement system*, the nonpublic safety amplification system shall be corrected or removed.

510.6.4 Field testing. Agency personnel shall have the right to enter onto the property at any reasonable time to conduct field testing to verify the required level of radio coverage or to disable a system adversely impacting the *emergency responder communication enhancement system* in the region.

AMENDATORY SECTION (Amending WSR 22-13-093, 23-12-107, and 23-20-027, filed 6/14/22, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-54A-0901 General.

901.4.2 Nonrequired fire protection systems and life safety systems. A *fire protection* and *life safety system* or portion thereof not required by this code or the *International Building Code* shall be allowed to be furnished for partial or complete protection provided such installed system meets the applicable requirements of this code and the *International Building Code*. Such systems or portion of system shall be provided with signage stating "NON-REQUIRED SYSTEM." Signage shall be durable and permanent in nature, with contrasting color and background, and with lettering of not less than 1 inch (25 mm) in height. Location of such signage shall be approved.

901.8.2 Removal of existing occupant-use hose lines. The *fire code official* is authorized to permit the removal of existing occupant-use hose lines where all of the following conditions exist:

1. Installation is not required by this code, the *International Building Code*, or a previously approved alternative method.
2. The hose line would not be utilized by trained personnel or the fire department.
3. The remaining outlets are compatible with local fire department fittings.

AMENDATORY SECTION (Amending WSR 22-13-093, 23-12-107, and 23-20-027, filed 6/14/22, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-54A-0903 Automatic sprinkler systems.

903.2 Where required. Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in Sections 903.2.1 through 903.2.12.

EXCEPTIONS:

1. Spaces or areas in telecommunications buildings used exclusively for telecommunications equipment, associated electrical power distribution equipment, batteries and standby engines, provided that those spaces or areas are equipped throughout with an automatic smoke detection system in accordance with Section 907.2 and are separated from the remainder of the building by not less than 1-hour *fire barriers* constructed in accordance with Section 707 of the *International Building Code* or not less than 2-hour *horizontal assemblies* constructed in accordance with Section 711 of the *International Building Code*, or both.
2. Bottom of the elevator hoistway in an enclosed and noncombustible elevator shaft.

903.2.1.3 Group A-3. An automatic sprinkler system shall be provided throughout stories containing Group A-3 occupancies and throughout all stories from the Group A-3 occupancy to and including the levels of exit discharge serving that occupancy where one of the following conditions exists:

1. The fire area exceeds 12,000 square feet (1115 m²).
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.

EXCEPTION: For fixed guideway transit and passenger rail system stations, an automatic sprinkler system shall be provided in accordance with Section 4901.

903.2.1.6 Assembly occupancies on roofs. Where an occupied roof has an assembly occupancy with an occupant load exceeding 100 for Group A-2, and 300 for other Group A occupancies, the building shall be equipped with an *automatic sprinkler system* in accordance with Section 903.3.1.1 or 903.3.1.2.

EXCEPTION: Open parking garages of Type I or Type II construction.

903.2.1.8 Nightclub. An automatic sprinkler system shall be provided throughout Group A-2 nightclubs as defined in this code.

903.2.3 Group E. An automatic sprinkler system shall be provided for fire areas containing Group E occupancies where the fire area has an occupant load of 51 or more, calculated in accordance with Table 1004.5.

EXCEPTIONS:

1. Portable school classrooms with an occupant load of 50 or less calculated in accordance with Table 1004.5, provided that the aggregate area of any cluster of portable classrooms does not exceed 6,000 square feet (557 m²); and clusters of portable school classrooms shall be separated as required by the building code; or
2. Portable school classrooms with an occupant load from 51 through 98, calculated in accordance with Table 1004.5, and provided with two means of direct independent exterior egress from each classroom in accordance with Chapter 10, and one exit from each classroom shall be accessible, provided that the aggregate area of any cluster of portable classrooms does not exceed 6,000 square feet (557 m²); and clusters of portable school classrooms shall be separated as required by the building code; or
3. Fire areas containing day care and preschool facilities with a total occupant load of 100 or less located at the level of exit discharge where every room in which care is provided has not fewer than one exit discharge door.

903.2.6 Group I. An *automatic sprinkler system* shall be provided throughout buildings with a Group I *fire area*.

EXCEPTIONS:

1. An *automatic sprinkler system* installed in accordance with Section 903.3.1.2 shall be permitted in Group I-1 Condition 1 facilities.
2. Where new construction or additions house less than 16 persons receiving care, an automatic sprinkler system installed in accordance with Section 903.2.8.3 shall be permitted for Group I-1, Condition 2, assisted living facilities licensed under chapter 388-78A WAC and residential treatment facilities licensed under chapter 246-337 WAC.
3. An *automatic sprinkler system* installed in accordance with Section 903.3.1.2 shall be permitted in additions to existing buildings where both of the following situations are true:
 - 3.1. The addition is made to a building previously approved as Group LC or Group R-2 that houses either an assisted living facility licensed under chapter 388-78A WAC or residential treatment facility licensed under chapter 246-337 WAC.
 - 3.2. The addition contains spaces for 16 or fewer persons receiving care.

903.2.6.1 Group I-4. An automatic sprinkler system shall be provided in fire areas containing Group I-4 occupancies where the fire area has an occupant load of 51 or more, calculated in accordance with Table 1004.5.

- EXCEPTIONS:
1. An automatic sprinkler system is not required where Group I-4 day care facilities with a total occupant load of 100 or less, and located at the level of exit discharge and where every room where care is provided has not fewer than one exterior exit door.
 2. In buildings where Group I-4 day care is provided on levels other than the level of exit discharge, an automatic sprinkler system in accordance with Section 903.3.1.1 shall be installed on the entire floor where care is provided, all floors between the level of care and the level of exit discharge and all floors below the level of exit discharge other than areas classified as an open parking garage.

903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.

- EXCEPTION:
- Group R-1 if all of the following conditions apply:
1. The Group R fire area is no more than 500 square feet (46 m²) and is used for recreational use only.
 2. The Group R fire area is on only one story.
 3. The Group R fire area does not include a basement.
 4. The Group R fire area is no closer than 30 feet (9144 mm) from another structure.
 5. Cooking is not allowed within the Group R fire area.
 6. The Group R fire area has an occupant load of no more than eight.
 7. A hand-held (portable) fire extinguisher is in every Group R fire area.

903.2.8.5 Adult family home. An adult family home with a capacity of seven or eight that serves residents who require assistance during an evacuation must install an automatic sprinkler system that meets the requirements of NFPA 13D.

903.2.11.1.3 Basements. Where any portion of a basement is located more than 75 feet (22,860 mm) from openings required by Section 903.2.11.1, or where new walls, partitions or other similar obstructions are installed that increase the exit access travel distance to more than 75 feet (22,860 mm), the basement shall be equipped throughout with an approved automatic sprinkler system.

903.2.11.5 Commercial cooking operations. An *automatic sprinkler system* shall be installed in commercial kitchen exhaust hood and duct systems where an *automatic sprinkler system* is used to comply with Section 904.

- EXCEPTION:
- An *automatic fire sprinkler system* is not required to protect the ductwork that is in excess of 75 feet (22,860 mm) when the commercial kitchen exhaust hood is protected by a system listed per UL 300.

**Table 903.2.11.6
Additional Required Fire Protection
Systems**

Note: Add section and subject to existing model code table.

Section	Subject
(321.2) <u>322.4.2.3</u>	Lithium-ion and lithium metal battery storage

903.2.11.7 Relocatable buildings within buildings. Relocatable buildings or structures located within a building with an approved fire sprinkler system shall be provided with fire sprinkler protection within the occupiable space of the building and the space underneath the relocatable building.

- EXCEPTIONS:
1. Sprinkler protection is not required underneath the building when the space is separated from the adjacent space by construction resisting the passage of smoke and heat and combustible storage will not be located there.
 2. If the building or structure does not have a roof or ceiling obstructing the overhead sprinklers.
 3. Construction trailers and temporary offices used during new building construction prior to occupancy.
 4. Movable shopping mall kiosks with a roof or canopy dimension of less than 4 feet (1219 mm) on the smallest side.

903.3.1.2 NFPA 13R sprinkler systems. *Automatic sprinkler systems* in Group R occupancies up to and including four stories in height in buildings not exceeding 60 feet (18,288 mm) in height above grade plane shall be permitted to be installed throughout in accordance with NFPA 13R. The number of stories of Group R occupancies constructed in accordance with Sections 510.2 and 510.4 of the *International Building Code* shall be measured from the horizontal assembly creating separate buildings.

903.3.5.3 Underground portions of fire protection system water supply piping. The portion of the installation or modification of an underground water main, public or private, dedicated to supplying a water-based fire protection system shall be in accordance with NFPA 24 and chapter 18.160 RCW. Piping and appurtenances downstream of the first control valve on the lateral or service line from the distribution main to ~~((one-foot))~~ 1 foot (305 mm) above finished floor shall be approved by the fire code official. Such underground piping shall be installed by a fire sprinkler system contractor licensed in accordance with chapter 18.160 RCW and holding either a Level U or a Level 3 license. For underground piping supplying systems installed in accordance with Section 903.3.1.2, a Level 2, 3, or U licensed contractor is acceptable.

EXCEPTIONS: 1. Portions of underground piping supplying automatic sprinkler systems installed in accordance with Section 903.3.1.3.
2. Portions of underground water mains serving sprinkler systems that are designed and installed in accordance with Section 903.3.1.2 and are less than ~~((four))~~ 4 inches (100 mm) in nominal diameter.

AMENDATORY SECTION (Amending WSR 22-13-093, 23-12-107, and 23-20-027, filed 6/14/22, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-54A-0904 Alternative automatic fire-extinguishing systems.

~~((Effective July 1, 2024.))~~

904.1.1 Certification of service personnel for fire-extinguishing equipment. Service personnel performing system design, installation, or conducting system maintenance or testing on automatic fire-extinguishing systems, other than automatic sprinkler systems, shall possess the appropriate ICC/NAFED certification.

904.1.1.1 Preengineered kitchen fire-extinguishing systems. A current ICC/NAFED certification for preengineered kitchen fire-extinguishing systems is required when performing design, installation, inspection/testing or maintenance on kitchen suppression systems.

904.1.1.2 Engineered fire suppression systems. A current ICC/NAFED certification for engineered fire suppression systems is required when performing design, installation, inspection/testing or maintenance on kitchen suppression systems.

904.1.1.3 Preengineered industrial fire-extinguishing system. A current ICC/NAFED certification for preengineered industrial fire-extinguishing system is required when performing design, installation, inspection/testing or maintenance on kitchen suppression systems.

904.1.1 (Effective July 1, 2024) Certification of personnel for alternative fire-extinguishing equipment. Personnel performing system design, installation, maintenance, programming or testing on automatic fire-extinguishing systems, other than automatic sprinkler systems, shall possess the appropriate National Institute for Certification in Engineering Technologies (NICET) *Special Hazards Suppression Systems* certification.

EXCEPTION: A current ICC/NAFED certification for preengineered kitchen fire extinguishing system technician is allowed in lieu of NICET Level II or higher in *Special Hazards Suppression Systems* for the design, installation, inspection/testing or maintenance on preengineered kitchen suppression systems.

904.1.1.1 (Effective July 1, 2024) Design. All construction documents shall be reviewed by a NICET Level III in special hazard suppression

systems or a licensed professional engineer (PE) in the state of Washington prior to being submitted for permitting. The reviewing professional shall submit a stamped, signed, and dated letter; or a verification method approved by the *fire code official* indicating the system has been reviewed and meets or exceeds the design requirements of the state of Washington and the local jurisdiction.

904.1.1.2 (Effective July 1, 2024) Installation. Installation not defined as "electrical construction trade" by chapter 19.28 RCW or "Fire Protection Sprinkler Fitting" by chapter 18.270 RCW, shall be completed by or directly supervised by a NICET Level II or higher in *special hazards suppression systems*. Supervision shall consist of a person being on the same job site and under the control of a NICET Level II or higher in *special hazards suppression systems*.

904.1.1.3 (Effective July 1, 2024) Testing/maintenance. Inspection, testing, commissioning, maintenance, and programming not defined as "electrical construction trade" by chapter 19.28 RCW or "Fire Protection Sprinkler Fitting" by chapter 18.270 RCW, shall be completed by a NICET Level II or higher in *special hazards suppression systems*.

904.13 Commercial cooking systems. The automatic fire-extinguishing system for commercial cooking systems shall be of a type recognized for protection of commercial cooking equipment and exhaust systems of the type and arrangement protected. Preengineered automatic dry- and wet-chemical extinguishing systems shall be tested in accordance with UL 300 and *listed and labeled* for the intended application. Other types of automatic fire-extinguishing systems shall be *listed and labeled* for specific use as protection for commercial cooking operations. The system shall be installed in accordance with this code, NFPA 96, its listing and the manufacturer's installation instructions. Additional protection is not required for ductwork beyond 75 feet (22,860 mm) when hood suppression system complies with UL 300. Signage shall be provided on the exhaust hood or system cabinet, indicating the type and arrangement of cooking appliances protected by the automatic fire-extinguishing system. Signage shall indicate appliances from left to right, be durable, and the size, color, and lettering shall be approved. Automatic fire-extinguishing systems of the following types shall be installed in accordance with the referenced standard indicated, as follows:

1. Carbon dioxide extinguishing systems, NFPA 12.
2. *Automatic sprinkler systems*, NFPA 13.
3. Automatic water mist systems, NFPA 750.
4. Foam-water sprinkler system or foam-water spray systems, NFPA 16.
5. Dry-chemical extinguishing systems, NFPA 17.
6. Wet-chemical extinguishing systems, NFPA 17A.

EXCEPTIONS:

1. Factory-built commercial cooking recirculating systems that are tested in accordance with UL 710B and listed, labeled and installed in accordance with Section 304.1 of the *International Mechanical Code*.
2. Protection of duct systems beyond 75 feet (22,860 mm) when the commercial kitchen exhaust hood is protected by a system listed in accordance with UL 300.

AMENDATORY SECTION (Amending WSR 22-13-093, 23-12-107, and 23-20-027, filed 6/14/22, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-54A-0907 Fire alarm and detection systems.

907.2.3 Group E. Group E occupancies shall be provided with a manual fire alarm system that initiates the occupant notification signal utilizing one of the following:

1. An emergency voice/alarm communication system meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6; or
2. A system developed as part of a safe school plan adopted in accordance with RCW 28A.320.125 or developed as part of an emergency response system consistent with the provisions of RCW 28A.320.126. The system must achieve all of the following performance standards:
 - 2.1 The ability to broadcast voice messages or customized announcements;
 - 2.2 Includes a feature for multiple sounds, including sounds to initiate a lock down;
 - 2.3 The ability to deliver messages to the interior of a building, areas outside of a building as designated pursuant to the safe school plan, and to personnel;
 - 2.4 The ability for two-way communications;
 - 2.5 The ability for individual room calling;
 - 2.6 The ability for a manual override;
 - 2.7 Installation in accordance with NFPA 72;
 - 2.8 Provide 15 minutes of battery backup for alarm and 24 hours of battery backup for standby; and
 - 2.9 Includes a program for annual inspection and maintenance in accordance with NFPA 72.

EXCEPTIONS:

1. A manual fire alarm system is not required in Group E occupancies with an occupant load of 50 or less.
2. Emergency voice/alarm communication systems meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall not be required in Group E occupancies with occupant loads of 100 or less, such as individual portable school classroom buildings; provided that activation of the manual fire alarm system initiates an approved occupant notification signal in accordance with Section 907.5.
3. Where an existing approved alarm system is in place, an emergency voice/alarm system is not required in any portion of an existing Group E building undergoing any one of the following repairs, alteration or addition:
 - 3.1 Alteration or repair to an existing building including, without limitation, alterations to rooms and systems, and/or corridor configurations, not exceeding 35 percent of the fire area of the building (or the fire area undergoing the alteration or repair if the building is comprised of two or more fire areas); or
 - 3.2 An addition to an existing building, not exceeding 35 percent of the fire area of the building (or the fire area to which the addition is made if the building is comprised of two or more fire areas).
4. Manual fire alarm boxes are not required in Group E occupancies where all of the following apply:
 - 4.1 Interior corridors are protected by smoke detectors.
 - 4.2 Auditoriums, cafeterias, gymnasiums and similar areas are protected by heat detectors or other approved detection devices.
 - 4.3 Shops and laboratories involving dusts or vapors are protected by heat detectors or other approved detection devices.
5. Manual fire alarm boxes shall not be required in Group E occupancies where all of the following apply:
 - 5.1 The building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1.
 - 5.2 The emergency voice/alarm communication system will activate on sprinkler waterflow.
 - 5.3 Manual activation is provided from a normally occupied location.

907.2.3.1 Sprinkler systems or detection. When automatic sprinkler systems or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system.

907.2.6.1 Group I-1. An automatic smoke detection system shall be installed in *corridors*, waiting areas open to *corridors* and *habitable spaces* other than *sleeping units* and kitchens. The system shall be activated in accordance with Section 907.4.

EXCEPTIONS:

1. For Group I-1 Condition 1 occupancies, smoke detection in *habitable spaces* is not required where the facility is equipped throughout with an *automatic sprinkler system* installed in accordance with Section 903.3.1.1.
2. Smoke detection is not required for exterior balconies.

907.2.6.4 Group I-4 occupancies. A manual fire alarm system that initiates the occupant notification signal utilizing an emergency voice/alarm communication system meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall be installed in Group I-4 occupancies. When automatic sprinkler systems or

smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system.

EXCEPTIONS:

1. A manual fire alarm system is not required in Group I-4 occupancies with an occupant load of 50 or less.
2. Emergency voice alarm communication systems meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall not be required in Group I-4 occupancies with occupant loads of 100 or less, provided that activation of the manual fire alarm system initiates an approved occupant notification signal in accordance with Section 907.5.

907.2.11.1 Group R-1. Single or multiple-station smoke alarms shall be installed in all of the following locations in Group R-1:

1. In sleeping areas.
2. In each *loft* constructed in accordance with Section 420.13 of the *International Building Code*.
3. In every room in the path of the means of egress from the sleeping area to the door leading from the sleeping unit.
4. In each story within the sleeping unit, including basements. For sleeping units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

907.2.11.2 Groups R-2, R-3, R-4, and I-1. Single- or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4, and I-1 regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In each *loft* constructed in accordance with Section 420.13 of the *International Building Code*.
4. In each story within a *dwelling unit*, including *basements* but not including crawl spaces and uninhabitable attics. In *dwellings* or *dwelling units* with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

907.5.2.1.2 Maximum sound pressure. The maximum sound pressure level for audible alarm notification appliances shall be 110 dBA at the minimum hearing distance from the audible appliance. For systems operating in public mode, the maximum sound pressure level shall not exceed 30 dBA over the average ambient sound level. Where the average ambient noise is greater than 95 dBA, visible alarm notification appliances shall be provided in accordance with NFPA 72 and audible alarm notification appliances shall not be required.

907.8.4.1 Testing/maintenance: All inspection, testing, maintenance and programming not defined as "*electrical construction trade*" by chapter 19.28 RCW shall be completed by a NICET II or ESA/NTS Certified Fire Alarm Technician (CFAT) Level II Fire in fire alarms (effective July 1, 2018).

907.11 NICET: National Institute for Certification in Engineering Technologies and ESA/NTS: Electronic Security Association/National Training School.

907.11.1 Scope. This section shall apply to new and existing fire alarm systems.

907.11.2 Design review: All construction documents shall be reviewed by a NICET III, an ESA/NTS Certified Fire Alarm Designer (CFAD) Level III Fire in fire alarms, or a licensed professional engineer (PE) in

Washington prior to being submitted for permitting. The reviewing professional shall submit a stamped, signed, and dated letter; or a verification method approved by the local authority having jurisdiction indicating the system has been reviewed and meets or exceeds the design requirements of the state of Washington and the local jurisdiction (effective July 1, 2018).

AMENDATORY SECTION (Amending WSR 22-13-093, 23-12-107, and 23-20-027, filed 6/14/22, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-54A-1003 General means of egress.

1003.7 Elevators, escalators, and moving walks. Elevators, escalators, and moving walks shall not be used as a component of a required means of egress from any other part of the building.

EXCEPTIONS: 1. Elevators used as an accessible means of egress in accordance with Section 1009.4.
2. Escalators used as a means of egress for fixed transit and passenger rail systems in accordance with Section 4901.

AMENDATORY SECTION (Amending WSR 22-13-093, 23-12-107, and 23-20-027, filed 6/14/22, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-54A-1006 Number of exits and exit access doorways.

1006.2.1 Egress based on occupant load and common path of egress travel distance. Two exits or exit access doorways from any space shall be provided where the design occupant load or the common path of egress travel distance exceeds the values listed in Table 1006.2.1. The cumulative occupant load from adjacent rooms, areas or spaces shall be determined in accordance with Section 1004.2.

EXCEPTIONS: 1. The number of exits from foyers, lobbies, vestibules or similar spaces need not be based on cumulative occupant loads for areas discharging through such spaces, but the capacity of the exits from such spaces shall be based on applicable cumulative occupant loads.
2. Care suites in Group I-2 occupancies complying with Section 407.4 of the *International Building Code*.
3. Unoccupied mechanical rooms and penthouses are not required to comply with the common path of egress travel distance measurement.
4. The common path of travel for fixed transit and passenger rail system stations shall be in accordance with Section 4901.

1006.2.1.1 Three or more exits or exit access doorways. Three exits or exit access doorways shall be provided from any space with an occupant load of 501 to 1,000. Four exits or exit access doorways shall be provided from any space with an occupant load greater than 1,000.

EXCEPTION: The number of required exits for fixed transit and passenger rail systems may be reduced by one at open stations.

1006.3.4 Single exits. A single exit or access to a single exit shall be permitted from any story or occupied roof where one of the following conditions exists:

1. The occupant load, number of dwelling units and exit access travel distance within the portion of the building served by the single exit do not exceed the values in Table 1006.3.4(1) or 1006.3.4(2).

2. Rooms, areas and spaces complying with Section 1006.2.1 with exits that discharge directly to the exterior at the level of exit discharge, are permitted to have one exit or access to a single exit.

3. Parking garages where vehicles are mechanically parked shall be permitted to have one exit or access to a single exit.

4. Groups R-3 and R-4 occupancies shall be permitted to have one exit or access to a single exit.

5. Individual single-story or multistory dwelling units shall be permitted to have a single exit or access to a single exit from the dwelling unit provided that both of the following criteria are met:

5.1. The dwelling unit complies with Section 1006.2.1 as a space with one means of egress.

5.2. Either the exit from the dwelling unit discharges directly to the exterior at the level of exit discharge, or the exit access outside the dwelling unit's entrance door provides access to not less than two approved independent exits.

AMENDATORY SECTION (Amending WSR 22-13-093, 23-12-107, and 23-20-027, filed 6/14/22, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-54A-1010 Doors, gates and turnstiles.

1010.2.4 Locks and latches. Locks and latches shall be permitted to prevent operation of doors where any of the following exists:

1. Places of detention or restraint.

2. In buildings in occupancy Group A having an occupant load of 300 or less, Groups B, F, M, and S, and in places of religious worship, the main door or doors are permitted to be equipped with key-operated locking devices from the egress side provided:

2.1. The locking device is readily distinguishable as locked;

2.2. A readily visible sign is posted on the egress side on or adjacent to the door stating: THIS DOOR TO REMAIN UNLOCKED WHEN BUILDING IS OCCUPIED. The sign shall be in letters 1 inch (25 mm) high on a contrasting background; and

2.3. The use of the key-operated locking device is revocable by the building official for due cause.

3. Where egress doors are used in pairs, approved automatic flush bolts shall be permitted to be used, provided that the door leaf having the automatic flush bolts has no doorknob or surface-mounted hardware.

4. Doors from individual dwelling or sleeping units of Group R occupancies having an occupant load of 10 or less are permitted to be equipped with a night latch, dead bolt, or security chain, provided such devices are openable from the inside without the use of a key or a tool.

5. Fire doors after the minimum elevated temperature has disabled the unlatching mechanism in accordance with listed fire door test procedures.

6. Doors serving roofs not intended to be occupied shall be permitted to be locked preventing entry to the building from the roof.

7. Approved, listed locks without delayed egress shall be permitted in Group I-1 condition 2 assisted living facilities licensed under chapter 388-78A WAC and Group I-1 Condition 2 residential treatment facilities licensed under chapter 246-337 WAC by the state of Washington, provided that:

7.1. The clinical needs of one or more patients require specialized security measures for their safety.

7.2. The doors unlock upon actuation of the automatic sprinkler system or automatic fire detection system.

7.3. The doors unlock upon loss of electrical power controlling the lock or lock mechanism.

7.4. The lock shall be capable of being deactivated by a signal from a switch located in an approved location.

7.5. There is a system, such as a keypad and code, in place that allows visitors, staff persons and appropriate residents to exit. Instructions for exiting shall be posted within (~~(six)~~) 6 feet of the door.

8. Other than egress courts, where occupants must egress from an exterior space through the building for means of egress, exit access doors shall be permitted to be equipped with an approved locking device where installed and operated in accordance with all of the following:

8.1. The occupant load of the occupied exterior area shall not exceed 300 as determined by IBC Section 1004.

8.2. The maximum occupant load shall be posted where required by Section 1004.9. Such sign shall be permanently affixed inside the building and shall be posted in a conspicuous space near all the exit access doorways.

8.3. A weatherproof telephone or two-way communication system installed in accordance with Sections 1009.8.1 and 1009.8.2 shall be located adjacent to not less than one required exit access door on the exterior side.

8.4. The egress door locking device is readily distinguishable as locked and shall be a key-operated locking device.

8.5. A clear window or glazed door opening, not less than 5 square feet (0.46 m^2) (~~(sq. ft.)~~) in area, shall be provided at each exit access door to determine if there are occupants using the outdoor area.

8.6. A readily visible durable sign shall be posted on the interior side on or adjacent to each locked required exit access door serving the exterior area stating: THIS DOOR TO REMAIN UNLOCKED WHEN THE OUTDOOR AREA IS OCCUPIED. The letters on the sign shall be not less than 1 inch high on a contrasting background.

9. Locking devices are permitted on doors to balconies, decks, or other exterior spaces serving individual dwelling or sleeping units.

10. Locking devices are permitted on doors to balconies, decks, or other exterior spaces of 250 square feet or less, serving a private office space.

1010.2.14 Controlled egress doors in Groups I-1 and I-2. Electric locking systems, including electromechanical locking systems and electromagnetic locking systems, shall be permitted to be locked in the means of egress in Group I-1 or I-2 occupancies where the clinical needs of persons receiving care require their containment. Controlled egress doors shall be permitted in such occupancies where the building is equipped throughout with an *automatic sprinkler system* in accordance with Section 903.3.1.1 or an approved automatic smoke or heat detection system installed in accordance with Section 907, provided that the doors are installed and operate in accordance with all of the following:

1. The doors shall unlock on actuation of the automatic sprinkler system or automatic smoke detection system.

2. The door locks shall unlock on loss of power controlling the lock or lock mechanism.

3. The door locking system shall be installed to have the capability of being unlocked by a switch located at the fire command center, a nursing station or other approved location. The switch shall directly break power to the lock.

4. A building occupant shall not be required to pass through more than one door equipped with a controlled egress locking system before entering an exit.

5. The procedures for unlocking the doors shall be described and approved as part of the emergency planning and preparedness required by Chapter 4 of the *International Fire Code*.

6. There is a system, such as a keypad and code, in place that allows visitors, staff persons and appropriate residents to exit. Instructions for exiting shall be posted within (~~six~~) 6 feet of the door.

7. All clinical staff shall have the keys, codes or other means necessary to operate the locking systems.

8. Emergency lighting shall be provided at the door.

9. The door locking system units shall be listed in accordance with UL 294.

EXCEPTIONS:

1. Items 1 through 4 and 6 shall not apply to doors to areas where persons, which because of clinical needs, require restraint or containment as part of the function of a psychiatric treatment area.
2. Items 1 through 4 and 6 shall not apply to doors to areas where a listed egress control system is utilized to reduce the risk of child abduction from nursery and obstetric areas of a Group I-2 hospital.

1010.3.4 Security grilles. In Groups B, F, M and S, horizontal sliding or vertical security grilles are permitted at the main exit and shall be openable from the inside without the use of a key or special knowledge or effort during periods that the space is occupied. The grilles shall remain secured in the full-open position during the period of occupancy by the general public. Where two or more exits or access to exits are required, not more than one-half of the exits or exit access doorways shall be equipped with horizontal sliding or vertical security grilles.

1010.3.4.1 Fixed transit and passenger rail systems. In fixed transit and passenger rail system stations horizontal and vertical security grilles are permitted at station entrances as a component in the means of egress when the station is under constant supervision by on-site security personnel and an exit door with panic hardware that swings in the direction of egress, with a minimum clear width of 32 inches (813 mm), provided within 10 feet of the gate. The security grilles shall remain secured in the full-open position during the period of occupancy by the general public.

NEW SECTION

WAC 51-54A-1014 Section 1014—Handrails.

1014.2 Height and location. Handrails serving flights of stairways, ramps, stepped aisles, and ramped aisles shall comply with the provisions of Sections 1014.2.1 and 1014.2.2.

1014.2.1 Height. *Handrail* height, measured above stair tread nosings, or finish surface of ramp slope, shall be uniform, not less than 34 inches (864 mm) and not more than 38 inches (965 mm). Handrail height of alternating tread devices and ships ladders, measured above tread nosings, shall be uniform, not less than 30 inches (762 mm) and not more than 34 inches (864 mm).

EXCEPTIONS:

1. Where *handrail* fittings or bendings are used to provide continuous transition between flights, the fittings or bendings shall be permitted to exceed the maximum height.

2. In Group R-3 occupancies; within *dwelling units* in Group R-2 occupancies; and in Group U occupancies that are associated with a Group R-3 occupancy or associated with individual *dwelling units* in Group R-2 occupancies; where *handrail* fittings or bendings are used to provide continuous transition between flights, transition at *winder* treads, transition from *handrail* to guard, or where used at the start of a *flight*, the *handrail* height at the fittings or bendings shall be permitted to exceed the maximum height.
3. *Handrails* on top of a *guard* where permitted along stepped *aisles* and ramped *aisles* in accordance with Section 1030.16.

1014.2.2 Lateral location. Handrails located outward from the edge of the walking surface of flights of stairways, ramps, stepped aisles, and ramped aisles shall be located within 6 inches (152 mm) measured horizontally from the edge of the walking surface. Handrails projecting into the width of the walking surface shall comply with Section 1014.8.

1014.8 Projections. On ramps and on ramped aisles that are part of an accessible route, the clear width between handrails shall be 36 inches (914 mm) minimum. Projections into the required width of stepped and ramped aisles, flights of stairways and ramps at each side shall not exceed 4.5 inches (114 mm) at or below the handrail height. Projections into the required width shall not be limited above the minimum headroom height required in Section 1011.3. Projections due to intermediate handrails shall not constitute a reduction in the egress width. Where a pair of intermediate handrails are provided within the stairway width without a walking surface between the pair of intermediate handrails and the distance between the pair of intermediate handrails is greater than 6 inches (152 mm), the available egress width shall be reduced by the distance between the closest edges of each such intermediate pair of handrails that is greater than 6 inches (152 mm).

NEW SECTION

WAC 51-54A-1015 Section 1015—Guards.

1015.2 Where required. *Guards* shall be located along open-sided walking surfaces, including mezzanines, equipment platforms, lofts in accordance with Section 420.14 of the International Building Code, aisles, stairs, ramps, and landings that are located more than 30 inches (762 mm) measured vertically to the floor or grade below at any point within 36 inches (914 mm) horizontally to the edge of the open side. *Guards* shall be provided at the perimeter of the occupied portions of an occupied roof. *Guards* shall be adequate in strength and attachment in accordance with Section 1607.9 of the International Building Code.

EXCEPTION:

Guards are not required for the following locations:

1. On the loading side of loading docks or piers.
2. On the audience side of stages and raised platforms, including stairs leading up to the stage and raised platforms.
3. On raised stage and platform floor areas, such as runways, ramps, and side stages used for entertainment or presentations.
4. At vertical openings in the performance area of stages and platforms.
5. At elevated walking surfaces appurtenant to stages and platforms for access to and utilization of special lighting or equipment.
6. Along vehicle service pits not accessible to the public.
7. In assembly seating areas at cross aisles in accordance with Section 1030.17.2.
8. On the loading side of station platforms on fixed guideway transit or passenger rail stations.
9. Portions of an occupied roof located less than 30 inches measured vertically to adjacent unoccupied roof areas when approved guards are present at the perimeter of the roof.
10. At an occupied portion of an occupied roof where a barrier approved by the building official is provided.

1015.3 Height. Required guards shall be not less than 42 inches (1067 mm) high, measured vertically as follows:

1. From the adjacent walking surfaces.
2. On *stairways* and stepped *aisles*, from the line connecting the leading edges of the tread nosings.

3. On ramps and ramped aisles, from the ramp surface at the guard.

EXCEPTIONS:

1. For occupancies in Group R-3 not more than three stories above grade in height and within individual dwelling units in occupancies in Group R-2 not more than three stories above grade in height with separate means of egress, required guards shall be not less than 36 inches (914 mm) in height measured vertically above the adjacent walking surfaces.
2. For occupancies in Group R-3, and within individual dwelling units in occupancies in Group R-2, guards on the open sides of stairs shall have a height not less than 34 inches (864 mm) measured vertically from a line connecting the leading edges of the treads.
3. For occupancies in Group R-3, and within individual dwelling units in occupancies in Group R-2, where the top of the guard serves as a handrail on the open sides of stairs, the top of the guard shall be not less than 34 inches (864 mm) and not more than 38 inches (965 mm) measured vertically from a line connecting the leading edges of the treads.
4. In areas with ceiling heights of 7 feet (2134 mm) or less in lofts constructed in accordance with Section 420.14, guards shall not be less than 36 inches (914 mm) in height or one-half of the clear height from the loft floor to the loft ceiling, whichever is less.
5. The guard height in assembly seating areas shall comply with Section 1030.17 as applicable.
6. Along alternating tread devices and ships ladders, guards where the top rail serves as a handrail shall have height not less than 30 inches (762 mm) and not more than 34 inches (864 mm), measured vertically from the leading edge of the device tread nosing.
7. In Group F occupancies where exit access stairways serve fewer than three stories and such stairways are not open to the public, and where the top of the guard also serves as a handrail, the top of the guard shall be not less than 34 inches (864 mm) and not more than 38 inches (965 mm) measured vertically from a line connecting the leading edges of the treads.

AMENDATORY SECTION (Amending WSR 22-13-093, 23-12-107, and 23-20-027, filed 6/14/22, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-54A-1017 Exit access travel distance.

Table 1017.2
Exit Access Travel Distance^a

Occupancy	Without Sprinkler System (feet)	With Sprinkler System (feet)
A, E, F-1, M, R, S-1	200 ^c	250 ^b
I-1	Not Permitted	250 ^b
B	200	300 ^c
F-2, S-2, U	300	400 ^c
H-1	Not Permitted	75 ^d
H-2	Not Permitted	100 ^d
H-3	Not Permitted	150 ^d
H-4	Not Permitted	175 ^d
H-5	Not Permitted	200 ^c
(I-Z) I-2, I-3	Not Permitted	200 ^c
I-4	150	200 ^c

For SI: 1 foot = 304.8 mm.

^a See the following sections for modifications to exit access travel distance requirements:

- Section 402.8 of the International Building Code: For the distance limitation in malls.
- Section 407.4 of the International Building Code: For the distance limitation in Group I-2.
- Sections 408.6.1 and 408.8.1 of the International Building Code: For the distance limitations in Group I-3.
- Section 411.2 of the International Building Code: For the distance limitation in special amusement areas.
- Section 412.6 of the International Building Code: For the distance limitations in aircraft manufacturing facilities.
- Section 1006.2.2.2: For the distance limitation in refrigeration machinery rooms.
- Section 1006.2.2.3: For the distance limitation in refrigerated rooms and spaces.
- Section 1006.3.4: For buildings with one exit.
- Section 1017.2.2: For increased distance limitation in Groups F-1 and S-1.
- Section 1030.7: For increased limitation in assembly seating.
- Section 3103.4 of the International Building Code: For temporary structures.
- Section 3104.9 of the International Building Code: For pedestrian walkways.
- Section 4901: For fixed guideway and passenger rail stations.

^b Buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2. See Section 903 for occupancies where automatic sprinkler systems are permitted in accordance with Section 903.3.1.2.

^c Buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1.

^d Group H occupancies equipped throughout with an automatic sprinkler system in accordance with Section 903.2.5.1.

^e Group R-3 and R-4 buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.3. See Section 903.2.8 for occupancies where automatic sprinkler systems are permitted in accordance with Section 903.3.1.3.

AMENDATORY SECTION (Amending WSR 22-13-093, 23-12-107, and 23-20-027, filed 6/14/22, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-54A-1019 ((Section 1019—Exit access stairways and ramps.)) Reserved.

~~((1019.3 Occupancies other than Groups I-2 and I-3. In other than Groups I-2 and I-3 occupancies, floor openings containing exit access stairways or ramps shall be enclosed with a shaft enclosure constructed in accordance with Section 713 of the International Building Code.~~

EXCEPTIONS:

1. Exit access stairways and ramps that serve or atmospherically communicate between only two stories. Such intereconnected stories shall not be open to other stories.
2. In Group R-1, R-2, or R-3 occupancies, exit access stairways and ramps connecting four stories or less serving and contained within an individual dwelling unit or sleeping unit or live/work unit.
3. Exit access stairways serving and contained within a Group R-3 congregate residence are not required to be enclosed.
4. Exit access stairways and ramps in buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1, where the area of the vertical opening between stories does not exceed twice the horizontal projected area of the stairway or ramp and the opening is protected by a draft curtain and closely spaced sprinklers in accordance with NFPA 13. In other than Group B and M occupancies, this provision is limited to openings that do not connect more than four stories.
5. Exit access stairways and ramps within an atrium complying with the provisions of Section 404 of the International Building Code.
6. Exit access stairways and ramps in open parking garages that serve only the parking garage.
7. Exit access stairways and ramps serving smoke-protected or open-air assembly seating complying with the exit access travel distance requirements of Section 1030.7.
8. Exit access stairways and ramps between the balcony, gallery or press box and the main assembly floor in occupancies such as theaters, places of religious worship, auditoriums, and sports facilities.
9. Exterior exit access stairways or ramps between occupied roofs.))

AMENDATORY SECTION (Amending WSR 22-13-093, 23-12-107, and 23-20-027, filed 6/14/22, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-54A-1104 Means of egress for existing buildings.

1104.1 General. Means of egress in existing buildings shall comply with Section ((1031)) 1032 and 1104.2 through 1104.25.

EXCEPTION: Means of egress conforming to the requirements of the building code under which they were constructed and Section ((1031)) 1032 shall not be required to comply with 1104.2 through 1104.22 and 1104.25.

AMENDATORY SECTION (Amending WSR 22-13-093, 23-12-107, and 23-20-027, filed 6/14/22, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-54A-1205 Section 1205—Solar photovoltaic power systems.

1205.1 General. Installation, modification, or alteration of solar photovoltaic power systems shall comply with this section. Due to the emerging technologies in the solar photovoltaic industry, it is understood fire code officials may need to amend prescriptive requirements of this section to meet the requirements for firefighter access and product installations. Section 104.10 Alternative materials and methods of this code shall be considered when approving the installation of solar photovoltaic power systems. Solar photovoltaic power systems shall be installed in accordance with Sections 1205.2.1 through 1205.6, the *International Building Code*, and chapter 19.28 RCW.

1205.2.1 Solar photovoltaic systems for Group R-3 residential and buildings built under the *International Residential Code*. Solar photovoltaic systems for Group R-3 residential and buildings built under the *International Residential Code* shall comply with Sections 1205.2.1.1 through ((1205.2.1.3)) 1205.2.3.

EXCEPTIONS:

1. Residential dwellings with an approved automatic fire sprinkler system installed.
2. Residential dwellings with approved mechanical or passive ventilation systems.

3. Where the fire code official determines that the slope of the roof is too steep for emergency access.
4. Where the fire code official determines that vertical ventilation tactics will not be utilized.
5. These requirements shall not apply to roofs where the total combined area of the solar array does not exceed 33 percent as measured in plan view of the total roof area of the structure, where the solar array will measure 1,000 sq. ft. or less in area, and where a minimum 18 inches unobstructed pathway shall be maintained along each side of any horizontal ridge.

1205.6 Size of solar photovoltaic array.

1. Each photovoltaic array shall be limited to 150 feet (45,720 mm) by 150 feet (45,720 mm). Multiple arrays shall be separated by a 3-foot wide (914 mm) clear access pathway.
2. Panels/modules shall be located up to the roof ridge where an alternative ventilation method approved by the *fire code official* has determined vertical ventilation techniques will not be employed.

AMENDATORY SECTION (Amending WSR 22-13-093, 23-12-107, and 23-20-027, filed 6/14/22, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-54A-3303 Administrative safety controls.

3303.1.1 Components of site safety plans. *Site safety plans* shall include the following as applicable:

1. Name and contact information of site safety director.
2. Documentation of the training of the site safety director and fire watch personnel.
3. Procedures for reporting emergencies.
4. Fire department vehicle access routes.
5. Location of fire protection equipment, including portable fire extinguishers, standpipes, fire department connections, and fire hydrants.
6. Smoking and cooking policies, designated areas to be used where approved, and signage locations in accordance with Section 3305.7.
7. Location and safety considerations for temporary heating equipment.
8. Hot work permit plan.
9. Plans for control of combustible waste material.
10. Locations and methods for storage and use of flammable and combustible liquids and other hazardous materials.
11. Provisions for site security.
12. Changes that affect this plan.
13. Other site-specific information required by the *fire code official*.

3303.2.1 Training. Training of fire watch and other responsible personnel in the use of fire protection equipment shall be the responsibility of the site safety director. Records of training shall be kept and made a part of the written plan for the site safety plan.

3303.3 Daily fire safety inspection. The site safety director shall be responsible for completion of a daily fire safety inspection at the project site. Each day, all *building* and outdoor areas shall be inspected to ensure compliance with the inspection list in this section. The results of each inspection shall be documented and maintained on-site until a certificate of occupancy has been issued. Documentation shall be immediately available on-site for presentation to the *fire code official* upon request.

1. Any contractors entering the site to perform *hot work* each day have been instructed in the *hot work* safety requirements in Chapter

35, and hot work is performed only in areas approved by the site safety director.

2. Temporary heating equipment is maintained away from combustible materials in accordance with the equipment manufacturer's instructions.

3. Combustible debris, rubbish and waste material is removed from the building in areas where work is not being performed.

4. Temporary wiring does not have exposed conductors.

5. *Flammable liquids* and other hazardous materials are stored in locations that have been approved by the site safety director when not involved in work that is being performed.

6. Fire apparatus access roads required by Section 3307 are maintained clear of obstructions that reduce the width of the usable roadway to less than 20 feet (6096 mm).

7. Fire hydrants are clearly visible from access roads and are not obstructed.

8. The location of fire department connections to standpipe and in-service sprinkler systems are clearly identifiable from the access road and such connections are not obstructed.

9. Standpipe systems are in service and continuous to the highest work floor, as specified in Section 3307.5.

10. Portable fire extinguishers are available in locations required by Sections 3306.6 and 3305.10.2.

3303.5 Fire watch. Where required by the *fire code official* or the site safety plan established in accordance with Section 3303.1, a fire watch shall be provided for building demolition and for building construction.

EXCEPTION: New construction that is built under the ((IRC)) International Residential Code.

3303.5.1 Fire watch during construction. A fire watch shall be provided during nonworking hours for new construction that exceeds 40 feet (12,192 mm) in height above the lowest adjacent grade at any point along the building perimeter, for new multistory construction with an aggregate area exceeding 50,000 square feet (4645 m²) per story or as required by the fire code official.

3303.5.2 Fire watch personnel. Fire watch personnel shall be provided in accordance with this section.

3303.5.2.1 Duties. The primary duty of fire watch personnel shall be to perform constant patrols and watch for the occurrence of fire. The combination of fire watch duties and site security duties is acceptable.

3303.5.2.2 Training. Personnel shall be trained to serve as an on-site fire watch. Training shall include the use of portable fire extinguishers. Fire extinguishers and fire reporting shall be in accordance with Sections 3303.6 and 3306.6.

3303.5.2.3 Means of notification. Fire watch personnel shall be provided with not fewer than one *approved* means for notifying the fire department.

3303.5.3 Fire watch location and records. The fire watch shall include areas specified by the site safety plan established in accordance with Section 3303.

3303.5.4 Fire watch records. Fire watch personnel shall keep a record of all time periods of duty, including the log entry for each time the

site was patrolled and each time a structure was entered and inspected. Records shall be made available for review by the *fire code official* upon request.

3303.6 Emergency telephone. Emergency telephone *facilities* with ready access shall be provided in an *approved* location at the construction *site*, or an *approved* equivalent means of communication shall be provided. The street address of the construction site and the emergency telephone number of the fire department shall be posted adjacent to the telephone. Alternatively, where an equivalent means of communication has been *approved*, the site address and fire department emergency telephone number shall be posted at the main entrance to the *site*, in guard shacks, and in the construction site office.

AMENDATORY SECTION (Amending WSR 22-13-093, 23-12-107, and 23-20-027, filed 6/14/22, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-54A-3304 (~~Precautions against fire.~~) Protection of combustible materials.

3304.1 Combustible debris, rubbish, and waste. Combustible debris, rubbish, and waste material shall comply with the requirements of Sections 3304.1.1 through 3304.2.

3304.1.1 Combustible waste material accumulation. Combustible debris, rubbish, and waste material shall not be accumulated within *buildings*.

3304.1.2 Combustible waste material removal. Combustible debris, rubbish, and waste material shall be removed from *buildings* at the end of each shift of work.

3304.1.3 Rubbish containers. Where rubbish containers with a capacity exceeding 5.33 cubic feet (40 gallons) (0.15 m) are used for temporary storage of combustible debris, rubbish, and waste material, they shall have tight-fitting or self-closing lids. Such rubbish containers shall be constructed entirely of materials that comply with either of the following:

1. Noncombustible materials.
2. Materials that meet a peak rate of heat release not exceeding 300 kW/m when tested in accordance with ASTM E1354 at an incident heat flux of 50 kW/m in the horizontal orientation.

3304.2 Spontaneous ignition. Materials susceptible to spontaneous ignition, such as oily rags, shall be stored in a listed disposal container.

AMENDATORY SECTION (Amending WSR 22-13-093, 23-12-107, and 23-20-027, filed 6/14/22, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-54A-3305 Ignition source controls.

3305.1 Listed. Temporary heating devices shall be *listed* and labeled. The installation, maintenance and use of temporary heating devices shall be in accordance with the listing and the manufacturer's instructions.

3305.1.1 Oil-fired heaters. Oil-fired heaters shall comply with Section 605.

3305.1.2 LP-gas heaters. Fuel supplies for *liquefied-petroleum gas-fired* heaters shall comply with Chapter 61 and the *International Fuel Gas Code*.

3305.1.3 Refueling. Refueling operations for liquid-fueled equipment or appliances shall be conducted in accordance with Section 5705. The equipment or appliance shall be allowed to cool prior to refueling.

3305.1.4 Installation. Clearance to combustibles from temporary heating devices shall be maintained in accordance with the labeled equipment. When in operation, temporary heating devices shall be fixed in place and protected from damage, dislodgement or overturning in accordance with the manufacturer's instructions.

3305.1.5 Supervision. The use of temporary heating devices shall be supervised and maintained only by competent personnel.

3305.2 Smoking. Smoking shall be prohibited except in approved areas. Signs shall be posted in accordance with Section 310. In approved areas where smoking is permitted, approved ashtrays shall be provided in accordance with Section 310.

3305.5 Cutting and welding. Welding, cutting, open torches and other hot work operations and equipment shall comply with Chapter 35.

3305.6 Electrical. Temporary wiring for electrical power and lighting installations used in connection with the construction, *alteration* or *demolition of buildings*, structures, equipment or similar activities shall comply with NFPA 70.

3305.7 Cooking. Cooking shall be prohibited except in approved designated cooking areas separated from combustible materials by a minimum of 10 feet (3048 mm). Signs with a minimum letter height of 3 inches (76 mm) and a minimum brush stroke of ~~((one-half))~~ 1/2 inch (13 mm) shall be posted in conspicuous locations in designated cooking areas and state:

~~((Designated cooking area;
Cooking outside of a designated area;
Cooking area is prohibited.))~~

DESIGNATED COOKING AREA
COOKING OUTSIDE OF A DESIGNATED
COOKING AREA IS PROHIBITED

3305.8 ((General)) Portable generators. Portable generators used at construction and demolition sites shall comply with Section 1204.

3305.9 Hot work operations. The site safety director shall ensure hot work operations and permit procedures are in accordance with Chapter 35.

3305.10 Safeguarding roof operations general. Roofing operations utilizing heat-producing systems or other ignition sources shall be conducted in accordance with Sections 3305.10.1 and 3305.10.2 and Chapter 35.

3305.10.1 Asphalt and tar kettles. Asphalt and tar kettles shall be operated in accordance with Section 303.

3305.10.2 Fire extinguishers for roofing operations. Fire extinguishers shall comply with Section 906. There shall be not less than one multiple-purpose portable fire extinguisher with a minimum 3-A 40-B:C rating on the roof being covered or repaired.

AMENDATORY SECTION (Amending WSR 22-13-093, 23-12-107, and 23-20-027, filed 6/14/22, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-54A-3307 Fire department site access and water supply.

3307.1 Required access. *Approved* vehicle access for fire fighting shall be provided to all construction or demolition sites. Vehicle access shall be provided to within 100 feet (30,480 mm) of temporary or permanent fire department connections. Vehicle access shall be provided by either temporary or permanent roads, capable of supporting vehicle loading under all weather conditions. Vehicle access shall be maintained until permanent fire apparatus access roads are available.

(~~3307.1.2~~) 3307.1.1 Key boxes. Key boxes shall be provided as required by Chapter 5.

(~~3307.1.3~~) 3307.1.2 Stairways required. Where *building* construction exceeds 40 feet (12,192 mm) in height above the lowest level of fire department vehicle access, a temporary or permanent stairway shall be provided. As construction progresses, such stairway shall be extended to within one floor of the highest point of construction having secured decking or flooring.

(~~3307.1.4~~) 3307.1.3 Maintenance. Required *means of egress* and required *accessible means of egress* shall be maintained during construction and demolition, remodeling or *alterations* and additions to any building.

EXEMPTION: Approved temporary means of egress and accessible means of egress systems and facilities.

3307.2 Water supply for fire protection. An *approved* water supply for fire protection, either temporary or permanent, shall be made available as soon as combustible building materials arrive on the site, on commencement of vertical combustible construction and on installation of a standpipe system in buildings under construction, in accordance with Sections 3307.2.1 through 3307.4.

EXCEPTION: The fire code official is authorized to reduce the fire-flow requirements for isolated buildings or a group of buildings in rural areas or small communities where the development of full fire-flow requirements is impractical.

3307.2.1 Combustible building materials. When combustible building materials of the building under construction are delivered to a site, a minimum fire flow of 500 gallons per minute (1893 L/m) shall be provided. The fire hydrant used to provide this fire-flow supply shall be within 500 feet (152 m) of the combustible building materials, as measured along an approved fire apparatus access lane. Where the site configuration is such that one fire hydrant cannot be located within 500 feet (152 m) of all combustible building materials, additional fire hydrants shall be required to provide coverage in accordance with this section.

3307.2.2 Vertical construction of Types III, IV, and V construction. Prior to commencement of vertical construction of Type III, IV, or V buildings that utilize any combustible building materials, the fire

flow required by Sections 3307.2.2.1 through 3307.2.2.3 shall be provided, accompanied by fire hydrants in sufficient quantity to deliver the required fire flow and proper coverage.

3307.2.2.1 Fire separation up to 30 feet. Where a *building* of Type III, IV, or V construction has a *fire separation distance* of less than 30 feet (9144 mm) from property lot lines, and an adjacent property has an existing structure or otherwise can be built on, the water supply shall provide either a minimum of 500 gallons per minute (1893 L/m) or the entire fire flow required for the building when constructed, whichever is greater.

3307.2.2.2 Fire separation of 30 feet up to 60 feet. Where a *building* of Type III, IV, or V construction has a *fire separation distance* of 30 feet (9144 mm) up to 60 feet (18,288 mm) from property lot lines, and an adjacent property has an existing structure or otherwise can be built on, the water supply shall provide a minimum of 500 gallons per minute (1893 L/m) or 50 percent of the fire flow required for the building when constructed, whichever is greater.

3307.2.2.3 Fire separation of 60 feet or greater. Where a building of Type III, IV, or V construction has a fire separation of 60 feet (18,288 mm) or greater from a property lot line, a water supply of 500 gallons per minute (1893 L/m) shall be provided.

3307.3 Vertical construction, Type I and II construction. If combustible building materials are delivered to the construction site, water supply in accordance with Section 3307.2.1 shall be provided. Additional water supply for fire flow is not required prior to commencing vertical construction of Type I and II buildings.

3307.4 Standpipe supply. Regardless of the presence of combustible building materials, the construction type or the *fire separation distance*, where a standpipe is required in accordance with Section 3307, a water supply providing a minimum flow of 500 gallons per minute (1893 L/m) shall be provided. The fire hydrant used for this water supply shall be located within 100 feet (30,480 mm) of the fire department connection supplying the standpipe.

3307.5 Standpipes. In *buildings* required to have standpipes by Section 905.3.1, not less than one standpipe shall be provided for use during construction. Such standpipes shall be installed prior to construction exceeding 40 feet (12,192 mm) in height above the lowest level of fire department vehicle access. Such standpipes shall be provided with fire department hose connections at locations adjacent to stairways complying with Section 3307.1.3. As construction progresses, such standpipes shall be extended to within one floor of the highest point of construction having secured decking or flooring.

3307.5.1 Buildings being demolished. Where a *building* is being demolished and a standpipe is existing within such a *building*, such standpipe shall be maintained in an operable condition so as to be available for use by the fire department. Such standpipe shall be demolished with the *building* but shall not be demolished more than one floor below the floor being demolished.

3307.5.2 Detailed requirements. Standpipes shall be installed in accordance with the provisions of Section 905.

EXCEPTION: Standpipes shall be either temporary or permanent in nature, and with or without a water supply, provided that such standpipes comply with the requirements of Section 905 as to capacity, outlets, and materials.

NEW SECTION

WAC 51-54A-3313 Water supply for fire protection. This section is not adopted.

NEW SECTION

WAC 51-54A-3314 Standpipes. This section is not adopted.

NEW SECTION

WAC 51-54A-3315 Automatic sprinkler system. This section is not adopted.

NEW SECTION

WAC 51-54A-3316 Portable fire extinguishers. This section is not adopted.

NEW SECTION

WAC 51-54A-3317 Motorized construction equipment. This section is not adopted.

NEW SECTION

WAC 51-54A-3318 Safeguarding roofing operations. This section is not adopted.

AMENDATORY SECTION (Amending WSR 22-13-093, 23-12-107, and 23-20-027, filed 6/14/22, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-54A-4900 Fixed guideway transit and passenger rail systems.

((4901.1)) 4901 Scope NFPA 130.

4901.1 General. Fixed guideway transit and passenger rail systems shall be in accordance with NFPA 130, as modified below.

4901.2 NFPA 130 Section 3.3.44.2. Add new definition as follows:

3.3.44.2 Traction power sub station (TPSS): A TPSS is an electrical substation consisting of switchgear transformers/rectifiers, emergency trip equipment, and other systems that converts AC electric power provided by the electrical power industry for public utility service to DC voltage to supply light rail vehicles with traction current.

4901.3 NFPA 130 Section 5.4.4 Modify NFPA 130 Sections 5.4.4.1 and 5.4.4.1.1 to read as follows:

5.4.4.1 An automatic sprinkler system shall be provided throughout enclosed stations.

- EXCEPTIONS:
1. Traction power substation (TPSS) when located in a transformer vault designed in accordance with the NFPA 70.
 2. Other high voltage equipment located in a transformer vault designed in accordance with the NFPA 70 when approved by the fire code official.
 3. Fire command centers, communication room(s), and signal rooms when protected with clean agent fire suppression and separated from other spaces with ~~((two))~~ 2-hour fire rated construction.
 4. Other operational critical rooms when protected with clean agent fire suppression and separated from other spaces with ~~((two))~~ 2-hour fire rated construction, when approved by the fire code official.

5.4.4.1.1 An automatic sprinkler system shall be provided in areas of open stations used for concessions, markets, storage areas and similar areas with combustibile loadings, and in trash rooms, electrical rooms, mechanical rooms, machinery rooms, communication rooms, and other enclosed rooms.

- EXCEPTIONS:
1. Stations at grade with less than 1,500 sq. ft. of ancillary area/ancillary space.
 2. Fire command centers, communication room(s), and signal rooms when protected with clean agent fire suppression and separated from other spaces with ~~((two))~~ 2-hour fire rated construction.
 3. Other operational critical rooms when protected with clean agent fire suppression and separated from other spaces with ~~((two))~~ 2-hour fire rated construction, when approved by the fire code official.

5.4.4.2 Sprinkler protection shall be permitted to be omitted in areas of open stations separated from the station by a distance of 20 feet.

4901.4 NFPA 130 Section 5.4.5. Modify NFPA 130 Sections 5.4.5.1 as follows:

5.4.5.1 Class I standpipes shall be installed in enclosed stations in accordance with International Fire Code Section 905 except as modified herein.

4901.5 NFPA 130 Section 5.4.6. Modify NFPA 130 Sections 5.4.6 as follows:

5.4.6 Portable fire extinguishers in such number, size, type, and location in accordance with the International Fire Code Section 906.

5.4.6.1 Portable fire extinguishers are not required in public areas of at-grade stations.

~~((4901.6 NFPA 130 Section 5.4.7. Modify NFPA 130 Section 5.4.7 as follows:~~

~~5.4.7 Emergency ventilation shall be provided in enclosed stations in accordance with Chapter 7 and the International Building Code Section 909.))~~

4901.6 NFPA 130 Section 5.2.2. Modify NFPA 130 Section 5.2.2.2 as follows:

5.2.2.2 Construction types shall conform to the requirements in the International Building Code, Chapter 6, unless otherwise exempted in this section.

Table 5.2.2.1

**Minimum Construction Requirements
for New Station Structures**

Station Configuration	Construction Type†
Stations erected entirely above grade and in a separate building:	
Open stations	Type IIB

Station Configuration	Construction Type†
Enclosed stations	Type IIA
Stations erected entirely or partially below grade:	
Open above grade portions of below grade structures*	Type IIA
Below grade portions of structures	Type IB
Below grade structures with occupant loads exceeding 1000	Type IA

* Roofs not supporting an occupancy above are not required to have a fire resistance rating.

† Construction types are in accordance with the International Building Code.

4901.7 NFPA 130 Section 5.2.2. Modify NFPA 130 Section 5.2.4.3 as follows:

5.2.4.3 Ancillary spaces. Fire resistance ratings of separations between ancillary occupancies shall be established as required for accessory occupancies and incidental uses by the International Building Code and in accordance with ASTM E119 and ANSI/UL 263.

4901.8 NFPA 130 Section 5.2.5. Modify NFPA 130 Section 5.2.5.4 as follows:

5.2.5.4 Materials used as interior finish in open stations shall comply with the requirements of the International Building Code, Chapter 8.

4901.9 NFPA 130 Section 5.3.1. Modify NFPA 130 Section 5.3.1.1 as follows:

5.3.1.1 The provisions for means of egress for a station shall comply with the International Building Code, Chapter 10, except as herein modified.

4901.10 NFPA 130 Section 5.3.2. Add a New Section to NFPA 130 Section 5.3.2.2.1 as follows:

5.3.2.2.1 Where station occupancy is anticipated to be greater than design capacity during a major event the operating agency shall initiate approved measures to restrict access to the station, when required by the fire code official, to ensure existing means of egress are adequate as an ((alternate)) alternative to account for peak ridership associated with major events.

4901.11 NFPA 130 Section 5.3.4. Modify NFPA 130 Section 5.3.2.4(1) as follows:

(1) The occupant load for that area shall be determined in accordance with the provisions of the International Building Code as appropriate for the use.

4901.12 NFPA 130 Section 5.3.3. Modify NFPA 130 Section 5.3.3.4 as follows:

5.3.3.4 Travel distance. For open stations the maximum travel distance on the platform to a point at which a means of egress route leaves the platform shall not exceed 100 m (325 ft.). For enclosed stations the travel distance to an exit shall not exceed 76 m (250 ft.).

4901.13 NFPA 130 Section 5.3.5. Modify NFPA 130 Section 5.3.5.3(2) as follows:

(2)* Travel speed - 14.6 m/min (48 ft./min) (indicates vertical component of travel speed).

5.3.2.4 Where an area within a station is intended for use by other than passengers or employees, the following parameters shall apply:

1. The occupant load for that area shall be determined in accordance with the provisions of the IBC NFPA 101 as appropriate for the use.

2. The additional occupant load shall be included in determining the required egress from that area.

3. The additional occupant load shall be permitted to be omitted from the station occupant load where the area has independent means of egress of sufficient number and capacity.

5.3.3.4 Travel distance. For open stations the maximum travel distance on the platform to a point at which a means of egress route leaves the platform shall not exceed 100 m (325 ft.). For enclosed stations the travel distance to an exit shall not exceed 76 m (250 ft.).

5.3.5.4 Escalators shall not account for more than one-half of the egress capacity at any one level.

4901.14 NFPA 130 Section 5.3.5. Delete NFPA 130 Section 5.3.5.5.

4901.15 NFPA 130 Section 5.3.7. Modify NFPA 130 Section 5.3.7 as follows:

5.3.7* Doors, gates, security grilles and exit hatches.

5.3.7.1 The egress capacity for doors and gates in a means of egress serving public areas shall be computed as follows:

1. Sixty people per minute (p/min) for single leaf doors and gates.

2.* 0.0819 p/mm-min (2.08 p/in.-min) for biparting multileaf doors and gates measured for the clear width dimension.

5.3.7.2.1 Security grilles are allowed when designed and operated in accordance with the International Building Code.

4901.16 NFPA 130 Section 5.3.9. Modify NFPA 130 Section 5.3.9 as follows:

5.3.9* Horizontal exits. Horizontal exits shall comply with the International Building Code Section 1026.

4901.17 NFPA 130 Section 5.3.11. Modify NFPA 130 Section 5.3.11 as follows:

5.3.11.1 Illumination of the means of egress in stations, including escalators that are considered a means of egress, shall be in accordance with the International Building Code Section 1008.

5.3.11.2 Means of egress, including escalators considered as means of egress, shall be provided with a system of emergency lighting in accordance with the International Building Code Section 1008.

4901.18 NFPA 130 Section 5.4.7. Modify NFPA 130 Section 5.4.7 as follows:

5.4.7 Emergency ventilation shall be provided in enclosed stations in accordance with Chapter 7 and the International Building Code Section 909.

AMENDATORY SECTION (Amending WSR 20-01-162, filed 12/18/19, effective 7/1/20)

WAC 51-54A-5306 Medical gas systems.

5306.1 General. Compressed gases at hospitals and similar facilities intended for inhalation or sedation including, but not limited to, analgesia systems for dentistry, podiatry, veterinary and similar uses shall comply with Sections 5306.2 through ~~((5306.4))~~ 5306.5 in addition to other requirements of this chapter.

EXCEPTION: All new distribution piping, supply manifolds, connections, regulators, valves, alarms, sensors and associated equipment shall be in accordance with the Plumbing Code.

5306.5 Medical gas systems. The maintenance and testing of medical gas systems including, but not limited to, distribution piping, supply manifolds, connections, pressure regulators and relief devices and valves, shall comply with the maintenance and testing requirements of NFPA 99 and the general provisions of this chapter.

AMENDATORY SECTION (Amending WSR 21-13-023, filed 6/9/21, effective 7/10/21)

WAC 51-54A-5707 Section ~~((5705))~~ 5707—On-demand mobile fueling operations.

5707.1 General. On-demand mobile fueling operations that dispense Class I, II and III liquids into the fuel tanks of motor vehicles shall comply with Sections 5707.1 through 5707.6.6.

EXCEPTION: Fueling from an *approved* portable container in cases of an emergency or for personal use.

5707.1.1 Approval required. Mobile fueling operations shall not be conducted without first obtaining a *permit* and approval from the fire code official. Mobile fueling operations shall occur only at *approved* locations. The fire code official is authorized to *approve* individual locations or geographic areas where mobile fueling is allowed.

5707.1.2 Coordination of permits. *Permits* across multiple authorities having jurisdiction shall be coordinated in accordance with Sections 5707.1.2.1 through 5707.1.2.4.

5707.1.2.1 Acceptance of permits issued by other authorities having jurisdiction. Local authorities having jurisdiction that allow mobile on demand fueling trucks may accept conforming *permits* issued and/or inspections performed by any other local authorities having jurisdiction in Washington state. Local authorities having jurisdiction that choose to accept conforming *permits* issued by other local authorities having jurisdiction in Washington state retain the right to enforce the provisions of this section.

5707.1.2.2 Local authorities having jurisdiction not offering operator or truck certification. A conforming operator or vehicle *permit* issued by one local authority having jurisdiction shall be recognized and accepted by all local authorities having jurisdiction in Washington state, if those local authority having jurisdictions allow mobile on-demand fueling and do not offer such operator or truck certification. Under no circumstances will an issuing local authority having jurisdiction be expected to perform permissive inspections beyond their jurisdiction.

5707.1.2.3 Commencing permit issuance. When a local authority having jurisdiction that has previously authorized mobile fueling operations but not issued their own *permits* commences *permit* issuance for mobile fueling operations or vehicles, that local authority having jurisdiction shall continue to accept *permits* previously issued by another local authority having jurisdiction in Washington state for three months or until their expiration date, whichever is sooner.

5707.1.2.4 Permit record maintenance. Issuing local authorities having jurisdiction shall maintain a publicly available list of current *permits* or other information source to enable all parties to have information about whether *permits* are in good standing.

5707.2 Mobile fueling vehicle. An on-demand mobile fueling vehicle shall be utilized in on-demand fueling operations for the dispensing of Class I, II or III liquids into the fuel tanks of motor vehicles and shall comply with Sections 5707.2.1 and 5707.2.2.

5707.2.1 Mobile fueling vehicle classifications. An on-demand mobile fueling vehicle shall be classified as one of the following:

1. **Type 1 Mobile Fueling Vehicle** - A tank vehicle that complies with NFPA 385 and that has chassis-mounted tanks where the aggregate capacity does not exceed 1600 gallons (6057 L).

2. **Type 2 Mobile Fueling Vehicle** - A vehicle with one or more chassis-mounted tanks or chassis-mounted containers, not to exceed 110 gallons (415 L) capacity for each tank or container and having an aggregate capacity not exceeding 800 gallons (3028 L) or the weight capacity of the vehicle in accordance with DOTn.

3. **Type 3 Mobile Fueling Vehicle** - A vehicle that carries a maximum aggregate capacity of 60 gallons (227 L) of motor fuel in metal safety cans *listed* in accordance with UL 30 or other *approved* metal containers, each not to exceed 5 gallons (19 L) in capacity.

5707.2.2 Mobile fueling vehicle requirements. Each mobile fueling vehicle shall comply with all local, state and federal requirements, and the following:

1. Mobile fueling vehicles with a chassis-mounted tank in excess of 110 gallons (415 L) shall also comply with the requirements of Section 5706.6 and NFPA 385.

2. The mobile fueling vehicle and its equipment shall be maintained in good repair.

3. Safety cans and *approved* metal containers shall be secured to the mobile fueling vehicle except when in use.

4. Fueling a motor vehicle from tanks or containers mounted in a trailer connected to a mobile fueling vehicle shall be prohibited.

5707.3 Required documents. Documents developed to comply with Sections 5707.3.1 through 5707.3.3 shall be updated as necessary by the owner of the mobile fueling operation and shall be maintained in compliance with Section 108.3.

5707.3.1 Safety and emergency response plan. Mobile fueling operators shall have an *approved* written safety and emergency response plan that establishes policies and procedures for fire safety, spill prevention and control, personnel training and compliance with other applicable requirements of this code. The safety and emergency response plan shall specifically address and require that all operators assess surroundings prior to fueling to consider the presence of items listed in Section 5707.3.3.

5707.3.2 Training records. Mobile fueling vehicles shall be operated only by designated personnel who are trained on proper fueling procedures and the safety and emergency response plan. Training records of operators shall be maintained.

5707.3.3 Site plan. Where required by the fire code official, a site plan shall be developed for each location or area at which mobile fueling occurs. The site plan shall be in sufficient detail to indicate but not be limited to the following:

1. All buildings, structures.
2. Lot lines or property lines.
3. Electric car chargers.
4. Solar photovoltaic parking lot canopies.
5. Appurtenances on-site and their use or function.
6. All uses adjacent to the lot lines of the site.
7. Fueling locations.
8. Locations of all storm drain openings and adjacent waterways or wetlands.
9. Information regarding slope, natural drainage, curbing, and impounding.
10. How a spill will be kept on the site property.
11. Scale of the site plan.

5707.3.4 Tiered sites. Where a site permitting process is required by the local jurisdiction, a site shall be designated by the fire code official to be one of the following and based on local provisions as necessitated by zoning laws, environmental laws, public safety, and other characteristics.

5707.3.4.1 Tier 1 sites. Sites that do not present atypical geographic, safety or environmental concerns shall be provided expedited permitting review and shall allow *permit* issuance prior to site inspection. The fire code official may impose additional conditions and may perform a site inspection during the period of *permit* validity.

5707.3.4.2 Tier 2 sites. Sites that require an inspection shall be approved by the fire code official prior to *permit* issuance.

5707.4 Mobile fueling areas. During fueling, the mobile fueling vehicle and point of connection of the vehicle being fueled shall not be located on public streets, public ways or inside buildings. Fueling on the roof level of parking structures or other buildings is prohibited.

5707.4.1 Separation. During fueling, the point of connection of the vehicle being fueled shall not take place within 25 feet (7620 mm) of buildings, lot lines, property lines or combustible storage. Mobile fueling vehicles shall not park within 10 feet (3048 mm) of buildings, lot lines, property lines or combustible storage.

EXCEPTIONS:

1. The fire code official shall be authorized to decrease the separation distance for dispensing from metal safety cans or other *approved* metal containers in accordance with Section 5707.2.
2. The point of fueling shall not take place within 10 feet (3048 mm) of buildings, lot lines, property lines or combustible storage when the mobile fueling vehicle has an approved vapor recovery system or is servicing vehicles with on board refueling vapor recovery.

Where dispensing operations occur within 15 feet (4572 mm) of a storm drain, an *approved* storm drain cover or an *approved* equivalent method that will prevent any fuel from reaching the drain shall be used.

5707.4.2 Sources of ignition. Smoking, open flames and other sources of ignition shall be prohibited within 25 feet (7620 mm) of fuel dispensing activities. Signs prohibiting smoking or open flames within 25 feet (7620 mm) of the vehicle or the point of fueling shall be promi-

nently posted on the mobile fueling vehicle. The engines of vehicles being fueled shall be shut off during fueling.

5707.4.3 Electrical equipment. Mobile fueling shall not occur within 20 feet of electrical equipment located within 18 inches of the ground unless such electrical equipment is rated for Class 1, Division 2 hazardous locations in accordance with NFPA 70.

5707.5 Equipment. Mobile fueling equipment shall comply with Sections 5707.5.1 through 5707.5.5.

5707.5.1 Dispensing hoses and nozzles. Where equipped, the dispensing hose shall not exceed 50 feet (15240 mm) in length. The dispensing nozzles and hoses shall be of an *approved* and *listed* type. Where metal-to-metal contact cannot be made between the nozzle and the fuel fill opening, then a means for bonding the mobile fueling vehicle to the motor vehicle shall be provided and employed during fueling operations.

5707.5.2 Break-away device. A listed break-away device shall be provided at the nozzle.

EXCEPTION: Mobile fueling vehicles equipped with an approved brake interlock tied to the nozzle holder that prohibits movement of the mobile fueling vehicle when the nozzle is removed from its holder or tied to the delivery of fuel that prevents activation of the pumping system.

5707.5.3 Shut-off valve and fuel limit. Mobile fueling vehicles shall be equipped with a *listed* shut-off valve assembly and a fuel limit switch set to a maximum of 30 gallons (116 L).

5707.5.4 Fire extinguisher. An *approved* portable fire extinguisher complying with Section 906 with a minimum rating of 4A:80-B:C shall be provided on the mobile fueling vehicle with signage clearly indicating its location.

5707.5.5 Spill kit. Mobile fueling vehicles shall contain a minimum 5 gallon (19 L) spill kit of an *approved* type.

5707.6 Operations. Mobile fueling vehicles shall be constantly attended during fueling operations with brakes set and warning lights in operation. Mobile fueling vehicles shall not obstruct emergency vehicle access roads.

5707.6.1 Dispensing hose. Where equipped, mobile fueling vehicles shall be positioned in a manner to preclude traffic from driving over the dispensing hose. The dispensing hose shall be properly placed on an *approved* reel or in an *approved* compartment prior to moving the mobile fueling vehicle.

5707.6.2 Drip control. Operators shall place a drip pan or an absorbent pillow under the nozzle and each fuel fill opening prior to and during dispensing operations to catch drips.

5707.6.3 Safety cones. Safety cones or other visual barriers shall be employed as warning devices to highlight the vehicle fueling area. Signs prohibiting smoking or open flames within 25 feet (7620 mm) shall be prominently posted in the vehicle fueling area.

5707.6.4 Vehicle lights. The mobile fueling vehicle flasher lights shall be in operation while dispensing operations are in progress.

5707.6.5 Nighttime deliveries. Nighttime deliveries shall only be made in areas adequately lighted per WAC 296-800-21005.

5707.6.6 Spill reporting. Spills shall be reported in accordance with Section 5003.3.1.

WSR 23-23-107

PERMANENT RULES

BUILDING CODE COUNCIL

[Filed November 15, 2023, 10:04 a.m., effective March 16, 2024]

Effective Date of Rule: March 16, 2024.

Purpose: Reconciling state amendments with section renumbering and model code modifications in the 2021 International Wildland-Urban Interface Code; correcting errors and omissions.

Citation of Rules Affected by this Order: Amending two sections in chapter 51-55 WAC.

Statutory Authority for Adoption: RCW 19.27.031, 19.27.074.

Other Authority: RCW 19.27.031, 19.27.074.

Adopted under notice filed as WSR 23-14-124 on July 5, 2023.

Changes Other than Editing from Proposed to Adopted Version:

WAC	Section	Change	Rationale/Discussion
51-55-008	Implementation	Implementation date is changed from October 29, 2023, to March 15, 2024.	The state building code council voted to delay implementation of all codes on September 15, 2023.
51-55-0300	Table 302.3.1	Table was moved and reformatted from below section 302.3.6.2 to below section 302.3.1. Contents of section remain unchanged.	Section was moved for clarity and proximity to the relevant code section associated with the table. No intended change in regulatory effect.
	Table 302.3(1)	Added title to table.	Title needed to identify table and relevant section. No intended change in regulatory effect.
	Table 302.3(2)	Table was reformatted. Contents of section remain unchanged.	Section was reformatted for clarity. No intended change in regulatory effect.

A final cost-benefit analysis is available by contacting Dustin Curb, 1500 Jefferson Street S.E., Olympia, WA 98504, phone 360-972-4158, email dustin.curb@des.wa.gov, website <https://www.sbcc.wa.gov/>.

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

Number of Sections Adopted at 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 2, Repealed 0.

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

Date Adopted: October 20, 2023.

Tony Doan
Council Chair

OTS-4733.4

AMENDATORY SECTION (Amending WSR 23-02-056, 23-12-109, and 23-20-028, filed 1/3/23, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-55-008 Implementation. The International Wildland-Urban Interface Code adopted by this chapter shall become effective in all counties and cities of this state on (~~July 1, 2023~~) March 15, 2024.

AMENDATORY SECTION (Amending WSR 23-02-056, 23-12-109, and 23-20-028, filed 1/3/23, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-55-0300 Wildland-urban interface areas.

301 General.

301.1 Scope. Wildland urban interface areas shall be determined using the Washington wildland urban interface map (WA-WUI). WA-WUI designations are permitted to be modified, upon approval of a finding of fact in accordance with Section 302.

User note: The WA-WUI map is available at (~~(<https://data-wadnr.opendata.aregis.com/apps/wildland-urban-interface-viewing-app/explore>)~~) <https://geo.wa.gov/maps/786aaa1dbbd748e6ae04bc43c8f127fe/explore>.

301.2 Construction in wildland-urban interface or intermix areas.

Where a structure is proposed to be constructed in an area designated by the WA-WUI map as wildland-urban interface or intermix, the construction shall comply with the provisions of this code.

301.3 Construction in wildlands areas. Where a structure is proposed to be constructed in an area designated by the WA-WUI map as wildlands, the applicable wildland urban interface area designation shall be based on a finding of fact in accordance with Section 302.

302 Wildland-urban interface area designations.

302.1 General. Wildland urban interface area designations are permitted to be established in accordance with this section.

302.2 Finding of fact. The applicable wildland urban interface designation shall be based on a finding of fact. The finding of fact shall comply with the provisions of Appendix E or is permitted to be based on the worksheet and procedures in Section 302.3.

302.3 Simplified wildland urban interface designation worksheet. The wildland urban interface designation is permitted to be established using the procedure outlined in (~~Figure~~) Table 302(1), using the worksheet in (~~Figure~~) Table 302(2).

302.3.1 Area to be evaluated. For the purposes of establishing structure and vegetation densities, the area covered by a square of 1320 feet on a side (40 acres) shall be evaluated. The square area shall be located such that the site under consideration is in its center, except where the square would overlap a water body shown on the WA-WUI map with a surface area greater than 200,000 square feet, the location shall be adjusted such that no part of the square overlaps the water body.

Table 302.3(1)

Outline of Simplified Procedure for Determining Wildland Interface Designation

<u>For the area to be evaluated in Section 302.3.1:</u>
<u>1. Determine structure density category (uninhabited, very low, low, medium, or high).</u>
<u>2. Determine vegetation density category (nonvegetated or vegetated).</u>
<u>3. Determine proximity category (near or distant).</u>
<u>4. Based on structure density, vegetation density, and proximity categories, determine if compliance with this code is required (WUIC applies, WUIC does not apply).</u>
<u>5. Where compliance with this code is required, determine wildland urban interface area designation (intermix or interface).</u>

302.3.2 Structure density category. The structure density category shall be determined by counting the number of structures within the area to be evaluated per Section 302.3.1. The structure density category shall be determined as follows:

UNINHABITED:	0 structures
VERY LOW:	1 structure
LOW:	2 to 8 structures
MEDIUM:	9 to 120 structures
HIGH:	more than 120 structures

302.3.3 Vegetation density category. Vegetation coverage within the area to be evaluated per Section 302.3.1 shall be determined in accordance with Chapter 9. Vegetation density shall be determined by dividing the vegetation coverage by 1,742,400 square feet (40 acres). Where the vegetation density is less than 50 percent, the vegetation density category for the site shall be nonvegetated. Where the vegetation density is 50 percent or more, the vegetation density category for the site shall be vegetated.

302.3.4 Proximity category. The distance from the site being evaluated to a high-density vegetated area shall be measured from the closest edge of the site boundary to the closest edge of the nearest high-density vegetated area. Where the distance is less than 1.5 miles, the proximity category shall be near. Where the distance is 1.5 miles or more, the proximity category shall be distant.

302.3.5 WUIC applicability. The WUIC shall apply, and the site shall be designated as intermix or interface in accordance with Section 302.3.6 under either of the following conditions:

1. The structure density category is very low to high, and the vegetation density category is vegetated.
2. The structure density category is very low to high, and the proximity category is near.

The WUIC shall not apply under either of the following conditions:

1. The structure density category is uninhabited, and the site is not located within an area designated as intermix or interface on the WA-WUI map.
2. The structure density category is uninhabited to high, the vegetation density category is nonvegetated, and the proximity category is distant.

302.3.6 Wildland urban interface area designation. Where required by Section 302.3.5, the site shall be designated as intermix or interface in accordance with Section 302.3.6.1 or 302.3.6.2.

302.3.6.1 Intermix designation. The site shall be designated as intermix where the structure density category is very low to high, and the vegetation density category is vegetated.

302.3.6.2 Interface designation. The site shall be designated as interface where the structure density category is very low to high, and the proximity category is near.

~~(For the area to be evaluated in Section 302.3.1:~~

- ~~1. Determine structure density category (uninhabited, very low, low, medium, or high).~~
- ~~2. Determine vegetation density category (nonvegetated or vegetated).~~
- ~~3. Determine proximity category (near or distant).~~
- ~~4. Based on structure density, vegetation density, and proximity categories, determine if compliance with this code is required (WUIC applies, WUIC does not apply).~~
- ~~5. Where compliance with this code is required, determine wildland urban interface area designation (intermix or interface).~~

Figure 302(1). Outline of simplified procedure for determining wildland interface designation

~~1. Determine structure density category in accordance with Section 302.3.2. Numbers in table are the number of structures within the area determined by Section 302.3.1.~~

UNINHABITED	VERY LOW	LOW	MEDIUM	HIGH
0	1	2 TO 8	9 TO 120	MORE THAN 120

~~2. Determine vegetation density category within the area determined by Section 302.3.1.~~

NONVEGETATED	VEGETATED
Less than 50% vegetated	50% or more vegetated

~~3. Determine proximity category to the nearest high-density vegetated area.~~

NEAR	DISTANT
Less than 1.5 mi (2.414 km)	1.5 mi (2.414 km) or more

~~4. Use structure density, vegetation density, and proximity categories from above to determine if WUIC applies.~~

WUIC Applies	WUIC Does Not Apply
<ul style="list-style-type: none"> • Structure density category is very low to high; and • Vegetation density category is vegetated. 	<ul style="list-style-type: none"> • Structure density category is uninhabited; and • The site is not located within an area designated as intermix or interface on the WA WUI map.
<ul style="list-style-type: none"> • Structure density category is very low to high; and • Proximity category is near. 	<ul style="list-style-type: none"> • Structure density category is uninhabited to high; and • Vegetation density category is nonvegetated; and • Proximity category is distant.

5. Where WUIC applies, the site shall be designated as intermix or interface as follows:

INTERMIX	INTERFACE
<ul style="list-style-type: none"> • Structure density category is very low to high; and • Vegetation density category is vegetated. 	<ul style="list-style-type: none"> • Structure density category is very low to high; and • Proximity category is near.)

Table 302(1). Outline of simplified procedure for determining wildland interface designation

1. Determine structure density category in accordance with Section 302.3.2. Numbers in table are the number of structures within the area determined by Section 302.3.1.

UNINHABITED	VERY LOW	LOW	MEDIUM	HIGH
0	1	2 TO 8	9 TO 120	MORE THAN 120

2. Determine vegetation density category within the area determined by Section 302.3.1.

NONVEGETATED	VEGETATED
Less than 50% vegetated	50% or more vegetated

3. Determine proximity category to the nearest high-density vegetated area.

NEAR	DISTANT
Less than 1.5 mi (2.414 km)	1.5 mi (2.414 km) or more

4. Use structure density, vegetation density, and proximity categories from above to determine if WUIC applies.

WUIC Applies	WUIC Does Not Apply
<ul style="list-style-type: none"> • Structure density category is very low to high; and • Vegetation density category is vegetated. 	<ul style="list-style-type: none"> • Structure density category is uninhabited; and • The site is not located within an area designated as intermix or interface on the WA-WUI map.
<ul style="list-style-type: none"> • Structure density category is very low to high; and • Proximity category is near. 	<ul style="list-style-type: none"> • Structure density category is uninhabited to high; and • Vegetation density category is nonvegetated; and • Proximity category is distant.

5. Where WUIC applies, the site shall be designated as intermix or interface as follows:

INTERMIX	INTERFACE
<ul style="list-style-type: none"> • Structure density category is very low to high; and • Vegetation density category is vegetated. 	<ul style="list-style-type: none"> • Structure density category is very low to high; and • Proximity category is near.

((Figure)) Table 302(2). Worksheet for simplified procedure for determining wildland interface designation

302.4 Review of wildland-urban interface areas. The *code official* shall review for approval evaluated areas for new or modified findings of fact. Where a new or modified findings of fact are approved, the *code official* shall recommend to WADNR a modification to the *wildland-urban interface areas* mapping.

AMENDATORY SECTION (Amending WSR 23-02-056, 23-12-109, and 23-20-028, filed 1/3/23, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-55-0500 Special building construction regulations.

Section 501 General.

501.1 General. Buildings and structures hereafter constructed, modified, or relocated into or within the *wildland-urban interface area* shall meet the construction requirements of Sections 501.4 through 501.8.

EXCEPTIONS:

1. Buildings and structures with fire hazard severity determined in Section 502 and with ignition-resistant construction classification determined in Section 503.
2. Accessory structures not exceeding 200 square feet (((H)) 18.5 m²) in floor area and where located not less than 50 feet (15,240 mm) from buildings or structures containing habitable spaces.
3. Agricultural buildings located not less than 50 feet (15,240 mm) from buildings or structures containing habitable spaces.

501.2 Objective. This section is not adopted.

501.4 Roof covering. Roofs shall have a roof assembly that complies with a Class A rating when tested in accordance with ASTM E108 or UL 790. For roof assemblies where the profile allows a space between the roof covering and roof deck, the space at the eave ends shall be fire-stopped to preclude entry of flames or embers or have one layer of 72-pound (32.4 kg) mineral-surfaced, nonperforated cap sheet complying with ASTM D3909 installed over the combustible roof deck.

EXCEPTIONS:

1. Class A roof assemblies including those with coverings of brick, masonry, or an exposed concrete roof deck.
2. Class A roof assemblies also include ferrous or copper shingles or sheets, metal sheets and shingles, clay or concrete roof tile or slate installed on noncombustible decks or ferrous, copper or metal sheets installed without a roof deck on noncombustible framing.
3. Class A roof assemblies include minimum 16 oz/sq. ft. (0.0416 kg/m²) copper sheets installed over combustible roof decks.

501.4.1 Roof valleys. Where provided, valley flashings shall be not less than 0.019-inch (0.48 mm) (No. 26 galvanized sheet gage) corrosion-resistant metal installed over a minimum 36-inch-wide (914 mm) underlayment consisting of one layer of 72-pound (32.4 kg) mineral-surfaced, nonperforated cap sheet complying with ASTM D3909 running the full length of the valley.

501.5 Exterior walls and projections other than decks. Exterior walls and projections other than decks, of buildings, or structures, or *accessory structures* attached to buildings or structures with habitable spaces, shall be constructed with one of the following methods, with materials extending from the top of the foundation to the underside of the roof sheathing:

1. Materials approved for not less than one hour fire-resistance rated construction on the exterior side;
2. Approved noncombustible materials;
3. Heavy timber or log wall construction;
4. Fire-retardant-treated wood on the exterior side. The fire-retardant-treated wood shall be labeled for exterior use and meet the requirements of Section 2303.2 of the International Building Code; or
5. Ignition-resistant materials, complying with Section 503.2 on the exterior side.

EXCEPTION: Unenclosed accessory structures attached to buildings with habitable spaces and projections, such as decks, attached to the first floor of a building, if when the structure is built with building materials at least two inches nominal depth and the area below the unenclosed accessory structure is screened with material with openings no greater than 1/4-inch maximum to prevent accumulation of combustibles and to prevent embers from coming in underneath.

501.6 Decks and appendages. The material of decks, porches, balconies, and stairs shall be constructed with any of the following materials:

1. Ignition-resistant material that complies with the minimum performance requirement of Section 503.2.
2. Exterior fire-retardant-treated wood.
3. Noncombustible material.

4. Any material that complies with the minimum performance requirements of Section 503.2 when attached exterior wall covering is also either noncombustible or ignition-resistant material.

5. Heavy timber construction consisting of the following:

5.1. Posts shall be a minimum of 6 inches x 6 inches nominal dimension.

5.2. Beams shall be a minimum of 6 inches x 8 inches nominal dimension.

5.3. Joists shall be a minimum of 4 inches x 8 inches nominal dimension spaced at no greater than 24 inches on center.

501.6.1 Clearance. Decks with less than 48 inches of clearance from finished grade to deck joists shall be enclosed with screen material with openings no greater than 1/4-inch maximum to prevent accumulation of combustibles and to prevent embers from coming in underneath.

501.6.2 Walking surfaces. The walking surface material of decks, porches, balconies, and stairs shall be constructed with one of the following materials:

1. Ignition-resistant material that complies with the performance requirements of Section 503.2.

2. Exterior fire-retardant-treated wood.

3. Noncombustible material.

4. Where the deck, porch, balcony, or stairs are constructed of heavy timber in accordance with Section 501.6, natural wood decking products shall be:

4.1. 2-inch nominal dimension lumber; or

4.2. ((5/4)) 1 1/4-inch nominal hardwood (i.e., teak, mahogany, or other approved hardwood).

5. Material that complies with the performance requirements of Section 501.6.2.1 when tested in accordance with ASTM E2632 and when attached exterior wall covering is also composed of only noncombustible or ignition-resistant materials.

EXCEPTION: Wall material shall be permitted to be of any material that otherwise complies with Section 501.5 when the decking surface material complies with the performance requirements of ASTM E84 with a Class B flame spread index.

501.6.2.1 Material in Section 501.6.2, Item 5. The walking surface material shall be tested in accordance with ASTM E2632 and shall comply with the following condition of acceptance. The ASTM E2632 test shall be conducted on a minimum of three test specimens and the peak heat release rate shall be less than or equal to 25 kW/ft² (269 kW/m²). If any one of the three tests does not meet the conditions of acceptance, three additional tests shall be run. All the additional tests shall meet the condition of acceptance.

501.7 Exterior glazing. Exterior windows, window walls and glazed doors, windows within exterior doors, and skylights shall be tempered glass, multilayered glazed panels, glass block, or have a fire protection rating of not less than 20 minutes.

501.8 Vents. Attic ventilation openings, foundation or underfloor vents, or other ventilation openings in vertical exterior walls and vents through roofs shall not exceed 144 square inches (0.0929 m²) each. Such vents shall be covered with noncombustible corrosion-resistant mesh with openings not to exceed 1/4 inch (6.4 mm), or shall be designed and approved to prevent flame or ember penetration into the structure.

1. Attic ventilation openings shall not be located in soffits, in eave ((overhands)) overhangs, between rafters at eaves, or in other

overhang areas. Gable end and dormer vents shall be located not less than 10 feet (3048 mm) from lot lines. Underfloor ventilation openings shall be located as close to grade as possible.

502 Fire hazard severity.

502.1 General. The fire hazard severity of building sites for buildings hereafter constructed, modified, or relocated into *wildland-urban interface areas* shall be established in accordance with Table 502.1. See also Chapter 8.

502.2 Fire hazard severity reduction. The fire hazard severity identified in Table 502.1 is allowed to be reduced by implementing a vegetation management plan in accordance with Chapter 7.

TABLE 502.1
FIRE HAZARD SEVERITY
(No change to the table)

504 Class 1 ignition-resistant construction.

504.7 Appendages and projections. *Accessory structures* attached to buildings with habitable spaces and projections other than decks, porches, balconies, or stairs, shall be not less than 1-hour fire-resistance-rated construction, *heavy timber construction*, or constructed of one of the following:

1. *Approved noncombustible* materials.
2. Fire-retardant-treated wood identified for exterior use and meeting the requirements of Section 2303.2 of the *International Building Code*.
3. Ignition-resistant building materials in accordance with Section 503.2.

EXCEPTION: Not adopted.

504.8 Decks and appendages. The material of decks, porches, balconies, and stairs shall be constructed with any of the following materials:

1. Ignition-resistant material that complies with the minimum performance requirement of Section 503.2.
2. Exterior fire-retardant-treated wood.
3. Noncombustible material.
4. Any material that complies with the minimum performance requirements of Section 503.2 when attached exterior wall covering is also either noncombustible or ignition-resistant material.
5. Heavy timber construction consisting of the following:
 - 5.1. Posts shall be a minimum of 6 inches x 6 inches nominal dimension.
 - 5.2. Beams shall be a minimum of 6 inches x 8 inches nominal dimension.
 - 5.3. Joists shall be a minimum of 4 inches x 8 inches nominal dimension spaced at no greater than 24 inches on center.

504.8.1 Clearance. Decks with less than 48 inches of clearance from finished grade to deck joists shall be enclosed with screen material with openings no greater than 1/4-inch maximum to prevent accumulation of combustibles and to prevent embers from coming in underneath.

504.8.2 Walking surfaces. The walking surface material of decks, porches, balconies, and stairs shall be constructed with one of the following materials:

1. Ignition-resistant material that complies with the performance requirements of Section 503.2.

2. Exterior fire-retardant-treated wood.
3. Noncombustible material.
4. Where the deck, porch, balcony, or stairs are constructed of heavy timber in accordance with Section 501.6, natural wood decking products shall be:
 - 4.1. 2-inch nominal dimension lumber; or
 - 4.2. ((5/4)) 1 1/4-inch nominal hardwood (i.e., teak, mahogany, or other approved hardwood).
5. Material that complies with the performance requirements of Section 504.8.2.1 when tested in accordance with ASTM E2632 and when attached exterior wall covering is also composed of only noncombustible or ignition-resistant materials.

EXCEPTION: Wall material shall be permitted to be of any material that otherwise complies with Section 501.5 when the decking surface material complies with the performance requirements of ASTM E84 with a Class B flame spread index.

504.8.2.1 Material in Section ((504.8.1)) 504.8.2, Item 5. The walking surface material shall be tested in accordance with ASTM E2632 and shall comply with the following condition of acceptance. The ASTM E2632 test shall be conducted on a minimum of three test specimens and the peak heat release rate shall be less than or equal to 25 kW/ft² (269 kW/m²). If any one of the three tests does not meet the conditions of acceptance, three additional tests shall be run. All the additional tests shall meet the condition of acceptance.

504.9 Exterior glazing. Exterior windows, window walls and glazed doors, windows within exterior doors, and skylights shall be tempered glass, *multilayered glazed panels*, glass block or have a fire protection rating of not less than 20 minutes.

504.10 Exterior doors. Exterior doors shall be *approved* noncombustible construction, solid core wood not less than 1 3/4 inches thick (44 mm), or have a fire protection rating of not less than 20 minutes. Windows within doors and glazed doors shall be in accordance with Section 504.8.

EXCEPTION: Vehicle access doors.

504.11 Vents. Attic ventilation openings, foundation or underfloor vents, or other ventilation openings in vertical exterior walls and vents through roofs shall not exceed 144 square inches (0.0929 m²) each. Such vents shall be covered with *noncombustible* corrosion-resistant mesh with openings not to exceed 1/4 inch (6.4 mm), or shall be designed and *approved* to prevent flame or ember penetration into the structure.

504.11.1 Vent locations. Attic ventilation openings shall not be located in soffits, in eave overhangs, between rafters at eaves, or in other overhang areas. Gable end and dormer vents shall be located not less than 10 feet (3048 mm) from lot lines. Underfloor ventilation openings shall be located as close to grade as practical.

504.12 Detached accessory structures. Detached accessory structures located less than 50 feet (15,240 mm) from a building containing habitable space shall have exterior walls constructed with materials *approved* for not less than 1-hour *fire-resistance-rated construction*, heavy timber, *log wall construction*, or constructed with *approved noncombustible* materials or fire-retardant-treated wood on the exterior side. The fire-retardant-treated wood shall be labeled for exterior use and meet the requirements of Section 2303.2 of the *International Building Code*.

504.12.1 Underfloor areas. Where the detached structure is located and constructed so that the structure or any portion thereof projects over a descending slope surface greater than 10 percent, the area below the structure shall have underfloor areas enclosed to within 6 inches (152 mm) of the ground, with exterior wall construction in accordance with Section 504.5 or underfloor protection in accordance with Section 504.6.

EXCEPTION: The enclosure shall not be required where the underside of exposed floors and exposed structural columns, beams and supporting walls are protected as required for exterior 1-hour *fire-resistance-rated construction* or *heavy timber construction* or fire-retardant-treated wood on the exterior side. The fire-retardant-treated wood shall be labeled for exterior use and meet the requirements of Section 2303.2 of the *International Building Code*.

505 Class 2 ignition-resistant construction.

505.7 Appendages and projections. *Accessory structures* attached to buildings with habitable spaces and projections, other than decks, porches, balconies, or stairs, shall be not less than 1-hour *fire-resistance-rated construction*, *heavy timber construction* or constructed of one of the following:

1. *Approved noncombustible* materials.
2. Fire-retardant-treated wood identified for exterior use and meeting the requirements of Section 2303.2 of the *International Building Code*.
3. Ignition-resistant building materials in accordance with Section 503.2.

EXCEPTION: Not adopted.

505.8 Decks and appendages. The material of decks, porches, balconies, and stairs shall be constructed with any of the following materials:

1. Ignition-resistant material that complies with the minimum performance requirement of Section 503.2.
2. Exterior fire-retardant-treated wood.
3. Noncombustible material.
4. Any material that complies with the minimum performance requirements of Section 503.2 when attached exterior wall covering is also either noncombustible or ignition-resistant material.
5. Heavy timber construction consisting of the following:
 - 5.1. Posts shall be a minimum of 6 inches x 6 inches nominal dimension.
 - 5.2. Beams shall be a minimum of 6 inches x 8 inches nominal dimension.
 - 5.3. Joists shall be a minimum of 4 inches x 8 inches nominal dimension spaced at no greater than 24 inches on center.

505.8.1 Clearance. Decks with less than 48 inches of clearance from finished grade to deck joists shall be enclosed with screen material with openings no greater than 1/4-inch maximum to prevent accumulation of combustibles and to prevent embers from coming in underneath.

505.8.2 Walking surfaces. The walking surface material of decks, porches, balconies, and stairs shall be constructed with one of the following materials:

1. Ignition-resistant material that complies with the performance requirements of Section 503.2.
2. Exterior fire-retardant-treated wood.
3. Noncombustible material.
4. Where the deck, porch, balcony, or stairs are constructed of heavy timber in accordance with Section 501.6, natural wood decking products shall be:

4.1. 2-inch nominal dimension lumber; or

4.2. 5/4-inch nominal hardwood (i.e., teak, mahogany, or other approved hardwood).

5. Material that complies with the performance requirements of Section ((~~505.8.1.1~~) 505.8.2.1) when tested in accordance with ASTM E2632 and when attached exterior wall covering is also composed of only noncombustible or ignition-resistant materials.

EXCEPTION: Wall material shall be permitted to be of any material that otherwise complies with Section 501.5 when the decking surface material complies with the performance requirements of ASTM E84 with a Class B flame spread index.

505.8.2.1 Material in Section ((~~505.8.1~~) 505.8.2, Item 5. The walking surface material shall be tested in accordance with ASTM E2632 and shall comply with the following condition of acceptance. The ASTM E2632 test shall be conducted on a minimum of three test specimens and the peak heat release rate shall be less than or equal to 25 kW/ft² (269 kW/m²). If any one of the three tests does not meet the conditions of acceptance, three additional tests shall be run. All the additional tests shall meet the condition of acceptance.

505.9 Exterior glazing. Exterior windows, window walls and glazed doors, windows within exterior doors, and skylights shall be tempered glass, *multilayered glazed panels*, glass block or have a fire protection rating of not less than 20 minutes.

505.10 Exterior doors. Exterior doors shall be *approved noncombustible* construction, solid core wood not less than 1 3/4 inches thick (45 mm), or have a fire protection rating of not less than 20 minutes. Windows within doors and glazed doors shall be in accordance with Section 505.8.

EXCEPTION: Vehicle access doors.

505.11 Vents. Attic ventilation openings, foundation or underfloor vents or other ventilation openings in vertical exterior walls and vents through roofs shall not exceed 144 square inches (0.0929 m²) each. Such vents shall be covered with *noncombustible* corrosion-resistant mesh with openings not to exceed 1/4 inch (6.4 mm) or shall be designed and *approved* to prevent flame or ember penetration into the structure.

505.11.1 Vent locations. Attic ventilation openings shall not be located in soffits, in eave overhangs, between rafters at eaves, or in other overhang areas. Gable end and dormer vents shall be located not less than 10 feet (3048 mm) from lot lines. Underfloor ventilation openings shall be located as close to grade as practical.

505.12 Detached accessory structures. Detached accessory structures located less than 50 feet (15,240 mm) from a building containing habitable space shall have exterior walls constructed with materials *approved* for not less than 1-hour *fire-resistance-rated construction*, heavy timber, *log wall construction*, or constructed with *approved noncombustible* materials or fire-retardant-treated wood on the exterior side. The fire-retardant-treated wood shall be labeled for exterior use and meet the requirements of Section 2303.2 of the *International Building Code*.

505.12.1 Underfloor areas. Where the detached *accessory structure* is located and constructed so that the structure or any portion thereof projects over a descending slope surface greater than 10 percent, the area below the structure shall have underfloor areas enclosed to with-

in 6 inches (152 mm) of the ground, with exterior wall construction in accordance with Section 505.5 or underfloor protection in accordance with Section 505.6.

EXCEPTION: The enclosure shall not be required where the underside of exposed floors and exposed structural columns, beams and supporting walls are protected as required for exterior 1-hour *fire-resistance-rated construction* or heavy-timber construction or fire-retardant-treated wood on the exterior side. The fire-retardant-treated wood shall be labeled for exterior use and meet the requirements of Section 2303.2 of the *International Building Code*.

507 Replacement or repair of roof coverings.

507.1 General. The *roof covering* on buildings or structures in existence prior to the adoption of this code that are replaced or have 50 percent or more replaced in a 12-month period shall be replaced with a *roof covering* required by Section 501.4 or based on the type of ignition-resistant construction as determined by Section 501.1 Exception 1.

WSR 23-23-108

PERMANENT RULES

BUILDING CODE COUNCIL

[Filed November 15, 2023, 10:40 a.m., effective March 15, 2024]

Effective Date of Rule: March 15, 2024.

Purpose: Reconciling state amendments with section renumbering and model code modifications in the 2021 Uniform Plumbing Code; correcting errors and omissions.

Citation of Rules Affected by this Order: Amending six sections in chapter 51-56 WAC.

Statutory Authority for Adoption: RCW 19.27.031, 19.27.074.

Other Authority: RCW 19.27.031, 19.27.074.

Adopted under notice filed as WSR 23-14-125 on July 5, 2023.

Changes Other than Editing from Proposed to Adopted Version:

WAC	Section	Change	Rationale/Discussion
51-56-008	Implementation	Implementation date is changed from October 29, 2023, to March 15, 2024.	The state building code council voted to delay implementation of all codes on September 15, 2023.

A final cost-benefit analysis is available by contacting Dustin Curb, 1500 Jefferson Street S.E., phone 360-972-4158, email dustin.curb@des.wa.gov, website <https://www.sbcc.wa.gov/>.

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

Number of Sections Adopted at 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 6, 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 6, Repealed 0.

Date Adopted: October 20, 2023.

Tony Doan
Council Chair

OTS-4734.3

AMENDATORY SECTION (Amending WSR 23-02-057, 23-12-110, and 23-20-029, filed 1/3/23, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-56-008 Implementation. The Uniform Plumbing Code adopted by chapter 51-56 WAC shall become effective in all counties and cities of this state on (~~July 1, 2023~~) March 15, 2024.

AMENDATORY SECTION (Amending WSR 23-02-057, 23-12-110, and 23-20-029, filed 1/3/23, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-56-0400 Chapter 4—Plumbing fixtures and fixture fittings.

402.5 Setting. Fixtures shall be set level and in proper alignment with reference to adjacent walls. No water closet or bidet shall be set closer than fifteen (15) inches (381 mm) from its center to any side wall or obstruction nor closer than thirty (30) inches (762 mm) center to center to any similar fixture. The clear space in front of any water closet or bidet shall be not less than twenty-four (24) inches (610 mm). No urinal shall be set closer than twelve (12) inches (305 mm) from its center to any side wall or partition nor closer than twenty-four (24) inches (610 mm) center to center.

EXCEPTIONS: 1. The clear space in front of a water closet, lavatory or bidet in dwelling units and sleeping units shall be not less than 21 inches (533 mm).
2. The installation of paper dispensers or accessibility grab bars shall not be considered obstructions.

405.4 Application. No individual, public or private corporation, firm, political subdivision, government agency, or other legal entity, may, for purposes of use in the state of Washington, distribute, sell, offer for sale, import, install, or approve for installation any plumbing fixtures or fittings unless the fixtures or fittings meet the standards as provided for in this chapter.

407.1 Application. Lavatories shall comply with ASME A112.19.1/CSA B45.2, ASME A112.19.2/CSA B45.1, ASME A112.19.3/CSA B45.4, ASME A112.19.12, CSA B45.5/IAPMO Z124, CSA B45.8/IAPMO Z403, CSA B45.11/IAPMO Z401 or CSA B45.12/IAPMO Z402. Group wash fixtures shall comply with the requirements of Section 401.2. Every 20 inches (508 mm) of rim space of a group wash fixture shall be considered as one lavatory for determining the number of lavatories required in accordance with the International Building Code Table 2902.1.

Lavatory assemblies with automatic soap dispensers, faucets, or hand dryers shall comply with IAPMO IGC 127.

407.2 Water Consumption. The maximum water flow rate of faucets shall comply with Section 407.2.1 through 407.2.2.

407.2.1 Maximum Flow Rate. The maximum flow rate for public lavatory faucets shall not exceed 0.5 gpm at 60 psi (1.9 L/m at 414 kPa).

407.2.1.1 Residential Lavatory Faucets. The maximum flow rate of residential lavatory faucets shall not exceed 1.2 gallons (4.54 L) per minute at 60 psi. The minimum flow rate of residential lavatory faucets shall not be less than 0.8 gallons (3.03 L) per minute at 20 psi.

407.2.1.2 Lavatory Faucets in Common and Public Use Areas. The maximum flow rate of lavatory faucets, installed in common and public use areas (outside of dwellings or sleeping units) in residential buildings, shall not exceed 0.5 gallons (1.89 L) per minute at 60 psi.

407.2.2 Metering Faucets. Metered faucets shall deliver a maximum of 0.25 gallons (1.0 L) per metering cycle in accordance with ASME A112.18.1/CSA B125.1.

407.4 Metering Valves. Lavatory faucets located in restrooms intended for use by the general public shall be equipped with a metering valve designed to close by spring or water pressure when left unattended (self-closing).

EXCEPTIONS: 1. Where designed and installed for use by persons with a disability.

2. Where installed in day care centers, for use primarily by children under 6 years of age.

408.2 Water Consumption. Showerheads shall meet the maximum flow rate of 1.8 gallons (6.81 L) per minute measured at 80 psi. Showerheads shall be certified to the performance criteria of the U.S. EPA WaterSense Specification for Showerheads.

EXCEPTION: Emergency use showers shall be exempt from the maximum water usage rates.

408.2.1 Multiple Showerheads Serving One Shower. When a shower is served by more than one showerhead, including handheld showerheads, the combined flow rate of all showerheads and/or other shower outlets controlled by a single valve shall not exceed 1.8 gallons (6.81 L) per minute at 80 psi, or the shower shall be designed to allow only one shower outlet to be in operation at a time.

408.4 Waste Outlet. Showers shall have a waste outlet and fixture tailpiece not less than two (2) inches (50 mm) in diameter. Fixture tailpieces shall be constructed from the materials specified in Section 701.2 for drainage piping. Strainers serving shower drains shall have a waterway at least equivalent to the area of the tailpiece.

EXCEPTION: In a residential dwelling unit where a 2 inch waste is not readily available and approval of the AHJ has been granted, the waste outlet, fixture tailpiece, trap and trap arm may be 1-1/2 inch when an existing tub is being replaced by a shower sized per Section 408.2. This exception only applies where one shower head rated at 1.8 gpm is installed.

408.6 Shower Compartments. Shower compartments, regardless of shape, shall have a minimum finished interior of nine hundred (900) square inches (0.58 m²) and shall also be capable of encompassing a thirty (30) inch (762 mm) circle. The minimum required area and dimensions shall be measured at a height equal to the top of the threshold and at a point tangent to its centerline. The area and dimensions shall be maintained to a point of not less than seventy (70) inches (1,778 mm) above the shower drain outlet with no protrusions other than the fixture valve or valves, shower head, soap dishes, shelves, and safety grab bars or rails. Fold-down seats in accessible shower stalls shall be permitted to protrude into the thirty (30) inch (762 mm) circle.

EXCEPTIONS: 1. Showers that are designed to comply with ICC/ANSI A117.1.
2. The minimum required area and dimension shall not apply for a shower receptor having overall dimensions of not less than thirty (30) inches (762 mm) in width and sixty (60) inches (1,524 mm) in length.

411.2 Water Consumption. The effective flush volume of all water closets shall not exceed 1.28 gallons (4.8 L) per flush when tested in accordance with ASME A112.19.2/CSA B45.1.

EXCEPTIONS: 1. Water closets located in day care centers, intended for use by young children may have a maximum water use of 3.5 gallons per flush or 13.25 liters per flush.
2. Water closets with bed pan washers may have a maximum water use of 3.5 gallons per flush or 13.25 liters per flush.
3. Blow out bowls, as defined in ANSI/ASME A112.19.2M, Section 5.1.2.3 may have a maximum water use of 3.5 gallons per flush or 13.25 liters per flush.

411.2.2 Performance. Water closets installed shall meet or exceed the minimum performance criteria developed for certification of high-efficiency toilets under the WaterSense program sponsored by the U.S. Environmental Protection Agency (EPA).

411.2.3 Flushometer Valve Activated Water Closets. Flushometer valve activated water closets shall have a maximum flush volume of 1.28 gallons (4.8 Lpf) of water per flush in accordance with ASME A112.19.2/CSA B45.1.

412.1 Application. Urinals shall comply with ASME A112.19.2/CSA B45.1, ASME A112.19.19, or CSA B45.5/IAPMO Z124. Wall-mounted urinals shall have an average water consumption not to exceed 0.125 gallons (0.47 L) per flush. Other urinals shall have an average water consumption not to exceed 0.5 gallons (1.89 L) per flush.

414.3 Drainage Connection. Domestic dishwashing machines shall discharge indirectly through an air gap fitting in accordance with Section 807.3 into a waste receptor, a wye branch fitting on the tailpiece of a kitchen sink, or dishwasher connection of a food waste disposer. Commercial dishwashing machines shall discharge indirectly through an air gap.

415.2 Drinking Fountain Alternatives. This section is not adopted. See Building Code chapter 29.

418.3 Location of Floor Drains. Floor drains shall be installed in the following areas:

1. Toilet rooms containing two (2) or more water closets or a combination of one (1) water closet and one (1) urinal, except in a dwelling unit. The floor shall slope toward the floor drains.

2. Laundry rooms in commercial buildings and common laundry facilities in multifamily dwelling buildings.

420.0 Sinks

420.2 Water Consumption. Sink faucets shall have a maximum flow rate of not more than 2.2 gpm at 60 psi (8.3 L/m at 414 kPa) in accordance with ASME A112.18.1/CSA B125.1.

EXCEPTION: Clinical sinks, laundry trays, service sinks.

420.2.1 Kitchen Faucets. Kitchen faucets shall have a maximum flow rate of not more than 1.8 gallons (6.81 L) per minute at 60 psi. Kitchen faucets may temporarily increase the flow above the maximum rate, but not to exceed 2.2 gallons (8.3 L) per minute at 60 psi, and must default to a maximum flow rate of 1.8 gallons (6.81 L) per minute at 60 psi.

EXCEPTION: Where faucets meeting the maximum flow rate of 1.8 gpm (6.81 L) are unavailable, aerators or other means may be used to achieve reduction.

420.3 Prerinse Spray Valve. Commercial food service prerinse spray valves shall have a maximum flow rate of 1.6 gallons per minute (gpm) at 60 pounds-force per square inch (psi) (6.0 L/m at 414 kPa) in accordance with ASME A112.18.1/CSA B125.1 and shall be equipped with an integral automatic shutoff.

422.0 Minimum Number of Required Fixtures. For minimum number of plumbing fixtures required, see Building Code Chapter 29 and Table 2902.1.

423.0 Landscape Irrigation.

423.1 Spray Sprinkler Body. Spray sprinkler bodies must include an integral pressure regulator and must meet the water efficiency and performance criteria and other requirements of environmental protection agency water sense program product specification for spray sprinkler bodies.

EXCEPTION: Spray sprinkler bodies specifically excluded from the scope of the environmental protection agency water sense program product specification for spray sprinkler bodies.

Sections 422.1 through 422.5 and Table 422.1 are not adopted.

AMENDATORY SECTION (Amending WSR 23-02-057, 23-12-110, and 23-20-029, filed 1/3/23, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-56-0500 Chapter 5—Water heaters.

501.1 Applicability. The regulations of this chapter shall govern the construction, location, and installation of fuel burning and other types of water heaters heating potable water. The minimum capacity for water heaters shall be in accordance with the first hour rating listed in Table 501.1(2). See the Mechanical Code for combustion air and installation of all vents and their connectors. No water heater shall be hereinafter installed that does not comply with the manufacturer's installation instructions and the type and model of each size thereof approved by the authority having jurisdiction. A list of accepted water heater appliance standards is referenced in Table ((501(2))) 501.1(1). Listed appliances shall be installed in accordance with the manufacturer's installation instructions. Unlisted water heaters shall be permitted in accordance with Section 504.3.2.

TABLE 501.1(2)^{1,3}

Number of Bathrooms	1 to 1.5			2 to 2.5				3 to 3.5			
	1	2	3	2	3	4	5	3	4	5	6
Number of Bedrooms											
First Hour Rating ² , Gallons	38	49	49	49	62	62	74	62	74	74	74

Notes: ¹The first hour rating is found on the "Energy Guide" label.
²Nonstorage and solar water heaters shall be sized to meet the appropriate first hour rating as shown in the table, and shall be capable of delivering hot water at the maximum system demand flow, as calculated in Section 610.0 or Appendix A, as applicable.
³For replacement water heaters, see Section 102.4.

501.1.2 Consumer Electric Storage Water Heater Requirements. Consumer electric storage water heaters must have a modular demand response communications port compliant with the March 2018 version of the ANSI/CTA-2045-A communication interface standard, or equivalent and the March 2018 version of the ANSI/CTA-2045-A application layer requirements. The interface standard and application layer requirements required in this subsection are the versions established on March 16, 2018.

- EXCEPTIONS: 1. Water heaters manufactured prior to January 1, 2021.
 2. Electric storage water heaters other than heat pump type water heaters manufactured prior to January 1, 2022.

501.1.3 Mini-tank Electric Water Heaters. The standby energy consumption of hot water dispensers and mini-tank electric water heaters manufactured on or after January 1, 2010, shall be not greater than 35 watts. Mini-tank electric water heaters shall be tested in accordance with the method specified in the California Code of 39 Regulations, Title 20, section 1604 in effect as of July 26, 2009.

504.1 Location. Water heater installation in bedrooms and bathrooms shall comply with one of the following:
 (1) Fuel-burning water heaters may be installed in a closet located in the bedroom or bathroom provided the closet is equipped with a listed, gasketed door assembly and a listed self-closing device. The self-closing door assembly shall meet the requirements of Section 504.1.1. The door assembly shall be installed with a threshold and bottom door seal and shall meet the requirements of Section 504.1.2. All combustion air for such installations shall be obtained from the outdoors in accordance with the International Mechanical Code. The closet shall be for the exclusive use of the water heater.
 (2) Water heater shall be of the direct vent type.

505.2 Safety Devices. All storage-type water heaters deriving heat from fuels or types of energy other than gas, shall be provided with, in addition to the primary temperature controls, an over-temperature safety protection device constructed, listed, and installed in accordance with nationally recognized applicable standards for such devices and a combination temperature and pressure relief valve.

506.0 Combustion Air. For issues relating to combustion air, see the Mechanical Code.

Sections 506.1 through 506.9 are not adopted.

Sections 507.6 through 507.9 are not adopted.

507.2 Seismic Provisions. Water heaters shall be anchored or strapped to resist horizontal displacement due to earthquake motion. Strappings shall be at points within the upper one-third and lower one-third of its vertical dimensions. At the lower point, a distance of not less than four (4) inches (102 mm) shall be maintained from the controls to the strapping.

507.13 Installation in Garages. Appliances in garages and in adjacent spaces that open to the garage and are not part of the living space of a dwelling unit shall be installed so that burners, burner-ignition devices and ignition sources are located not less than eighteen (18) inches above the floor unless listed as flammable vapor ignition resistant.

507.16 Venting of Flue Gases - Delete entire section.

Sections 507.18 through 507.22 are not adopted.

509.0 Venting of Equipment. Delete entire section.

510.0 Sizing of Category I Venting Systems. Delete entire section.

AMENDATORY SECTION (Amending WSR 23-02-057, 23-12-110, and 23-20-029, filed 1/3/23, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-56-0600 Chapter 6—Water supply and distribution.

601.1 Applicability. This chapter shall govern the materials, design and installation of *water supply systems*, including backflow prevention devices, assemblies and methods used for backflow prevention.

603.1 General. Cross-connection control shall be provided in accordance with the provisions of this chapter. Devices or assemblies for protection of the public water system must be models approved by the department of health under WAC 246-290-490. The authority having jurisdiction shall coordinate with the local water purveyor where applicable in all matters concerning cross-connection control within the property lines of the premises.

No person shall install any water operated equipment or mechanism, or use any water treating chemical or substance, if it is found that such equipment, mechanism, chemical or substance may cause pollution or contamination of the domestic water supply. Such equipment or mechanism may be permitted only when equipped with an approved backflow prevention device or assembly.

603.2 Approval of Devices or Assemblies. Before any device or assembly is installed for the prevention of backflow, it shall have first been approved by the authority having jurisdiction. Devices or assemblies shall be tested for conformity with recognized standards or other standards acceptable to the authority having jurisdiction. Backflow prevention devices and assemblies shall comply with Table 603.2, except for specific applications and provisions as stated in Section 603.5.1 through 603.5.21.

All devices or assemblies installed in a potable water supply system for protection against backflow shall be maintained in good working condition by the person or persons having control of such devices or assemblies. Such devices or assemblies shall be tested in accordance with Section 603.4.2 and WAC 246-290-490. If found to be defective or inoperative, the device or assembly shall be replaced or repaired. No device or assembly shall be removed from use or relocated or other device or assembly substituted, without the approval of the authority having jurisdiction.

Testing shall be performed by a Washington state department of health certified backflow assembly tester.

TABLE 603.2
Backflow Prevention Devices, Assemblies and Methods
The following line is deleted from the table:

Device, Assembly or Method	Applicable Standards	Pollution (Low Hazard)		Contamination (High Hazard)		Installation
		Back Siphonage	Back Pressure	Back Siphonage	Back Pressure	
Backflow preventer for carbonated beverage dispensers (two independent check valves with a vent to the atmosphere.)	ASSE 1022	X				Installation includes carbonated beverage machines or dispensers. These devices operate under intermittent or continuous pressure conditions.

603.4.2 Testing. For devices and assemblies other than those regulated by the Washington department of health in conjunction with the local water purveyor for the protection of public water systems, the authority having jurisdiction shall ensure that the premise owner or responsible person shall have the backflow prevention assembly tested by a Washington state department of health certified backflow assembly tester:

- (1) At the time of installation, repair or relocation; and
- (2) At least on an annual schedule thereafter, unless more frequent testing is required by the authority having jurisdiction.

603.5.6 Protection from Lawn Sprinklers and Irrigation Systems. Potable water supplies to systems having no pumps or connections for pumping equipment, and no chemical injection or provisions for chemical injection, shall be protected from backflow by one of the following:

- (1) Atmospheric vacuum breaker (AVB).
- (2) Pressure vacuum breaker backflow prevention assembly (PVB).
- (3) Spill-resistant pressure vacuum breaker (SVB).
- (4) Reduced pressure principle backflow prevention assembly (RP).
- (5) A double check valve backflow prevention assembly (DC) may be allowed when approved by the water purveyor and the authority having jurisdiction.

603.5.10 Steam or Hot Water Boilers. Potable water connections to steam or hot water boilers shall be protected by an air gap or a reduced pressure principle backflow preventer.

603.5.12 Beverage Dispensers. Potable water supply to carbonators shall be protected by a listed reduced pressure principle backflow preventer as approved by the authority having jurisdiction for the specific use. The backflow preventer shall comply with Section 603.4.3. The piping downstream of the backflow preventer shall not be of copper, copper alloy, or other material that is affected by carbon dioxide.

604.14 Plastic Pipe Termination. Plastic water service piping may terminate within a building, provided the connection to the potable water distribution system shall be made as near as is practical to the point of entry and shall be accessible. Barbed insert fittings with hose clamps are prohibited as a transition fitting within the building.

608.5 Discharge Piping. The discharge piping serving a temperature relief valve, pressure relief valve or combination of both shall have no valves, obstructions or means of isolation and be provided with the following:

(1) Not less than the size of the valve outlet and shall discharge full size to the flood level of the area receiving the discharge and pointing down.

(2) Materials shall be rated at not less than the operating temperature of the system and approved for such use or shall comply with ASME A112.4.1. Materials shall be straight, rigid lengths only, without coils or flexes.

(3) Discharge pipe shall discharge independently by gravity through an air gap into the drainage system or outside of the building with the end of the pipe not exceeding 2 feet (610 mm) and not less than 6 inches (152 mm) above the ground pointing downwards.

(4) Discharge in such a manner that does not cause personal injury or structural damage.

(5) No part of such discharge pipe shall be trapped or subject to freezing.

(6) The terminal end of the pipe shall not be threaded.

(7) Discharge from a relief valve into a water heater pan shall be prohibited.

(8) The discharge termination point shall be readily observable.

EXCEPTION: Where no drainage was provided, replacement water heating equipment shall only be required to provide a drain pointing downward from the relief valve to extend between two (2) feet (610 mm) and six (6) inches (152 mm) from the floor. No additional floor drain need be provided.

~~((609.11))~~ **609.12 Insulation of Potable Water Piping.** Domestic water piping within commercial buildings shall be insulated in accordance with ~~((Section C403.2.8 and Table C403.2.8 or))~~ Section C404.6 of the Washington State Energy Code, as applicable.

610.4 Sizing Water Supply and Distribution Systems. Systems within the range of Table 610.4 may be sized from that table or by the method set forth in Section 610.5.

Listed parallel water distribution systems shall be installed in accordance with their listing.

611.1 Application. Drinking water treatment units shall comply with NSF 42 or NSF 53. Water softeners shall comply with NSF 44. Ultraviolet water treatment systems shall comply with NSF 55. Reverse osmosis

drinking water treatment systems shall comply with NSF 58. Drinking water distillation systems shall comply with NSF 62.

The owner of a building that serves potable water to twenty-five or more people at least sixty or more days per year and that installs drinking water treatment units including, but not limited to, the treatment units in Section 611.1, may be regulated (as a Group A public water system) by the Washington state department of health under chapter 246-290 WAC. See Washington state department of health publication 331-488 for guidance.

612.1 General. Where residential fire sprinkler systems are installed, they shall be installed in accordance with the International Building Code or International Residential Code.

Sections 612.2 through 612.7.2 are not adopted.

AMENDATORY SECTION (Amending WSR 23-02-057, 23-12-110, and 23-20-029, filed 1/3/23, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-56-0700 Chapter 7—Sanitary drainage.

701.2 Drainage Piping. Materials for drainage piping shall be in accordance with one of the referenced standards in Table 701.1 except that:

1. No galvanized wrought-iron or galvanized steel pipe shall be used underground and shall be kept not less than 6 inches (152 mm) above ground.

2. ABS and PVC DWV piping installations shall be installed in accordance with applicable standards in Table 1701.1. Except for individual single family dwelling units, materials exposed within ducts or plenums shall have a maximum flame-spread index of 25 and a maximum smoke developed index of 50, when tested in accordance with ASTM E-84 and UL 723.

3. No vitrified clay pipe or fittings shall be used above ground or where pressurized by a pump or ejector. They shall be kept not less than 12 inches (305 mm) below ground.

4. Copper tube for drainage and vent piping shall have a weight of not less than that of copper drainage tube type DWV.

5. Stainless steel 304 pipe and fittings shall not be installed underground and shall be kept not less than 6 inches (152 mm) above ground.

6. Cast-iron soil pipe and fittings shall be listed and tested in accordance with standards referenced in Table ((1701.1)) 701.2. Such pipe and fittings shall be marked with country of origin and identification of the original manufacturer in addition to markings required by referenced standards.

704.3 Commercial Sinks. Except where specifically required to be connected indirectly to the drainage system, or when first approved by the authority having jurisdiction, all plumbing fixtures, drains, appurtenances, and appliances shall be directly connected to the drainage system of the building or premises.

707.4 Location. Each horizontal drainage *pipe shall* be provided with a cleanout at its upper terminal, and each run of piping, that is more than 100 feet (30,480 mm) in total *developed length, shall* be provided with a cleanout for each 100 feet (30,480 mm), or fraction thereof, in

length of such piping. An additional cleanout *shall* be provided in a drainage line for each aggregate horizontal change of direction exceeding 135 degrees (2.36 rad).

EXCEPTIONS:

1. Cleanouts *shall* be permitted to be omitted on a horizontal *drain* line less than 5 feet (1,524 mm) in length unless such line is serving sinks or urinals.
2. Cleanouts *shall* be permitted to be omitted on a horizontal drainage *pipe* installed on a *slope* of 72 degrees (1.26 rad) or less from the vertical angle (one-fifth bend).
3. Except for the *building drain*, its *horizontal branches*, and urinals, a cleanout *shall* not be required on a *pipe* or piping that is above the floor level of the lowest floor of the *building*.
4. An *approved* type of two-way cleanout fitting, installed inside the *building* wall near the connection between the *building drain* and the *building sewer* or installed outside of a *building* at the lower end of a *building drain* and extended to *grade*, *shall* be permitted to be substituted for an upper terminal cleanout.

707.9 Clearance. Each cleanout in piping 2 inches (50 mm) or less in size *shall* be so installed that there is a clearance of not less than 12 inches (457 mm) in front of the cleanout. Cleanouts in piping exceeding 2 inches (50 mm) *shall* have a clearance of not less than 18 inches (610 mm) in front of the cleanout. Cleanouts in under-floor piping *shall* be extended to or above the finished floor or *shall* be extended outside the *building* where there is less than 18 inches (457 mm) vertical overall, allowing for obstructions such as ducts, beams, and piping, and 30 inches of (762 mm) horizontal clearance from the means of access to such cleanout. No under-floor cleanout *shall* be located exceeding 20 feet (1,524 mm) from an access door, trap door, or crawl hole.

CHAPTER 7, PART II—BUILDING SEWERS

Part II Building Sewers. Delete all of Part II (Sections 713 through 723, and Tables 717.1 and 721.1).

AMENDATORY SECTION (Amending WSR 23-02-057, 23-12-110, and 23-20-029, filed 1/3/23, 6/7/23, and 9/25/23, effective 3/15/24)

WAC 51-56-1100 Chapter 11—Storm drainage.

1101.4 Material Uses. Pipe, tube, and fittings conveying rainwater shall be of such materials and design as to perform their intended function to the satisfaction of the authority having jurisdiction. Conductors within a vent or shaft shall be of cast iron, galvanized steel, wrought iron, copper, copper alloy, lead, Scheduled 40 ASB DWV, Scheduled 40 PVC DWV, stainless steel 304 or 316L (stainless steel 304 pipe and fittings shall not be installed underground and shall be kept not less than six (6) inches (152 mm) aboveground), or other approved materials, and changes in direction shall conform to the requirements of Section 706.0. ABS and PVC DWV piping installations shall be installed in accordance with IS 5 and IS 9. Except for individual single-family dwelling units, materials exposed within ducts or plenums shall have a maximum flame-spread index of 25 and a maximum smoke-developed index of 50, when tested in accordance with ASTM E-84 and UL 723.

1101.12.2 Secondary Drainage. Secondary (emergency) roof drainage shall be provided by one of the methods specified in Section 1101.12.2.1 or Section 1101.12.2.2.

1101.12.2.1 Roof Scuppers or Open Side. Secondary roof drainage shall be provided by an open-sided roof or scuppers where the roof perimeter construction extends above the roof in such a manner that water will be entrapped. An open-sided roof or scuppers shall be sized to prevent

the depth of ponding water from exceeding that for which the roof was designed as determined by Section 1101.12.1. Scupper openings shall be not less than four (4) inches (102 mm) high and have a width equal to the circumference of the roof drain required for the area served, sized in accordance with Table 1103.1, based on double the rainfall rate for the local area.

EXCEPTION: Scupper openings shall be permitted to be sized for the normal rainfall rate where the structural design of the roof includes a ponding instability analysis in accordance with ASCE 7 for the additional ponding load resulting from twice the normal rainfall rate or a 15-minute duration/100-year return period storm. The analysis shall assume the primary drain system is blocked.

1101.12.2.2 Secondary Roof Drain. Secondary roof drains shall be provided. The secondary roof drains shall be located not less than two (2) inches (51 mm) above the roof surface. The maximum height of the roof drains shall be a height to prevent the depth of ponding water from exceeding that for which the roof was designed as determined by Section 1101.12.1. The secondary roof drains shall connect to a piping system in accordance with Section 1101.12.2.2.1 or Section 1101.12.2.2.2.

1101.12.2.2.1 Separate Piping System. The secondary roof drainage system shall be a separate system of piping, independent of the primary roof drainage system. The discharge shall be above grade, in a location observable by the building occupants or maintenance personnel. Secondary roof drain systems shall be sized in accordance with Section 1101.12.1 based on double the rainfall rate for the local area.

EXCEPTION: The secondary drainage system shall be permitted to be sized for the normal rainfall rate where the structural design of the roof includes a ponding instability analysis in accordance with ASCE 7 for the additional ponding load resulting from twice the normal rainfall rate or a 15-minute duration/100-year return period storm. The analysis shall assume the primary drain system is blocked.

1101.12.2.2.2 Combined System. The secondary roof drains shall connect to the vertical piping of the primary storm drainage conductor downstream of the last horizontal offset located below the roof. The primary storm drainage system shall connect to the building storm water that connects to an underground public storm sewer. The combined secondary and primary roof drain systems shall be sized in accordance with Section 1103.0 based on double the rainfall rate for the local area.

1101.13 Cleanouts. Cleanouts for building storm drains shall comply with the requirements of this section.

1101.13.1 Locations. Rain leaders and conductors connected to a building storm sewer shall have a cleanout installed at the base of the outside leader or outside conductor before it connects to the horizontal drain. Cleanouts shall be placed inside the building near the connection between the building drain and the building sewer or installed outside the building at the lower end of the building drain and extended to grade.

1101.13.2 Cleaning. Each cleanout shall be installed so that it opens to allow cleaning in the direction of flow of the soil or waste or at right angles thereto, and except in the case of wye branch and end-of-line cleanouts, shall be installed vertically above the flow line of the pipe.

1101.13.3 Access. Cleanouts installed under concrete or asphalt paving shall be made accessible by yard boxes, or extending flush with paving with approved materials and be adequately protected.

1101.13.4 Manholes. Approved manholes may be installed in lieu of cleanouts when first approved by the authority having jurisdiction.

The maximum distance between manholes shall not exceed three hundred (300) feet (91.4 m).

The inlet and outlet connections shall be made by the use of a flexible compression joint no closer than twelve (12) inches (305 mm) to, and not farther than three (3) feet (914 mm) from the manhole. No flexible compression joints shall be embedded in the manhole base.

1103.0 Size of Leaders, Conductors, and Storm Drains.

1103.1 Vertical Conductors and Leaders. Vertical conductors and leaders shall be sized by the maximum projected roof area and Table 1103.1. Vertical conductors and leaders for secondary roof drains shall be sized based on double the rainfall rate for the local area.

EXCEPTION: Vertical conductors and leaders for secondary drainage systems shall be permitted to be sized for the normal rainfall rate where the structural design of the roof includes a ponding instability analysis in accordance with ASCE 7 for the additional ponding load resulting from twice the normal rainfall rate or a 15-minute duration/100-year return period storm. The analysis shall assume the primary drain system is blocked.

1103.2 Size of Horizontal Storm Drains and Sewers. The size of building storm drains, or building storm sewers or their horizontal branches shall be based on the maximum projected roof or paved area to be handled and Table 1103.2. Building storm drains, building storm sewers, or their horizontal branches receiving drainage from secondary roof drain systems shall be sized based on double the rainfall rate for the local area.

EXCEPTION: Building storm drains, building storm sewers, or their horizontal branches receiving drainage from secondary drainage systems shall be permitted to be sized for the normal rainfall rate where the structural design of the roof includes a ponding instability analysis in accordance with ASCE 7 for the additional ponding load resulting from twice the normal rainfall rate or a 15-minute duration/100-year return period storm. The analysis shall assume the primary drain system is blocked.

1103.3 Size of Roof Gutters. The size of semi-circular gutters shall be based on the maximum projected roof area and Table 1103.3.

1103.4 Side Walls Draining onto a Roof. Where vertical walls project above a roof to permit storm water to drain into the roof area below, the adjacent roof area shall be permitted to be computed from Table 1103.1 as follows:

(1) (No change to Items (1) through (~~(6)~~) (7))

Secondary drainage systems for the adjacent roof area shall be sized based on double the rainfall rate for the local area.

EXCEPTION: Secondary drainage systems for the adjacent roof area shall be permitted to be sized for the normal rainfall rate where the structural design of the roof includes a ponding instability analysis in accordance with ASCE 7 for the additional ponding load resulting from twice the normal rainfall rate or a 15-minute duration/100-year return period storm. The analysis shall assume the primary drain system is blocked.

1105.0 Controlled-Flow Roof Drainage. This section is not adopted.

WSR 23-23-124

PERMANENT RULES

DEPARTMENT OF REVENUE

[Filed November 16, 2023, 11:52 a.m., effective December 17, 2023]

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

Purpose: The department is amending these rules to incorporate 2020 legislation, SHB 2246. The purpose of this legislation was to reorganize laws related to environmental health without making any substantive policy changes; specifically, adding a new title to be codified as Title 70A RCW.

Citation of Rules Affected by this Order: Amending WAC 458-20-195, 458-20-22801, 458-20-254, 458-20-261, and 458-20-272.

Statutory Authority for Adoption: RCW 82.32.300 and 82.01.060.

Adopted under notice filed as WSR 23-17-040 on August 9, 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 5, 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 5, 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: November 16, 2023.

Atif Aziz
Rules Coordinator

OTS-4532.1

AMENDATORY SECTION (Amending WSR 22-24-098, filed 12/6/22, effective 1/6/23)

WAC 458-20-195 Taxes, deductibility. (1) **Introduction.** This rule explains the circumstances under which taxes may be deducted from the gross amount reported as the measure of tax under the business and occupation tax, retail sales tax, and public utility tax. It also lists deductible and nondeductible taxes.

(2) **Deductibility of taxes.** In computing tax liability, the amount of certain taxes may be excluded or deducted from the gross amount reported as the measure of tax under the business and occupation (B&O) tax, the retail sales tax, and the public utility tax. These taxes may be deducted provided they have been included in the gross amount reported under the classification with respect to which the deduction is sought, and have not been otherwise deducted through inclusion in the amount of another allowable deduction, such as credit losses.

The amount of taxes which are not allowable as deductions or exclusions must in every case be included in the gross amount reported.

License and regulatory fees are not deductible. Questions regarding the deductibility or exclusion of a tax that is not specifically identified in this rule should be submitted to the department of revenue for determination.

(3) **Motor vehicle fuel taxes.** RCW 82.04.4285 provides a B&O tax deduction for certain state and federal motor vehicle fuel taxes when the taxes are included in the sales price. These taxes include:

- Fuel tax. chapter 82.38 RCW;
- Federal tax on diesel and special motor fuels (including leaking underground storage tank taxes), except train and aviation fuels. 26 U.S.C.A. Sec. 4041;
- Federal tax on inland waterway commercial fuel. . . 26 U.S.C.A. Sec. 4042;
- Federal tax on gasoline and diesel fuel for use in highway vehicles and motorboats. . . . 26 U.S.C.A. Sec. 4081.

(4) **Taxes collected as an agent of municipalities, the state, or the federal government.** The amount of taxes collected by a taxpayer, as agent for municipalities, the state of Washington or its political subdivisions, or the federal government, may be deducted from the gross amount reported. These taxes are deductible under each tax classification of the Revenue Act under which the gross amount from such sales or services must be reported.

This deduction applies only where the amount of such taxes is received by the taxpayer as collecting agent and is paid by the agent directly to a municipality, the state, its political subdivisions, or to the federal government. When the taxpayer is the person upon whom a tax is primarily imposed, no deduction or exclusion is allowed, since in such case the tax is a part of the cost of doing business. The mere fact that the amount of tax is added by the taxpayer as a separate item to the price of goods sold, or to the charge for services rendered, does not in itself, make such taxpayer a collecting agent for the purpose of this deduction. Examples of deductible taxes include:

- FEDERAL—
- Tax on communications services (telephone and teletype-writer exchange services). 26 U.S.C.A. Sec. 4251;
- Tax on transportation of persons. 26 U.S.C.A. Sec. 4261;
- Tax on transportation of property. 26 U.S.C.A. Sec. 4271;
- STATE—
- 988 crisis hotline tax collected from subscribers. chapter 82.86 RCW;
- Aviation fuel tax collected from buyers by a distributor as defined by RCW 82.42.010 chapter 82.42 RCW;
- Leasehold excise tax collected from lessees. chapter 82.29A RCW;
- Oil spill response tax collected from taxpayers by marine terminal operators. . . chapter 82.23B RCW;

Retail sales tax collected from buyers.	chapter 82.08 RCW;
Solid waste collection tax collected from buyers.	chapter 82.18 RCW;
State 911 tax collected from subscribers.	chapter 82.14B RCW;
Use tax collected from buyers.	chapter 82.12 RCW;
MUNICIPAL—	
City admission tax.	RCW 35.21.280;
County admissions and recreations tax.	chapter 36.38 RCW;
County 911 tax collected from subscribers.	chapter 82.14B RCW;
Local retail sales and use taxes collected from buyers.	chapter 82.14 RCW.

(5) **Specific taxes which are not deductible.** Examples of specific taxes which may be neither deducted nor excluded from the measure of the tax include the following:

FEDERAL—	
Agricultural Adjustment Act (A.A.A.) compensating tax.	7 U.S.C.A. Sec. 615(e);
A.A.A. processing tax.	7 U.S.C.A. Sec. 609;
Aviation fuel.	26 U.S.C.A. Sec. 4091;
Distilled spirits, wine, and beer taxes.	26 U.S.C.A. chapter 51;
Diesel and special motor fuel tax for fuel used for purposes other than motor vehicles and motorboats.	26 U.S.C.A. Sec. 4041;
Employment taxes.	26 U.S.C.A. chapters 21-25;
Estate taxes.	26 U.S.C.A. chapter 11;
Firearms, shells, and cartridges.	26 U.S.C.A. Sec. 4181;
Gift taxes.	26 U.S.C.A. chapter 12;
Importers, manufacturers, and dealers in firearms.	26 U.S.C.A. Sec. 5801;
Income taxes.	26 U.S.C.A. Subtitle A;
Insurance policies issued by foreign insurers.	26 U.S.C.A. Sec. 4371;
Sale and transfer of firearms tax.	26 U.S.C.A. Sec. 5811;
Sporting goods.	26 U.S.C.A. Sec. 4161;
Superfund tax.	26 U.S.C.A. Sec. 4611;
Tires.	26 U.S.C.A. Sec. 4071;
Tobacco excise taxes.	26 U.S.C.A. chapter 52;
Wagering taxes.	26 U.S.C.A. chapter 35;
STATE —	

Ad valorem property taxes.	Title 84 RCW;
Alcoholic beverages licenses and stamp taxes (Breweries, distillers, distributors, and wineries).	chapter 66.24 RCW;
Aviation fuel tax when not collected as agent for the state.	chapter 82.42 RCW;
Boxing, sparring and wrestling tax.	chapter 67.08 RCW;
Business and occupation tax.	chapter 82.04 RCW;
Cigarette tax.	chapter 82.24 RCW;
Estate tax.	Title 83 RCW;
Insurance premiums tax	chapter 48.14 RCW;
Hazardous substance tax.	chapter 82.21 RCW;
Litter tax.	chapter 82.19 RCW;
Pollution liability insurance fee.	RCW ((70A.149.080)) <u>70A.330.070</u> ;
Parimutuel tax.	RCW 67.16.100;
Petroleum products - underground storage tank tax.	chapter 82.23A RCW;
Public utility tax.	chapter 82.16 RCW;
Real estate excise tax. .	chapter 82.45 RCW;
Tobacco products tax. .	chapter 82.26 RCW;
Use tax when not collected as agent for state.	chapter 82.12 RCW;
MUNICIPAL—	
Local use tax when not collected as agent for cities or counties.	chapter 82.14 RCW;
Municipal utility taxes.	chapter 54.28 RCW;
Municipal and county real estate excise taxes.	chapter 82.46 RCW.

AMENDATORY SECTION (Amending WSR 20-22-093, filed 11/3/20, effective 12/4/20)

WAC 458-20-22801 Tax reporting frequency. (1) Introduction.

(a) Every person liable for an excise tax imposed by the laws of the state of Washington for which the department of revenue has primary or secondary administrative responsibility, i.e., Title 82 RCW and chapters 67.28 (Hotel/motel tax), ((~~70A.93~~)) 70A.200 (Litter tax), ((~~70A.95~~)) 70A.205 (Tax on tires), and 84.33 RCW (Forest excise tax), must file an electronic tax return with the department of revenue accompanied by an electronic payment of the tax due; however, the taxes under chapter 82.24 RCW (Tax on cigarettes) must be collected through sales of revenue stamps.

(b) Other rules to reference. The department has adopted other rules that readers may want to refer to:

(i) WAC 458-20-228 Returns, payments, penalties, extensions, interest, stays of collection.

(ii) WAC 458-20-22802 Electronic filing and payment.

(2) **Reporting frequency.** Taxpayers are required to electronically file and pay their excise taxes on a monthly basis. However, the department may relieve any taxpayer or class of taxpayers from this monthly obligation and may require the return to cover other longer reporting periods, but not in excess of one year. RCW 82.32.045.

(a) General rule. Unless otherwise provided by the department, a taxpayer must report and pay taxes due according to the following schedule:

IF ANNUAL ESTIMATED TAX LIABILITY IS:	REPORTING FREQUENCY
Over \$4800.00 per year	Monthly returns:
Between \$1050.00 & \$4800.00 per year	Quarterly returns:
Less than \$1050.00 per year	Annual returns:

When requested by a taxpayer or group of taxpayers, the department may approve more frequent or less frequent reporting if, in the opinion of the department, the change assists the department in the efficient and effective administration of the tax laws of this state.

(b) Changes in reporting frequency. Changes in reporting frequency are effective only after the department has consented to or required the change, and notice of the change has been given by the department to the taxpayer or group of taxpayers.

Situations when changes in reporting frequency may be approved or required include, but are not limited to, the following:

(i) An increase or decrease in the estimated annual tax liability of a taxpayer results in a different threshold as provided in (a) of this subsection;

(ii) A taxpayer or group of taxpayers has substantial periods of no taxable business activity during the calendar year, i.e., temporary businesses;

(iii) The department finds a taxpayer or a group of taxpayers has repeatedly failed to comply with tax reporting and/or payment obligations; or

(iv) The type of tax reported is required to be filed on a specific reporting frequency.

(c) Notice of change in reporting frequency. No change in reporting frequency will be effective except with at least (~~thirty~~) 30 days advance written or electronic notice from the department to the taxpayer at the taxpayer's last provided email address or reported business address.

(d) Filing returns. Returns must be submitted electronically. Taxpayers approved by the department may continue to submit paper returns that are either provided by the department, or approved and accepted by the department. Paper forms (including multipurpose returns for past and present reporting periods) are available for download from the department's website at dor.wa.gov.

Taxes not reported on the combined excise tax return, i.e. forest excise tax, etc. must be reported at such times and upon such forms as are otherwise provided by the department.

AMENDATORY SECTION (Amending WSR 20-22-093, filed 11/3/20, effective 12/4/20)

WAC 458-20-254 Recordkeeping. (1) **Introduction.** This rule defines the requirements for the maintenance and retention of books, records, and other sources of information. It also addresses these requirements where all or a part of the taxpayer's books and records are received, created, maintained, or generated through various computer, electronic, and/or imaging processes and systems.

The general requirements imposed on taxpayers under RCW 82.32.070 are to retain and make available those records necessary to verify that the correct tax liability has been reported and paid by the taxpayer with respect to the taxes administered by the department of revenue (department). The records provided to the department are confidential and privileged and may not be disclosed by the department, except as provided by RCW 82.32.330.

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

(a) **"Database management system"** means a software system that controls, relates, retrieves, and provides accessibility to data stored in a database.

(b) **"Electronic data interchange"** or **"EDI technology"** means the computer-to-computer exchange of business transactions in a standardized structured electronic format.

(c) **"Hard copy"** means any documents, records, reports or other data printed on paper.

(d) **"Machine-sensible record"** means a collection of related information in any electronic format (e.g., database management systems, EDI technology, automated data process systems, etc.). Machine-sensible records do not include hard-copy records that are created or recorded on paper or stored in or by an imaging system such as microfilm, microfiche, or storage-only imaging systems.

(e) **"Records"** means all books, data, documents, reports, or other information, including those received, created, maintained, or generated through various computer, electronic, and/or imaging processes and systems.

(f) **"Storage-only imaging system"** means a system of computer hardware and software that provides for the storage, retention and retrieval of documents originally created on paper. It does not include any system, or part of a system, that manipulates or processes any information or data contained on the document in any manner other than to reproduce the document in hard copy or as an optical image.

(3) **Recordkeeping requirements—General.**

(a) **Duty of taxpayer to keep records.** Every taxpayer liable for a tax or fee imposed by the laws of the state of Washington for which the department has primary or secondary administrative responsibility, e.g., Title 82 RCW, chapters 67.28 ((RCW)) (hotel/motel tax), (~~chapter 70A.95 RCW~~) 70A.205 (fee on tires), and (~~chapter~~) 84.33 RCW (forest excise tax), must keep complete and adequate records from which the department can determine the tax liability of the taxpayer.

It is the duty of each taxpayer to prepare and preserve all records in a systematic manner conforming to accepted accounting methods and procedures. Records are to be kept and preserved and must be presented upon request by the department or its authorized representatives. The records should demonstrate:

(i) The amounts of gross receipts and sales from all sources, however derived, including barter or exchange transactions, whether or not such receipts or sales are taxable. These amounts must be supported by original source documents or records including but not limited to all purchase invoices, sales invoices, contracts, and such other records as may be necessary to substantiate gross receipts and sales.

(ii) The amounts of all deductions, exemptions, or credits claimed through supporting records or documentation required by statute or administrative rule, or other supporting records or documentation necessary to substantiate the deduction, exemption, or credit.

(iii) The payment of retail sales tax or use tax on capital assets, supplies, articles manufactured for your own use, and other items used by the taxpayer as a consumer.

(iv) The amounts of any refunds claimed. These amounts must be supported by records as may be necessary to substantiate the refunds claimed. Refer to WAC 458-20-229 Refunds, for information on the refund process.

(b) **Types of records.** The records kept, preserved, and presented must include the normal records maintained by an ordinary prudent business person. These records may include general ledgers, sales journals, cash receipts journals, bank statements, check registers, and purchase journals, together with all bills, invoices, cash register tapes, and other records or documents of original entry supporting the books of account entries. The records must include all federal and state tax returns and reports and all schedules, work papers, instructions, and other data used in the preparation of the tax reports or returns.

(c) **Format of records.** If a taxpayer retains records in both machine-sensible and hard-copy formats, they must make the records available to the department in machine-sensible format upon request of the department. However, the taxpayer is not prohibited from demonstrating tax compliance with traditional hard-copy documents or reproductions, although this does not eliminate the requirement that they provide access to machine-sensible records, if requested.

Machine-sensible records used to establish tax compliance must contain sufficient transaction-level detail information so that the details underlying the machine-sensible records can be identified and made available to the department upon request.

At the time of an examination, the retained records must be capable of being retrieved and converted to a readable record format, as required in subsection (6) of this rule.

Taxpayers are not required to construct machine-sensible records other than those created in the ordinary course of business. A taxpayer who does not create the electronic equivalent of a traditional paper document in the ordinary course of business is not required to construct such a record for tax purposes.

(4) **Record retention period.** All records must be open for inspection and examination at any time by the department, upon reasonable notice, and must be kept and preserved for a period of five years. RCW 82.32.070.

(5) **Failure to maintain or disclose records.** Any taxpayer who fails to comply with the requirements of RCW 82.32.070 or this rule is forever barred from questioning, in any court action or proceedings, the correctness of any assessment of taxes made by the department based upon any period for which such books, records, and invoices have not been so kept, preserved, or disclosed. RCW 82.32.070.

(6) **Electronic records.**

(a) **Electronic data interchange requirements.**

(i) Where a taxpayer uses electronic data interchange (EDI) processes and technology, the level of record detail, in combination with other records related to the transactions, must be equivalent to that contained in an acceptable paper record. For example, the retained records should contain such information as vendor name, invoice date, product description, quantity purchased, price, amount of tax, indication of tax status, shipping detail, etc. Codes may be used to identify some or all of the data elements, provided that the taxpayer provides a method which allows the department to interpret the coded information.

(ii) The taxpayer may capture the information at any level within the accounting system and need not retain the original EDI transaction records provided the audit trail, authenticity, and integrity of the retained records can be established. For example, a taxpayer using electronic data interchange technology receives electronic invoices from its suppliers. The taxpayer decides to retain the invoice data from completed and verified EDI transactions in its accounts payable system rather than to retain the EDI transactions themselves. Since neither the EDI transaction nor the accounts payable system captures information from the invoice pertaining to product description and vendor name (i.e., they contain only codes for that information), the taxpayer must also retain other records, such as its vendor master file and product code description lists and make them available to the department. In this example, the taxpayer need not retain its EDI transaction for tax purposes if the vendor master file contains the required information.

(b) **Electronic data processing systems requirements.** The requirements for an electronic data processing accounting system should be similar to that of a manual accounting system, in that an adequately designed accounting system should incorporate methods and records that will satisfy the requirements of this rule.

(c) **Internal controls.**

(i) Upon the request of the department, the taxpayer must provide a description of the business process that created the retained records. Such description must include the relationship between the records and the tax documents prepared by the taxpayer and the measures employed to ensure the integrity of the records.

(ii) The taxpayer must be capable of demonstrating:

(A) The functions being performed as they relate to the flow of data through the system;

(B) The internal controls used to ensure accurate and reliable processing; and

(C) The internal controls used to prevent unauthorized addition, alteration, or deletion of retained records.

(iii) The following specific documentation is required for machine-sensible records retained pursuant to this rule:

(A) Record formats or layouts;

(B) Field definitions (including the meaning of all codes used to represent information);

(C) File descriptions (e.g., data set name); and

(D) Detailed charts of accounts and account descriptions.

(7) **Access to machine-sensible records.**

(a) The manner in which the department is provided access to machine-sensible records may be satisfied through a variety of means that take into account a taxpayer's facts and circumstances through consultation with the taxpayer.

(b) Access will be provided in one or more of the following manners:

(i) The taxpayer may arrange to provide the department with the hardware, software and personnel resources to access the machine-sensible records.

(ii) The taxpayer may arrange for a third party to provide the hardware, software and personnel resources necessary to access the machine-sensible records.

(iii) The taxpayer may convert the machine-sensible records to a standard record format specified by the department, including copies of files, on a magnetic medium that is agreed to by the department.

(iv) The taxpayer and the department may agree on other means of providing access to the machine-sensible records.

(8) Storage-only imaging systems.

(a) **Converting documents.** For purposes of storage and retention, taxpayers may convert hard-copy documents received or produced in the normal course of business and required to be retained under this rule to microfilm, microfiche or other storage-only imaging systems and may discard the original hard-copy documents, provided the conditions of this rule are met. Documents which may be stored on these media include general books of account, journals, voucher registers, general and subsidiary ledgers, and supporting records of details, such as sales invoices, purchase invoices, exemption certificates, credit memoranda, etc.

(b) **System requirements.** Microfilm, microfiche and other storage-only imaging systems must meet the following requirements:

(i) Documentation establishing the procedures for converting the hard-copy documents to microfilm, microfiche or other storage-only imaging system must be maintained and made available upon request. Such documentation must, at a minimum, contain a sufficient description to allow an original document to be followed through the conversion system as well as internal procedures established for inspection and quality assurance.

(ii) Procedures must be established for the effective identification, processing, storage, and preservation of the stored documents and for making them available for a period of five years.

(iii) Upon request by the department, a taxpayer must provide facilities and equipment for reading, locating, and reproducing any documents maintained on microfilm, microfiche or other storage-only imaging system.

(iv) When displayed on such equipment or reproduced on paper, the documents must exhibit a high degree of legibility and readability. For this purpose, legibility is defined as the quality of a letter or numeral that enables the observer to identify it positively and quickly to the exclusion of all other letters or numerals. Readability is defined as the quality of a group of letters or numerals being recognizable as words or complete numbers.

(v) All data stored on microfilm, microfiche or other storage-only imaging systems must be maintained and arranged in a manner that permits the location of any particular record.

(vi) There must be no substantial evidence that the microfilm, microfiche, or other storage-only imaging system lacks authenticity or integrity.

(9) Hard-copy records.

(a) **Recordkeeping requirements.** The provisions of this rule do not relieve taxpayers of the responsibility to retain hard-copy records that are created or received in the ordinary course of business

as required by existing law and regulations, except as otherwise provided in this rule. Hard-copy records may be retained on a recordkeeping medium as provided in subsection (8) of this rule. The department may request hard-copy printouts in lieu of retained machine-sensible records at the time of examination.

Hard-copy records not produced or received in the ordinary course of transacting business (e.g., when the taxpayer uses electronic data interchange technology), do not need to be created. Computer printouts that are created for validation, control, or other temporary purposes do not need to be retained.

(b) **Debit and credit card transactions.** Hard-copy records generated at the time of a transaction using a credit or debit card must be retained unless all the details necessary to determine correct tax liability relating to the transaction are subsequently received and retained by the taxpayer in accordance with this rule.

(10) **Out-of-state businesses.** An out-of-state business which does not keep its necessary records within this state may either produce these records within this state as required for examination by the department or permit the examination of all of its records by the department or its authorized representatives at the place where the records are kept. RCW 82.32.070.

AMENDATORY SECTION (Amending WSR 22-06-050, filed 2/24/22, effective 3/27/22)

WAC 458-20-261 Commute trip reduction incentives. (1) **Introduction.** This rule explains the various commute trip reduction incentives. RCW 82.04.355 and 82.16.047 exempt amounts received from providing ride sharing, or ride sharing for persons with special transportation needs, from business and occupation (B&O) tax and public utility tax (PUT). RCW 82.08.0287 and 82.12.0282 provide sales and use tax exemptions for sales or use of passenger motor vehicles as ride sharing vehicles. Finally, chapter 82.70 RCW provides commute trip reduction incentives in the form of B&O tax or PUT credits in connection with ride sharing, public transportation, car sharing, and nonmotorized commuting.

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

(a) **"Car sharing"** means a membership program intended to offer an alternative to car ownership under which persons or entities that become members are permitted to use vehicles from a fleet on an hourly basis. RCW 82.70.010.

(b) **"Nonmotorized commuting"** means commuting to and from the workplace by an employee, by walking or running, or by riding a bicycle or other device not powered by a motor. "Nonmotorized commuting" does not include teleworking, which is a program where work functions normally performed at a traditional workplace are instead performed by an employee at his or her home, at least one day a week for the purpose of reducing the number of trips to the employee's workplace. RCW 82.70.010.

(c) **"Public transportation"** means the transportation of packages, passengers, and their incidental baggage, by means other than by charter bus or sight-seeing bus, together with the necessary passenger terminals and parking facilities or other properties necessary for passenger and vehicular access to and from such people moving systems.

"Public transportation" includes passenger services of the Washington state ferries and passenger-only ferry services for those public transportation benefit areas eligible to provide passenger-only ferry service under RCW 36.57A.200. RCW 82.70.010.

(d) (i) **"Ride sharing"** means a carpool or vanpool arrangement whereby one or more groups not exceeding 15 persons each, including the drivers, and not fewer than three persons, including the drivers, are transported in a passenger motor vehicle with a gross vehicle weight not exceeding 10,000 pounds. RCW 46.74.010(2). See subsection (4)(b) of this rule for increased minimum group size requirements in some circumstances. "Ride sharing" includes ride sharing on Washington state ferries. RCW 82.70.010(6).

(ii) Ride sharing does not include transportation provided in the normal course of business by entities subject to chapters 46.72A (limousines), 48.177 (commercial transportation services), 81.66 (private, nonprofit transportation providers that receive compensation for transporting persons with special transportation needs), 81.68 (auto transportation companies), 81.70 (passenger charter and excursion carriers), and 81.72 (taxicabs) RCW, or offer peer-to-peer car sharing. "Peer-to-peer car sharing" means motor vehicle owners making their motor vehicles available for persons to rent for short periods of time.

(e) **"Ride sharing for persons with special transportation needs"** means an arrangement, whereby a group of persons with special transportation needs, and their attendants, is transported by a public social service agency or a private, nonprofit transportation provider, in a passenger motor vehicle as defined by the department of licensing to include small buses, cutaways, and modified vans not more than 28 feet long. The driver need not be a person with special transportation needs. RCW 46.74.010.

(i) **"Private, nonprofit transportation provider"** means any private, nonprofit corporation providing transportation services for compensation solely to persons with special transportation needs. RCW 81.66.010.

(ii) **"Persons with special transportation needs"** means those persons, including their personal attendants, who because of physical or mental disability, income status, or age, are unable to transport themselves or to purchase appropriate transportation. RCW 81.66.010.

(3) **B&O tax and PUT exemptions for providing ride sharing or ride sharing for persons with special transportation needs.** RCW 82.04.355 and 82.16.047 provide B&O tax and PUT exemptions for amounts received in the course of ride sharing or ride sharing for persons with special transportation needs.

(4) **Retail sales tax and use tax exemptions on sales or use of passenger motor vehicles as ride sharing vehicles.** RCW 82.08.0287 and 82.12.0282 provide retail sales tax and use tax exemptions for sales and use of passenger motor vehicles as ride-sharing vehicles. The following conditions apply to qualify for these exemptions:

(a) **Minimum duration of usage.** The passenger motor vehicles must be used primarily for ride sharing or ride sharing for persons with special transportation needs for 36 consecutive months beginning from the date of purchase (retail sales tax exemption) and the date of first use (use tax exemption). If the vehicle is used as a ride sharing vehicle for less than 36 consecutive months, the registered owner must pay the retail sales tax or use tax.

(b) **Increased passenger requirements for vehicles not operated by a public transportation agency.** If a vehicle is not operated by a public transportation agency, the minimum group size is increased from

three persons each to five persons each including the driver. RCW 82.08.0287 (2)(b) and 82.12.0282 (2)(b).

(c) **Qualifying jurisdictions.** Vehicles must be operated within:

(i) A county, or a city or town within that county, which has a commute trip reduction plan under chapter ((70A.94)) 70A.15 RCW; or

(ii) In other counties, where the vehicle is registered with, or operated by, a public transportation agency.

(d) **Ownership and operation.** The vehicle must be:

(i) Operated by a public transportation agency for the benefit of the general public;

(ii) Used by a major employer, as defined in RCW 70A.15.4010, as an element of its commute trip reduction program for their employees; or

(iii) Owned and operated by individual employees and registered either with the employer as part of its commute trip reduction program or with a public transportation agency.

(e) **Certification.**

(i) Individual employee owned and operated motor vehicles require certification that the vehicle is registered with a major employer or a public transportation agency; and

(ii) Major employers who own and operate motor vehicles for their employees must certify that the commute ride sharing arrangement conforms to a carpool or vanpool element contained within their commute trip reduction program.

(5) **B&O tax or PUT credit for ride sharing, public transportation, car sharing, or nonmotorized commuting.** RCW 82.70.020 provides a credit against B&O tax or PUT liability for amounts paid to or on behalf of employees for ride sharing, for using public transportation, for using car sharing, or for using nonmotorized commuting. The credit is equal to the amount paid to or on behalf of each employee multiplied by 50 percent, but may not exceed \$60 per employee per fiscal year. No refunds will be granted for unused credits.

(a) **Who is eligible for this credit?**

(i) Employers in Washington are eligible for this credit, for amounts paid to or on behalf of their own or other employees, as financial incentives to such employees for ride sharing, for using public transportation, for using car sharing, or for using nonmotorized commuting.

(ii) Property managers who manage worksites in Washington are eligible for this credit, for amounts paid to or on behalf of persons employed at those worksites, as financial incentives to such persons for ride sharing, for using public transportation, for using car sharing, or for using nonmotorized commuting.

(b) **What is the credit amount?** The amount of the credit is equal to the amount paid to or on behalf of each employee multiplied by 50 percent, but may not exceed \$60 per employee per fiscal year. RCW 82.70.020.

(c) **What is a "fiscal year"?** A "fiscal year" begins on July 1st of one year and ends on June 30th of the following year.

(d) **When will the credit expire?** The credit program is scheduled to expire July 1, 2024. No credit may be claimed after June 30, 2024.

(e) **What are the limitations of the credit?**

(i) The credit may not exceed the amount of B&O tax or PUT that would otherwise be due for the same fiscal year.

(ii) A person may not receive credit for amounts paid to or on behalf of the same employee under both B&O tax and PUT.

(iii) A person may not take a credit for amounts claimed for credit by other persons.

(iv) The total credit granted to a person under both B&O tax and PUT may not exceed \$100,000 for a fiscal year.

(v) The total credit granted to all persons under both B&O tax and PUT may not exceed \$2,750,000 in any fiscal year.

(vi) No credit or portion of a credit denied, because of exceeding the limitations in (i), (iv), or (v) of this subsection, may be used against tax liability for other fiscal years.

(vii) No person is eligible for tax credits under RCW 82.70.020 if the additional revenues for the multimodal transportation account (RCW 47.66.070) created by chapter 361, Laws of 2003 are terminated.

(f) **What are the credit procedures?**

(i) Persons applying for the credit must complete the commute trip reduction credit annual application. The application must be electronically filed and received by the department between January 1st and January 31st, following the calendar year in which the applicant made incentive payments. The commute trip reduction credit annual application is available through the business's "My DOR" account on the department's website at dor.wa.gov.

(ii) The department must approve or deny a completed application within 60 days of the January 31st deadline. The department must deny an application not received by the January 31st deadline, except the department may accept applications received up to 15 calendar days after the deadline if the application was not received because of circumstances beyond the control of the taxpayer. For what is considered circumstances beyond the control of a taxpayer, see WAC 458-20-228 Returns, payments, penalties, extensions, interest, stays of collection. Once the application is approved and the tax credit is granted, the department is not allowed to increase the credit.

(iii) If the total amount of credit applied for by all approved applicants in a fiscal year exceeds the limitation as provided in (i)(v) of this subsection, the amount of credit allowed for all applicants must be proportionally reduced so as not to exceed the limit. The amount reduced may not be carried forward and claimed in subsequent fiscal years.

(iv) To claim a commute trip reduction tax credit, a person must file all returns, forms, and other information the department requires in an electronic format as provided or approved by the department. Any return, form, or information required to be filed in an electronic format is not filed until received by the department in an electronic format. "Returns" has the same meaning as "return" in RCW 82.32.050.

(g) **Examples.** The following examples identify facts and then state a conclusion. These examples should be used only as a general guide. The tax results of other situations must be determined after a review of all the facts and circumstances.

(i) **Example 1.** An employer pays \$180 for a yearly bus pass for one employee. For another employee, the employer buys a bicycle helmet and bicycle lock for a total of \$50. The sum of these two amounts, \$230, is the total expenditure during a fiscal year of amounts paid to, or on behalf of, employees in support of ride sharing, using public transportation, using car sharing, and using nonmotorized commuting. The employer may claim a credit of \$60 for the amount spent for the employee using the bus pass. 50 percent of \$180 is \$90, but the credit is limited to \$60 per employee. The employer may claim a credit of \$25 (50 percent of \$50) for the amount spent for the employee who bicycles to work. Even though 50 percent of \$230 (the total amount

spent on both employees), works out to be less than \$60 per employee, the credit is computed by looking at actual spending for each employee and not by averaging the spending for both employees.

(ii) **Example 2.** An employer provides parking spaces for the exclusive use of ride sharing vehicles. Amounts spent for signs, painting, or other costs related to the parking spaces do not qualify for the credit. This is because the credit is for financial incentives paid to or on behalf of employees. While the parking spaces support the use of ride sharing vehicles, they are not financial incentives and do not involve amounts paid to or on behalf of employees.

(iii) **Example 3.** An employer pays the property manager for a yearly bus pass for one employee who works at the worksite managed by the property manager. The property manager in turn pays the amount received from the employer to a public transportation agency to purchase the bus pass. Either the employer or the property manager, but not both, may take the credit for this expenditure.

AMENDATORY SECTION (Amending WSR 20-22-093, filed 11/3/20, effective 12/4/20)

WAC 458-20-272 Tire fee—Studded tire fee—Core deposits or credits. (1) **Introduction.** This rule describes the tire fee imposed under RCW ((70A.95.510)) 70A.205.405 and the studded tire fee imposed under RCW 46.37.427. This rule also describes how business and occupation (B&O), sales, and use taxes apply to tire fees, battery core charges and core deposits or credits, including the exemptions described in RCW 82.08.036 and 82.12.038.

(a) **Other rules that may be relevant.** Readers may want to refer to other rules for additional information, including those in the following list:

(i) WAC 458-20-228 Returns, payments, penalties, extensions, interest, stays of collection.

(ii) WAC 458-20-278 Returned goods, defective goods—Motor vehicle lemon law.

(b) **Examples.** This rule contains examples that identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The tax results of other situations must be determined after a review of all of the facts and circumstances.

(2) **Tire fee.**

(a) **What is the tire fee?** The tire fee as described in RCW ((70A.95.510)) 70A.205.405 is a one-dollar fee collected by the seller from the buyer on every retail sale of each new replacement vehicle tire. If new tires are leased, the fee must be collected once at the beginning of the lease.

(b) **How do I report the tire fee?** A seller must report on the excise tax return the number of new replacement vehicle tires sold. Tire sellers may retain ((ten)) 10 percent of the fee and must remit the remainder to the department of revenue (department). As a result, the amount that must be reported and paid to the department is the number of new replacement vehicle tires sold during the tax reporting period multiplied by ((ninety)) 90 cents.

(c) **What if the seller fails to collect the fee or does not pay the fee on time?** The seller is personally liable for payment of the fee, whether or not the fee is collected from the buyer. Any seller

who appropriates or converts the fee collected to their own use or to any use other than the payment of the fee by the due date, minus the ((ten)) 10 percent retained, is guilty of a gross misdemeanor. Interest and penalties apply to late payments.

(d) **What happens if a buyer fails to pay the fee?** The tire fee, until paid by the buyer to the seller or the department, is considered a debt from the buyer to the seller. Any buyer who refuses to pay the fee is guilty of a misdemeanor.

(e) **Is sales tax imposed on the tire fee?** No. The measure of the sales tax does not include the tire fee. See RCW 82.08.036.

(f) **Is the ((ten)) 10 percent amount retained by the seller subject to B&O tax?** Yes. The seller must report the retained amount as gross income under the service and other activities tax classification on the excise tax return.

(g) **What tires are subject to the tire fee?** All new replacement vehicle tires are subject to the tire fee. Refer to RCW ((70A.95.030)) 70A.205.015 for the definition of "vehicle."

(i) Examples of vehicles for which new replacement tires are subject to the fee include:

- (A) Automobiles;
- (B) Trucks;
- (C) Recreational vehicles;
- (D) Trailers;
- (E) All-terrain vehicles (ATVs);
- (F) Agricultural vehicles, such as tractors or combines;
- (G) Industrial vehicles, such as forklifts;
- (H) Construction vehicles, such as loaders or graders; and
- (I) Golf carts.

(ii) Bicycles, wheelbarrows, and hand trucks are examples of devices to which the new replacement tire fee does not apply.

(iii) The tire fee does not apply to the sale of retreaded vehicle tires. Nor does it apply to tires provided free of charge under the terms of a recall or warranty.

(h) **May I refund the fee if a tire is returned?** If a customer returns the purchased new tire and the entire selling price is refunded to the customer, the one-dollar tire fee is likewise refundable. The refunded amount may be claimed on the excise tax return in the same manner as refunded sales tax. If the seller does not refund the full sales price to the customer, the one-dollar fee is not refundable.

(i) **Does the tire fee apply on sales to the federal government or Indians and Indian tribes?** The tire fee is not imposed on sales to the federal government and need not be collected by the seller. The tire fee does not apply to sales of tires delivered to enrolled members or tribes in "Indian country." For information on sales to the federal government, see WAC 458-20-190 Sales to and by the United States and certain entities created by the United States—Doing business on federal reservations—Sales to foreign governments, and for sales to Indians and Indian tribes, see WAC 458-20-192 Indians—Indian country.

(j) **If the sale is exempt from sales tax, is the tire fee due?** Statutory exemptions from sales tax do not apply to the tire fee. The tire fee is due on every retail sale of a new replacement tire whether or not sales tax is due.

(3) **Studded tire fee.**

(a) **What is the studded tire fee?** The studded tire fee as described in RCW 46.37.427 is a five dollar fee imposed on the retail sale of each new tire sold that contains studs. The seller will collect the

fee from the buyer. For the purpose of this subsection, "new tire sold that contains studs" means a tire that is manufactured for vehicle purposes and contains metal studs, and does not include bicycle tires or retreaded vehicle tires.

(b) **Who remits the studded tire fee to the department?** The seller collects the five dollar fee from the buyer and holds it in trust until paid to the department; however, the seller may retain (~~ten~~) 10 percent of the fee collected.

(c) **What if the seller fails to collect the fee or does not pay the fee on time?** Interest and penalties, as described in subsection (2)(c) of this rule also apply to the studded tire fee.

(d) **What happens if a buyer fails to pay the fee?** As with the tire fee, a buyer who refuses to pay the fee is guilty of a misdemeanor. See subsection (2)(d) of this rule.

(e) **Is sales tax imposed on the tire fee?** No. The seller is collecting the fee as an agent for the state and thus the measure of sales tax does not include the studded tire fee. For additional information on taxpayers acting as collecting agents, see WAC 458-20-195 Taxes, deductibility.

(f) **Is the (~~ten~~) 10 percent amount retained by the seller subject to B&O tax?** Yes. As with the tire fee, the seller must report the retained amount as gross income under the service and other activities tax classification on the excise tax return.

(g) **Is the studded tire fee refundable if the tire is returned?** If a new studded tire is returned, the studded tire fee is handled the same as the tire fee as described in subsection (2)(h) of this rule.

(h) **Does the studded tire fee apply to tires sold to the federal government or Indians and Indian tribes?** With respect to these sales, the studded tire fee is handled the same as the tire fee described in subsection (2)(i) of this rule.

(i) **If the sale is exempt from sales tax, is the studded tire fee due?** As with the tire fee described in subsection (2)(j) of this rule, statutory exemptions from sales tax do not apply to the studded tire fee.

(4) Core deposits or credits - Battery core charges.

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

(i) **Core deposits or credits.** "Core deposits or credits" means the amount representing the value of returnable products such as batteries, starters, brakes, and other products with returnable value added for purposes of recycling or remanufacturing.

(ii) **Battery core charge.** "Battery core charge" refers to a core deposit, not less than five dollars, that a seller by law must retain when a retail purchaser has no used battery to exchange or trade in. A buyer may return within (~~thirty~~) 30 days of the purchase with a used battery of equivalent size and claim the core charge amount. See RCW (~~(70A.95.630 and 70A.95.640)~~) 70A.205.515 and 70A.205.520.

(b) **How is tax calculated when the buyer receives a core deposit or credit?** Retail sales and use taxes do not apply to consideration received in the form of core deposits or credits when a purchaser exchanges or trades in a core for recycling or remanufacturing. Therefore, the measure of the sales or use tax may be reduced by the amount of the core deposit or credit. See RCW 82.08.036 and 82.12.038. The core deposit and credit exemptions apply only to the retail sales and use taxes. There is no equivalent exemption or deduction for B&O tax purposes. Therefore, the amount reported under the appropriate B&O tax classification must include the value of core deposits or credits.

(c) **Examples.**

(i) **Example 1.** A customer purchases at retail a new replacement battery and reconditioned starter, providing the seller with a battery core and a starter core in exchange. The selling price of the new battery, including the battery core charge, is \$60.00. The customer is allowed a \$5.00 credit because a battery core is exchanged, meaning the cost of the battery to the customer, excluding sales tax, is \$55.00. The selling price of the starter is \$50.00. The seller allows a \$3.00 credit for the starter core, meaning the cost to the customer, excluding sales tax, is \$47.00. Retailing B&O tax is due upon the total value of cash plus core value, in this case \$110.00, or \$60.00 plus \$50.00. However, the \$8.00 of core deposits or credits may be deducted from the measure of the retail sales tax under RCW 82.08.036. Thus, retail sales tax is due on \$102.00, or \$55.00 plus \$47.00.

(ii) **Example 2.** The seller in Example 1 delivers the starter and battery cores accepted in the exchange to wholesalers. A starter wholesaler issues a refund and a battery wholesaler issues a credit memorandum to be applied against future wholesale battery purchases. The return of the used products by the auto parts store for recycling or remanufacturing and subsequent receipt of a refund or credit for the core deposit or credit is not considered taxable consideration for purposes of the B&O tax.

WSR 23-23-129
PERMANENT RULES
DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed November 17, 2023, 8:41 a.m., effective December 18, 2023]

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

Purpose: The department is adopting amendments to WAC

388-412-0040 Can I get my benefits replaced? These amendments are necessary to implement Section 501 of the 2023 Consolidated Appropriations Act, which allows replacement of stolen food benefits for households who are victims of skimming, cloning, or similar fraudulent methods of EBT theft. These amendments are currently in place under emergency rule filed as WSR 23-17-123.

Citation of Rules Affected by this Order: Amending WAC

388-412-0040.

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

Other Authority: P.L. 117-328, Title IV, Sec. 501.

Adopted under notice filed as WSR 23-20-020 on September 25, 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 1, 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 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: November 17, 2023.

Katherine I. Vasquez
Rules Coordinator

SHS-4991.6

AMENDATORY SECTION (Amending WSR 11-19-047, filed 9/13/11, effective 10/14/11)

WAC 388-412-0040 Can I get my benefits replaced? Under certain conditions, we may replace your benefits.

(1) You may get either your EBT cash (~~(and)~~) or food assistance, or both replaced if:

(a) We make a mistake that causes you to lose benefits;

(b) The EBT card mailed to you is stolen from the mail (~~(?)~~) and you never had the ability to use the benefits (~~(?)~~) and you lost benefits;

(c) You left a drug or alcohol treatment facility on or before the (~~(fifteenth)~~) 15th of the month and the facility does not have

enough food assistance benefits in their EBT account for one-half of the allotment that they owe you;

(d) Your EBT benefits that were recently deposited into an inactive EBT account were canceled by mistake; or

(e) The food that your household purchased with food assistance benefits was destroyed in a household disaster or misfortune.

(i) For us to replace your benefits, you must report the loss to the department within ~~((ten))~~ 10 days from the date of the loss.

(ii) We replace the amount of your loss ~~((r))~~ up to a one-month benefit amount.

(iii) There is no limit to the number of replacements for food destroyed in a household misfortune.

(f) Your food benefits were stolen, despite your EBT card being in your possession, via card skimming, cloning, or other similar fraudulent method between October 1, 2022, and September 30, 2024; and

(i) The head of household of your assistance unit submitted a completed and signed claim within 30 days of discovering the loss; and

(ii) You have not already received two replacements in the current federal fiscal year.

(iii) We replace the amount of your loss or the amount of twice your food assistance allotment that was issued immediately prior to the date of the theft, whichever is less.

(iv) Retroactive claims for food assistance stolen between October 1, 2022, and August 22, 2023, must be reported no later than October 22, 2023.

(v) Replacement of benefits stolen via card skimming, cloning, or other similar method is contingent upon federal approval.

(2) We will not replace your benefits ~~((if your loss is for a reason other than those listed in subsection (1) above))~~ if:

(a) We decided that your request is fraudulent or skimming is not validated;

(b) Your ~~((food assistance benefits were))~~ EBT card was lost, stolen, or misplaced except for (1)(b) of this section ((after you received them));

(c) ((You already received two replacements for food destroyed in household disaster or misfortune within the last five months)) You are pending an administrative hearing decision regarding a denial of replacement benefits. You have the right to an administrative hearing if your request for replacement benefits is denied; or

(d) You received disaster supplemental nutrition assistance program (D-SNAP) benefits for the same month you requested a replacement for food assistance.

(3) ~~((EBT cards.))~~ It is your responsibility to keep track of your household's EBT card.

(a) If you have multiple EBT cards replaced, we may suspect you to be trafficking benefits as described under WAC 388-412-0046 (2)(d).

(b) If we suspect trafficking, we will refer your case for investigation by the office of fraud and accountability. Persons trafficking in food assistance benefits may be subject to fines, disqualification from food assistance, and legal action including criminal prosecution.

WSR 23-23-134
PERMANENT RULES
DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed November 17, 2023, 1:46 p.m., effective January 1, 2024]

Effective Date of Rule: January 1, 2024.

Purpose: The department is adopting amendments to WAC 388-408-0035 Who is in my assistance unit for basic food?, 388-450-0140 How does the income of an ineligible assistance unit member affect my eligibility and benefits for basic food?, 388-489-0005 Who is eligible for transitional food assistance?, and 388-489-0010 How is my transitional food assistance benefit calculated? Effective January 1, 2024, these changes implement SHB 5785 (chapter 98, Laws of 2022) to provide transitional food assistance (TFA) for a period of five months to households that stop receiving temporary assistance for needy families and are not in full-family sanction status. If a household member has been in sanction, but the household is still receiving benefits, the remaining eligible household members may receive TFA.

Citation of Rules Affected by this Order: Amending WAC 388-408-0035, 388-450-0140, 388-489-0005, and 388-489-0010.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.04.680, 74.08.090, and 74.08A.010.

Other Authority: SHB 5785 (chapter 98, Laws of 2022).

Adopted under notice filed as WSR 23-19-015 on September 8, 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 4, 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 4, Repealed 0.

Date Adopted: November 17, 2023.

Katherine I. Vasquez
Rules Coordinator

SHS-4999.2

AMENDATORY SECTION (Amending WSR 22-12-017, filed 5/20/22, effective 7/1/22)

WAC 388-408-0035 Who is in my assistance unit for basic food?

(1) A person must be in your assistance unit if they live in the same home as you and regularly buy food or prepare meals with you.

(2) If the following people live with you, they must be in your assistance unit even if you do not usually buy or prepare food together:

- (a) Your spouse;
- (b) Your parents if you are under age 22;
- (c) Your children under age 22;
- (d) The parent of a child who must be in your assistance unit;
- (e) A child under age 18 who does not live with their parent unless the child:
 - (i) Is a foster child;
 - (ii) Is emancipated; or
 - (iii) Is not financially dependent on an adult in the assistance unit.

(3) If any of the people in subsections (1) or (2) of this section already receive transitional food assistance (TFA) under chapter 388-489 WAC, they can only receive benefits if they choose to reapply for basic food as described in WAC 388-489-0022.

(4) If you live in an institution where you may be eligible for basic food under WAC 388-408-0040, we decide who is in your assistance unit as follows:

- (a) If the facility is acting as your authorized representative under WAC 388-460-0015, we include you and anyone who must be in your assistance unit under subsection (2) of this (~~rule~~) section; or
- (b) If you apply for benefits on your own, we include you, anyone who must be in your assistance unit under subsection (2) of this section, and other residents you choose to apply with.

(5) Anyone who must be in your assistance unit under subsection (1) or (2) of this section is an ineligible assistance unit member if they:

- (a) Are disqualified for an intentional program violation under WAC 388-446-0015;
- (b) Do not meet work requirements under WAC 388-444-0030 or WAC 388-444-0055;
- (c) Do not provide a social security number under WAC 388-476-0005;
- (d) Do not meet the citizenship or alien status requirements under chapter 388-424 WAC;
- (e) Are fleeing a felony charge or violating a condition of parole or probation under WAC 388-442-0010.

(6) If your assistance unit has an ineligible member:

- (a) We count the ineligible member's income as part of your assistance unit's income under WAC 388-450-0140;
- (b) We count all the ineligible members resources to your assistance unit; and
- (c) We do not use the ineligible member to determine your assistance unit's size for the maximum income amount or allotment under WAC 388-478-0060.

(7) If the following people live in the same home as you, you can choose if we include them in your assistance unit:

- (a) A permanently disabled person who is age 60 or over and cannot make their own meals if the total income of everyone else in the home, not counting the elderly and disabled person's spouse is not more than the 165% standard under WAC 388-478-0060;
- (b) A boarder. If you do not include a boarder in your assistance unit, the boarder cannot get basic food benefits in a separate assistance unit;

(c) A person placed in your home for foster care. If you do not include this person in your assistance unit, they cannot get basic food benefits in a separate assistance unit;

(d) Roomers; or

(e) Live-in attendants even if they buy or prepare food with you.

(8) If someone in your assistance unit moves out of your home for at least a full issuance month, they are not eligible for benefits as a part of your assistance unit, unless you receive (~~transitional food assistance~~) TFA.

(9) Your (~~transitional food assistance unit~~) TFA household includes the people who were in your basic food assistance unit the month you received transitional cash assistance (TCA); or, for the last month you received:

(a) Temporary assistance for needy families;

(b) State family assistance; or

(c) Tribal TANF benefits.

(10) When the assistance described in subsection (9) of this section was reduced because a family member is not meeting WorkFirst program requirements (WAC 388-310-1600), the individual(s) in sanction will be excluded from TFA.

(11) If someone in your assistance unit received basic food or (~~transitional food assistance~~) TFA in another assistance unit or another state, they cannot receive benefits in your assistance unit for the same period of time unless they left the assistance unit to live in a shelter for battered women and children under WAC 388-408-0045.

(~~(11)~~) (12) A student who is ineligible for basic food under WAC 388-482-0005 is not a member of your assistance unit.

AMENDATORY SECTION (Amending WSR 18-03-021, filed 1/8/18, effective 2/8/18)

WAC 388-450-0140 How does the income of an ineligible assistance unit member affect my eligibility and benefits for basic food? The department decides who must be in your assistance unit (AU) under WAC 388-408-0035. If an AU member is ineligible for basic food under WAC 388-408-0035, this affects your AU's eligibility and benefits as follows:

(1) We do not count the ineligible member(s) to determine your AU size for the gross monthly income limit, net monthly income limit, or maximum allotment under WAC 388-478-0060.

(2) If an AU member is ineligible because they are disqualified for an intentional program violation (IPV), failed to meet work requirements under chapter 388-444 WAC, (~~(or)~~) is an ineligible fleeing felon under WAC 388-442-0010, or is disqualified from transitional food assistance (TFA) due to a WorkFirst sanction:

(a) We count all of the ineligible member's gross income as a part of your AU's income; and

(b) We count all of the ineligible member's allowable expenses as part of your AU's expenses.

(3) If an AU member is an ineligible able-bodied adult without dependents (ABAWD) under WAC 388-444-0030, is ineligible due to their alien status, failed to sign the application to state their citizenship or alien status, or refused to get or provide us a Social Security number:

(a) We prorate the income of the ineligible member among all the AU members by excluding the ineligible member's share and counting the remainder to the eligible members;

(b) We allow the (~~twenty percent~~) 20% earned income disregard for the ineligible member's earned income;

(c) We divide the ineligible member's allowable expenses evenly among all members of the AU when the ineligible member has income;

(d) We allow the full amount of the utility allowance the AU is eligible for under WAC 388-450-0195.

AMENDATORY SECTION (Amending WSR 22-12-017, filed 5/20/22, effective 7/1/22)

WAC 388-489-0005 Who is eligible for transitional food assistance? You are eligible for transitional food assistance (TFA) for up to five months if you meet the following eligibility criteria:

(1) Your family stops receiving cash assistance to include temporary assistance for needy families (TANF), tribal TANF, or state family assistance (SFA), or:

(2) Your family receives (~~transitional cash assistance~~) (TCA);

(3) Your family was receiving basic food at the time we determined you were no longer eligible for cash assistance described in subsection (1) of this section, or when you received (~~transitional cash assistance~~) TCA;

(4) After your family stops receiving cash assistance described in subsection (1) of this section, or receives (~~transitional cash assistance~~) TCA, no other member of your basic food assistance unit receives (~~temporary assistance for needy families~~) TANF, tribal TANF, or (~~state family assistance~~) SFA;

(5) Your family did not move out of the state of Washington as described in WAC 388-468-0005;

(6) At the time your family's cash assistance ended, your family was not in sanction status. Sanction status means:

(a) We reduced (~~or stopped your family's temporary assistance for needy families grant payment because a family member is not:~~
~~(i) Meeting WorkFirst program requirements (WAC 388-310-1600); or~~
~~(ii) Cooperating)~~ your family's TANF grant payment because a family member is not cooperating with the division of child support (WAC ((388-422-0100)) 388-422-0010); or

(b) We decided that a member of your family was not eligible for (~~temporary assistance for needy families~~) TANF because the member:

(i) Failed to meet teen parent living arrangement (WAC 388-486-0005) or teen parent school attendance requirements (WAC 388-410-0010); or

(ii) Was convicted of unlawful practices (WAC 388-446-0005) or for receiving (~~temporary assistance for needy families~~) TANF in two or more states at the same time (WAC 388-446-0010); or

(c) (~~If you are receiving temporary assistance for needy families benefits from a tribal program, your family's grant is reduced or stopped for a reason that is the same as one of the reasons listed in (6)(a) or (6)(b) of this section.~~) We stopped your family's TANF grant payment, including tribal TANF, because of a grant reduction sanction penalty (WAC 388-310-1600).

(7) At the time your family's (~~temporary assistance for needy families~~) TANF grant ended, your basic food assistance unit did not become ineligible because:

(a) You were applying for recertification of your basic food benefits and refused to cooperate with the application process; or

(b) All members of your assistance unit are ineligible for basic food for the reasons stated in WAC 388-489-0025(3).

(8) There is no limit to the number of times your family can receive (~~transitional food assistance~~) TFA.

AMENDATORY SECTION (Amending WSR 22-12-017, filed 5/20/22, effective 7/1/22)

WAC 388-489-0010 How is my transitional food assistance benefit calculated? (1) We base your transitional food assistance (TFA) benefit amount on the regular monthly benefit allotment issued to your basic food assistance unit for the last month your household received temporary assistance for needy families (TANF) or the month you qualified for transitional cash assistance (TCA). We will not count your last (~~temporary assistance for needy families~~) TANF grant payment when we calculate your (~~transitional food assistance~~) TFA benefit amount. For example:

(a) If your basic food assistance unit's only income was (~~temporary assistance for needy families~~) TANF, the (~~transitional food assistance~~) TFA benefit will be the amount your household would have received if you had no income.

(b) If your basic food benefit was calculated using (~~temporary assistance for needy families~~) TANF plus income from another source, we will count only the income from the other source when calculating the (~~transitional food assistance~~) TFA amount.

(c) If a member of your assistance unit is in WorkFirst sanction when TANF closes for a reason other than WorkFirst sanction, the TFA household size will be reduced by the number of individuals in sanction when TANF closed.

(2) We will adjust your (~~transitional food assistance~~) TFA benefits if:

(a) Someone who gets (~~transitional food assistance~~) TFA with you leaves your assistance unit and is found eligible to receive basic food in another assistance unit. We will adjust your benefits by:

(i) Reducing your assistance unit size by the number of persons who left your assistance unit; and

(ii) Removing the income and expenses clearly belonging to the persons who left your assistance unit.

(b) A change to the maximum allotment for basic food under WAC 388-478-0060 results in an increase in benefits for basic food assistance units.

(c) You (~~got an overpayment of~~) were overpaid basic food benefits and we need to adjust the amount we deduct from your monthly benefits to repay the overpayment as required in WAC 388-410-0033. This includes:

(i) Starting a new monthly deduction;

(ii) Changing the amount of the monthly deduction; and

(iii) Ending the monthly deduction when the amount you owe has been paid off.

WSR 23-23-137

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed November 17, 2023, 3:22 p.m., effective December 18, 2023]

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

Purpose: Health equity continuing education (CE) training for orthotists and prosthetists. WAC 246-850-140 Continuing competency requirements for orthotists and prosthetists. The department of health (department) is amending WAC 246-850-140 to implement ESSB 5229 (chapter 276, Laws of 2021). The department has adopted health equity model rules, WAC 246-12-800 through 246-12-830, for orthotists and prosthetists to comply with RCW 43.70.613.

RCW 43.70.613 (3)(b) directs the rule-making authority for each health profession licensed under Title 18 RCW subject to CE to adopt rules requiring a licensee to complete health equity CE training at least once every four years. The statute also directed the department to create model rules establishing minimum standards for health equity CE programs. The department adopted model rules for health equity CE minimum standards on June 6, 2023, under WSR 23-12-092. Any rules developed for orthotists and prosthetists must meet or exceed the minimum standards in the model rules found at WAC 246-12-800 through 246-12-830.

WAC 246-850-140 was amended to include at minimum two hours of CE in health equity every four years for orthotists and prosthetists. The health equity CE requirement will be added to the existing number of CE hours required for orthotists and prosthetists without changing the existing total number of required CE hours. The health equity CE requirement is counted under existing, unspecified CE requirements for the professions.

Citation of Rules Affected by this Order: Amending WAC 246-850-140.

Statutory Authority for Adoption: RCW 43.70.613, 43.70.040, 18.200.050.

Adopted under notice filed as WSR 23-12-092 on June 6, 2023.

A final cost-benefit analysis is available by contacting Rachel Phipps, P.O. Box 47852, Olympia, WA 98504-7852, phone 564-233-1277, fax 360-236-2901, TTY 711, email Rachel.phipps@doh.wa.gov, website www.doh.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 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 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: November 17, 2023.

Kristin Peterson, JD
Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

OTS-4397.2

AMENDATORY SECTION (Amending WSR 19-09-065, filed 4/16/19, effective 5/17/19)

WAC 246-850-140 Continuing competency requirements for orthotists and prosthetists. (1) The continuing competency reporting cycle begins with the first full three-year period after initial licensure. All orthotists and prosthetists shall attest to completion of continuing competency activities every year at renewal and shall comply with ~~((chapter 246-12 WAC, Part 7))~~ WAC 246-12-170 through 246-12-240.

(2) All licensed orthotists and prosthetists shall complete continuing competency hours as follows:

(a) Licensed orthotists shall complete a minimum of ~~((forty-five))~~ 45 continuing competency hours every three years in the area of orthotics.

(b) Licensed prosthetists shall complete a minimum of ~~((forty-five))~~ 45 continuing competency hours every three years in the area of prosthetics.

(c) Individuals who are licensed as both an orthotist and as a prosthetist shall complete a minimum of ~~((sixty))~~ 60 continuing competency hours every three years.

(3) For individuals licensed in one discipline, a maximum of eighteen Category 2 continuing competency hours may be earned in any three-year reporting period.

(4) For individuals licensed in both disciplines, a maximum of ~~((twenty-four))~~ 24 Category 2 continuing competency hours may be earned in any three-year reporting period.

(5) Licensees may alternatively meet the continuing competency requirement if they hold a current certification from the American Board for Certification in Orthotics, Prosthetics and Pedorthics. The required documentation is proof of certification during the three-year cycle.

(6) Orthotists and prosthetists must complete a minimum of two hours in health equity continuing education training every four years by complying with WAC 246-12-800 through 246-12-830.

(a) Individuals licensed as both an orthotist and prosthetist only need to meet the requirements once every four years.

(b) This training must be completed by the end of the second full continuing education reporting period after January 1, 2024, or the second full continuing education reporting period after initial licensure, whichever is later.

(c) The hours spent completing health equity continuing education under this section count toward meeting applicable continuing education requirements in this section.

WSR 23-23-141
 PERMANENT RULES
 OFFICE OF THE
 INSURANCE COMMISSIONER

[Insurance Commissioner Matter R 2023-06—Filed November 20, 2023, 11:04 a.m., effective December 21, 2023]

Effective Date of Rule: December 21, 2023.

Purpose: Create a more efficient process of registration and renewal for health care benefit manager registration, as well as improve transparency with the disclosure of any federal or state violations.

Citation of Rules Affected by this Order: Amending WAC 284-180-210, 284-180-220, 284-180-230, and 284-180-240.

Statutory Authority for Adoption: RCW 48.02.060, 48.200.280(6), 34.05.485 (1)(c), 48.02.100.

Adopted under notice filed as WSR 23-20-121 on October 4, 2023.

A final cost-benefit analysis is available by contacting Simon Casson, P.O. Box 40260 Olympia, WA 98504, phone 360-725-7038, fax 360-586-3109, email simon.casson@oic.wa.gov.

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

Number of Sections Adopted at 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 4, Repealed 0.

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

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

Date Adopted: November 20, 2023.

Mike Kreidler
 Insurance Commissioner

OTS-4928.2

AMENDATORY SECTION (Amending WSR 21-02-034, filed 12/29/20, effective 1/1/22)

WAC 284-180-210 Registration and renewal fees. (1) The (~~registration, renewal and oversight activities for health care benefit managers must be~~) commissioner must establish fees for registration and renewal in an amount that ensures the program for the registration, renewal, and oversight activities of the health care benefit managers is self-supporting. Each health care benefit manager must contribute a sufficient amount to the commissioner's regulatory account to pay for the reasonable costs, including overhead, of regulating health care benefit managers.

(2) The initial registration fee is (~~two hundred dollars~~) \$200.

(3) For the renewal fee, the commissioner will charge a proportional share of the annual cost of the insurance commissioner's renew-

al and oversight activities (~~to all~~) of health care benefit managers. ~~((The))~~ Each health care benefit managers' proportional share ~~((shall))~~ of the program annual operating costs will be based on their Washington state annual gross ~~((health care benefit manager business))~~ income of their health care benefit manager business for the previous calendar year. The ~~((minimum))~~ renewal fee is ~~((five hundred dollars))~~ \$500, at a minimum, and may increase based on a proportional share of each health care benefit managers gross income as reported to the insurance commissioner.

(4) If an unexpended balance of health care benefit manager registration and renewal funds remain in the insurance commissioner's regulatory account at the close of a fiscal year, the commissioner will carry the unexpended funds forward and use them to reduce future renewal fees.

AMENDATORY SECTION (Amending WSR 21-02-034, filed 12/29/20, effective 1/1/22)

WAC 284-180-220 Health care benefit manager registration. (1) ~~((Beginning January 1, 2017, through December 31, 2021, to conduct business in this state, pharmacy benefit managers must register with the commissioner and must annually renew the registration.~~

~~((2))~~ Beginning January 1, 2022, and thereafter, to conduct business in this state, health care benefit managers must register and have an approved registration with the commissioner. ~~((To continue conducting business in this state, previously registered pharmacy benefit managers must submit an application and registration fee to register as a health care benefit manager. Health care benefit managers must annually renew their registration.~~

~~((3))~~ (2) Health care benefit managers must apply for registration using the commissioner's electronic system, which is available at www.insurance.wa.gov.

~~((4))~~ (3) The registration period is valid from the date of approval of registration through June 30th of the same fiscal year.

~~((5))~~ (4) The registration application is not complete until the commissioner receives the complete registration form, any supporting documentation if required by the commissioner, and paid the ~~((correct))~~ \$200 registration fee.

~~((6))~~ (5) A health care benefit manager may conduct business in this state ~~((, after the health care benefit manager receives))~~ after receiving notice of approval of the registration application from the commissioner.

AMENDATORY SECTION (Amending WSR 21-02-034, filed 12/29/20, effective 1/1/22)

WAC 284-180-230 Health care benefit manager renewal. (1) Health care benefit managers ~~((must))~~ annually renew their registrations and pay ~~((the health care benefit manager's))~~ their renewal fee using the commissioner's electronic system, which is available at www.insurance.wa.gov.

(2) Health care benefit managers ~~((must-renew))~~ renewing their registrations ~~((by:~~

~~(a))~~ must, no later than March 1st of each year, ((submitting a complete renewal form)) submit an electronic renewal report and supporting documents for approval to include:

~~((i) The health care benefit manager's))~~ (a) Their Washington state annual gross ((health care benefit manager business)) income for health care benefit manager business for the previous calendar year; and

~~((ii))~~ (b) Any additional information, including supporting documents, as required by the commissioner.

~~((b) No later than July 15th of each year, pay the renewal fee as invoiced by the commissioner.~~

~~(c))~~ (3) Health care benefit managers may amend their annual gross income report for the previous year after the date of submission, but may not amend the report later than May 31st, of the submission year.

(4) On or before June 1st of each year, the commissioner will calculate and set the renewal fees for the ((upcoming fiscal year for)) next July 1st through June 30th fiscal year. Invoices for the renewal fees and electronic payments will be available through the insurance commissioner's electronic filing and payment center. Renewal fee payments are due by July 15th of each year.

~~((3))~~ (5) The renewal application is not complete until the commissioner receives the complete renewal ((form)) report, supporting documentation if required by the commissioner, and the ((correct)) payment of the invoiced renewal fee.

~~((4) Failure to timely submit a completed renewal form and fees may result in delayed renewal or nonrenewal in addition to potential violations if a health care benefit manager provides services without being registered.~~

~~(5))~~ (6) Upon successful completion, the health care benefit manager will receive notice of approval of the renewal application from the commissioner.

~~((6) The renewal))~~ (7) Failure to timely submit a completed renewal report and fee may result in a delayed renewal or nonrenewal in addition to potential violations if a health care benefit manager provides services without being registered.

(8) Each renewed registration is valid for one fiscal year from July 1st through June 30th fiscal year.

AMENDATORY SECTION (Amending WSR 21-02-034, filed 12/29/20, effective 1/1/22)

WAC 284-180-240 Providing and updating registration information.

~~(1) ((At the time of registration,))~~ When registering a health care benefit manager must ((submit an application)) apply with an affidavit affirming its accuracy. ((In the)) An application((r)) for registering as a health care benefit manager must provide for:

(a) The legal name as well as any ~~((and all))~~ additional names that it uses to conduct business;

(b) The names of ~~((all))~~ persons and entities with any ownership or controlling interests, including stockholders, officers and directors, or limited liability company members, managers and officers in the health care benefit manager, ~~((along with completed NAIC Form 11 biographical affidavits and, if requested, an NAIC Approved Third-Party Vendor Background Report;~~

~~(c) Tax identification numbers;~~

~~(d) Other)) and the identity of any entity for which the health care benefit manager has a controlling interest;~~

~~(c) A list of tax identification numbers and business licenses and registrations ((that the health care benefit manager has held and those)) that are active;~~

~~((e)) (d) Identifying any areas of specialty, such as a pharmacy benefit management, radiology benefit management, laboratory benefit management, mental health care benefit management, or any other areas of specialty identified in the application;~~

~~((f)) (e) Contact information for communications regarding registration, renewal and oversight activities, ((including)) to include name of the contact person, address, phone number, ((name of the contact person for the health care benefit manager,)) and valid email address;~~

~~((g)) (f) Name and contact information for the person the health care benefit manager has designated as responsible for compliance with state and federal laws to include name of the contact person, address, phone number, and valid email address;~~

~~((h)) (g) Identify if the health care benefit manager has committed any violations in this or any state or been the subject of an order from a ((department of insurance or other state agency)) any federal or state agency or court; and~~

~~((i)) (h) Any additional information requested by the commissioner.~~

~~(2) Registered health care benefit managers must ((ensure that)) provide any material change in the information ((that they disclosed when they registered)) filed with the commissioner ((remains current by notifying the commissioner of any changes or additions)).~~

~~(a) This information includes, but is not limited to:~~

~~(i) Any ((and all)) additional names that the health care benefit manager uses to conduct business; and~~

~~(ii) The contact's name and email address for official communications between the commissioner and the health care benefit manager as required in subsection (1)(f) of this section.~~

~~(b) Any change in the information provided to obtain ((or)), renew, nonrenew, or surrender a registration as a health care benefit manager is a material change and must be reported to the commissioner within ((thirty)) 30 days of ((any)) the change((, by the health care benefit manager using the commissioner's electronic system)).~~

~~(c) Any amendments to its annual renewal reports including the reported annual gross income must be reported to the commissioner no later than May 31st. Amended annual renewal reports may be accepted after review by the commissioner.~~

WSR 23-23-142

PERMANENT RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed November 20, 2023, 11:35 a.m., effective December 21, 2023]

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

Purpose: This rule making is necessary to amend current rules in accordance with the department's 2022 legislative report on transportation network companies and to integrate transportation network companies and their drivers into the unemployment insurance system as set forth in SHB 1570 (2023). Transportation network companies are required to submit quarterly reports to the department that include the total hours worked by each driver, in accordance with RCW 50.12.070. This rule making will set forth the method for transportation network companies to calculate and report hours worked by drivers in their quarterly reports to the department.

Citation of Rules Affected by this Order: Amending WAC 192-310-040.

Statutory Authority for Adoption: RCW 50.12.010, 50.12.040, and 50.12.070.

Adopted under notice filed as WSR 23-19-004 on September 6, 2023.

A final cost-benefit analysis is available by contacting Stephanie Frazee, P.O. Box 9046, Olympia, WA 98507-9046, phone 425-465-0313, fax 844-652-7096, TTY relay 711, email stephanie.frazee@esd.wa.gov, website <https://esd.wa.gov/newsroom/rulemaking/transportation-network-companies>.

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: November 20, 2023.

Joy E. Adams, Acting Director
Employment System Policy and Integrity

OTS-4771.1

AMENDATORY SECTION (Amending WSR 10-23-064, filed 11/12/10, effective 12/13/10)

WAC 192-310-040 How should employers report hours worked? (RCW 50.12.070.) This section defines the hours that employers must include on the quarterly tax and wage report.

(1) **Vacation pay.** Report the number of hours an employee is on paid leave. Do not report payments made in place of vacation time as hours worked.

(2) **Sick leave pay.** As provided in RCW 50.04.330(1), any payments made to an employee under a qualified plan for sickness or accident disability, insurance or annuities, medical or hospitalization expenses in connection with sickness or accident disability, death or retirement are not considered wages or compensation. Do not report these as hours or wages. For payments under a nonqualified plan, report both wages and hours.

(3) **Overtime.** Report the number of hours actually worked for which overtime pay or compensatory time is provided, without regard to the amount of wages or compensation paid.

(4) **Commissioned or piecework employees.** Report the actual number of hours worked by employees paid by commission or by piecework. If there are no reliable time keeping records, report a full-time commissioned or piecework employee for (~~forty~~) 40 hours worked for each week in which any of their duties were performed.

(5) **Wages in lieu of notice.** When an employee is paid wages in lieu of notice of termination, report the actual number of hours for which they were paid. Wages in lieu of notice of termination pays the employee whose services have been terminated by the employer for the amount of wages they would have earned during the notice period.

(6) **Employees on salary.** If a salaried employee works other than the regular (~~forty~~) 40-hour week, report the actual number of hours worked. If there are no reliable time keeping records, report (~~forty~~) 40 hours for each week in which a full-time salaried employee worked.

(7) **Faculty employees.** Faculty members of community and technical colleges must teach at least (~~fifteen~~) 15 classroom or laboratory hours to be considered full-time. A teaching load of less than (~~fifteen~~) 15 hours of instruction is considered part-time.

(a) If there is no reliable hourly information, report the hours of instruction as part-time based on (~~fifteen~~) 15 credits as a full-time teaching load and (~~thirty-five~~) 35 hours as full-time employment for a week. For example, an instructor teaches (~~twelve~~) 12 credits per week. Twelve divided by (~~fifteen~~) 15 equals (~~eighty~~) 80 percent. Thirty-five hours times (~~eighty~~) 80 percent equals (~~twenty-eight~~) 28 hours. The employer should report the (~~twenty-eight~~) 28 hours to the department on the employer's quarterly tax and wage report.

(b) Any part-time salaried instructor who does not establish a valid claim because of this formula may provide the department with evidence of hours worked that exceeds the hours reported by the employer.

(8) **Transportation network company drivers.** Transportation network companies should calculate and report hours that drivers work as passenger platform time multiplied by two. Passenger platform time shall have the same definition as in RCW 49.46.300.

(9) **Severance pay.** Do not report additional hours for severance pay. Report only the dollar amount paid to the employee. Severance pay is taxable because it is based on past service and compensates the employee upon job separation.

(~~9~~) (10) **Payment in kind.** Report the actual hours worked for performing services which are compensated only by payment in kind.

(~~10~~) (11) **Bonuses, tips and other gratuities.** Do not report additional hours for bonuses, tips or other gratuities if they are re-

ceived by an employee who is working regular hours if bonuses, tips and gratuities are the only sources of compensation.

~~((11))~~ (12) **Fractions of hours.** If the employee's total number of hours for the quarter results in a fraction amount, round the total to the next higher whole number.

~~((12))~~ (13) **Practice, preparation, and rehearsal time.** If an employee who is part of a performing group is paid for a performance, but is also required by the employer to attend practice, preparation, and rehearsal on an organized group basis, report the hours spent in the required practice, preparation, and rehearsal as well as the performance.

~~((13))~~ (14) **On-call and standby hours.** Do not report hours if an employee is paid for a shift of on-call or standby hours in which the employee was not actually called in and did not perform services. If the employee was called in or performed services, report the hours actually worked. If the employer has no records of the number of hours actually worked, report the duration of the shift up to eight hours per day.

WSR 23-23-146

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed November 20, 2023, 1:30 p.m., effective December 21, 2023]

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

Purpose: The department is amending WAC 308-56A-275 and 308-93-470 to clarify the certification process and eliminate outdated references to "operator numbers."

Citation of Rules Affected by this Order: Amending WAC 308-56A-275 Certification of signature. Who may certify signatures? and 308-93-470 Certification of signatures.

Statutory Authority for Adoption: RCW 46.01.110 Rule-making authority and 88.02.320 Department—Powers and duties.

Adopted under notice filed as WSR 23-20-131 on October 4, 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 2, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: November 20, 2023.

Ellis Starrett
Rules and Policy Manager

OTS-4941.1

AMENDATORY SECTION (Amending WSR 03-08-055, filed 3/31/03, effective 5/1/03)

WAC 308-56A-275 Certification of signature. Who may certify signatures?

(1) Signatures must be notarized by a notary public or certified by an agent or subagent appointed by the director to conduct vehicle title and registration activities on behalf of the department. The certification must include the signature (~~(and the)~~), county, and office (~~(, and operator numbers)~~) of the person certifying the signature. Signatures may also be certified by one of the following:

(a) Employees authorized by the director to certify signatures. These employees are:

(i) Deputy director; and

(ii) Assistant director for vehicle services; and

(iii) Administrator and managers of the division primarily responsible for vehicle title and registration; and

(iv) Persons assigned to liaison duties between the department and its agents and subagents; and

(v) Persons assigned the responsibility of accepting title and registration applications at the department's offices; and

(vi) Persons assigned the responsibility for investigating vehicle dealer activities; and

(b) Persons authorized by a Washington licensed vehicle dealer, if the vehicle is sold by that dealer. The certification must include the dealer number, signature, and title of the person certifying the signature.

(2) The person certifying the signatures shall require proof of identification. Approved identification includes:

(a) Drivers license; or

(b) Any nationally or regionally recognized government issued photo identification card; or

(c) Any two of the following:

(i) A nationally or regionally recognized credit card (signed);

(ii) Any certificate or other document issued by a government agency for the purpose of establishing identity; or

(d) Other documentation satisfactory to the department.

OTS-4942.1

AMENDATORY SECTION (Amending WSR 00-23-028, filed 11/7/00, effective 12/8/00)

WAC 308-93-470 Certification of signatures. (1) **Who may certify or notarize vessel certificate of ownership and registration activities on behalf of the department?** Signatures must be notarized by a notary public or certified by agents and subagents appointed by the director. The certification must include the signature (~~(and the)~~)₁ county, and office(~~(, and operator number)~~) of the person certifying the signature. Signatures may also be certified by one of the following:

(a) Employees authorized by the director to certify signatures. The employees are:

(i) Deputy director; and

(ii) Assistant director for vehicle services; and

(iii) Administrator and managers of the division primarily responsible for vessel title and registration; and

(iv) Persons assigned to liaison duties between the department and its agents and subagents; and

(v) Persons assigned the responsibility of accepting title and registration applications at the department's offices; and

(vi) Persons assigned the responsibility for investigating vessel dealer activities.

(b) Persons named on a Washington vessel dealers bond, filed with the department, if the vessel is sold by that licensed vessel dealer. The certification must include the dealer number, signature, and title, of the person certifying the signature.

(2) **What proof of identification must be presented to the person certifying the signature(s)?** The person certifying the signatures shall require proof of identification. Approved identification includes:

(a) Drivers license; or

- (b) Any signed photo identification card; or
- (c) Any two of the following:
 - (i) A nationally or regionally recognized credit card (signed);
 - (ii) A signed ID card issued by a city, county, state or federal government agency;
 - (iii) Any certificate or other document issued by a government agency for the purpose of establishing identity; or
- (d) Other documentation satisfactory to the person certifying the signature.

WSR 23-23-150

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed November 20, 2023, 4:53 p.m., effective January 1, 2024]

Effective Date of Rule: January 1, 2024.

Purpose: Health equity continuing education (CE) for mental health counselors, marriage and family therapists, and social workers under chapter 246-809 WAC, Licensure for mental health counselors, marriage and family therapists, and social workers.

The department is adopting amendments to WAC 246-809-095, 246-809-110, 246-809-130, 246-809-210, 246-809-310, 246-809-320, 246-809-330, 246-809-610, 246-809-630, 246-809-632, 246-809-650, and 246-809-730. These amendments implement legislation including 2SHB 1724 (chapter 425, Laws of 2023), ESSB 5229 (chapter 276, Laws of 2021), and ESHB 1551 (chapter 76, Laws of 2020).

2SHB 1724 made statutory changes that lower barriers to entering and remaining in the behavioral health work force. The amendments adopted to align with this legislation will lower supervised experience requirements for social workers, add social work doctorate programs as qualifying education for social workers, and remove the limit on distance learning hours.

ESSB 5229, codified at RCW 43.70.613 (3)(b), directed the rule-making authority for each health profession licensed under Title 18 RCW that is subject to CE to adopt rules requiring a licensee to complete health equity CE training at least once every four years. The statute also directed the department to create model rules establishing the minimum standards for health equity CE programs. The department filed model rules for health equity CE minimum standards on November 23, 2022, under WSR 22-23-167.

The department is now adopting amendments to WAC 246-809-610, 246-809-630, and 246-809-632 that require two hours of health equity CE every four years for mental health counselors, marriage and family therapists, social workers, and associates. The health equity CE requirement is counted under existing, unspecific CE requirements for the profession and does not change the total number of CE hours required.

ESHB 1551 repealed the department's authority to require AIDS education as a condition of licensure. While the department no longer enforces this requirement and previously conducted rule making to remove the AIDS training from chapter 246-809 WAC, a reference to the training was inadvertently left in WAC 246-809-095. This rule making will remove this reference to fully comply with ESHB 1551.

Additionally, the department is adopting minor amendments to update and clarify rule language throughout these rules.

Citation of Rules Affected by this Order: Amending WAC 246-809-095, 246-809-110, 246-809-130, 246-809-210, 246-809-310, 246-809-320, 246-809-330, 246-809-610, 246-809-630, 246-809-632, 246-809-650, and 246-809-730.

Statutory Authority for Adoption: RCW 18.225.040.

Other Authority: ESSB 5229 (chapter 276, Laws of 2021), ESHB 1551 (chapter 76, Laws of 2020), 2SHB 1724 (chapter 425, Laws of 2023).

Adopted under notice filed as WSR 23-17-075 on August 14, 2023.

A final cost-benefit analysis is available by contacting Lana Crawford, P.O. Box 47852, Tumwater, WA 98504-7852, phone 564-669-1455, TTY 711, email Lana.Crawford@doh.wa.gov, website www.doh.wa.gov.

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

Number of Sections Adopted at 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 6, Repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 12, Repealed 0.

Date Adopted: November 20, 2023.

Kristin Peterson, JD
Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

OTS-4754.1

AMENDATORY SECTION (Amending WSR 20-12-074, filed 6/1/20, effective 7/2/20)

WAC 246-809-095 Probationary license. (1) The department shall issue a probationary license to out-of-state applicants seeking licensure in Washington state for an advanced social worker, independent clinical social worker, mental health counselor, or marriage and family therapist according to the conditions and restrictions of the reciprocity program established in RCW 18.225.140 and this chapter.

(2) The out-of-state license must be from a state or territory identified on a list published by the department as eligible for reciprocity for the purposes of a probationary license for the particular behavioral health profession.

(3) An initial probationary license is valid for one year. To receive an initial probationary license, the applicant must submit to the department a completed application to include:

- (a) Verification of their out-of-state license; and
- (b) The fee according to WAC 246-809-990.

(4) A probationary license may be renewed a single time and is valid for one year after the date of renewal. To renew the probationary license, an applicant must submit to the department a completed application to include:

- (a) Completion of suicide assessment, treatment, and management according to WAC 246-809-615(1) (~~(b)~~); and
- ~~((b))~~ ~~(b)~~ AIDS education according to WAC ~~246-809-080~~); and
- ~~((e))~~ ~~(b)~~ The fee according to WAC 246-809-990.

(5) Continuing education. With the exception of the requirements of subsection (4) this section, continuing education requirements will apply once a probationary licensee transitions to a full license.

(6) Approved supervision. If the department determines a probationary licensee must complete supervised hours of experience as a

condition for full licensure, the licensee must complete the stated hours under an approved supervisor according to the conditions of this chapter.

AMENDATORY SECTION (Amending WSR 20-12-074, filed 6/1/20, effective 7/2/20)

WAC 246-809-110 Definitions. The following terms apply to the licensure of marriage and family therapists and marriage and family therapist associates, in WAC 246-809-100 through 246-809-140.

(1) "Approved educational program" means:

(a) Any college or university accredited by a national or regional accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation or its successor; or

(b) A program accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE), at the time the applicant completed the required education.

(2) "Approved supervisor" means a licensed marriage and family therapist, or an equally qualified licensed mental health practitioner.

(3) "Equally qualified licensed mental health practitioner" means a licensed mental health counselor, licensed clinical social worker, licensed psychologist, licensed physician practicing as a psychiatrist, or licensed psychiatric nurse practitioner, who has completed:

(a) Three hundred clock hours in graduate or postgraduate marriage and family education, or continuing education in marriage and family therapy or supervision by an approved marriage and family therapist supervisor in marriage and family therapy or any combination of these; and

(b) Five years of clinical practice that includes the equivalent of one year of clinical practice working with couples and families.

(4) "Group supervision" means face-to-face supervision with an approved supervisor, involving one supervisor and no more than six licensure candidates.

(5) "Licensure candidate" means an individual who is accruing supervised clinical experience required for licensure.

(6) "One-on-one supervision" means face-to-face supervision with an approved supervisor, involving one supervisor and no more than two licensure candidates.

(7) "Peer" means a coworker who is not the licensure candidate's employer or supervisor.

(8) "Supervised experience requirement" means experience that is obtained under an approved supervisor who meets the requirements described in WAC 246-809-134.

(9) "Supervision of supervision" means supervision by an approved supervisor for the purpose of training and qualifying a license holder to act as an approved supervisor for purposes of chapter 18.225 RCW and WAC 246-809-134.

AMENDATORY SECTION (Amending WSR 20-12-074, filed 6/1/20, effective 7/2/20)

WAC 246-809-130 Supervised postgraduate experience. (1) The experience requirements for the marriage and family therapist applicant's practice area include successful completion of a supervised experience requirement. Applicants who have held an active marriage and family therapy license for the past five consecutive years or more in another state or territory, without a disciplinary record or disqualifying criminal history, are deemed to have met the supervised experience requirements for Washington state licensure in subsection (3) of this section.

(2) In accordance with RCW 18.225.090 and 18.225.095, for applicants who can demonstrate they have practiced as a substance use disorder professional for at least three years within ~~((ten))~~ 10 years from the date their application for a marriage and family therapist license is submitted to the department, the department shall reduce the total required supervised hours from ~~((three thousand))~~ 3,000 hours to ~~((two thousand seven hundred))~~ 2,700 hours. The requirements in subsection (3)(a) through (e) of this section shall apply regardless of the reduction of total required hours.

(3) ~~((The experience requirement consists of a minimum of two calendar years of full-time marriage and family therapy.))~~ Total experience requirements include a minimum of ~~((three thousand))~~ 3,000 hours to include the following:

(a) One thousand hours of direct client contact with at least ~~((five hundred))~~ 500 hours gained in diagnosing and treating couples and families;

(b) At least ~~((two hundred))~~ 200 hours of qualified supervision with an approved supervisor.

(i) Of the ~~((two hundred))~~ 200 hours, ~~((one hundred))~~ 100 hours must be with a licensed marriage and family therapist with at least five years of clinical experience; the other ~~((one hundred))~~ 100 hours may be with an equally qualified licensed mental health practitioner;

(ii) At least ~~((one hundred))~~ 100 of the ~~((two hundred))~~ 200 hours must be one-on-one supervision; and

(iii) The remaining hours may be in one-on-one or group supervision.

(c) Applicants who have completed a master's program accredited by the Commission on Accreditation for Marriage and Family Therapy Education of the American Association for Marriage and Family Therapy boards will be credited with ~~((five hundred))~~ 500 hours of direct client contact and ~~((one hundred))~~ 100 hours of qualified supervision with an approved supervisor;

(d) Licensed marriage and family therapist associate applicants are not required to have supervised postgraduate experience prior to becoming an associate; and

(e) Licensed marriage and family therapist associate applicants must declare they are working towards full licensure.

AMENDATORY SECTION (Amending WSR 17-13-082, filed 6/16/17, effective 7/17/17)

WAC 246-809-210 Definitions. The following definitions apply to the licensure of mental health counselors and mental health counselor associates, in WAC 246-809-200 through 246-809-240.

(1) "Approved educational program" means any college or university accredited by an accreditation body recognized by the Council for Higher Education Accreditation (CHEA) or United States Department of Education.

(2) "Approved setting" includes facilities, agencies or private practice where an applicant works with individuals, families, couples or groups under the supervision of an approved supervisor.

(3) "Approved supervisor" means a qualified licensed mental health counselor or equally qualified licensed mental health practitioner who has been licensed without restrictions for at least two years.

(4) "Equally qualified licensed mental health practitioner" means a licensed marriage and family therapist, licensed clinical social worker, licensed psychologist, licensed physician practicing as a psychiatrist, or licensed psychiatric nurse practitioner.

(5) "Group supervision" means face-to-face supervision with an approved supervisor, involving one supervisor and no more than six licensure candidates.

(6) "Immediate supervision" means a meeting with an approved supervisor, involving one supervisor and no more than two licensure candidates.

(7) "Licensure candidate" means an individual that is accruing supervised clinical experience required for licensure.

(8) "Peer" means a co-worker who is not the licensure candidate's employer or supervisor.

(9) "Supervision of supervision" means supervision by an approved supervisor for the purpose of training and qualifying a licensee to act as an approved supervisor for purposes of chapter 18.225 RCW and WAC 246-809-234.

AMENDATORY SECTION (Amending WSR 17-13-082, filed 6/16/17, effective 7/17/17)

WAC 246-809-310 Definitions. The following definitions apply to the licensure of independent clinical and advanced social workers and independent clinical and advanced social work associates, in WAC 246-809-300 through 246-809-340.

(1) "Approved educational program" means a master's or doctoral educational program in social work accredited by the Council on Social Work Education.

(2) "Approved supervisor" means a licensed independent clinical social worker (LICSW), licensed advanced social worker (LASW) (for LASWs only), or an equally qualified licensed mental health practitioner.

(3) "Equally qualified licensed mental health practitioner" means a licensed mental health counselor, licensed marriage and family therapist, licensed psychologist, licensed physician practicing as a psychiatrist, or licensed psychiatric nurse practitioner.

(4) "Group supervision" means face-to-face supervision with an approved supervisor, involving one supervisor and no more than six licensure candidates.

(5) "Licensure candidate" means an individual that is accruing supervised clinical experience required for licensure.

(6) "Nationally recognized standards" means the *Educational Policy and Accreditation Standards*, revised October 2004 published by the Council on Social Work Education revised October 2004 or any future revisions.

(7) "One-on-one supervision" means face-to-face supervision with an approved supervisor, involving one supervisor and one licensure candidate.

(8) "Peer" means a co-worker who is not the licensure candidate's employer or supervisor.

(9) "Supervision of supervision" means supervision by an approved supervisor for the purpose of training and qualifying a licensee to become an approved supervisor for purposes of chapter 18.225 RCW and WAC 246-809-334.

AMENDATORY SECTION (Amending WSR 17-13-082, filed 6/16/17, effective 7/17/17)

WAC 246-809-320 Education requirements. The following are the education requirements for the social worker applicant's practice area:

(1) Licensed advanced social worker or licensed social worker associate-advanced must have graduated from a master's (~~or doctoral~~) social work educational program accredited by the Council on Social Work Education or a social work doctorate program at a university accredited by a recognized accrediting organization.

(2) Licensed independent clinical social worker or licensed social worker associate-independent clinical must have graduated from a master's (~~or doctorate~~) level social work educational program accredited by the Council on Social Work Education or a social work doctorate program at a university accredited by a recognized accrediting organization.

AMENDATORY SECTION (Amending WSR 21-20-028, filed 9/24/21, effective 10/25/21)

WAC 246-809-330 Supervised postgraduate experience requirements.

(1) Licensed advanced social worker.

(a) Applicants who have held an active advanced social worker license for the past five consecutive years or more in another state or territory, without a disciplinary record or disqualifying criminal history, are deemed to have met the supervised experience requirements for Washington state licensure in subsection (1)(c) of this section.

(b) In accordance with RCW 18.225.090 and 18.225.095, for applicants who can demonstrate they have practiced as a substance use disorder professional for at least three years within (~~ten~~) 10 years from the date their application for an advanced social worker license is submitted to the department, the department shall reduce the total required supervised hours from (~~three thousand two hundred~~) 3,200

hours to ~~((two thousand eight hundred eighty))~~ 2,880 hours. The requirements in subsection (3)(c)(i) through (iii) of this section shall apply regardless of the reduction of total required hours.

(c) The supervised experience requirement consists of a minimum of ~~((three thousand two hundred))~~ 3,000 hours with ~~((ninety))~~ 90 hours of supervision by a licensed independent clinical social worker or a licensed advanced social worker who has been licensed or certified for at least two years. Of those hours:

(i) Eight hundred hours must be in direct client contact; and

(ii) Ninety hours must be in direct supervision ~~((as follows:~~

~~(A) Fifty hours must include direct supervision by a licensed advanced social worker or licensed independent clinical social worker; these hours may be in one-to-one supervision or group supervision; and~~

~~(B) Forty hours may be with an equally qualified licensed mental health practitioner as defined in WAC 246-809-310(3). These hours must) under the supervision of a licensed independent clinical social worker, a licensed advanced social worker, or an equally qualified licensed mental health professional. Of those hours of direct supervised experience at least:~~

~~(A) Forty hours must be in one-to-one supervision; and~~

~~(B) Fifty hours may be in one-to-one or group supervision.~~

(2) Licensed independent clinical social worker.

(a) Applicants who have held an active independent clinical social worker license for the past five consecutive years or more in another state or territory, without a disciplinary record or disqualifying criminal history, are deemed to have met the supervised experience requirements for Washington state licensure in (c) of this subsection.

(b) In accordance with RCW 18.225.090 and 18.225.095, for applicants who can demonstrate they have practiced as a substance use disorder professional for at least three years within ~~((ten))~~ 10 years from the date their application for an independent clinical social worker license is submitted to the department, the department shall reduce the total required supervised hours from ~~((four thousand))~~ 3,000 hours to ~~((three thousand six hundred))~~ 2,600 hours. The requirements in subsection (2)(c)(i) and (ii) of this section shall apply regardless of the reduction of total required hours.

(c) The experience requirement consists of a minimum of ~~((four thousand))~~ 3,000 hours of experience, over a period of not less than ~~((three))~~ two years. Of those ~~((four thousand))~~ 3,000 hours:

(i) One thousand hours must be direct client contact supervised by a licensed independent clinical social worker;

(ii) One hundred ~~((thirty))~~ hours of direct supervision as follows:

(A) Seventy hours must be with an independent clinical social worker;

(B) ~~((Sixty))~~ The remaining hours may be with an equally qualified licensed mental health practitioner as defined in WAC 246-809-310(3); and

(C) Sixty hours of the ~~((one hundred thirty))~~ 100 hours of direct supervision must be in one-to-one supervision. The remaining ~~((seventy))~~ hours may be in one-to-one supervision or group supervision.

(3) Licensed social worker associate-advanced and licensed social worker associate-independent clinical applicants are not required to have supervised postgraduate experience prior to becoming an associate.

(4) Licensed social worker associate-advanced and licensed social worker associate-independent clinical applicants must declare they are working toward full licensure.

AMENDATORY SECTION (Amending WSR 17-13-082, filed 6/16/17, effective 7/17/17)

WAC 246-809-610 Eligible continuing education activities. (1) The continuing education (CE) program or course for licensed counselors and associates must:

- (a) Be relevant to the profession; and
- (b) Contribute to the advancement, extension and enhancement of their professional competence.

(2) Courses or workshops primarily designed to increase practice income or office efficiency are not eligible for CE credit.

(3) Acceptable CE courses (including distance learning), seminars, workshops and postgraduate institutes are those which are:

- (a) Programs having a featured instructor, speaker(s) or panel approved by an industry-recognized local, state, national, international organization or institution of higher learning; or
- (b) Distance learning programs, approved by an industry-recognized local, state, national or international organization or institution of higher learning. These programs must require tests of comprehension upon completion. (~~Distance learning programs are limited to twenty-six hours per reporting period.~~)

(4) Training programs sponsored by the agency where a licensed counselor or associate is employed are acceptable but are limited to (~~twenty-six~~) 26 hours per reporting period.

(5) Other learning experience, such as serving on a panel, board or council, community service, research, peer consultation, or publishing articles for professional publications are acceptable but are limited to six hours per reporting period.

AMENDATORY SECTION (Amending WSR 21-09-037, filed 4/13/21, effective 5/14/21)

WAC 246-809-630 Continuing education requirements. (1) An associate must complete (~~eighteen~~) 18 hours of continuing education as required in WAC 246-809-632.

(2) Licensed social worker associate advanced and licensed social worker associate independent clinical must complete six hours of suicide assessment, treatment, and management CE as required in WAC 246-809-632.

(3) A licensed counselor must complete (~~thirty-six~~) 36 hours of continuing education (CE) every two years.

- (a) At least six of the (~~thirty-six~~) 36 hours must be in professional ethics and law, which may include topics under RCW 18.130.180.
- (b) All licensed counselors must complete a minimum of two hours in health equity continuing education training every four years. The training content must be consistent with requirements established in WAC 246-12-830.

(c) Beginning January 1, 2014, at least once every six years a licensed marriage and family therapist, licensed mental health counselor, and licensed social worker must complete at least six hours of training in suicide assessment, treatment, and management.

(i) The first training must be completed during the first full CE reporting period after January 1, 2014, or the first full CE period after initial licensure, whichever occurs later.

(ii) Beginning July 1, 2017, a qualifying suicide prevention training must be selected from the department's model list, as required in WAC 246-809-615.

(iii) Beginning July 1, 2021, a subsequent qualifying training must be selected from the department's model list, as required in WAC 246-809-615.

(iv) The hours spent completing training in suicide assessment, treatment, and management count toward the total (~~(thirty-six)~~) 36 hours of CE.

(v) An individual applying for initial licensure as a licensed marriage and family therapist, licensed mental health counselor, or licensed social worker on or after January 1, 2014, may delay completion of the first training required for six years after initial licensure if he or she can demonstrate completion of six hours of training in suicide assessment, treatment, and management that:

(A) Was completed no more than six years prior to the application for initial licensure; and

(B) Meets the qualifications listed in WAC 246-809-615.

AMENDATORY SECTION (Amending WSR 21-09-037, filed 4/13/21, effective 5/14/21)

WAC 246-809-632 Licensed associate continuing education. (1)

All licensed associates must complete a total of (~~(eighteen)~~) 18 hours of continuing education (CE) every year in order to renew their license. The CEs must be completed in accordance with this chapter. An associate must attest to completing the CE every year during the renewal.

(2) Professional ethics and law CE for all licensed associates. All licensed associates must include six hours of CE in professional ethics and law every two years. The associates must attest to completing the CE during the second renewal, fourth renewal, and sixth renewal. These six CE hours maybe completed anytime within the two-year period before each of these renewals. The six hours may contribute to the total (~~(eighteen)~~) 18 hours of CE for the year in which the CE was completed.

(3) All licensed associates must complete a minimum of two hours in health equity continuing education training every four years. The training content must be consistent with requirements established in WAC 246-12-830.

(4) Suicide assessment, treatment, and management CE only for licensed social worker associate advanced and licensed social worker associate independent clinical.

(a) Licensed social worker associate advanced and licensed social worker associate independent clinical must complete:

(i) Six hours of suicide assessment, treatment, and management CE after initial licensure and before the first renewal in accordance with WAC 246-809-615 and 246-809-630; and

(ii) Six hours of subsequent training per WAC 246-809-615 and 246-809-630 in the following six-year period.

(b) The licensed social worker associate advanced and licensed social worker associate independent clinical may delay completing the first training if he or she can demonstrate completion of the training no more than six years before gaining their initial license.

(c) The hours spent completing training in suicide assessment, treatment, and management count toward the total ((eighteen)) 18 hours of CE.

((Table 1

Continuing Education Requirements by Licensure Renewal Dates

License Type	• Marriage and Family Therapist Associate • Mental Health Counselor Associate	• Social Worker Associate Advanced • Social Worker Associate Independent Clinical
At Initial Licensure	Not applicable for initial licensure	Not applicable for initial licensure
Between Initial Licensure and First Renewal	18 Hours Total	18 Hours Total • 6 hours in suicide assessment, treatment, and management unless obtained 6 years prior to initial licensure
Between First and Second Renewal	18 Hours Total • 6 of which must be in professional ethics and law which may be obtained anytime within 2 years before the CE due date	18 Hours Total • 6 of which must be in professional ethics and law which may be obtained anytime within 2 years before the CE due date
Between Second and Third Renewal	18 Hours Total	18 Hours Total
Between Third and Fourth Renewal	18 Hours Total • 6 of which must be in professional ethics and law which may be obtained anytime within 2 years before the CE due date	18 Hours Total • 6 of which must be in professional ethics and law which may be obtained anytime within 2 years before the CE due date
Between Fourth and Fifth Renewal	18 Hours Total	18 Hours Total
Between Fifth and Sixth Renewal	18 Hours Total • 6 of which must be in professional ethics and law which may be obtained anytime within 2 years before the CE due date	18 Hours Total • 6 of which must be in professional ethics and law which may be obtained anytime within 2 years before the CE due date))

AMENDATORY SECTION (Amending WSR 02-11-108, filed 5/20/02, effective 6/20/02)

WAC 246-809-650 ((How do I document my courses?)) Coursework documentation. Acceptable documentation for all licenses under this chapter shall include transcripts, letters from course instructors, certificate of completion, or other formal certification, as required in chapter 246-12 WAC((, Part 7)).

AMENDATORY SECTION (Amending WSR 17-13-082, filed 6/16/17, effective 7/17/17)

WAC 246-809-730 Retired active credential. (1) To obtain a retired active license a licensed counselor must comply with chapter 246-12 WAC(~~, Part 5~~).

(2) A licensed counselor with a retired active license may practice no more than (~~ninety~~) 90 days each year in Washington, or practice only in emergency circumstances such as earthquakes, floods, time of declared war or other states of emergency; and

(3) A licensed counselor with a retired active license must renew yearly on their birthday, and must report (~~eighteen~~) 18 hours of continuing education including six hours in professional ethics and law as required under WAC 246-809-630 every two years.

**WSR 23-23-155
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed November 21, 2023, 8:42 a.m., effective January 1, 2024]

Effective Date of Rule: January 1, 2024.

Purpose: Classification development's goal is to implement clear rule writing to ensure staff and customers can easily understand and apply the workers' compensation insurance classification and reporting rules. Classification development studied some subclassifications for potential reduction in number and reviewed classification and reporting rules for improvement and clarification.

The purpose of this rule making is not to make substantive changes to how employers are classified and amendments will not increase employer rates.

As part of this rule making, the department of labor and industries (L&I) also reviewed these chapters for need, clarity, and consistency to make changes where possible to reduce the regulatory burden on employers insured with the state fund.

L&I is required by law to establish and maintain a workers' compensation classification plan that classifies all occupations or industries in accordance with their degree of hazard and in a manner consistent with recognized insurance principles (RCW 51.16.035). We are amending some classifications to increase ease of reporting, and ensure consistent and equitable treatment to businesses.

Also as a part of this rule making, L&I is updating the trucking reporting and classification rules based on recommendations from a cross-divisional workgroup. These updates clarify L&I's practice of determining interstate or intrastate trucking based on where the driver drives rather than the location of the load being hauled.

Lastly, L&I is changing the word "servant" to "worker" in Classification 6510 Domestic servants/home care assistance employed in or about the private residence of a home owner, as "worker" is a more respectful term. We've had requests from industry to change this language. We look forward to any opportunity in the future to update RCW 51.12.020 to make the same improvement.

Adopted amendments include:

WAC Numbers	WAC Description	What Changed	Reason for Change
296-17-31004	Coverage requirements	Added reference to licensed plumbing contractors where appropriate.	Alignment with SB 5088 from the 2023 legislative session. Plumbing contractors were previously registered contractors under chapter 18.27 RCW, but they are now licensed plumbing contractors under chapter 18.106 RCW.
296-17-31014	Farming and agriculture	Updated reporting rule for the farm internship program based on changes in 2023 legislation.	L&I updated this rule to implement SSB 5156. 2023's SSB 5156 changed the farm internship program from a pilot to a permanent program. Some of the qualifying requirements that appear in our reporting rule changed in the new law.

WAC Numbers	WAC Description	What Changed	Reason for Change
296-17-35203 296-17A-1102	Special reporting instruction Trucking	<ul style="list-style-type: none"> • Changed terms <i>establishments</i> and <i>firms</i> to <i>businesses</i>. • Changed formatting so that each subclass has a full description of its scope. • Updated definitions of <i>interstate truck driving</i> and <i>intrastate truck driving</i>. • Added common duties and goods hauled to scopes descriptions. • Clarified that any workers that ride in the truck along with the driver are included in the scope of classification 1102. • Clarified that classification 1102 includes driving the truck while the vehicle isn't carrying a load. • Clarified classification exclusions. • Added note that references WAC 296-17-31015 General inclusions. • Removed note that caused confusion about application of classification 5206 with 1102: <i>All hours for workers who spend any time driving or riding in trucks for businesses subject to this classification must be reported in classification 1102.</i> <ul style="list-style-type: none"> o A worker who is sometimes a driver can work an entire shift in the yard or shop and have those hours correctly reported in classification 5206-80. 	A small workgroup, with representatives from employer services, field audit, and firm appeals, was asked to update this WAC to clarify L&I's practice of determining interstate or intrastate trucking based on where the driver drives rather than the location of the load being hauled. The group also made updates to improve clarity and formatting.
296-17A-2903	Wood boat: Manufacturing, repair, or refinish	Removed "repairing" an exclusion in 2903-28.	Correcting error from a 2016 reformatting of Classification 2903-28 that had added "or repairing" to the exclusion for manufacture of fiberglass boats. Repair is not included in the manufacture of fiberglass boats classification.
296-17A-5301	Accounting or bookkeeping services	Added "or interpreter" to subclassification 5301-21 Word processing, secretarial, or tutoring.	Documenting L&I's practice of classifying interpreter service businesses in subclassification 5301-21 Word processing, secretarial, or tutoring.
296-17A-6121	Acute care hospitals - Without a fully implemented safe patient handling program (to be assigned only by the hospital underwriter)	Removed direction that this classification can only be assigned by the hospital underwriter.	L&I no longer has a hospital underwriter. This classification may be assigned by any underwriter.
296-17A-6411	Stores	Replaced "marijuana" with "cannabis."	Cannabis, rather than marijuana, is the word used by the liquor and cannabis board (LCB). Changing to align with LCB. We will update staff advisements.

WAC Numbers	WAC Description	What Changed	Reason for Change
296-17A-6504	Thrift stores operated by charitable or other nonprofit organizations	Added "Applies to:" to subclass 01.	Correct typographical error. This was overlooked when reformatting last year.
296-17A-6510	Domestic servants/home care assistants employed in or about the private residence of a home owner	Changed the word "servants" to "workers." Domestic workers rather than domestic servants. Reformatted rule.	The word "workers" is more respectful than the word "servants." L&I received requests from the industry to change this language. We hope in the future to have the opportunity to update RCW 51.12.020 to make the same improvement. Reformatted to comply with current standardized format.
296-17A-0601 296-17A-1303 296-17A-1801 296-17A-3602 296-17A-4305 296-17A-5108	Electrical wiring in buildings; electrical wiring, N.O.C.; permanent flood lighting: Installation Telecommunication service providers— All other employees, N.O.C. Lead smelting, sintering, or refining; calcium carbide manufacturing Electrical, telegraph or radio component, telephone set: Manufacture, assembly, or repair Garbage works or landfill: Reduction or incineration Cable or wire rope: Drawing and manufacturing	Reduced the number of subclassifications and reformatted rules.	L&I combined subclassifications as part of our plan to reduce the overall number of subclassifications in the classification plan to ease administrative burden for customers and staff. Some reasons for collapsing: • Low number of employers/hours reporting in subclassification (low credibility from actuarial view) • Subclassification does not represent separate risks from overall risk classification • Low loss data • No longer need to track these subclassifications separately If the format of these rules was a barrier to clarity, they were reformatted to make them easier to understand, apply, and follow.

WAC Numbers	WAC Description	What Changed	Reason for Change
296-17A-0103	Drilling or blasting: N.O.C.	Reformatted to comply with current standardized format. Reformatted the rule so that subclassifications are expanded with the appropriate information rather than title only.	Reformatted classifications to reflect standardized format established in 2019 for easier readability. In addition, some of our classifications were formatted so that they were only identified by title rather than having narrative. This caused some confusion for staff and they requested we update the classifications so that every subclassification provides all the information, rather than title only.
296-17A-0104	Dredging, N.O.C.		
296-17A-0105	Fence erection or repair: N.O.C.; parking meter installation; and placement of wire mesh on slopes for slope protection		
296-17A-0106	Tree care and pruning services, N.O.C.		
296-17A-0107	Utility line and pipelaying construction, underground, N.O.C.		
296-17A-0112	Commercial production of sand, gravel, clay and stone products		
296-17A-0210	Asphalt paving or surfacing: Highway, street, or roadway		
296-17A-0212	Asphalt paving or surfacing, N.O.C.		
296-17A-0214	Concrete paving and repaving: Highways, streets, or roadways, N.O.C.		
296-17A-0217	Concrete flatwork - Construction and/or repair: N.O.C.		
296-17A-0301	Lawn type sprinkler systems: Installation, service, or repair		
296-17A-0303	Plastering, stuccoing, and lathing buildings, N.O.C.		
296-17A-0504	Waterproofing, N.O.C.: Buildings or structures		
296-17A-0511	Glass installation in buildings		
296-17A-0519	Sheet metal work in building construction N.O.C.		
296-17A-0602	Elevators or elevator door bucks: Installation, service, and/or repair		

WAC Numbers	WAC Description	What Changed	Reason for Change
296-17A-0701	New dam construction: All operations in dam site area		
296-17A-1004	Log storage and log sorting yards		
296-17A-1005	Shake and/or shingle mills		
296-17A-1006	Land surveying services, N.O.C.		
296-17A-1103	Coal and solid fuel dealers - Yard operations		
296-17A-1104	Auto or truck wrecking or dismantling		
296-17A-1105	Septic tank pumping		
296-17A-1701	Ore reduction, by wet or dry process without application of heat at mine		
296-17A-1702	Coal mines and mines N.O.C., underground; coke ovens		
296-17A-1703	Open cut mining - All types; placer or hydraulic mining		
296-17A-1704	Quarries, N.O.C.		
296-17A-2203	Laundries - Commercial or industrial: N.O.C.		
296-17A-3101	Ready mix concrete dealers		
296-17A-3405	Precision machined parts and products, N.O.C.: Manufacturing		
296-17A-5209	Boiler or tank construction		
296-17A-6107	Veterinary hospitals or clinics		
296-17A-6206	Golf courses, N.O.C.		
296-17A-6410	Janitorial supply dealers		

WAC Numbers	WAC Description	What Changed	Reason for Change
296-17A-6502	Banks; credit unions; savings and loan associations		
296-17A-6503	Labor unions or employee representative associations		
296-17A-6512	Home care services/ consumer directed employer program		
296-17A-6601	Detective agencies		
296-17A-6704	Parking lot operations		
296-17A-6706	Athletic teams: Operations and facilities		
296-17A-6907	Household furnishings moving and storage		
296-17A-6908	Lightweight paper products, N.O.C.: Manufacturing		
296-17A-7308	Animal shelters or services, dog pounds and humane societies		
296-17A-7100	Exempt limited liability company members, N.O.C.	Clarified that corporate officers with optional coverage engaged exclusively in outside sales is to be reported in 6303.	Corrected an oversight from a previous reformatting that changed meaning and consistency in classifications 7100 and 7101.
296-17A-7101	Corporate officers, N.O.C.	Clarified that LLC members with optional coverage reporting in 6303 meet the standard exception requirements for classification 6303 in WAC 296-17-31018.	Added reference to reporting rule to align with same language in classification 7101.

Citation of Rules Affected by this Order: Amending WAC 296-17-31004, 296-17-31014, 296-17-35203, 296-17A-0103, 296-17A-0104, 296-17A-0105, 296-17A-0106, 296-17A-0107, 296-17A-0112, 296-17A-0210, 296-17A-0212, 296-17A-0214, 296-17A-0217, 296-17A-0301, 296-17A-0303, 296-17A-0504, 296-17A-0511, 296-17A-0519, 296-17A-0601, 296-17A-0602, 296-17A-0701, 296-17A-1004, 296-17A-1005, 296-17A-1006, 296-17A-1102, 296-17A-1103, 296-17A-1104, 296-17A-1105, 296-17A-1303, 296-17A-1701, 296-17A-1702, 296-17A-1703, 296-17A-1704, 296-17A-1801, 296-17A-2203, 296-17A-2903, 296-17A-3101, 296-17A-3405, 296-17A-3602, 296-17A-4305, 296-17A-5108, 296-17A-5209, 296-17A-5301, 296-17A-6107, 296-17A-6121, 296-17A-6206, 296-17A-6410, 296-17A-6411, 296-17A-6502, 296-17A-6503, 296-17A-6504, 296-17A-6510, 296-17A-6512, 296-17A-6601, 296-17A-6704, 296-17A-6706, 296-17A-6907, 296-17A-6908, 296-17A-7100, 296-17A-7101, and 296-17A-7308.

Statutory Authority for Adoption: RCW 51.04.020 and 51.16.035.

Adopted under notice filed as WSR 23-17-144 on August 22, 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 2, 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 59, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 61, 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: November 21, 2023.

Joel Sacks
Director

OTS-4537.2

AMENDATORY SECTION (Amending WSR 20-20-108, filed 10/6/20, effective 1/1/21)

WAC 296-17-31004 Coverage requirements. (1) I own a business. Am I required to have workers' compensation insurance coverage for my employees? Nearly every employer doing business in the state of Washington is required to have workers' compensation insurance for his/her employees. Washington law (*RCW 51.12.020*) does exempt certain types of employment from coverage. If you employ only individuals who are excluded from mandatory workers' compensation insurance coverage, you are not required to have workers' compensation insurance coverage.

(2) I hire contractors to perform work for me. Do I need to be concerned about premiums on their work? Yes. There are two ways you may be liable for premiums on the work they do.

First, they may be "workers" for whom you are required to report and pay premiums. The law defines worker to include both your employees and independent contractors you hire, when the essence of the contract is personal labor. See *RCW 51.08.070, 51.08.180, 51.08.181, and 51.08.195* for more guidance about when independent contractors will be considered workers.

Second, the Industrial Insurance Act imposes premium liability on anyone who contracts with another to have work performed. Even if the contractor you hire is not your worker (for example, if the contractor uses one or more workers on the job), you could be liable for their premiums if they fail to pay.

(3) Is there any way for me to protect myself from being held liable for premiums owed by construction contractors I hire? Yes, if you are a registered construction contractor or licensed electrical or plumbing contractor, and you hire a registered construction contractor or a licensed electrical or plumbing contractor to do construction work that requires licensing or registration, you can protect yourself from being found liable for the premiums on the work that contractor does for you if:

- (a) They have a principal place of business eligible for IRS deduction;
- (b) They keep books and records that reflect all items of income and all expenses of the business; and
- (c) You have verified that they have an industrial insurance account in good standing, or are a self-insured employer approved by the department.
- (4) **What does "in good standing" mean?** For someone's account to be in good standing, they must:
- (a) Be registered with the department of labor and industries for industrial insurance coverage with the state fund;
- (b) Have a certificate of coverage, also known as a liability certificate, that has not been revoked or canceled;
- (c) Have submitted all reports and supplements required by the department within the past year; and
- (d) Be current with all payments due to the state fund, or are current with an approved written payment agreement with the department regarding all unpaid amounts due the state fund.
- (5) **How do I know that someone's account is considered to be "in good standing"?** You can find out whether someone's account is in good standing by visiting the department's website or calling your account manager. If the account is in good standing, the website will state "account is current."
- (6) **I use the same subcontractors over and over. Do I have to verify that they have an industrial insurance account in good standing every time I use them?** No. In RCW 51.12.070 protection for construction contractors only requires that you have confirmed a subcontractor's account within a year prior to letting a contract. When you check out your subcontractors on the department's website or by calling your account manager, a confirmation number will be provided as proof you checked them out. This confirmation number is valid for one year from the time it is issued.
- If you are notified by the department of labor and industries that a subcontractor's account is no longer in good standing, you may be liable for their industrial insurance premiums from the date of notification forward.
- (7) **Can I, as a construction contractor, be held liable if I verify that the accounts of construction contractors I hire are in good standing, but they fail to confirm the accounts of the construction subcontractors they hire?** No. If you make sure you and your construction subcontractors meet the requirements of RCW 51.12.070, you cannot be held liable if they fail to make sure their construction subcontractors meet the requirements.

AMENDATORY SECTION (Amending WSR 18-11-113, filed 5/22/18, effective 7/1/18)

WAC 296-17-31014 Farming and agriculture. (1) What is the classification approach for farming?

We classify farming and agricultural operations by the type of crop or livestock raised. Farmers and ranchers often have several basic classifications assigned to their account covering various types of crops or livestock.

Note: If we assign multiple classifications to your farm or agriculture business, take special care in maintaining the records required in the auditing and recordkeeping section of **WAC 296-17-35201 Recordkeeping and retention**. If you fail to keep the required records, we will assign all worker hours for which the records were not maintained to the highest-rated classification applicable to your business or the highest-rated classification a worker was exposed to.

(2) Who do the farming and agriculture rules apply to?

If we assign one or more of the following classifications to your business, this rule applies to you: 4802, 4803, 4804, 4805, 4808, 4809, 4810, 4811, 4812, 4813, 7301, 7302, and 7307.

(3) If I am involved in diversified farming, can I still have one classification assigned to my account to cover all of the farming I am involved in?

Yes, you can request assignment of a single classification to cover all of your farming operations by contacting your account manager.

(4) How will the department determine what single farming classification will be assigned to my business?

The approach used to assign a single classification to a farming business is similar to that used for construction contractors. We prorate based on the information you provide. We need you to estimate the number of hours to be worked by your employees by type of crop or livestock being cared for. We use this information to estimate the premium which would be paid using multiple classifications. The total premium is then divided by the total estimated hours to produce an average rate per hour. We then select the classification assigned to your business which carries the hourly premium rate which is the closest to the average rate determined by your estimated hours. However, classification 4806 is not to be assigned to any grower as the single farming classification. See **WAC 296-17A-4806**.

Note: See WAC 296-17-31013(4) for an example how single classifications are determined.

(5) How will I know what single farming classification you have assigned to my business?

We will send you a written notice of the basic classification that will apply to your entire operation.

(6) If I requested a single classification for my farming operation, can I change my mind and use multiple classifications?

Yes, but let your account manager know you decided against using the single classification and will report the work by type of crop or livestock. This will avoid any potential confusion if you are audited.

(7) I have workers who do not use or operate any tools or equipment; can I classify these workers separately?

The special exception classification 4806 is available to farms classified in 4802 or 4803. It is limited to harvesting operations where all of the workers pick or harvest by hand without the use of any:

- Cutting tools, such as knives or clippers;
- Machinery;
- Ladders, climbing equipment, or stools.

(8) What is a farm labor contractor?

A farm labor contractor is a specialty contractor who supplies laborers to a farm operation for specified services such as weeding, planting, irrigating, and fertilizing. Generally, work involves manual labor tasks as opposed to machine operations.

(9) I am a farm labor contractor. How is my business classified?

If you are supplying only laborers to a farm, we will assign the same classification given to the farm for the work performed. However, if you supply both machine operators and the machinery to a farm, the machine operators are assigned to classification 4808-11, Custom farm

services by contractor, since machinery work carries the same hazard regardless of the crop.

(10) **Farm internship (~~(pilot project)~~) program. Who may participate in the farm internship (~~(pilot project established by)~~) program in RCW 49.12.470?**

Small qualifying farms (~~(with annual sales of less than \$250,000 per year located in certain qualifying counties as identified by RCW 49.12.470)~~) who meet the requirements in RCW 49.12.470 receive a special certification from the department (~~(may)~~) to have three or less farm interns. (~~(Employers who qualify may report up to three farm interns.)~~) Farm internship (~~(project)~~) program risk classifications are: WAC 296-17A-4814, 296-17A-4815, and 296-17A-4816. The farm internship (~~(project)~~) program is administered by the employment standards division of L&I.

AMENDATORY SECTION (Amending WSR 20-20-108, filed 10/6/20, effective 1/1/21)

WAC 296-17-35203 Special reporting instruction. (1) Professional and semiprofessional athletic teams. Athletes assigned and under contract to a Washington-domiciled sports team are mandatorily covered by Washington industrial insurance. Athletes assigned to a Washington-domiciled sports team but under contract with a parent team domiciled outside of the state are mandatorily covered by Washington industrial insurance unless the player is eligible for coverage in another state, and there is a valid coverage agreement as described below.

A player is eligible for coverage in another state only when both the player and the employer agree in writing that the employment is principally localized in that state.

Example: If the Washington-based team is a part of a league with teams in only Washington, Oregon, and Idaho, the player and the employer can agree to any of those three states to provide coverage. However, they cannot agree to be under California coverage since California doesn't qualify as a state in which the player competes in regularly scheduled games.

(a) Upon request, the department will provide forms to the owners of professional and semiprofessional sports teams for entering into agreements for both the sport player and the sport team. These agreements are referred to as "coverage agreements." Unless coverage is refused in the alternative state, the coverage agreement will determine the worker's home state for workers' compensation coverage.

(b) When a sport team and a player agree to workers' compensation coverage in another state, the following rules apply:

Sport player coverage agreement:

(i) A sport player coverage agreement must be signed by the team (employer) and each individual player (worker) covered out-of-state. Workers' compensation premiums for any work performed by the player before the agreement was signed must be paid to the department. To be valid, an agreement must be:

- Signed by both parties, dated, and show the name of the state where coverage is provided.
- Agree that the player's employment is principally located in that state.
- Kept as part of the employer's records for at least three years after the player is released from the team.

(ii) The employer must provide the department a copy of a sport player coverage agreement when requested. Employers who do not provide the department copies of a sport player coverage agreement when requested are considered not to have secured payment of compensation as required and all premiums and penalties allowed for in Title 51 RCW will apply.

(iii) If the employers' out-of-state workers' compensation insurer rejects an injury claim because the player is a Washington worker, the employer is considered not to have secured payment of compensation as required and all premium and penalties allowed for in Title 51 RCW apply.

Sport team coverage agreement:

(c) A sport team coverage agreement must be signed by the employer (team) and the qualifying out-of-state workers' compensation insurer. Workers' compensation premiums for work performed before the agreement was signed must be paid to the department. To be valid, an agreement must:

- Be signed by both parties, dated, and show the name of the state where coverage is provided.
- Specify that the team's players are principally localized in that state.
- Specify the insurer agreeing to provide coverage for a team based in Washington.

(d) The sport team coverage agreement must be signed annually. Copies of the agreement along with a current copy of the team's out-of-state insurance policy must be submitted to the department of labor and industries every year the out-of-state coverage is provided.

Premium payments are required for any work performed by Washington players prior to the date the department receives copies of any year's current sports teams' coverage agreement and proof of out-of-state coverage.

(2) **Excluded employments.** Any employer having any person in their employ excluded from industrial insurance whose application for coverage under the elective adoption provisions of RCW 51.12.110 or authority of RCW 51.12.095 or 51.32.030 has been accepted by the director shall report and pay premium on the actual hours worked for each such person who is paid on an hourly, salaried, part time, percentage of profit or piece basis; or (~~one hundred sixty~~) 160 hours per month for any such person paid on a salary basis employed full time. In the event records disclosing actual hours worked are not maintained by the employer for any person paid on an hourly, salaried, part time, percentage of profits or piece basis, the worker hours of such person shall be determined by dividing the gross wages of such person by the state minimum wage for the purpose of premium calculation. However, when applying the state minimum wage the maximum number of hours assessed for a month will be (~~one hundred sixty~~) 160.

(3) **Special trucking industry rules.** The following subsection shall apply to all trucking industry employers as applicable. This subsection does not apply to workers working for trucking industry employers when those workers are not included in the scope of classification 1102.

(a) Insurance liability. Every trucking industry employer operating as an intrastate carrier or a combined intrastate and interstate carrier or with any workers engaged in intrastate truck driving must insure their workers' compensation insurance liability through the Washington state fund or be self-insured with the state of Washington.

Washington employers operating exclusively in interstate or foreign commerce or any combination of interstate and foreign commerce must insure their workers' compensation insurance liability for their Washington (~~employees with the Washington state fund, be self-insured with the state of Washington, or provide workers' compensation insurance for their Washington employees under the laws of another state when such other state law provides for such coverage.~~) workers:

- With the Washington state fund; or
- Be self-insured with the state of Washington; or
- Provide workers' compensation insurance, that does not exclude Washington, for their Washington workers under the laws of another state when such other state law provides for such coverage.

Interstate or foreign commerce trucking employers who insure their workers' compensation insurance liability under the laws of another state must provide the department with copies of their current policy and applicable endorsements upon request.

Employers who elect to insure their workers' compensation insurance liability under the laws of another state and who fail to provide updated policy information when requested to do so will be declared an unregistered employer and subject to all the penalties contained in Title 51 RCW.

(b) Reporting. Trucking industry employers insuring their workers' compensation insurance liability with the Washington state fund shall keep and preserve all original time records/books including supporting information from drivers' logs for a period of three calendar years plus three months.

Employers are to report actual hours worked, including time spent loading and unloading trucks, for each driver in their employ. For purposes of this section, actual hours worked does not include time spent during lunch or rest periods or overnight lodging.

Failure of employers to keep accurate records of actual hours worked by their (~~employees~~) workers will result in the department estimating work hours by dividing gross payroll wages by the state minimum wage for each worker for whom records were not kept. However, in no case will the estimated or actual hours to be reported exceed (~~five hundred twenty~~) 520 hours per calendar quarter for each worker.

(c) Exclusions. Trucking industry employers meeting all of the following conditions are exempted from mandatory coverage.

(i) Must be engaged exclusively in interstate or foreign commerce.

(ii) Must have elected to cover their Washington workers on a voluntary basis under the Washington state fund and must have elected such coverage in writing on forms provided by the department.

(iii) After having elected coverage, withdrew such coverage in writing to the department on or before January 2, 1987.

If all the conditions set forth in (i), (ii), and (iii) of this subsection have not been met, employers must insure their workers' compensation insurance liability with the Washington state fund or under the laws of another state.

(d) Definitions. For purposes of interpretation of RCW 51.12.095(1) and administration of this section, the following terms shall have the meanings given below:

(i) "Agents" means individuals hired to perform services for the interstate or foreign commerce carrier that are intended to be carried out by the individual and not contracted out to others but does not include owner operators as defined in RCW 51.12.095(1).

(ii) "Contacts" means locations at which freight, merchandise, or goods are picked up or dropped off within the boundaries of this state.

(iii) "Doing business" means having any terminals, agents or contacts within the boundaries of this state.

(iv) "Employees" means the same as the term "worker" as contained in RCW 51.08.180.

(v) "Interstate carrier" means a carrier that hires drivers engaged in interstate trucking.

(vi) "Interstate truck driving" is operating a truck hauling goods either to or from an out-of-state destination.

(vii) "Intrastate carrier" means a carrier that hires drivers engaged in intrastate trucking.

(viii) "Intrastate truck driving" is operating a truck hauling goods between locations within the boundaries of Washington state. Intrastate truck driving includes when the origin or destination of the load is out-of-state but the driver does not continue out-of-state with the load.

For purposes of this section the content of the load or the existence of any actual load is not material, so long as the driver is engaged in work for the employer.

(ix) "Terminals" means a physical location wherein the business activities (operations) of the trucking company are conducted on a routine basis. Terminals will generally include loading or shipping docks, warehouse space, dispatch offices and may also include administrative offices.

~~((vi))~~ (x) "Washington" shall be used to limit the scope of the term "~~((employees))~~ worker." When used with the term "~~((employees))~~ worker" it will require the following test for benefit purposes (all conditions must be met).

- The individual must be hired in Washington or must have been transferred to Washington; and

- The individual must perform some work in Washington (i.e., driving, loading, or unloading trucks).

(4) **Forest, range, or timber land services—Industry rule.** Washington law (RCW 51.48.030) requires every employer to make, keep, and preserve records which are adequate to facilitate the determination of premiums due to the state for workers' compensation insurance coverage for their covered workers. In the administration of Title 51 RCW, and as it pertains to the forest, range, or timber land services industry, the department of labor and industries has deemed the records and information required in the various subsections of this section to be essential in the determination of premiums due to the state fund. The records so specified and required, shall be provided at the time of audit to any representative of the department who has requested them.

Failure to produce these required records within ~~((thirty))~~ 30 days of the request, or within an agreed upon time period, shall constitute noncompliance of this rule and RCW 51.48.030 and 51.48.040. Employers whose premium computations are made by the department in accordance with (d) of this subsection are barred from questioning, in an appeal before the board of industrial insurance appeals or the courts, the correctness of any assessment by the department on any period for which such records have not been kept, preserved, or produced for inspection as provided by law.

(a) General definitions. For purpose of interpretation of this section, the following terms shall have the meanings given below:

(i) "Actual hours worked" means each workers' composite work period beginning with the starting time of day that the employees' work day commenced, and includes the entire work period, excluding any non-paid lunch period, and ending with the quitting time each day work was performed by the employee.

(ii) "Work day" shall mean any consecutive (~~twenty-four~~) 24-hour period.

(b) Employment records. Every employer shall with respect to each worker, make, keep, and preserve original records containing all of the following information for three full calendar years following the calendar year in which the employment occurred:

(i) The name of each worker;

(ii) The Social Security number of each worker;

(iii) The beginning date of employment for each worker and, if applicable, the separation date of employment for each such worker;

(iv) The basis upon which wages are paid to each worker;

(v) The number of units earned or produced for each worker paid on a piece-work basis;

(vi) The risk classification(s) applicable to each worker;

(vii) The number of actual hours worked by each worker, unless another basis of computing hours worked is prescribed in WAC 296-17-31021. For purposes of chapter 296-17 WAC, this record must clearly show, by work day, the time of day the employee commenced work, and the time of day work ended;

(viii) A summary time record for each worker showing the calendar day or days of the week work was performed and the actual number of hours worked each work day;

(ix) In the event a single worker's time is divided between two or more risk classifications, the summary contained in (b) (viii) of this subsection shall be further broken down to show the actual hours worked in each risk classification for the worker;

(x) The workers' total gross pay period earnings;

(xi) The specific sums withheld from the earnings of each worker, and the purpose of each sum withheld;

(xii) The net pay earned by each such worker.

(c) Business, financial records, and record retention. Every employer is required to keep and preserve all original time records completed by their employees for a three-year period. The three-year period is specified in WAC 296-17-352 as the composite period from the date any such premium became due.

Employers who pay their workers by check are required to keep and preserve a record of all check registers and canceled checks; and employers who pay their workers by cash are required to keep and preserve records of these cash transactions which provide a detailed record of wages paid to each worker.

(d) Recordkeeping - Estimated premium computation. Any employer required by this section to make, keep, and preserve records containing the information as specified in (b) and (c) of this subsection, who fails to make, keep, and preserve such records, shall have premiums calculated as follows:

(i) Estimated worker hours shall be computed by dividing the gross wages of each worker for whom records were not maintained and preserved, by the state's minimum wage, in effect at the time the wages were paid or would have been paid. However, the maximum number of hours to be assessed under this provision will not exceed (~~five hundred twenty~~) 520 hours for each worker, per quarter for the first audited period. Estimated worker hours computed on all subsequent audits

of the same employer that disclose a continued failure to make, keep, or preserve the required payroll and employment records shall be subject to a maximum of (~~seven hundred eighty~~) 780 hours for each worker, per quarter.

(ii) In the event an employer also has failed to make, keep, and preserve the records containing payroll information and wages paid to each worker, estimated average wages for each worker for whom a payroll and wage record was not maintained will be determined as follows: The employer's total gross income for the audit period (earned, received, or anticipated) shall be reduced by (~~thirty-five~~) 35 percent to arrive at "total estimated wages." Total estimated wages will then be divided by the number of employees for whom a record of actual hours worked was not made, kept, or preserved to arrive at an "estimated average wage" per worker. Estimated hours for each worker will then be computed by dividing the estimated average wage by the state's minimum wage in effect at the time the wages were paid or would have been paid as described in (d)(i) of this subsection.

(e) Reporting requirements and premium payments.

(i) Every employer who is awarded a forest, range, or timber land services contract must report the contract to the department promptly when it is awarded, and prior to any work being commenced, except as provided in (e)(iii) of this subsection. Employers reporting under the provisions of (e)(iii) of this subsection shall submit the informational report with their quarterly report of premium. The report shall include the following information:

(A) The employers' unified business identification account number (UBI).

(B) Identification of the landowner, firm, or primary contractor who awarded the contract, including the name, address, and phone number of a contact person.

(C) The total contract award.

(D) Description of the forest, range, or timber land services work to be performed under terms of the contract.

(E) Physical location/site where the work will be performed including legal description.

(F) Number of acres covered by the contract.

(G) Dates during which the work will be performed.

(H) Estimated payroll and hours to be worked by employees in performance of the contract.

(ii) Upon completion of every contract issued by a landowner or firm that exceeds a total of (~~ten thousand dollars~~) \$10,000, the contractor primarily responsible for the overall project shall, in addition to the required informational report described in (e)(i) of this subsection, report the payroll and hours worked under the contract, and submit payment for required industrial insurance premiums. In the event that the contracted work is not completed within a calendar quarter, interim quarterly reports and premium payments are required for each contract for all work done during the calendar quarter. The first such report and payment is due at the end of the first calendar quarter in which the contract work is begun. Additional interim reports and payments will be submitted each quarter thereafter until the contract is completed. This will be consistent with the quarterly reporting cycle used by other employers. Premiums for a calendar quarter, whether reported or not, shall become due and delinquent on the day immediately following the last day of the month following the calendar quarter.

(iii) A contractor may group contracts issued by a landowner, firm, or other contractor that total less than (~~ten thousand dollars~~) \$10,000 together and submit a combined quarterly report of hours, payroll, and the required premium payment in the same manner and periods as nonforestation, range, or timber land services employers.

(f) Out-of-state employers. Forest, range, or timber land services contractors domiciled outside of Washington state must report on a contract basis regardless of contract size for all forest, range, or timber land services work done in Washington state. Out-of-state employers will not be permitted to have an active Washington state industrial insurance account for reporting forest, range, or timber land services work in the absence of an active Washington forest, range, or timber land services contract.

(g) Work done by subcontract. Any firm primarily responsible for work to be performed under the terms of a forest, range, or timber land services contract, that subcontracts out any work under a forest, range, or timber land services contract must send written notification to the department prior to any work being done by the subcontractor. This notification must include the name, address, Social Security number, farm labor contractor number, (UBI) of each subcontractor, and the amount and description of contract work to be done by subcontract.

(h) Forest, range, or timber land services contract release - Verification of hours, payroll, and premium. The department may verify reporting of contractors by way of an on-site visit to an employer's work site. This on-site visit may include close monitoring of employees and employee work hours. Upon receipt of a premium report for a finished contract, the department may conduct an audit of the firm's payroll, employment, and financial records to validate reporting. The entity that awarded the contract can verify the status of the contractors' accounts online at the department's website (www.lni.wa.gov) or by calling the account manager. The landowner, firm, or contractor will not be released from premium liability until the final report for the contract from the primary contractor and any subcontractors has been received and verified by the department.

(i) Premium liability - Work done by contract. Washington law (RCW 51.12.070) places the responsibility for industrial insurance premium payments primarily and directly upon the person, firm, or corporation who lets a contract for all covered employment involved in the fulfillment of the contract terms. Any such person, firm, or corporation letting a contract is authorized to collect from the contractor the full amount payable in premiums. The contractor is in turn authorized to collect premiums from any subcontractor they may employ his or her proportionate amount of the premium payment.

To eliminate premium liability for work done by contract permitted by Title 51 RCW, any person, firm, or corporation who lets a contract for forest, range, or timber land services work must submit a copy of the contract they have let to the department and verify that all premiums due under the contract have been paid.

Each contract submitted to the department must include within its body, or on a separate addendum, all of the following items:

(i) The name of the contractor who has been engaged to perform the work;

(ii) The contractor's UBI number;

(iii) The contractor's farm labor contractor number;

(iv) The total contract award;

- (v) The date the work is to be commenced; a description of the work to be performed including any pertinent acreage information;
- (vi) Location where the work is to be performed;
- (vii) A contact name and phone number of the person, firm, or corporation who let the contract;
- (viii) The total estimated wages to be paid by the contractor and any subcontractors;
- (ix) The amount to be subcontracted out if such subcontracting is permitted under the terms of the contract;
- (x) The total estimated number of worker hours anticipated by the contractor and his/her subcontractors in the fulfillment of the contract terms;
- (j) Reports to be mailed to the department. All contracts, reports, and information required by this section are to be sent to:

The Department of Labor and Industries
 Reforestation Team 8
 P.O. Box 44168
 Olympia, Washington 98504-4168

(k) Rule applicability. If any portion of this section is declared invalid, only that portion is repealed. The balance of the section shall remain in effect.

(5) **Logging and/or tree thinning—Mechanized operations—Industry rule.** The following subsection shall apply to all employers assigned to report worker hours in risk classification 5005, WAC 296-17A-5005.

(a) Every employer having operations subject to risk classification 5005 "logging and/or tree thinning - Mechanized operations" shall have their operations surveyed by labor and industries insurance services staff prior to the assignment of risk classification 5005 to their account. Annual surveys may be required after the initial survey to retain the risk classification assignment.

(b) Every employer assigned to report exposure (work hours) in risk classification 5005 shall supply an addendum report with their quarterly premium report which lists the name of each employee reported under this classification during the quarter, the Social Security number of such worker, the piece or pieces of equipment the employee operated during the quarter, the number of hours worked by the employee during the quarter, and the wages earned by the employee during the quarter.

(6) **Special drywall industry rule.**

(a) **What is the unit of exposure for drywall reporting?** Your premiums for workers installing and finishing drywall (reportable in risk classifications 0540, 0541, 0550, and 0551) are based on the amount of material installed and finished, not the number of hours worked.

The amount of material installed equals the amount of material purchased or taken from inventory for a job. No deduction can be made for material scrapped (debris). A deduction is allowed for material returned to the supplier or inventory.

The amount of material finished for a job equals the amount of material installed. No deduction can be made for a portion of the job that is not finished (base layer of double-board application or unfinished rooms).

Example: Drywall installation firm purchases 96 4' x 8' sheets of material for a job which includes some double-wall installation. The firm hangs all or parts of 92 sheets, and returns 4 sheets to the supplier for credit. Drywall finishing firm tapes, primes and textures

the same job. Both firms should report 2,944 square feet (4 x 8 x 92) for the job.

(b) **I do some of the work myself. Can I deduct material I as an owner install or finish?** Yes. Owners (sole proprietors, partners, and corporate officers) who have not elected coverage may deduct material they install or finish.

When you as an owner install (including scrap) or finish (including tape and prime or texture) only part of a job, you may deduct an amount of material proportional to the time you worked on the job, considering the total time you and your workers spent on the job.

To deduct material installed or finished by owners, you must report to the department by job, project, site or location the amount of material you are deducting for this reason. You must file this report at the same time you file your quarterly report:

$$\text{Total owner hours} \div (\text{owner hours} + \text{worker hours}) = \% \text{ of owner discount.}$$

$$\% \text{ of owner discount} \times (\text{total footage of job} - \text{subcontracted footage, if any}) = \text{Total owner deduction of footage.}$$

(c) **Can I deduct material installed or finished by subcontractors?** You may deduct material installed or taped by subcontractors you are not required to report as your workers. You may not deduct for material only scrapped or primed and textured by subcontractors.

To deduct material installed or taped by subcontractors, you must report to the department by job, project, site or location the amount of material being deducted. You must file this report at the same time you file your quarterly report. You must have and maintain business records that support the number of square feet worked by the subcontractor.

(d) **I understand there are discounted rates available for the drywall industry. How do I qualify for them?** To qualify for discounted drywall installation and finishing rates, you must:

(i) Have an owner attend two workshops the department offers (one workshop covers claims and risk management, the other covers premium reporting and recordkeeping);

(ii) Provide the department with a voluntary release authorizing the department to contact material suppliers directly about the firm's purchases;

(iii) Have and keep all your industrial insurance accounts in good standing (including the accounts of other businesses in which you have an ownership interest), which includes fully and accurately reporting and paying premiums as they come due, including reporting material deducted as owner or subcontractor work;

(iv) Provide the department with a supplemental report (filed with the firm's quarterly report) showing by employee the employee's name, Social Security number, the wages paid them during the quarter, how they are paid (piece rate, hourly, etc.), their rate of pay, and what work they performed (installation, scrapping, taping, priming/texturing); and

(v) Maintain accurate records about work you subcontracted to others and materials provided to subcontractors (as required by WAC 296-17-31013), and about payroll and employment (as required by WAC 296-17-35201).

The discounted rates will be in effect beginning with the first quarter your business meets all the requirements for the discounted rates.

Note: If you are being audited by the department while your application for the discounted classifications is pending, the department will not make a final decision regarding your rates until the audit is completed.

(e) **Can I be disqualified from using the discounted rates?** Yes.

You can be disqualified from using the discounted rates for three years if you:

(i) Do not file all reports, including supplemental reports, when due;

(ii) Do not pay premiums on time;

(iii) Underreport the amount of premium due; or

(iv) Fail to maintain the requirements for qualifying for the discounted rates.

Disqualification takes effect when a criterion for disqualification exists.

Example: A field audit in 2002 reveals that the drywall installation firm underreported the amount of premium due in the second quarter of 2001. The firm will be disqualified from the discounted rates beginning with the second quarter of 2001, and the premiums it owed for that quarter and subsequent quarters for three years will be calculated using the nondiscounted rates.

If the drywall underwriter learns that your business has failed to meet the conditions as required in this rule, your business will need to comply to retain using the discounted classifications. If your business does not comply promptly, the drywall underwriter may refer your business for an audit.

If, as a result of an audit, the department determines your business has not complied with the conditions in this rule, your business will be disqualified from using the discounted classifications for three years (~~((thirty-six))~~ 36 months) from the period of last noncompliance.

(f) **If I discover I have made an error in reporting or paying premium, what should I do?** If you discover you have made a mistake in reporting or paying premium, you should contact the department and correct the mistake. Firms not being audited by the department that find errors in their reporting and paying premiums, and that voluntarily report their errors and pay any required premiums, penalties and interest promptly, will not be disqualified from using the discounted rates unless the department determines they acted in bad faith.

(7) **Safe patient handling rule.** The following subsection will apply to all hospital industry employers as applicable.

(a) Definitions. For the purpose of interpretation of this section, the following terms shall have the meanings given below:

(i) "Hospital" means an "acute care hospital" as defined in (a)(ii) of this subsection, a "mental health hospital" as defined in (a)(iii) of this subsection, or a "hospital, N.O.C. (not otherwise classified)" as defined in (a)(iv) of this subsection.

(ii) "Acute care hospital" means any institution, place, building, or agency providing accommodations, facilities, and services over a continuous period of (~~((twenty-four))~~ 24 hours or more for observation, diagnosis, or care of two or more individuals not related to the operator who are suffering from illness, injury, deformity, or abnormality, or from any other condition for which obstetrical, medical, or surgical services would be appropriate for care or diagnosis. "Hospital" as used in this rule does not include:

- Hotels, or similar places furnishing only food and lodging, or simply domiciliary care;
- Clinics, or physicians' offices where patients are not regularly kept as bed patients for (~~((twenty-four))~~ 24 hours or more;

- Nursing homes, as defined and which come within the scope of chapter 18.51 RCW;
- Birthing centers, which come within the scope of chapter 18.46 RCW;
- Psychiatric or alcoholism hospitals, which come within the scope of chapter 71.12 RCW;
- Any other hospital or institution specifically intended for use in the diagnosis and care of those suffering from mental illness, mental retardation, convulsive disorders, or other abnormal mental conditions.

Furthermore, nothing in this chapter will be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any hospital conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well-recognized church or religious denominations.

(iii) "Mental health hospital" means any hospital operated and maintained by the state of Washington for the care of the mentally ill.

(iv) "Hospitals, N.O.C." means health care facilities that do not qualify as acute care or mental health hospitals and may be privately owned facilities established for purposes such as, but not limited to, treating psychiatric disorders and chemical dependencies or providing physical rehabilitation.

(v) "Safe patient handling" means the use of engineering controls, lifting and transfer aids, or assistance devices, by lift teams or other staff, instead of manual lifting to perform the acts of lifting, transferring and repositioning health care patients.

(vi) "Lift team" means hospital employees specially trained to conduct patient lifts, transfers, and repositioning using lifting equipment when appropriate.

(vii) "Department" means the department of labor and industries.

(b) Hospitals will report worker hours in the risk classification that describes the nature of their operations and either their level of implementation of, or need for, the safe patient handling program.

(c) A fully implemented safe patient handling program must include:

(i) Acquisition of at least the minimum number of lifts and/or appropriate equipment for use by lift teams as specified in chapters 70.41 and 72.23 RCW.

(ii) An established safe patient handling committee with at least one-half of its membership being front line, nonmanagerial direct care staff to design and recommend the process for implementing a safe patient handling program.

(iii) Implementation of a safe patient handling policy for all shifts and units.

(iv) Conducting patient handling hazard assessments to include such variables as patient-handling tasks, types of nursing units, patient populations, and the physical environment of patient care areas.

(v) Developing a process to identify appropriate use of safe patient handling policy based on a patient's condition and availability of lifting equipment or lift teams.

(vi) Conducting an annual performance evaluation of the program to determine its effectiveness with results reported to the safe patient handling committee.

(vii) Consideration, when appropriate, to incorporate patient handling equipment or the physical space and construction design nee-

ded to incorporate that equipment at a later date during new construction or remodeling.

(viii) Development of procedures that allow employees to choose not to perform or participate in patient handling activities that the employee believes will pose a risk to him/herself or to the patient.

(d) Department staff will conduct an on-site survey of each acute care and mental health hospital before assigning a risk classification. Subsequent surveys may be conducted to confirm whether the assigned risk classification is still appropriate.

(e) To remain in classification 6120-00 or 7200-00, a hospital must submit a copy of the annual performance evaluation of their safe patient handling program, as required by chapters 70.41 and 72.23 RCW, to the Employer Services Program, Department of Labor and Industries, P.O. Box 44140, Olympia, Washington, 98504.

(8) Rules concerning work by Washington employers outside the state of Washington (extraterritorial coverage).

(a) **General definitions.** For purposes of this section, the following terms mean:

(i) "Actual hours worked" means the total hours of each Washington worker's composite work period during which work was performed by the worker beginning with the time the worker's work day commenced, and ending with the quitting time each day excluding any nonpaid lunch period.

(ii) "Work day" means any consecutive (~~twenty-four~~) 24-hour period.

(iii) "Temporary and incidental" means work performed by Washington employers on jobs or at job sites in another state for (~~thirty~~) 30 or fewer consecutive or nonconsecutive full or partial work days within a calendar year. Temporary and incidental work days are calculated on a per state basis. The (~~thirty~~) 30-day temporary and incidental period begins on January 1 of each year.

(iv) "Proof of out-of-state coverage" means a copy of a valid certificate of liability insurance for workers' compensation issued by:

(A) An insurer licensed to write workers' compensation insurance coverage in that state; or

(B) A state workers' compensation fund in the state in which the employer will be working.

Note: Most certificates are written for a one-year period. The employer must provide the department with a current certificate of liability insurance for workers' compensation covering all periods the employer works in another state. If the policy is canceled, the employer must provide the department with a current in-force policy.

(v) "Worker" means every person in this state who is engaged in the employment of an employer under Title 51 RCW whether by way of manual labor or otherwise in the course of his or her employment; also every person in this state who is engaged in the employment of or who is working under an independent contract, the essence of which is his or her personal labor for an employer whether by way of manual labor or otherwise.

(vi) "Employer" means any person, body of persons, corporate or otherwise, and the legal representatives of a deceased employer, all while engaged in this state in any work covered by the provisions of Title 51 RCW, by way of trade or business, or who contracts with one or more workers, the essence of which is the personal labor of such worker or workers.

(b) **Does a Washington employer have to pay premiums in both states while Washington workers are temporarily working in another state?** A Washington employer must continue to pay Washington premiums

for Washington workers performing temporary and incidental work in another state. If the Washington employer has Washington workers who work for more than (~~(thirty)~~) 30 days in another state, that employer will not need to pay premiums in Washington for work in the other state during the calendar year, as long as that employer fulfills the following requirements:

(i) Provides the department with proof of out-of-state coverage for the Washington workers working out-of-state.

(ii) Keeps the policy continuously in force from the date the Washington employer's work exceeds the temporary and incidental period until the date the Washington employer no longer has Washington workers working in the other state. Failure to maintain a policy at the required level of workers' compensation coverage for the number of Washington workers working out-of-state may subject the Washington employer to payment of all premiums, penalties, and interest dues in the state of Washington.

(iii) For the first quarterly reporting period and all subsequent quarters during the same calendar year following the date the Washington employer's work exceeds the temporary and incidental period in the other state, the Washington employer must file a supplemental report of out-of-state work with their workers' compensation employer's quarterly report with the department. This supplemental report is available at www.lni.wa.gov/OutofState.

(iv) Subitems (b)(i), (ii), and (iii) of this subsection must be met in each state in which the Washington employer has Washington workers working in excess of the temporary and incidental period.

Note: Workers' compensation coverage requirements vary widely among states. Washington employers should contact the regulatory agency in other states to determine the appropriate premium and coverage obligations in those states.

(c) What if a Washington employer knows the Washington workers' work in another state will exceed the temporary and incidental period? If the Washington employer knows their Washington workers will be working in another state in excess of the temporary and incidental period, the employer must immediately provide the department with proof of out-of-state coverage in order to avoid Washington premium liability for hours worked during the temporary and incidental period.

Reminder: The temporary and incidental period applies separately to each state in which the Washington employer worked.

(d) What if a Washington employer anticipates its out-of-state work will exceed the temporary and incidental period, but that does not occur? If a Washington employer did not pay workers' compensation premium to Washington during the temporary and incidental period, and at the end of the calendar year Washington workers of the Washington employer had worked fewer than (~~(thirty)~~) 30 consecutive or nonconsecutive days in another state, by the filing of the fourth quarter report, the Washington employer must file amended reports for the calendar year. The employer may be required to pay Washington premiums, penalties, and interest. The fourth quarter report is due by January 31 of the following year.

(e) What records must the employer keep while employing Washington workers in another state? In addition to filing the supplemental report of out-of-state work, the Washington employer is required to keep the same records that are kept for Washington workers working in Washington. The records are listed in WAC 296-17-35201 and must be provided at the time of audit to any authorized representative of the department who has requested them.

(f) What reports does a Washington employer file to avoid paying Washington workers' compensation premiums when employing Washington

workers in another state for work that exceeds temporary and incidental? A Washington employer must submit the workers' compensation employer's quarterly report and a supplemental report of out-of-state work to the department for each state in which that employer has Washington workers performing work. The supplemental report must include the following information:

(i) The Washington employer's unified business identification number (UBI).

(ii) The Washington employer's department account identification number.

(iii) The Social Security numbers for those Washington worker(s) performing work out-of-state.

(iv) The last name, first name, and middle initial of those Washington worker(s) performing work out-of-state.

(v) The gross payroll paid during the quarter for those Washington worker(s) performing work out-of-state.

(vi) The Washington workers' compensation risk classification(s) that would have applied for each Washington worker performing work out-of-state.

(vii) The total number of hours that each Washington worker performed work out-of-state during the quarter.

(viii) In addition to completing the supplemental report of out-of-state work, the Washington employer must keep a record of all contracts awarded and worked under each state. Copies of pertinent records must be made available to auditors in the event of an audit.

(g) Where do Washington workers file their workers' compensation claims if injured in the course of employment outside of Washington state? Washington workers may file their claim in the state where they were injured or in Washington state.

Washington employers must inform their Washington workers of their right to file for workers' compensation benefits in Washington or the state of injury.

The cost of these claims, if accepted by the department and assigned to the Washington employer's account, will be used in the calculations that determine the employer's experience factor and the appropriate risk classification base rate.

(h) If the Washington employer's work in another state exceeds the temporary and incidental period, may the Washington employer obtain a credit or refund for the temporary and incidental period that workers' compensation premiums were paid to Washington? Yes, but only if the Washington employer:

(i) Obtained workers' compensation insurance for all hours worked in the other state during the calendar year;

(ii) Provides proof of out-of-state coverage;

(iii) Filed the appropriate quarterly reports with the department when due; and

(iv) Otherwise complied with all statutory and regulatory requirements of Washington state.

(9) Horse racing industry rules. These rules apply to persons licensed by the Washington horse racing commission (WHRC) and governed by WAC 260-36-250.

(a) Who is responsible for paying industrial insurance premiums?

(i) The trainer will be responsible to pay the industrial insurance premiums owed. Premiums will be paid to the WHRC monthly, at the end of the coverage month or before the trainer leaves the track taking his/her horses when leaving before the end of the coverage month. WHRC will submit premiums to the department of labor and industries on

a quarterly basis. The employee must be properly licensed by the WHRC for the duties being performed. This includes all exercise riders and pony riders who need steward approval of their license application, whether at the track or at the farm.

(ii) Licensed trainers shall be assessed:

(A) One unit of premiums in classification 6625 for each licensed groom or assistant trainer employed at any one time;

(B) One unit of premiums in classification 6626 for licensed exercise riders and pony riders charged per stall for each day the trainer has a horse housed in a stall at a licensed track during a licensed meet; and

(C) One unit of premiums in classification 6627 for licensed exercise riders and pony riders for each calendar day a licensed exercise rider or pony rider works under contract for the trainer at a location other than at a licensed track during a licensed meet.

(b) **What does the trainer do when an employee leaves the job?**

Trainers must notify the WHRC within (~~forty-eight~~) 48 hours when any employee leaves their employ. If a trainer fails to notify the WHRC timely, the trainer will be responsible for the full premium payment until notification is made.

(c) **When are track employees covered under horse racing classifications?**

(i) Track employees are only covered on the grounds of a Washington race track during its licensed race meet and periods of training. The licensed race meet and periods of training apply to that period of time when the WHRC has authority on the grounds, including the period before the live race meet begins, when horses are exercised in preparation for competition, and through the end of the licensed race meet.

(ii) Covered track employees who are licensed exercise riders or pony riders may work off the grounds of a Washington race track, but only after obtaining a farm employee license. The trainer must notify the WHRC when the employee will be working off the grounds, so that the additional per-day farm employee premium can be calculated and assessed to the trainer for each day the track employee works off the grounds.

(iii) Employees working on the grounds of a Washington race track prior to or after this period must be covered as farm employees (classification 6627) to be able to make a claim against the horse racing industry account, or the trainer can cover such employees under another account (classification 7302).

(d) **Who can be covered under the farm employee classification (6627)?**

(i) Licensed exercise riders and pony riders working at the farm must be assigned to a trainer and not the farm. Such employees cannot be assigned to the owner of the farm or training center unless the owner is licensed as a trainer.

(ii) Covered farm employees who are licensed exercise riders or pony riders may come to the Washington race track to assist the trainer during the live race meet and periods of training. As long as a farm employee is covered at the farm, and the trainer notifies the WHRC when the employee will be working at the track, the farm employee may work at the track without additional premium being owed.

(e) **Are employees covered while working in another state?**

(i) Trainers with employees from Washington may continue coverage when they are at another recognized race track in another state if the other jurisdiction has a reciprocal agreement with the state of Washington. The trainer must pay the premiums for grooms and assistant

trainers in classification 6625, and for exercise riders and pony riders at the farm in the farm classification, 6627. For a list of states with reciprocal agreements with the state of Washington, see WAC 296-17-31009.

(ii) Trainers will need to continue to report Washington employees to the WHRC prior to the start of each month so an assessment can be made.

(iii) Failure to report, or to report correctly, may result in the trainer being referred to the stewards or the executive secretary of the WHRC for action.

(iv) Track employees hired in another state or jurisdiction are not Washington employees. They are to be covered in the state or jurisdiction they were hired in. It is the trainer's responsibility to obtain coverage in the other state or jurisdiction.

(f) **Must horse owners pay industrial insurance premiums in Washington?** Licensed owners shall be assessed (~~one hundred fifty dollars~~) \$150 per year for (~~one hundred~~) 100 percent ownership of one or more horses. Partial owners shall be assessed prorated amounts of the (~~one hundred fifty dollar~~) \$150 fee. In no event shall a licensed owner be required to pay more than (~~one hundred fifty dollars~~) \$150. This fee helps fund workers' compensation coverage for injured workers. It does not extend any coverage to owners.

OTS-4223.4

AMENDATORY SECTION (Amending WSR 19-17-069, filed 8/20/19, effective 10/1/19)

WAC 296-17A-0103 Classification 0103.

0103-09 Drilling or blasting: N.O.C.

Applies to:

~~((Businesses engaged in drilling operations for others not covered by another classification (N.O.C.). Work contemplated by this classification includes, but is not limited to, well drilling for oil, gas or water; exploratory well drilling; and drilling of holes in rock for shot holes. Such drilling generally contemplates the digging of a hole using a rotating or pounding type tool. Equipment used by drilling contractors includes earth auger drills, jackhammers, drilling rigs, and bits which will vary in size depending upon the terrain or material to be drilled and the depth and size of holes to be drilled. This classification also includes blasting operations not covered by another classification (such as the blasting of rock in connection with highway, street or road construction).))~~

Exclusions:

- ~~• Drilling operations performed in connection with concrete or building construction which is to be reported separately in the construction classification applicable for the work being performed;~~
- ~~• Drilling done in connection with all types of underground or surface mining and quarry operations which is to be reported separately in the applicable mining classification;~~

- ~~Blasting performed as part of building demolition which is to be reported separately in classification 0518;~~
- ~~All types of pile construction work, which is reported separately in:~~
 - ~~— 0202-02, Pile construction: Driven method;~~
 - ~~— 0202-06, Pile construction: Drilled method.~~

0103-10 Geophysical exploration: Seismic detection of the mechanical properties of the earth

~~Applies to establishments engaged in geophysical exploration, by seismic detection, of the earth's subsurface. Work contemplated by this classification involves a seismograph work crew consisting of a party chief, a permit person, a surveyor, drillers, shooters, observers and a computer analyst. The seismic method utilizes a dynamite blast that simulates a miniature earthquake. The recorder of the vibrations is the sensitive earthquake detector which records the intense vibrations on a rapidly moving tape. The data collected from the tapes and photographic records are interpreted and a contour map of the rocks and their foundation to depths of several thousand feet is developed.~~

~~This classification excludes geophysical exploration without seismic detection which is to be reported separately in classification 1007.)~~

- Businesses engaged in drilling operations for others not covered by another classification (N.O.C.); and
- Blasting operations not covered by another classification (such as the blasting of rock in connection with highway, street, or road construction).

Types of drilling include, but are not limited to:

- Drilling of holes in rock for shot holes;
- Exploratory well drilling; and
- Well drilling for oil, gas, or water.

Work activities include, but are not limited to:

- Digging holes using equipment.

Equipment used include, but are not limited to:

- Auger drills;
- Bits (size will vary depending upon the terrain or material to be drilled and the depth and size of holes to be drilled);
- Drilling rigs; and
- Jackhammers.

Exclusions:

- Drilling operations performed in connection with concrete or building construction is classified in the construction classification applicable for the work being performed;
- Drilling done in connection with all types of underground or surface mining and quarry operations is classified in the applicable mining classification;
- Blasting performed as part of building demolition is classified in 0518; and
- Pile construction is classified in:
 - 0202-02, Pile construction: Driven method; or
 - 0202-06, Pile construction: Drilled method.

0103-10 Geophysical exploration: Seismic detection of the mechanical properties of the earth

Applies to:

Businesses engaged in geophysical exploration, by seismic detection, of the earth's subsurface.

Work crew occupations include, but are not limited to:

- Computer analyst;
- Drillers;
- Observers;
- Permit person;
- Shooters;
- Surveyors; and
- Party chief.

Work activities include, but are not limited to:

- Using the seismic detection method - dynamite blasts simulate miniature earthquakes. Earthquake detectors record the vibrations.
- Taking photographic records.
- Interpreting the data collected to develop a contour map of the rocks and their foundation, often to depths of several thousand feet.

Exclusion:

- Geophysical exploration without seismic detection is classified in 1007.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

WAC 296-17A-0104 Classification 0104.

0104-12 Dredging, N.O.C.

~~((Applies to contractors engaged in providing dredging services to others that are not covered by another classification (N.O.C.)). Work contemplated by this classification includes cleaning, deepening or widening a body of water such as a harbor or other waterway. Scooping or suction machinery is generally employed in the dredging process to remove sand, clay, mud or other material from the body of water that is being dredged.~~

~~This classification excludes diving operations which are to be reported separately in classification 0202; underground mining operations which are to be reported separately in classification 1702; and dredging for the production of sand, gravel, or shale which is to be reported separately in classification 0112.~~

~~**Special note:** Dredging projects could occur on or adjacent to navigable waters (a harbor, river, canal) which is defined as those which form a continuous highway for interstate or international commerce. Workers who perform the work activities from a vessel could be subject to the Admiralty Law which recognizes such work crews and workers as a master or member of a vessel, and subject to federal law known as the Jones Act. Every person on board a vessel is deemed a seaman if connected with the operation while on navigable water. The term vessel has been interpreted by the courts to include any type of man-made floating object such as a floating derrick or dredge, or type of pontoon which is a flat bottom boat or portable float. Workers who perform the work activities from the shoreline or from adjacent areas such as an existing dock or bridge may or may not be subject to federal law covered under the U.S. Longshore and Harbor Workers Act. Usually, dredging projects involve a variety of types of work crews such as those working from a floating derrick or dredge, a pontoon, a shore-~~

~~line dredge, workers who are on shore distributing the discharged material, as well as the maintenance and repair of the dredge and equipment. Care should be exercised prior to assignment of this classification as the workers could be subject to either or both of these acts. The criteria used in determining federal law and coverage is based on the most current federal court decisions and case law.)~~)

Applies to:

Businesses engaged in providing dredging services to others that are not covered by another classification (N.O.C.).

Work activities include, but are not limited to:

- Cleaning, deepening, or widening a body of water such as a harbor or other waterway;
- The dredging process removes sand, clay, mud, or other material from the body of water that is being dredged.

Machinery used, but are not limited to:

- Scooping dredges;
- Suction dredges.

Exclusions:

- Worker hours engaged in diving operations must be reported separately in classification 0202;
- Underground mining operations are classified in 1702; and
- Dredging for the production of sand, gravel, or shale is classified in 0112.

Note: For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

Special note: Dredging projects could occur on or adjacent to navigable waters (a harbor, river, canal) which is defined as those which form a continuous highway for interstate or international commerce. Workers who perform the work activities from a vessel could be subject to the Admiralty Law which recognizes such work crews and workers as a master or member of a vessel, and subject to federal law known as the Jones Act. Every person on board a vessel is deemed a seaman if connected with the operation while on navigable water. The term vessel has been interpreted by the courts to include any type of man-made floating object such as a floating derrick or dredge, or type of pontoon which is a flat bottom boat or portable float. Workers who perform the work activities from the shoreline or from adjacent areas such as an existing dock or bridge may or may not be subject to federal law covered under the U.S. Longshore and Harbor Workers Act. Usually, dredging projects involve a variety of types of work crews such as those working from a floating derrick or dredge, a pontoon, a shoreline dredge, workers who are on shore distributing the discharged material, as well as the maintenance and repair of the dredge and equipment. Care should be exercised prior to assignment of this classification as the workers could be subject to either or both of these acts. The criteria used in determining federal law and coverage is based on the most current federal court decisions and case law.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

WAC 296-17A-0105 Classification 0105.

0105-13 Fence erection or repair: N.O.C.; parking meter installation; and placement of wire mesh on slopes for slope protection

~~((Applies to contractors engaged in the erection and repair of all types of metal, wood, plastic, or vinyl fences not covered by another classification (N.O.C.). Work contemplated by this classification includes the use of a tractor with a propelled auger, or a mechanical or manual post hole digger. The poles or posts are set in the ground with small quantities of sand, gravel or concrete. Occasionally, a fence contractor may pour a concrete footing around the perimeter of the fence to be constructed. Work of this nature, when done in connection with a fence construction project, is included within the scope of this classification. This classification also includes the installation or removal of entire parking meter units, and the placement of wire mesh on slopes for slope protection.~~

~~This classification excludes contractors engaged in the erection or repair of brick, masonry or stone fences or planters which are to be reported separately in classification 0302; erection or repair of concrete fences or planters which are to be reported separately in classification 0217; and service or repair of parking meters which is to be reported separately in classification 0606.)~~

Applies to businesses engaged in:

- Erection and repair of all types of metal, wood, plastic, or vinyl fences not covered by another classification (N.O.C.);
- Installation or removal of entire parking meter units; and
- Placement of wire mesh on slopes for slope protection.

Work activities include, but are not limited to:

- Use of tractor with a propelled auger;
- Use of mechanical or manual post hole digger;
- Setting poles or posts into the ground with sand, gravel, or concrete; and
- Pouring a concrete footing around the perimeter of the fence to be constructed. Work of this nature, when done in connection with a fence construction project, is included within the scope of this classification.

Exclusions:

- Erection or repair of brick, masonry or stone fences, or planters are classified in 0302;
- Erection or repair of concrete fences or planters are classified in 0217; and
- Service or repair of parking meters is classified in 0606.

Special note: It is common for contractors subject to this classification to sell kennel kits, fence repair parts and fencing materials. Sales of fencing materials by a fence contractor are included in classification 0105. Classifications 2009, 6309 or similar store classifications are not to be assigned to a contracting business.

AMENDATORY SECTION (Amending WSR 14-24-049, filed 11/25/14, effective 1/1/15)

WAC 296-17A-0106 Classification 0106.

~~((0106-00 Tree care and pruning services, N.O.C.~~

~~Applies to specialist contractors engaged in providing a variety of tree care services such as tree topping and tree pruning that are not covered by another classification (N.O.C.). Work contemplated by this classification generally takes place in residential areas, parking lots, business parks, shopping malls, or settings adjacent to non-forestry or timberland roadways. A primary purpose of this work is to remove tree or branch hazards from power lines, structures, or buildings. This classification includes, but is not limited to:~~

- ~~• Incidental ground operations such as picking up branches and limbs;~~
- ~~• Operating mobile chip machines used in connection with a tree care service;~~
- ~~• Spraying or fumigating of trees;~~
- ~~• Debris removal and stump removal when conducted by employees of an employer subject to this classification.~~

~~This classification excludes:~~

- ~~• Tree care services done in connection with an orchard operation which is to be reported separately in classification 4803 when performed by orchard employees;~~
- ~~• Tree care services done in connection with a nursery operation which is to be reported separately in classification 4805;~~
- ~~• Tree care services done in connection with a public or private forest or timberland which is to be reported separately in classification 5004;~~
- ~~• Tree care services done in connection with a Christmas tree farm operation which is to be reported separately in classification 7307; and~~
- ~~• Felling trees which is to be reported separately in classification 5001.)~~

0106-00 Tree care and pruning services, N.O.C.

Applies to:

Specialist contractors engaged in providing a variety of tree care services such as tree topping and tree pruning that are not covered by another classification (N.O.C.).

A primary purpose of this work is to remove tree or branch hazards from power lines, structures, or buildings.

Location of work areas includes, but is not limited to:

- Business parks;
- Parking lots;
- Residential areas;
- Settings adjacent to nonforestry or timberland roadways;
- Shopping malls.

Work activities include, but are not limited to:

- Incidental ground operations such as picking up branches and limbs;
- Operating mobile chip machines used in connection with a tree care service;
- Spraying or fumigating of trees;
- Debris removal and stump removal when conducted by employees of an employer subject to the classification.

Exclusions:

- Tree care services done in connection with an orchard operation is classified in 4803, when performed by orchard employees;

- Tree care services done in connection with a nursery operation is classified in 4805;
- Tree care services done in connection with a public or private forest or timberland is classified in 5004;
- Tree care services done in connection with a Christmas tree farm operation is classified in 7307; and
- Worker hours engaged in felling trees are reported separately in classification 5001.

Note: For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

AMENDATORY SECTION (Amending WSR 14-17-085, filed 8/19/14, effective 9/19/14)

WAC 296-17A-0107 Classification 0107.

~~((Utility line and pipelaying construction, underground, N.O.C.~~

~~**Applies to:** Contractors engaged in underground utility line, cable, and pipelaying or pipeline construction.~~

~~**Construction services performed by utility line construction and pipelaying contractors include,** but are not limited to:~~

- ~~Installation and maintenance of underground communication and power lines, including main, extension and outside service connection lines by utility contractors;~~

- ~~Installation and maintenance of underground gas, oil or water mains;~~

- ~~Pipelines such as those extending cross country.~~

~~**Typical activities include,** but are not limited to:~~

- ~~Digging narrow trenches;~~

- ~~Laying pipe or conduit;~~

- ~~Making connections;~~

- ~~Laying line or cable;~~

- ~~Filling or backfilling trenches.~~

~~**Typical machinery includes,** but is not limited to:~~

- ~~Backhoes;~~

- ~~Mechanical or manual trench diggers;~~

- ~~Dump trucks;~~

- ~~Automatic equipment which in one operation opens the trench, lays the line and backfills.~~

~~**Excluded activities in this classification:**~~

- ~~Land or road clearing and excavation (report in 0101);~~

- ~~Overhead television, power, or telephone lines including poles or towers (report in 0509 or the applicable utility company classification);~~

- ~~Asphalt surfacing/resurfacing (report in 0210 or 0212);~~

- ~~Concrete construction (report in applicable concrete construction classification(s));~~

- ~~Construction specialty services including the installation of guardrails, lighting standards and striping (report in 0219);~~

- ~~Installation and hookup of electrical wiring from where the utility company's lines end to the structure's power meter by the contractor wiring a building (report in 0601);~~

- ~~Construction of sewer lines, drainage systems, canals, ditches, or underground tanks (report in 0108);~~
- ~~Installation of cable in buildings (report in 0601).~~

~~For administrative purposes, classification 0107 is divided into the following subclassification(s): 0107-00; and 0107-01.~~

~~0107-00 Utility line construction: Underground, N.O.C.
0107-01 Pipelaying, N.O.C.)~~

0107-00 Utility line construction: Underground, N.O.C.

Applies to:

Contractors engaged in underground utility line or cable construction.

Work activities include, but are not limited to:

- Installation and maintenance of underground communication and power lines, including main, extension and outside service connection lines by utility contractors;
- Laying line or cable;
- Digging, filling or backfilling trenches.

Machinery includes, but is not limited to:

- Automatic equipment, which in one operation opens the trench, lays the line and backfills;
- Backhoes;
- Dump trucks;
- Mechanical or manual trench diggers.

Exclusions:

- Land or road clearing and excavation are classified in 0101.
- Overhead television, power, or telephone lines including poles or towers are classified in 0509 or the applicable utility business classification.
- Asphalt surfacing/resurfacing is classified in 0210 or 0212.
- Concrete construction is classified in the applicable concrete construction classification(s).
- Construction specialty services including the installation of guardrails, lighting standards and striping are classified in 0219.
- Installation and hookup of electrical wiring from where the utility company's lines end to the structure's power meter by the contractor wiring a building are classified in 0601.
- Construction of sewer lines, drainage systems, canals, ditches, or underground tanks are classified in 0108.
- Installation of cable in buildings is classified in 0601.
- Laying pipe or pipeline construction is classified in 0107-01.

0107-01 Pipe laying, N.O.C.

Applies to:

Contractors laying pipe or pipeline construction.

Work activities include, but are not limited to:

- Installation and maintenance of underground pipes or pipelines to include gas, oil, or water main pipelines and other pipelines extending cross country;
- Laying pipes or pipelines;
- Digging, filling, and backfilling of trenches for pipes.

Machinery used includes, but is not limited to:

- Backhoes;

- Dump trucks;
- Mechanical or manual trench diggers.

Exclusions:

- Land or road clearing and excavation is classified in 0101.
- Overhead television, power, or telephone lines including poles or towers are classified in 0509 or the applicable utility business classification.
- Asphalt surfacing/resurfacing is classified in 0210 or 0212.
- Concrete construction is classified in the applicable concrete construction classification(s).
- Construction specialty services including the installation of guardrails, lighting standards and striping are classified in 0219.
- Installation and hookup of electrical wiring from where the utility company's lines end to the structure's power meter by the contractor wiring a building is classified in 0601.
- Construction of sewer lines, drainage systems, canals, ditches, or underground tanks are classified in 0108.
- Installation of cable in buildings is classified in 0601.
- Construction of underground utility lines or cable is classified in 0107-00.

AMENDATORY SECTION (Amending WSR 14-17-085, filed 8/19/14, effective 9/19/14)

WAC 296-17A-0112 Classification 0112.

0112-00 Commercial production of sand, gravel, clay and stone products

~~((Applies to establishments engaged in the production of sand, gravel, clay and stone products. Material may be excavated in an open or surface type pit at the production site, or from a mine or quarry operation. Sand, gravel and stone is washed, crushed, sorted, graded and screened. Sand or gravel in its natural state usually requires only screening with the larger stones being removed. The larger stones are crushed and rescreened. Clay is screened and graded. Refined products are stored in bins, hoppers, piles or yards prior to delivery by truck or rail to customers. This classification includes dealers who stockpile or store products in a yard type of environment prior to delivery to the customers when done in connection with the production of such products. Equipment includes, but is not limited to, scrapers, shovels, front end loaders, trucks, conveyors, jaw crushers, gyrators, roll crushers, and shaking tables.~~

~~This classification excludes establishments engaged in selling custom soil mixes, bark, decorative rock, sand, or gravel purchased from others which are to be reported separately in classification 1103.~~

~~**Special note:** Classifications 0112 and 1103 are not to be assigned to the same business unless all the conditions of the general reporting rule covering the operation of a secondary business have been met.~~

0112-01 Humus or peat digging

~~Applies to establishments engaged in the digging or stripping of humus or peat. Humus is a brown or black organic substance consisting of decayed vegetable matter that provides nutrients for plants and increases the water retention of soil. Peat is a partially carbonized~~

vegetable matter found in bogs and used as fertilizer and fuel. Work contemplated by this classification involves stripping material from the surface or bogs with mechanical equipment such as, but not limited to, power shovels, scrapers, drag lines, clamshell diggers or cranes, and hydraulic dredges. The material is conveyed from the pit or bog to hoppers by trucks or belt conveyors. At times it is necessary to grade, screen and dry the material prior to storage or delivery to customers. This classification includes dealers who stockpile or store material in a yard type of environment prior to delivery to customers when done in connection with the digging or stripping of such products.

Special note: Classifications 0112 and 1103 are not to be assigned to the same business unless all of the conditions of the general reporting rule covering the operation of a secondary business have been met.

0112-02 Pit, crusher and bunker operations for road, street and highway construction

Applies to establishments engaged in pit, crusher and bunker operations in connection with highway, street or roadway construction projects. Generally, this type of operation is located in close proximity to the project site and is only set up for the duration of the project. Work contemplated by this classification includes excavating open or surface pits, scraping or stripping the surface, crushing, and bunker (storage) of material. Products extracted from the pit or surface include boulders, stone, rock, gravel, aggregate, sand, dirt or clay. These products can be used directly without any further refinements or could be washed, sorted, crushed and/or screened. Products are stored in bunkers or piles until needed. These products are used in a variety of ways as part of the roadway project such as, but not limited to, making preliminary roads into an area, filling in low or uneven areas, use as natural barriers, and bringing the roadbed and surrounding areas to grade. Equipment includes, but is not limited to, power shovels, scrapers, bulldozers, front end loaders and other earth moving equipment, trucks, conveyors, jaw crushers, gyrators, roll crushers, shaking tables, etc.

Special note: This classification is not assigned to contractors making the materials for their own road construction project.

0112-03 Sand, gravel, or shale: Digging, N.O.C.

Applies to establishments engaged in the digging or dredging of sand, gravel or shale that is not covered by another classification (N.O.C.). The material is excavated from surface pits with mechanical equipment such as power shovels, drag lines, clamshell diggers or cranes, or obtained from nonnavigable waters by means of hydraulic dredges, clamshell dredges, etc. The material is conveyed from the bank, pit or dredge to hoppers by trucks, belt conveyors, narrow gauge railroads or pipelines. It is then washed, graded, screened and stored in bins, hoppers, or piles prior to delivery by truck or rail to customers. Sand or gravel in its natural state usually requires only screening with the larger stones being removed. In some instances, the larger stones may be crushed and rescreened which is included in this classification. This classification includes dealers who stockpile or store material in a yard type of environment prior to delivery to customers when done in connection with the digging or stripping of such products.

This classification excludes underground mining operations which are to be reported separately in classification 1702.

~~**Special note:** Classifications 0112 and 1103 are not to be assigned to the same account unless all the conditions of the general reporting rule covering the operation of a secondary business have been met.)~~

Applies to:

Businesses engaged in the production of sand, gravel, clay, and stone.

Work processes and activities include, but are not limited to:

- Excavating material from an open or surface type pit at the production site, or from a mine or quarry operation;
- Washing, crushing, sorting, grading and screening sand, gravel, and stone. Sand or gravel in its natural state usually requires only screening with the larger stones being removed;
- Crushing larger stones and rescreening;
- Screening and grading clay;
- Storing refined products in bins, hoppers, piles, or yards;
- Delivery to customers, including by truck or rail;
- This classification includes dealers who stockpile or store products in a yard type of environment prior to delivery to the customers when done in connection with the production of such products.

Equipment includes, but is not limited to:

- Conveyors;
- Front end loaders;
- Gyrotors;
- Jaw crushers;
- Roll crushers;
- Scrapers;
- Shaking tables;
- Shovels;
- Trucks.

~~**Special note:** Classifications 0112 and 1103 are not assigned to the same business unless all the conditions of the general reporting rule covering the operation of a secondary business have been met.~~

Exclusions:

- Selling custom soil mixes, bark, decorative rock, sand, or gravel when purchased from others is classified in 1103.
- Underground mining operations are classified in 1702.

Note: For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

0112-01 Humus or peat digging

Applies to:

Businesses engaged in the digging or stripping of humus or peat.

Work processes and activities include, but are not limited to:

- Stripping material from the surface or bogs with mechanical equipment;
- Moving material from the pit or bog to hoppers by trucks or belt conveyors;
- Grading, screening, and drying the material when necessary prior to storage or delivery;
- Delivery to customers, including by truck or rail;
- This classification includes dealers who stockpile or store material in a yard type of environment prior to delivery to customers

when done in connection with the digging or stripping of such products.

Equipment includes, but is not limited to:

- Clamshell diggers or cranes;
- Conveyors;
- Drag lines;
- Hydraulic dredges;
- Power shovels;
- Scrapers;
- Trucks.

Special note: Classifications 0112 and 1103 are not assigned to the same business unless all of the conditions of the general reporting rule covering the operation of a secondary business have been met.

Exclusion:

• Selling custom soil mixes, bark, decorative rock, sand, or gravel when purchased from others is classified in 1103.

Note: For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

0112-02 Pit, crusher, and bunker operations for road, street, and highway construction

Applies to:

Businesses engaged in pit, crusher, and bunker operations in connection with highway, street, or roadway construction projects. Generally, this type of operation is located in close proximity to the project site and is only set up for the duration of the project. Products extracted from the pit or surface include boulders, stone, rock, gravel, aggregate, sand, dirt, or clay.

Work processes and activities include, but are not limited to:

• Excavating open or surface pits by scraping or stripping the surface;
• Crushing material;
• Washing, sorting, crushing, or screening material when needed;
• Storing materials in bunkers or piles until needed;
• Delivery to customers, including by truck or rail;
• These products are used in a variety of ways as part of the roadway project such as, but not limited to, making preliminary roads into an area, filling in low or uneven areas, using as natural barriers, and bringing the roadbed and surrounding areas to grade.

Equipment used includes, but is not limited to:

- Bulldozers;
- Conveyors;
- Front end loaders and other earth moving equipment;
- Gyrators;
- Jaw crushers;
- Power shovels;
- Roll crushers;
- Scrapers;
- Shaking tables;
- Trucks.

Special note: This classification is not assigned to contractors making the materials for their own road construction project.

0112-03 Sand, gravel, or shale: Digging, N.O.C.

Applies to:

Businesses engaged in the digging or dredging of sand, gravel, or shale that is not covered by another classification (N.O.C.).

Work processes and activities include, but are not limited to:

- Excavating material from surface pits or obtaining material from nonnavigable waters with mechanical equipment;
- Moving material from the bank, pit, or dredge to hoppers by trucks, belt conveyors, narrow gauge railroads, or pipelines;
- Washing, grading, and screening material. Sand or gravel in its natural state usually requires only screening with the larger stones being removed;
- Crushing larger stones and rescreening;
- Storing material bins, hoppers, or piles;
- Delivery to customers, including by truck or rail;
- This classification includes dealers who stockpile or store material in a yard type of environment prior to delivery to customers when done in connection with the digging or stripping of such products.

Equipment used includes, but is not limited to:

- Clamshell diggers;
- Clamshell dredges;
- Cranes;
- Drag lines;
- Hydraulic dredges;
- Power shovels;
- Trucks.

Special note: Classifications 0112 and 1103 are not assigned to the same account unless all the conditions of the general reporting rule covering the operation of a secondary business have been met.

Exclusions:

- Selling custom soil mixes, bark, decorative rock, sand, or gravel when purchased from others is classified in 1103;
- Underground mining operations are classified in 1702.

Note: For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

WAC 296-17A-0210 Classification 0210.**0210-00 Asphalt paving or surfacing: Highway, street or roadway**

~~((Applies to contractors engaged in forms of asphalt paving or surfacing, resurfacing, scraping, sawing, cutting or patching operations performed on or in connection with new or existing highway, street, or roadway projects including approaches and bridges. The process begins after the roadbed or roadside grade has already been established and the subsurface or sub base has been prepared. Work contemplated by this classification is limited to laying crushed stone, placement of expansion joints, application of oil or other adhesive bonding materials, and the surface spreading and rolling of crushed aggregate. Equipment used by a contractor subject to this classification includes, but is not limited to, scrapers, graders, rollers, paving machinery, oil trucks and dump trucks.~~

~~This classification excludes preliminary roadbed or roadside construction such as clearing of right of ways, establishing grades, sub-surfaces or sub bases which is to be reported separately in classification 0101; asphalt surfacing/resurfacing not in connection with highway, street or roadway projects which is to be reported separately in classification 0212; construction specialty services such as the installation of guardrails, lighting standards and striping which is to be reported separately in classification 0219; and concrete construction which is to be reported separately in the classification applicable to the work being performed.))~~

Applies to:

Contractors engaged in forms of asphalt paving or surfacing, re-surfacing, scraping, sawing, cutting, or patching operations performed on or in connection with new or existing highway, street, or roadway projects including approaches and bridges.

The process begins after the roadbed or roadside grade has already been established and the subsurface or sub base has been prepared.

Work activities are limited to:

- Laying crushed stone;
- Placement of expansion joints;
- Application of oil or other adhesive bonding materials; and
- Surface spreading and rolling of crushed aggregate.

Equipment used include, but are not limited to:

- Dump trucks;
- Graders;
- Oil trucks;
- Paving machinery;
- Rollers;
- Scrapers.

Exclusions:

- Preliminary roadbed or roadside construction such as clearing of right of ways, establishing grades, sub-surfaces or sub bases is classified in 0101;
- Asphalt surfacing/resurfacing not in connection with highway, street or roadway projects is classified in 0212;
- Construction specialty services such as the installation of guardrails, lighting standards, and striping is classified in 0219;
- Concrete construction is classified in the classification applicable to the work being performed.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

WAC 296-17A-0212 Classification 0212.

0212-00 Asphalt paving or surfacing, N.O.C.

~~((Applies to contractors engaged in asphalt paving or surfacing not in connection with highway, street, or roadway projects not covered by another classification (N.O.C.). This classification covers all forms of asphalt paving or surfacing, resurfacing, scraping, sawing, cutting or patching operations not in connection with highway, street, or roadway projects such as, but not limited to, parking lots,~~

airport runways and landing strips, driveways, walking paths, bicycle trails, tennis courts, playgrounds, and golf cart paths. The process begins after the land grade has already been established and the sub-surface or sub base has been prepared. Work contemplated by this classification includes the laying of crushed stone, placement of expansion joints, application of oil or other adhesive bonding materials, and the surface spreading and rolling of crushed aggregate. Equipment used by a contractor subject to this classification includes, but is not limited to, serapers, graders, rollers, paving machinery, oil trucks and dump trucks. This classification also applies to the application of various types of cushion surfaces for playgrounds.

This classification excludes the preliminary clearing of land, establishing grades, subsurfaces or sub bases which are to be reported separately in classification 0101; asphalt surfacing/resurfacing in connection with highway, street, or roadway projects which is to be reported separately in classification 0210; application of asphalt sealant to roadways and parking lots which is to be reported separately in classification 0219; application of asphalt sealant to driveways which is to be reported separately in classification 0504-06; construction specialty services such as the installation of guardrails, lighting standards and striping which are to be reported separately in classification 0219; and concrete construction which is to be reported separately in the classification applicable to the work being performed.))

Applies to:

• Asphalt paving or surfacing, resurfacing, scraping, sawing, cutting, or patching operations not in connection with highway, street, or roadway projects and not covered by another classification (N.O.C.). The process begins after the land grade has already been established and the subsurface or sub base has been prepared.

• The application of pour-in-place types of cushion surfaces for playgrounds.

Projects include, but are not limited to:

- Airport runways;
- Bicycle trails;
- Driveways;
- Golf cart paths;
- Landing strips;
- Parking lots;
- Playgrounds;
- Tennis courts;
- Walking paths.

Work activities include, but are not limited to:

- Laying of crushed stone;
- Placement of expansion joints;
- Application of oil or other adhesive bonding materials;
- Surface spreading and rolling of crushed aggregate.

Equipment used include, but are not limited to:

- Dump trucks;
- Grader;
- Oil trucks;
- Paving machinery;
- Rollers;
- Scrapers.

Exclusions:

- Preliminary clearing of land, establishing grades, subsurfaces or sub bases is classified in 0101;
- Asphalt surfacing/resurfacing in connection with highway, street, or roadway projects is classified in 0210;
- Application of asphalt sealant to roadways and parking lots is classified in 0219;
- Application of asphalt sealant to driveways is classified in 0504-06;
- Construction specialty services such as the installation of guardrails, lighting standards and striping are classified in 0219;
- Concrete construction is classified in the classification applicable to the work being performed.

AMENDATORY SECTION (Amending WSR 16-14-085, filed 7/5/16, effective 1/1/17)

WAC 296-17A-0214 Classification 0214. (~~Concrete paving, repaving, and other concrete work associated with or connected to roadways (highways, streets, and other roads used for vehicles). This includes concrete work for:~~

- ~~• Highway approaches to roadways;~~
- ~~• Paving public or commercial parking lots (single-level and non-enclosed);~~
- ~~• Paving bridges;~~
- ~~• Curbs, gutters, and sidewalks along roadways;~~
- ~~• Median (divider) walls between roadways;~~
- ~~• Retaining walls along roadways.~~

~~The concrete paving and repaving reported in classification **0214** starts after the road's right of way has been cleared and excavated and its sub base is level and compressed.~~

~~Paving includes, but is not limited to, the following operations:~~

- ~~• Laying of crushed stone and grading or rolling the fill to level and compress;~~
- ~~• Placement of reinforcing steel or expansion joints;~~
- ~~• Set-up and tear down of forms;~~
- ~~• Pouring the concrete;~~
- ~~• Rolling and other finish work.~~

~~Operations reported in classification **0214** can also include work on existing surfaces; for example, scraping, sawing, drilling, or cutting concrete for:~~

- ~~• Repaving;~~
- ~~• Placing manholes, drainage grates, poles and posts;~~
- ~~• Repairing damaged concrete;~~
- ~~• Exposing underground pipes and utilities.~~

~~This classification does not include operations such as:~~

- ~~• Clearing right of ways, establishing grades, and preparing the sub base which are to be reported separately in classification **0101**;~~
- ~~• Constructing covered or multilevel, public, or commercial parking garages, which are reported separately in classification **0518**;~~
- ~~• Asphalt paving, surfacing/resurfacing which is to be reported separately in the classification applicable to the work being performed;~~

~~• Concrete flatwork not in connection with highway, street, or roadway projects which is to be reported separately in classification 0217;~~

~~• Construction specialty services such as the installation of guardrails, lighting standards and striping which are to be reported separately in classification 0219.~~

~~Classification 0214 is a construction industry classification (see WAC 296-17-31013).~~

~~For administrative purposes, classification 0214 is divided into the following subclassification(s):~~

~~0214-00 Concrete paving and repaving: Highways, streets or roadways, N.O.C.~~

~~0214-01 Concrete curbs, gutters, and sidewalks: Construction and repair in connection with highways, streets or roadways.~~

~~0214-02 Concrete median walls and retaining walls: Construction and repair in connection with highways, streets or roadways.~~

~~0214-03 Concrete sawing, drilling, and cutting: In connection with highways, streets or roadways.))~~

0214-00 Concrete paving and repaving: Highways, streets, or roadways, N.O.C.

Applies to:

Businesses engaged in concrete paving and repaving of highways, streets, or roadways including approaches and bridges.

Paving and repaving begins after the road's right of way has been cleared and excavated and its subbase is level and compressed.

Work includes, but is not limited to:

• Laying of crushed stone and grading or rolling the fill to level and compress;

• Placement of reinforcing steel or expansion joints;

• Set-up and tear down of forms;

• Pouring the concrete;

• Rolling and other finish work;

• Placing manholes, drainage grates, poles, and posts;

• Repairing damaged concrete;

• Exposing underground pipes and utilities;

• Constructing curbs, gutters, sidewalks, median walls, and retaining walls when performed as part of the project;

• Cutting, drilling, sawing, or scraping concrete.

Equipment includes, but is not limited to:

• Dump trucks;

• Graders;

• Paving machinery;

• Rollers;

• Scrapers;

• Water trucks.

Exclusions:

• Worker hours clearing right of ways, establishing grades, and preparing the subbases are reported separately in classification 0101.

• Worker hours doing asphalt paving, surfacing/resurfacing are reported separately in the classification applicable to the work being performed.

• Worker hours doing concrete flatwork not in connection with highway, street, or roadway projects are reported separately in classification 0217.

- Worker hours doing installation of guardrails, lighting standards, and striping are reported separately in classification 0219.
- Worker hours constructing covered or multilevel, public or commercial parking garages are reported separately in classification 0518.

0214-01 Concrete curbs, gutters, and sidewalks: Construction and repair in connection with highways, streets, or roadways

Applies to:

Businesses engaged in the construction or repair of concrete curbs, gutters, and sidewalks in connection with highways, streets, or roadways including approaches and bridges.

Construction or repair of concrete curbs, gutters, and sidewalks begins after the roadbed or roadside grade has already been established and the subsurface or subbase has been prepared.

Work includes, but is not limited to:

- Constructing concrete curbs, gutters, or sidewalks;
- Placing reinforcing steel or expansion joints;
- Pouring and finishing of concrete;
- Setting up and tearing down of forms;
- Repaving;
- Placing manholes, drainage grates, poles, and posts;
- Repairing damaged concrete;
- Exposing underground pipes and utilities;
- Cutting, drilling, sawing, or scraping concrete.

Exclusions:

- Worker hours clearing right of ways, establishing grades, and preparing the subbases are reported separately in classification 0101.
- Worker hours doing asphalt paving, surfacing/resurfacing are reported separately in the classification applicable to the work being performed.
- Worker hours doing concrete flatwork not in connection with highway, street, or roadway projects are reported separately in classification 0217.
- Worker hours doing installation of guardrails, lighting standards, and striping are reported separately in classification 0219.
- Worker hours constructing covered or multilevel, public or commercial parking garages are reported separately in classification 0518.

0214-02 Concrete median walls and retaining walls: Construction and repair in connection with highways, streets, or roadways

Applies to:

Businesses engaged in the construction or repair of concrete median (divider) walls and retaining walls in connection with highway, street, or roadway projects including approaches and overpasses.

Construction or repair of concrete median (divider) walls and retaining walls begins after the roadbed or roadside grade has already been established and the subsurface or subbase has been prepared.

Work includes, but is not limited to:

- Placing reinforcing steel or expansion joints;
- Pouring and finishing of concrete to form median or divider walls, median strips, or retaining walls alongside the roadway;
- Setting up and tearing down of forms;
- Repaving;

- Placing manholes, drainage grates, poles, and posts;
- Repairing damaged concrete;
- Exposing underground pipes and utilities;
- Cutting, drilling, sawing, or scraping concrete.

Exclusions:

- Worker hours clearing right of ways, establishing grades, and preparing the subbases are reported separately in classification 0101.
- Worker hours doing asphalt paving, surfacing/resurfacing are reported separately in the classification applicable to the work being performed.
- Worker hours doing concrete flatwork not in connection with highway, street, or roadway projects are reported separately in classification 0217.
- Worker hours doing installation of guardrails, lighting standards, and striping are reported separately in classification 0219.
- Worker hours constructing covered or multilevel, public or commercial parking garages are reported separately in classification 0518.

0214-03 Concrete sawing, drilling, and cutting: In connection with highways, streets, or roadways**Applies to:**

Businesses engaged in concrete sawing, drilling, and cutting in connection with concrete highway, street, or roadway projects including concrete curbs, gutters, sidewalks, median walls, and retaining walls.

Concrete sawing, drilling, and cutting occur on new or existing roadway and related projects.

Work includes, but is not limited to:

- Cutting, drilling, sawing, and scraping concrete;
- Exposing underground utility lines and systems;
- Placing manholes, drainage gates, poles, and posts;
- Repairing damaged concrete.

Exclusions:

- Worker hours clearing right of ways, establishing grades, and preparing the subbases are reported separately in classification 0101.
- Worker hours doing asphalt paving, surfacing/resurfacing are reported separately in the classification applicable to the work being performed.
- Worker hours doing concrete flatwork not in connection with highway, street, or roadway projects are reported separately in classification 0217.
- Worker hours doing installation of guardrails, lighting standards, and striping are reported separately in classification 0219.
- Worker hours constructing covered or multilevel, public or commercial parking garages are reported separately in classification 0518.

AMENDATORY SECTION (Amending WSR 18-11-113, filed 5/22/18, effective 7/1/18)

WAC 296-17A-0217 Classification 0217. (~~Applies to:~~
Contractors engaged in the construction and/or repair of:

~~• Concrete flatwork not covered by another classification (N.O.C.);~~

~~• Concrete foundations and flatwork for wood structural buildings;~~

~~• Concrete sawing, drilling and cutting not covered by another classification (N.O.C.).~~

Work contemplated by this classification includes, but is not limited to:

~~• Set-up and tear down of forms;~~

~~• Placement of reinforcing steel and wire mesh;~~

~~• Pouring and finishing of concrete;~~

~~• Concrete sawing, drilling and cutting operations in connection with wood frame and nonwood frame buildings and structures.~~

Projects could include, but are not limited to:

~~• Walkways, pathways, patios, fences and curbing;~~

~~• Concrete footings, stem walls, floor pads, cellar or basement floors, garage floors;~~

~~• Swimming pools and ponds;~~

~~• Sawing, cutting and drilling for ventilation boxes in the footings or stem walls;~~

~~• Cutting out for windows or doorways;~~

~~• Preparing to mount brackets for stairways or interior bearing walls;~~

~~• Cutting interior walls as part of a building renovation project;~~

~~• Cutting out for electrical and switch boxes;~~

~~• Repairing defective areas.~~

Excluded phases of work:

~~• Worker hours engaged in land clearing or excavation work for a land clearing or excavation contract, which are classified in **0101**;~~

~~• Worker hours engaged in concrete work contained within a building or structure made of concrete, masonry, iron or steel frame, such as the foundation, floor slab, precast or poured in place bearing floors or wall panels, columns, pillars, metal erection or any other portion of the building or structure itself, which are classified in **0518**;~~

~~• Worker hours engaged in paver stone installation projects such as, but not limited to: Driveways, walkways, patios and pool decks, which are classified in **0301**;~~

~~• Worker hours engaged in concrete work performed on or in connection with projects on highways, streets, or roadways, including sidewalks, curbs, gutters, median or retaining walls, or sawing, drilling or cutting operations as part of the roadway which are classified in **0214**;~~

~~• Worker hours engaged in bridge construction which are classified in **0201**;~~

~~• Worker hours engaged in new dam construction which are classified in **0701**;~~

~~• Worker hours engaged in concrete landscape curbing which are classified in **0301**.~~

For administrative purposes, classification 0217 is divided into the following subclassifications:

~~**0217-00 Concrete flatwork — Construction and/or repair: N.O.C.**~~

~~**0217-01 Concrete foundation and flatwork construction and repair: Wood structural buildings**~~

~~**0217-02 Concrete sawing, drilling and cutting, N.O.C.))**~~

0217-00 Concrete flatwork - Construction and/or repair: N.O.C.**Applies to:**

Contractors engaged in the construction and/or repair of concrete flatwork not covered by another classification (N.O.C.).

Projects may include, but are not limited to:

- Curbing;
- Fences;
- Pathways;
- Patios;
- Walkways.

Work activities include, but are not limited to:

- Placement of reinforcing steel and wire mesh;
- Pouring and finishing of concrete;
- Set-up and tear down of forms.

Machinery and equipment include, but are not limited to:

- Floats (for smoothing concrete);
- Laser levels;
- Mixers;
- Protective gear;
- Shovels;
- Vapor barriers;
- Wheel barrows.

Exclusions:

- Land clearing or excavation work for a land clearing or excavation contract is classified in 0101;
- Concrete work contained within a building or structure made of concrete, masonry, iron or steel frame, such as the foundation, floor slab, precast or poured in place bearing floors or wall panels, columns, pillars, metal erection or any other portion of the building or structure itself, is classified in 0518;
- Paver stone installation projects such as, but not limited to, driveways, walkways, patios and pool decks are classified in 0301;
- Concrete work performed on or in connection with projects on highways, streets, or roadways, including sidewalks, curbs, gutters, median or retaining walls, or sawing, drilling or cutting operations as part of the roadway is classified in 0214;
- Bridge construction is classified in 0201;
- New dam construction is classified in 0701;
- Concrete landscape curbing when done as part of a landscape project is classified in 0301;
- Concrete foundation and flatwork construction or repair in connection with wood frame construction are classified in 0217-01;
- Concrete sawing, drilling, or cutting is classified in 0217-02.

0217-01 Concrete foundation and flatwork construction and repair: Wood structural buildings**Applies to:**

Contractors engaged in construction or repair of concrete foundation and flatwork in connection with a wood frame structure.

Projects may include, but are not limited to:

- Concrete footings, stem walls, floor pads, cellar floors, or garage floors;
- Swimming pools and ponds.

Work activities include, but are not limited to:

- Placement of reinforcing steel and wire mesh;
- Pouring and finishing of concrete;
- Set-up and tear down of forms.

Machinery and equipment include, but are not limited to:

- Floats (for smoothing concrete);
- Laser levels;
- Mixer;
- Protective gear;
- Shovels;
- Vapor barriers;
- Wheel barrows.

Exclusions:

- Land clearing or excavation work for a land clearing or excavation contract is classified in 0101;
- Concrete work contained within a building or structure made of concrete, masonry, iron or steel frame, such as the foundation, floor slab, precast or poured in place bearing floors or wall panels, columns, pillars, metal erection or any other portion of the building or structure itself, is classified in 0518;
- Paver stone installation projects such as, but not limited to, driveways, walkways, patios and pool decks are classified in 0301;
- Concrete work performed on or in connection with projects on highways, streets, or roadways, including sidewalks, curbs, gutters, median or retaining walls, or sawing, drilling or cutting operations as part of the roadway is classified in 0214;
- Bridge construction is classified in 0201;
- New dam construction is classified in 0701;
- Concrete landscape curbing when done as part of a landscape project is classified in 0301;
- Concrete flatwork not covered by another classification is classified in 0217-00;
- Concrete sawing, cutting, or drilling is classified in 0217-02.

0217-02 Concrete sawing, drilling and cutting, N.O.C.**Applies to:**

Contractors engaged in concrete sawing, drilling, or cutting not otherwise classified (N.O.C.).

Projects may include, but are not limited to:

- Sawing, cutting, drilling in connection with wood frame and nonwood frame buildings and structures;
- Sawing, cutting and drilling for ventilation boxes in the footings or stem walls;
- Cutting out for windows or doorways;
- Preparing to mount brackets for stairways or interior bearing walls;
- Cutting interior walls as part of a building renovation project;
- Cutting out for electrical and switch boxes;
- Repairing defective areas.

Machinery and equipment include, but are not limited to:

- Cutters and edgers;
- Power drills and hammers;
- Saws;

- Specialty tools;
- Water pumps.

Exclusions:

- Land clearing or excavation work for a land clearing or excavation contract is classified in 0101;
- Concrete work contained within a building or structure made of concrete, masonry, iron or steel frame, such as the foundation, floor slab, precast or poured in place bearing floors or wall panels, columns, pillars, metal erection or any other portion of the building or structure itself, is classified in 0518;
- Paver stone installation projects such as, but not limited to, driveways, walkways, patios and pool decks are classified in 0301;
- Concrete work performed on or in connection with projects on highways, streets, or roadways, including sidewalks, curbs, gutters, median or retaining walls, or sawing, drilling or cutting operations as part of the roadway is classified in 0214;
- Bridge construction is classified in 0201;
- New dam construction is classified in 0701;
- Concrete landscape curbing when done as part of a landscape project is classified in 0301;
- Concrete flatwork not covered by another classification is classified in 0217-00;
- Concrete foundation and flatwork construction or repair in connection with wood frame construction are classified in 0217-01.

AMENDATORY SECTION (Amending WSR 20-20-108, filed 10/6/20, effective 1/1/21)

WAC 296-17A-0301 Classification 0301. ((Applies to:

~~Contractors engaged in the installation, service and repair of:~~

- ~~Lawn type sprinkler systems;~~
 - ~~Agriculture sprinkler and irrigation systems, including above or below ground;~~
 - ~~New landscape construction or renovation projects;~~
 - ~~Invisible fence installation, which is used to confine animals within a given area;~~
 - ~~Paver stone installation projects such as, but not limited to: Driveways, walkways, patios and pool decks. Common types of pavers used include brick, concrete and stone. Common methods of paver installation include:~~
 - ~~– **Interlocking concrete pavers**, which are primarily sand set, but in some cases mortar set;~~
 - ~~– **Permeable interlocking concrete pavers**, which are installed to help reduce stormwater runoff;~~
 - ~~– **Pedestal set pavers**, when used for roof top decks and plaza areas to increase living space, or to meet certain environmental requirements (not acting as a roofing system).~~
- ~~Work contemplated by this classification includes, but is not limited to:~~
- ~~Producing preliminary drawings of a landscape or renovation project;~~
 - ~~Identifying area of land to be covered, to determine size and amount of pipe and sprinkler heads needed for irrigation/sprinkler system install;~~

- ~~Preparing the ground (may include tilling and spreading of top soils);~~
- ~~Trenching;~~
- ~~Burying wire in trench (invisible fencing);~~
- ~~Connecting low voltage transmitter box for invisible fencing;~~
- ~~Installing/repairing sprinkler systems;~~
- ~~Planting trees, plants or shrubs;~~
- ~~Planting or replacing grass from seed or sod;~~
- ~~Installing ground cover material or plastic to retard weeds;~~
- ~~Placing concrete borders;~~
- ~~Installing concrete, brick or stone pavers to create walkways, pathways, pool decks, or patios.~~

Typical machinery includes, but is not limited to:

- ~~Electric power tools;~~
- ~~Fertilizer spreaders;~~
- ~~Hand tools/rakes;~~
- ~~Mowers;~~
- ~~Small front end loaders;~~
- ~~Tractors with till attachments;~~
- ~~Trenchers;~~
- ~~Wheelbarrows;~~
- ~~Vibrating plow or pipe pulling machine.~~

~~This classification includes:~~

- ~~Incidental construction of rockery, extruded concrete curbing, fences, ponds, walls, arbors, trellises and gazebos when performed by employee of a landscape contractor as part of a landscape contract.~~

~~—If these activities are conducted separately from a landscape contract and not part of a landscape project, they must be reported separately in the classification applicable to the work being performed.~~

- ~~Incidental construction of walls and rockery performed by employees of a paver stone installation contractor as part of a paver installation contract.~~

~~—If these activities are conducted separately from a paver stone installation contract and not part of a paver stone project, they must be reported separately in the classification applicable to the work being performed.~~

Note: ~~Incidental work is a minor part of an overall project or contract.~~

Example: ~~A paver installation company creates the driveway, walkways, and patio at a residential home. The company finds that the lawn will slide onto the driveway unless a three foot tall retaining wall the length of the driveway is created. The creation of the retaining wall to protect the driveway is incidental to the paver installation project and may be reported in 0301.~~

~~Excluded phases of work:~~

- ~~Worker hours engaged in open canal type irrigation systems, which are classified in 0108.~~

- ~~Worker hours engaged in maintenance and cleaning of lawn sprinkler system pipes and heads done in connection with a landscape maintenance contract which are classified in 0308.~~

- ~~Worker hours engaged in grading, clearing, or contouring of land which are classified in 0101.~~

- ~~Worker hours engaged in bulkheads not adjacent to water, or similar structures built of rock, which are classified in 0302.~~

- ~~Worker hours engaged in installation or on-site maintenance of roofing materials composed of impermeable barriers, sod, soil, and~~

plants, sometimes termed landscape roofing, living roofing, or vegetative roofing, which are classified in ~~0507~~.

- ~~Worker hours engaged in paver installation on a roof by a roofing contractor, when acting as part of the roofing system, which are classified in 0507.~~

- ~~Worker hours engaged in installation or maintenance of a landscape roofing irrigation system, which are classified in 0507.~~

- ~~Worker hours engaged in lawn care maintenance or chemical spraying or fumigating which are classified in 0308.~~

Note: For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

For administrative purposes, classification 0301 is divided into the following subclassifications:

~~0301-04 Lawn type sprinkler systems: Installation, service or repair~~

~~0301-06 Agricultural sprinkler/irrigation systems, N.O.C.: Installation, service or repair~~

~~0301-08 Landscape construction operations, N.O.C.))~~

0301-04 Lawn type sprinkler systems: Installation, service, or repair

Applies to:

Contractors engaged in the installation, service, or repair of lawn type sprinkler systems.

Lawn sprinkler systems are installed at private residences or commercial businesses.

Work includes, but is not limited to:

- Identifying area of land to be covered, to determine size and amount of pipe and sprinkler heads needed for sprinkler system install;

- Installing heads, and timers;
- Laying/joining/repairing pipe;
- Planting or replacing grass from seed or sod;
- Trenching.

Tools include, but are not limited to:

- Electric power tools;
- Fertilizer spreaders;
- Hand tools/rakes;
- Mowers;
- Trenchers;
- Wheelbarrows;
- Vibrating plow or pipe pulling machine.

Exclusions:

- Worker hours engaged in construction of open canal type irrigation systems are reported separately in classification 0108.

- Installation, service, or repair of above or below ground agricultural/irrigation systems are classified in 0301-06.

- Worker hours engaged in installation or maintenance of a landscape roofing irrigation system, are reported separately in classification 0507.

- Maintenance and cleaning of lawn sprinkler system pipes and heads done in connection with a landscape maintenance contract are classified in 0308.

Note: For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

0301-06 Agricultural sprinkler/irrigation systems, N.O.C.: Installation, service, or repair

Applies to:

Contractors engaged in the installation, service, or repair of above or below ground agricultural sprinkler and irrigation systems not covered by another classification (N.O.C.).

These differ from lawn sprinkler systems as the size of pipes and pumps installed are larger to produce the water pressure to irrigate large areas of land.

Sprinkler irrigation systems include, but are not limited to:

- Above or below ground;
- Center pivot or linear move;
- Fixed or movable;
- Wheel or impulse.

Tools include, but are not limited to:

- Electric power tools;
- Fertilizer spreaders;
- Hand tools/rakes;
- Mowers;
- Small front end loaders;
- Tractors with till attachments;
- Trenchers;
- Wheelbarrows;
- Vibrating plow or pipe pulling machine.

Exclusions:

• Worker hours engaged in construction of open canal type irrigation systems are reported separately in classification 0108.

• Installation, service, or repair of lawn type sprinkler systems is classified in 0301-04.

Note: For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

0301-08 Landscape construction operations, N.O.C.**Applies to:**

• Contractors engaged in new landscape construction or renovation projects not covered by another classification (N.O.C.).

• Contractors engaged in the installation of invisible fences, which are usually used to confine animals within a given area.

• Contractors engaged in the installation, service, and repair of paver stone installation projects such as, but is not limited to, driveways, walkways, patios, and pool decks.

Work includes, but is not limited to:

• Producing preliminary drawings of a landscape, renovation, or invisible fence project;

• Preparing the ground (may include tilling and spreading of top soils);

- Trenching;
- Burying wire in trench (invisible fencing);
- Connecting low voltage transmitter box for invisible fencing;
- Planting trees, plants, or shrubs;
- Planting or replacing grass from seed or sod;
- Installing ground cover material or plastic to retard weeds;
- Placing concrete borders;
- Incidental construction of rockery, extruded concrete curbing,

fences, ponds, walls, arbors, trellises and gazebos when performed by employee of a landscape contractor as part of a landscape contract. If these activities are conducted separately from a landscape contract

and not part of the landscape project, they are reported separately in the classification applicable to the work being performed;

• Installing concrete, brick, or stone pavers to create walkways, pathways, pool decks, or patios;

• Incidental construction of walls and rockery performed by employees of a paver stone installation contractor as part of a paver installation contract. If these activities are conducted separately from a paver stone installation contract and not part of a paver stone project, they are reported separately in the classification applicable to the work being performed.

Note: Incidental work is a minor part of an overall project or contract.

Example: A paver installation company creates the driveway, walkways, and patio at a residential home. The company finds that the lawn will slide onto the driveway unless a three foot tall retaining wall the length of the driveway is created. The creation of the retaining wall to protect the driveway is incidental to the paver installation project and may be reported in 0301.

Common types of paver installation include:

• Interlocking concrete pavers, which are primarily sand set, but in some cases mortar set;

• Permeable interlocking concrete pavers, which are installed to help reduce storm water runoff;

• Pedestal set pavers, when used for roof top decks and plaza areas to increase living space, or to meet certain environmental requirements (not acting as a roofing system).

Tools include, but are not limited to:

• Electric power tools;

• Fertilizer spreaders;

• Hand tools/rakes;

• Mowers;

• Small front end loaders;

• Tractors with till attachments;

• Trenchers;

• Wheelbarrows.

Exclusions:

• Worker hours engaged in grading, clearing, or contouring of land are reported separately in classification 0101.

• Worker hours engaged in construction of open canal type irrigation systems are reported separately in classification 0108.

• Worker hours engaged in installation of bulkheads not adjacent to water, or similar structures built of rock, are reported separately in classification 0302.

• Worker hours engaged in installation or on-site maintenance of roofing materials composed of impermeable barriers, sod, soil, and plants, sometimes termed landscape roofing, living roofing, garden roofing, green/environmentally beneficial roofing, brown/biodiverse roofing, or vegetative roofing, are reported separately in classification 0507.

• Worker hours engaged in paver installation on a roof by a roofing contractor, when acting as part of the roofing system, are reported separately in classification 0507.

• Worker hours engaged in installation or maintenance of a landscape roofing irrigation system are reported separately in classification 0507.

• Worker hours engaged in lawn care maintenance or chemical spraying or fumigating are reported separately in classification 0308.

Note: For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

WAC 296-17A-0303 Classification 0303.

0303-00 Plastering, stuccoing and lathing buildings, N.O.C.

~~((Applies to contractors engaged in interior and exterior plastering, stuccoing and lathing work on buildings or structures not covered by another classification (N.O.C.). Work contemplated by this classification includes the lathing work which involves nailing thin wood or metal strips and wire mesh or Styrofoam panels to studs or joists to support the application of plaster or stucco, mixing of plaster or cement with water, and applying the mixture by hand trowel or low pressure spray apparatus to the lathing material.~~

~~This classification excludes masonry or brick work which is to be reported separately in classification 0302; interior painting which is to be reported separately in classification 0521; exterior painting which is to be reported separately in classification 0504; and concrete work which is to be reported separately in the classification applicable to the work being performed.))~~

Applies to:

Contractors engaged in interior and exterior plastering, stuccoing, and lathing work on buildings or structures not covered by another classification (N.O.C.).

Work activities include, but are not limited to:

- Lathing work which involves nailing thin wood or metal strips and wire mesh or Styrofoam panels to studs or joists to support the application of plaster or stucco;
- Mixing of plaster or cement with water; and
- Applying the mixture by hand trowel or low pressure spray apparatus to the lathing material.

Exclusions:

- Masonry or brick work is classified in 0302;
- Interior painting is classified in 0521;
- Exterior painting is classified in 0504; and
- Concrete work is classified in the classification applicable to the work being performed.

AMENDATORY SECTION (Amending WSR 16-11-082, filed 5/17/16, effective 7/1/16)

WAC 296-17A-0504 Classification 0504.

0504-06 Waterproofing, N.O.C.: Buildings or structures

~~((Applies to contractors engaged in waterproofing buildings or structures not covered by another classification (N.O.C.). This classification includes the application of waterproofing or sealant material to surfaces or cracks and voids to eliminate leaks in all types~~

of buildings or structures, regardless of height. Such structures may include, but are not limited to:

- Foundations and foundation walls;
- Walls;
- Floors;
- Decks;
- Fences;
- Walkways; and
- Driveways.

Waterproof material is applied to a variety of surfaces such as:

- Wood;
- Concrete;
- Asphalt;
- Steel;
- Metal;
- Plaster; or
- Stone.

There are several types of waterproof processes which may include:

- Membrane, which adheres long strips of rubber and pumice to exterior walls or foundations with the use of primer;
- Pressure injection, which uses a long wand inserted into the ground to fill cracks;
- Epoxy injection, which is performed on the interior or exterior with use of a caulk gun to inject a silicon material into cracks; or
- Application with use of a brush, roller or spray directly onto the surface.

This classification excludes:

- Excavation work performed in conjunction with a waterproofing contract which is to be reported separately in classification 0101;
- Waterproofing operations performed in connection with roofing or subaqueous work which are to be reported separately in the classification applicable to the work being performed;
- The application of asphalt sealant or waterproof materials to roadways and parking lots which is to be reported separately in classification 0219;
- Filling cracks or voids with like materials which is to be reported separately in the classification applicable to the repair work being performed; and
- The application of waterproof materials performed by a concrete contractor as part of the concrete construction project which is to be reported separately in the classification applicable to the work being performed.

Special note: If excavation work is performed (to remove dirt away from a foundation wall or to push it against the wall after the waterproofing material is applied) classification 0101 applies, regardless of the type of contractor performing the excavation work.

0504-18 Pressure washing services or sandblasting, N.O.C.: Buildings or structures

Applies to contractors engaged in pressure washing or sandblasting buildings or structures, not covered by another classification (N.O.C.). This classification includes cleaning, washing, pressure washing or sandblasting to remove dirt, moss, rust or old paint. Pressure washing involves a forced spray of air and water to remove unwanted surface materials. Sandblasting, or abrasive blasting, involves a forced spray of sand, steel, or glass. This classification includes

~~the cleaning of roofs, gutters, and downspouts, and the removal of moss or snow from multiple story buildings.~~

~~This classification excludes:~~

- ~~• Contractors engaged in multimedia blasting in shop which is to be reported separately in classification 3402;~~
- ~~• Pressure washing or sandblasting by a painting contractor as a part of the preparation for painting exterior buildings, structures, or the interior/exterior of tanks which is to be reported separately in the classification 0504-21;~~
- ~~• Pressure washing as a part of interior building painting contracts which is to be reported separately in classification 0521;~~
- ~~• Cleaning or washing roofs, or removing snow from, single story buildings (when the cleaning or washing is not part of a painting or roofing contract) which is to be reported separately in classification 6602;~~
- ~~• Waterproofing buildings or structures, N.O.C. which is to be reported separately in classification 0504-06; and~~
- ~~• Pressure washing or sandblasting operations performed in conjunction with and as a part of another type of business such as a foundry, metal goods manufacturer, auto body repair shop, etc., which is to be reported separately in the applicable classification.~~

0504-20 Lead abatement

~~Applies to contractors engaged in lead abatement which is performed on structures where there are significant amounts of lead-based paint and lead dust. Contractors must comply with various governmental regulations. The first step in all lead abatement projects is the preliminary testing of the site to determine the presence of lead and the extent of the contamination. If the ground surrounding the proposed worksite is contaminated, it will require remediation, which is done by a soil remediation contractor who is to be reported separately in the appropriate classification. The next step is deciding which abatement procedure is right for the project such as:~~

- ~~• Encapsulation which is used on interior surfaces to seal the lead-based paint with a bonding material;~~
- ~~• Enclosure which is used on interior and exterior surfaces and involves constructing special airtight enclosures made out of gypsum wallboard, plywood paneling, aluminum, vinyl or wood exterior sidings;~~
- ~~• Component replacement which involves removing building components such as paneling, moldings, windows and doors which are coated with lead-based paint and replacing them with new components; and~~
- ~~• Chemical removal, abrasive removal or hand scraping which are methods to physically remove the lead paint.~~

~~This classification includes all preparation work and all cleanup work.~~

~~This classification excludes:~~

- ~~• Soil remediation work which is to be reported separately in classification 0101;~~
- ~~• Asbestos abatement which is to be reported separately in classification 0512; and~~
- ~~• Lead abatement as part of a painting contract for interior/exterior of buildings or structures, or the interior/exterior of tanks which is to be reported separately in the applicable classification.~~

0504-21 Painting: Exterior buildings or structures, N.O.C.; Cleaning: Interior/exterior of oil or gas storage tanks, beer vats, and sewage treatment tanks

~~Applies to contractors engaged in painting the exterior of all types of buildings or structures not covered by another classification (N.O.C.), regardless of height. Buildings and structures include, but are not limited to:~~

- ~~• Bridges;~~
- ~~• Towers;~~
- ~~• Smokestacks;~~
- ~~• Stadiums;~~
- ~~• Factories;~~
- ~~• Warehouses;~~
- ~~• Stores;~~
- ~~• Churches; and~~
- ~~• Residential or commercial single or multiple story buildings.~~

~~Paint is applied by brush, roller or spray to a variety of surfaces such as wood, concrete, steel, metal, plaster, stone, or other types of exterior surfaces. This classification includes all preparation work such as the set up of scaffolding or power lifts, pressure washing, removal of old paint or asbestos, sandblasting, taping or masking, and cleanup work. This classification also applies to cleaning, coating, or painting the interior/exterior of oil or gas storage tanks, beer vats, or sewage treatment tanks.~~

~~This classification excludes:~~

- ~~• Contractors engaged in waterproofing buildings or structures, N.O.C. which are to be reported separately in classification 0504-06;~~
- ~~• Pressure washing services or sandblasting of buildings or structures which are to be reported separately in classification 0504-18;~~
- ~~• Interior painting of buildings which is to be reported separately in classification 0521;~~
- ~~• Painting of murals or other artwork on the interior of buildings which is to be reported separately in classification 4109; and~~
- ~~• Painting of murals or other artwork on the exterior of buildings which is to be reported separately in classification 0403.~~

~~**Special note:** See asbestos certification and training requirements at www.lni.wa.gov.)~~

Applies to:

Businesses engaged in waterproofing buildings or structures not covered by another classification (N.O.C.) regardless of the height of the building or structure.

Structures waterproofed may include, but are not limited to:

- Decks;
- Driveways;
- Fences;
- Floors;
- Foundations and foundation walls;
- Walkways;
- Walls.

Surfaces waterproofed may include, but are not limited to:

- Asphalt;
- Concrete;
- Metal;
- Plaster;
- Steel;
- Stone;
- Wood.

Waterproof processes may include:

- Membrane, which adheres long strips of rubber and pumice to exterior walls or foundations with the use of primer;
- Pressure injection, which uses a long wand inserted into the material to fill cracks;
- Epoxy injection, which uses a caulk gun to inject a silicon material into cracks and is performed on the interior or exterior of the building or structure;
- Application with use of a brush, roller, or spray directly onto the surface of the material.

Exclusions:

- Excavation work performed in conjunction with a waterproofing contract is classified in 0101;

Special note: If excavation work is performed (to remove dirt away from a foundation wall or to push it against the wall after the waterproofing material is applied) classification 0101 applies, regardless of the type of contractor performing the excavation work.

- Waterproofing operations performed in connection with roofing or subaqueous work are classified in the classification applicable to the work being performed;
- Worker hours engaged in the application of asphalt sealant or waterproof materials to roadways and parking lots are reported separately in classification 0219;
- Filling cracks or voids with like materials is classified in the classification applicable to the repair work being performed; and
- The application of waterproof materials performed by a concrete contractor as part of the concrete construction project is classified in the classification applicable to the work being performed.

Note: For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

0504-18 Pressure washing services or sandblasting, N.O.C.: Buildings or structures**Applies to:**

Businesses engaged in pressure washing or sandblasting buildings or structures, not covered by another classification (N.O.C.).

Work activities include, but are not limited to:

- Pressure washing, which involves a forced spray of air and water;
- Sandblasting, or abrasive blasting, which involves a forced spray of sand, steel, or glass;
- On multistory buildings: Cleaning roofs, gutters, and downspouts; and removal of moss or snow;
- Other incidental cleaning or washing.

Materials removed include, but are not limited to:

- Dirt;
- Moss;
- Old paint;
- Rust.

Exclusions:

- Worker hours engaged in multimedia blasting in a shop are reported separately in classification 3402;
- Pressure washing or sandblasting by a painting contractor as a part of the preparation for painting exterior buildings, structures, or the interior/exterior of tanks is classified in 0504-21;

- Pressure washing as a part of interior building painting contracts is classified in 0521;
- Worker hours engaged in cleaning or washing roofs of single story buildings or removing moss or snow from, single story buildings (when the cleaning or washing is not part of a painting or roofing contract) are reported separately in classification 6602;
- Waterproofing buildings or structures, N.O.C. is classified in 0504-06;
- Pressure washing or sandblasting operations performed in conjunction with and as a part of another type of business such as a foundry, metal goods manufacturer, auto body repair shop, etc., is classified in the applicable classification.

Note: For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

0504-20 Lead abatement

Applies to:

Businesses engaged in lead abatement performed on structures where there are significant amounts of lead-based paint and lead dust.

Work activities include, but are not limited to:

- Must comply with various governmental regulations;
- Preliminary testing of the site to determine the presence of lead and the extent of the contamination;
- Determine which abatement procedure is right for the project;
- Perform abatement procedure;
- All preparation and all cleanup work.

Abatement procedures may include:

- Encapsulation, which is used on interior surfaces to seal the lead-based paint with a bonding material;
- Enclosure, which is used on interior and exterior surfaces and involves constructing special airtight enclosures made out of gypsum wallboard, plywood paneling, aluminum, vinyl, or wood exterior sidings;
- Component replacement, which involves removing building components such as paneling, moldings, windows, and doors which are coated with lead-based paint and replacing them with new components;
- Chemical removal, abrasive removal, or hand scraping, which are methods to physically remove the lead paint.

Exclusions:

- Worker hours engaged in soil remediation work are reported separately in classification 0101;
- Worker hours engaged in asbestos abatement are reported separately in classification 0512;
- Lead abatement as part of a painting contract for interior/exterior of buildings or structures, or the interior/exterior of tanks is classified in the applicable classification.

Note: For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

0504-21 Painting: Exterior buildings or structures, N.O.C.: Cleaning: Interior/exterior of oil or gas storage tanks, beer vats, and sewage treatment tanks

Applies to:

Businesses engaged in painting the exterior of all types of buildings or structures not covered by another classification (N.O.C.), regardless of height, including cleaning, coating, or paint-

ing the interior/exterior of oil or gas storage tanks, beer vats, or sewage treatment tanks.

Buildings and structures include, but are not limited to:

- Bridges;
- Churches;
- Factories;
- Residential or commercial buildings;
- Single or multiple story buildings;
- Smokestacks;
- Stadiums;
- Stores;
- Towers;
- Warehouses.

Work activities include, but are not limited to:

- Applying paint by brush, roller, or spray to a variety of surfaces such as wood, concrete, steel, metal, plaster, stone, or other types of exterior surfaces;
- All preparation work;
- Set up of scaffolding or power lifts;
- Pressure washing;
- Removal of old paint or asbestos;
- Sandblasting;
- Taping or masking;
- Cleanup work.

Exclusions:

- Contractors engaged in waterproofing buildings or structures, N.O.C. are classified in 0504-06;
- Pressure washing services or sandblasting of buildings or structures are classified in 0504-18;
- Interior painting of buildings is classified in 0521;
- Painting of murals or other artwork on the interior of buildings is classified in 4109;
- Painting of murals or other artwork on the exterior of buildings is classified in 0403.

Note: See asbestos certification and training requirements at www.lni.wa.gov. For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

WAC 296-17A-0511 Classification 0511.

0511-00 Glass installation in buildings

~~((Applies to contractors and glass merchants engaged in the installation and/or removal of glass in buildings and residences. This type of work is generally performed by a "glazier" who installs, removes, and/or boards up broken or damaged window or door glass. This classification includes a variety of glass, plastic and similar materials in buildings and residences, including exterior glass curtain walls on multistory buildings, skylights, mirrors, storm windows, window sashes and window/door glass. This classification also includes glass tinting or the application of tinted plastic film to glass windows and doors in buildings or residences.~~

~~This classification excludes glass merchants which are to be reported separately in classification 1108; the installation of auto glass which is to be reported separately in classification 1108 when performed at or away from the glass merchant's shop; glass frosting, etching or beveling which is to be reported separately in classification 1108; tinting or the application of tinted plastic film to auto glass by an auto detailer which is to be reported separately in classification 3406; glass manufacturing which is to be reported separately in classification 3503; and the installation of windows, window frames and skylights when performed as part of a framing contract on a wood frame building by the framing workers which is to be reported separately in classification 0510.~~

~~**Special note:** Care should be exercised when determining if the business is a glass installation contractor or a glass merchant. A glass merchant in classifications 1108 and 0511, does not qualify for classification 5206 "Permanent yard or shop." However, if the business is engaged exclusively as a glass installation contractor, and not as a glass merchant, the contractor's business may qualify for classification 5206 for the storage of materials.)~~

Applies to:

- Contractors and glass merchants engaged in the installation and/or removal of glass in buildings and residences.
- Businesses engaged in glass tinting or the application of tinted plastic film to glass windows and doors in buildings or residences.

This type of work is generally performed by a "glazier" who installs, removes, and/or boards up broken or damaged glass from windows or doors.

Materials used include, but are not limited to:

- Variety of glass;
- Plastic and similar materials.

Glass or tinting projects include, but are not limited to:

- Exterior glass curtain walls on multistory buildings;
- Mirrors;
- Skylights;
- Storm windows;
- Window/door glass;
- Window sashes.

Exclusions:

- Glass merchants are classified in 1108;
- Installation of auto glass is classified in 1108 when performed at or away from the glass merchant's shop;
- Glass frosting, etching, or beveling is classified in 1108;
- Tinting or the application of tinted plastic film to auto glass by an auto detailer is classified in 3406;
- Glass manufacturing is classified in 3503; and
- Installation of windows, window frames, and skylights when performed as part of a framing contract on a wood frame building by the framing workers is classified in 0510.

~~**Special note:** Care should be exercised when determining if the business is a glass installation contractor or a glass merchant. A glass merchant in classifications 1108 and 0511, does not qualify for classification 5206 "Permanent yard or shop." However, if the business is engaged exclusively as a glass installation contractor, and not as a glass merchant, the contractor's business may qualify for classifi-~~

ation 5206 for the storage of materials. For rules on assigning exception classifications, see WAC 296-17-31018.

AMENDATORY SECTION (Amending WSR 21-22-090, filed 11/2/21, effective 1/1/22)

WAC 296-17A-0519 Classification 0519.

0519-00 Sheet metal work in building construction N.O.C.

~~((Applies to contractors engaged in the installation or repair of sheet metal work in building construction, not covered by another classification (N.O.C.). Work contemplated by this classification applies to interior and exterior sheet metal work for residential or commercial buildings; this includes sheet metal work on wood frame, pole buildings, and nonwood frame buildings. This classification includes the installation of metal siding, gutters and downspouts, non-structural sheet metal patio covers/carports, metal industrial shelving, stainless steel counter tops, and interior wall panels (such as the back splash behind stoves or sinks). Contractors who operate a sheet metal fabrication shop or prefabricate the gutters, downspouts and posts in a shop away from the construction site are to be assigned classification 3404 for the shop operations. When a contractor's business is assigned classification 3404 for shop operations then classification 5206 "Permanent yard or shop" is no longer applicable to the contractor's business for the storage of materials or repair to equipment.~~

~~This classification excludes sheet metal work as part of heating ventilation and air conditioning systems installation which is to be reported separately in classification 0307; the installation of aluminum or sheet metal as part of roof work which is to be reported separately in classification 0507; the installation of light weight sheet metal tool sheds which is to be reported separately in classification 0516; and the installation of commercial metal carports and service station canopies which is to be reported separately in classification 0518.)~~

Applies to:

• Contractors engaged in the installation or repair of sheet metal work in building construction, not covered by another classification (N.O.C.)

Projects include, but are not limited to:

• Interior and exterior sheet metal work for residential or commercial buildings; including sheet metal work on wood frame, pole, and nonwood frame buildings.

Work activities include, but are not limited to:

• Installation of metal siding, gutters, and downspouts;
• Interior wall panels (such as the back splash behind stoves and sinks);
• Metal industrial shelving;
• Nonstructural sheet metal patio covers/carports; and
• Stainless steel counter tops.

Exclusions:

• Sheet metal work as part of heating and ventilation and air conditioning systems installation is classified in 0307;

- Installation of aluminum or sheet metal as part of roof work is classified in 0507;
- Installation of light weight sheet metal tool sheds is classified in 0516; and
- Installation of commercial metal carports and service station canopies is classified in 0518.

Note: Contractors who operate a sheet metal fabrication shop or prefabricate gutters, downspouts, and posts in a shop away from the construction site are assigned classification 3404 for the shop operations. When a contractor's business is assigned classification 3404 for shop operations then classification 5206 "Permanent yard or shop" is no longer applicable to the contractor's business for the storage of materials or repair to equipment.

AMENDATORY SECTION (Amending WSR 12-11-109, filed 5/22/12, effective 7/1/12)

WAC 296-17A-0601 Classification 0601.

0601-00 Electrical wiring in buildings; electrical wiring, N.O.C.; Permanent flood lighting: Installation

~~((Applies to contractors engaged in the electrical wiring of buildings, or in electrical wiring not covered by another classification (N.O.C.). Work contemplated by this classification is characterized as general electrical work, including installation, service or repair at residential and commercial settings. This classification includes the installation, service or repair of extension lines and the hookup of electrical wiring from where the utility company's lines end to the structure's power meter and extends to the inside or outside of the building or its exterior setting, including, but not limited to, the installation of the breaker panel, fuses, plugs and snap switches, rough-in electrical work to include the stringing of insulated or encased wiring and mounting of plug-in or switch housing boxes, installation of plug-in, dimmer and switch units; installation of light fixtures, recessed canister and fluorescent lighting, track lighting, and other interior and exterior lighting fixtures, installation of ceiling fans, and the installation of residential and commercial appliances such as built-in microwaves, dishwashers, electric ovens and oven hoods. This classification also includes the installation of permanent flood lighting at stadiums and parks. Generally, flood lighting fixtures are mounted onto poles, buildings, or other structures; the erection or construction of those structures is not included in this classification.~~

~~This classification excludes the installation of overhead or underground power lines and poles by an electric utility company which is to be reported separately in classification 1301; the installation of overhead power lines by a nonelectric utility contractor which is to be reported separately in classification 0509; and the installation of underground power lines by a nonelectric utility contractor which is to be reported separately in classification 0107.~~

~~0601-07 Electrical machinery and auxiliary apparatus: Installation and repair~~

~~Applies to contractors engaged in the installation and repair of electrical machinery and auxiliary apparatus such as, but not limited to, heavy motors, generators, converters, transformers, compressors and power switchboard equipment. Generally, this type of work occurs at industrial or commercial plants, power plants, or sites where large machinery is to be installed. Work contemplated by this classification includes extending insulator or encased wiring or cable from the power~~

meter, breaker or control panel to the physical location where the machinery is to be installed, and incidental wiring of the machinery or auxiliary apparatus.

~~0601-08 Temporary floodlights or search lights: Erection~~

~~Applies to contractors engaged in the erection or set up of temporary floodlights away from the contractor's premises. Usually, these lights are mounted on a truck or trailer, and then transported to the customer site or location where they are operated with use of a generator. Uses of temporary floodlights and searchlights include, but are not limited to, advertising grand openings or special sales at shopping malls, auto dealers, grocery and outlet stores, marking the location of special events such as carnivals or concerts, or at construction project sites.~~

~~This classification excludes the erection of permanent floodlight fixtures to poles, buildings or structures which is to be reported separately in classification 0601-00.~~

~~0601-15 Television cable: Installation service or repair in buildings by contractor~~

~~Applies to contractors engaged in the installation, service or repair of television cable in buildings. This classification includes the installation of television cable lines in residential and commercial buildings and includes the dropping of lines from the pole to the house, mounting of cable control panel boxes to the exterior of buildings, extending cable, mounting multiple line adapter units and relay switches, and affixing the cable end for hook-up to televisions and other stereo components.~~

~~This classification excludes the installation of underground or overhead television cable lines when performed by a television cable company which is to be reported separately in classification 1305; installation of underground television cable lines when performed by a nontelevision cable company contractor which is to be reported separately in classification 0107; and installation of overhead television cable lines from pole to pole by a nontelevision cable company contractor which is to be reported separately in classification 0509.)~~

Applies to businesses engaged in:

- Electrical wiring of buildings;
- Electrical wiring not covered by another classification

(N.O.C.);

- Permanent flood lighting.

Work activities include, but are not limited to:

- General electrical work, including installation, service or repair at residential and commercial settings;
- Installation, service or repair of extension lines and the hookup of electrical wiring; from where the utility company's lines end to the structure's power meter and extension to the inside or outside of the building or its exterior setting;
- Installation of the breaker panel, fuses, plugs and snap switches, rough-in electrical work to include the stringing of insulated or encased wiring and mounting of plug-in or switch housing boxes, installation of plug-in, dimmer and switch units;
- Installation of light fixtures, recessed canister and fluorescent lighting, track lighting, and other interior and exterior lighting fixtures;

• Installation of ceiling fans, and the installation of residential and commercial appliances such as built-in microwaves, dishwashers, electric ovens, and oven hoods;
• Installation of permanent flood lighting at stadiums and parks. Generally, flood lighting fixtures are mounted onto poles, buildings, or other structures; the erection or construction of those structures is not included in this classification.

Machinery and equipment used include, but are not limited to:

- Cable pullers;
- Circuit finders;
- Drill guns;
- Measuring tools;
- Pliers;
- Saws;
- Screw drivers;
- T strippers;
- Trucks.

Exclusions:

• Installation of overhead or underground power lines and poles by an electric utility company is classified in 1301;
• Installation of overhead power lines by a nonelectric utility contractor is classified in 0509;
• Installation of underground power lines by a nonelectric utility contractor is classified in 0107.

0601-07 Electrical machinery and auxiliary apparatus: Installation and repair; temporary floodlights or searchlights: Erection

Applies to businesses engaged in:

Installation and repair of electrical machinery and auxiliary apparatus. Generally, this type of work occurs at industrial or commercial plants, power plants, or sites where large machinery is installed. This classification includes extending insulator or encased wiring or cable from the power meter, breaker or control panel to the physical location where the machinery is installed, and incidental wiring of the machinery or auxiliary apparatus.

• Erection or set up of temporary floodlights away from the business premises. Uses of temporary floodlights and searchlights include, but are not limited to, advertising grand openings or special sales at shopping malls, auto dealers, grocery and outlet stores, marking the location of special events such as carnivals or concerts, or at construction project sites.

Machinery and apparatus set up, installed, or repaired include, but are not limited to:

- Compressors;
- Converters;
- Generators;
- Heavy motors;
- Power switchboard equipment;
- Temporary floodlights or searchlights;
- Transformers.

Machinery and equipment used includes, but is not limited to:

- Generators;
- Personal protective equipment;
- Trailers;
- Trucks.

Work activities include, but are not limited to:

- Installation or repair of electrical machinery and auxiliary apparatus;
- Set up of temporary floodlights or searchlights - Temporary floodlights or searchlights are mounted on a truck or trailer, and transported to the customer site or location where they operate with use of a generator;
- Extending insulator or encased wiring or cable from the power meter, breaker or control panel to the physical location where the machinery is installed;
- Incidental wiring of the machinery or auxiliary apparatus.

Exclusions:

- Businesses engaged in the erection of permanent floodlight fixtures to poles, buildings or structures is classified in 0601-00.

0601-15 Television cable: Installation service or repair in buildings by contractor**Applies to businesses engaged in:**

Installation, service or repair of television cable in buildings.

Work activities include, but are not limited to:

- Installation of television cable lines in residential and commercial buildings;
- Dropping of lines from the pole to the house;
- Mounting of cable control panel boxes to the exterior of buildings;
- Extending cable;
- Mounting multiple line adapter units and relay switches;
- Affixing the cable end for hook-up to televisions and other stereo components.

Machinery and equipment includes, but is not limited to:

- Cable pullers;
- Drill guns;
- Measuring tools;
- Pliers;
- Saws;
- Screw drivers;
- T strippers;
- Trucks.

Exclusions:

- Installation of underground or overhead television cable lines when performed by a television cable company is classified in 1305;
- Installation of underground television cable lines when performed by a nontelevision cable company contractor is classified in 0107;
- Installation of overhead television cable lines from pole to pole by a nontelevision cable company contractor is classified in 0509.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

WAC 296-17A-0602 Classification 0602.

0602-03 Elevators or elevator door bucks: Installation, service and/or repair

~~((Applies to contractors engaged in the installation, service and/or repair of freight or passenger elevators and elevator door bucks in private residences and commercial buildings or structures. Generally, the process begins after the elevator shaft has been erected, to include, but not be limited to, the installation of elevator units, doors, door bucks, cables and hoisting systems, motors, and electrical apparatus and wiring in connection with operation of the elevator.~~

~~This classification excludes the installation or repair of escalators and industrial machinery which is to be reported separately in classification 0603, and the erection of temporary construction elevators as part of a construction project which is to be reported separately in the classification applicable to the phase of construction being supported.))~~

Applies to:

Installation, service and/or repair of freight or passenger elevators and elevator door bucks in private residences and commercial buildings or structures. Generally, the process begins after the elevator shaft has been erected.

Equipment being installed include, but are not limited to:

- Cables;
- Doors;
- Door bucks;
- Electrical apparatus and wiring in connection with operation of the elevator;
- Elevator units;
- Hoisting systems;
- Motors.

Exclusions:

- Installation or repair of escalators and industrial machinery is classified in 0603;
- Erection of temporary construction elevators as part of a construction project is classified in the applicable phase of construction being supported.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

WAC 296-17A-0701 Classification 0701.**0701-00 New dam construction: All operations in dam site area**

~~((Applies to contractors engaged in the construction of new dams only, and includes all operations in the dam site area. A dam is a barrier built across a waterway to control the flow or level of water. Work contemplated by this classification includes the construction of the foundation and substructure such as, but not limited to, earth and rock excavation; boring or tunneling; pile driving or shaft sinking; caisson work; erection of cofferdams; placement of reinforcing steel and rebar; setting and stripping of forms, false work (temporary forms and support structures), concrete distributing apparatus; erection of scaffolds; pouring and finishing concrete; and the placement of gates,~~

turbines, control towers and electrical wiring apparatus. This classification also includes the incidental construction of fish ladders as part of the new dam construction project.

This classification excludes all other construction, service, or repair work done as part of an existing dam which is to be reported separately in the classification applicable to the phase of construction work being performed. For example, the inspection of the foundation by divers is to be reported separately in classification 0202; the patching of cracks in the dam is to be reported separately in classification 0518.)

Applies to:

Contractors engaged in the construction of new dams only, and includes all operations in the dam site area. A dam is a barrier built across a waterway to control the flow or level of water.

This classification includes all operations to construct a new dam in the dam site area. Constructing the foundation and structure includes, but is not limited to:

- Boring or tunneling;
- Caisson work;
- Earth and rock excavation;
- Erection of cofferdams;
- Erection of scaffolds;
- False work (temporary forms and support structures);
- Operation of concrete distribution apparatuses;
- Pile driving or shaft sinking;
- Placement of gates, turbines, control towers, and electrical wiring apparatus;
- Placement of reinforcing steel and rebar;
- Pouring and finishing concrete; and
- Setting and stripping of forms.

This classification also includes the incidental construction of fish ladders as part of the new dam construction project.

Exclusions:

• All other construction, service, or repair work done as part of an existing dam is classified in the classification applicable to the phase of construction work being performed.

• For example, the inspection of the foundation of an existing dam by divers is classified in 0202; the patching of cracks in the dam is classified in 0518.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

WAC 296-17A-1004 Classification 1004.

1004-00 Log storage and log sorting yards

~~((Applies to establishments engaged in the operation of log storage or sorting yards. The logs may be owned by the yard, for later sale, or stored for others. Operations contemplated by this classification include, but are not limited to, loading/unloading log trucks, grading logs by type or size, stacking logs, recordkeeping, security and routine maintenance of grounds and equipment.~~

~~This classification excludes all trucking outside of the yard which is to be reported separately in classification 1102; log storage~~

~~or sorting yards operated by a logging company at a side or a remote location, which are considered an inclusion and are to be reported separately in classifications 5001 or 5005 as applicable; and log storage yards operated in conjunction with a pole yard, log drying, or wood products manufacturing business which are to be reported separately in the classification applicable to the business.))~~

Applies to:

Businesses that operate log storage or sorting yards. The logs may be owned by the yard or stored for others.

Work activities include, but are not limited to:

- Grading logs by type or size;
- Loading/unloading log trucks;
- Recordkeeping;
- Routine maintenance of grounds and equipment;
- Security;
- Stacking logs.

Exclusions:

- Worker hours engaged in trucking outside of the yard must be reported separately in 1102;
- Log storage or sorting yards operated by a logging company at a side or a remote location, are considered an inclusion and are classified in 5001 or 5005;
- Log storage yards operated in conjunction with a pole yard, log drying, or wood products manufacturing company are classified in the classification applicable to the business.

AMENDATORY SECTION (Amending WSR 12-11-109, filed 5/22/12, effective 7/1/12)

WAC 296-17A-1005 Classification 1005.

1005-02 Shake and/or shingle mills

~~((Applies to establishments engaged in the operation and maintenance of a shake and/or shingle mill. Work contemplated by this classification includes receiving raw logs which they cut and split into shakes, shingles and ridge caps. A shake is a roofing or siding material having at least one surface with a natural grain textured split surface. A shingle is a roofing or siding material having sawn faces and backs and of a standard thickness at the butt end and tapered finish at the other end. A ridge cap is produced from two pieces nailed together to form a "v" shape placed on the center line of a roof. Raw logs are temporarily stored in the yard. This classification may include operations such as, but not limited to:~~

- ~~• Loading raw logs onto a conveyor or log slip;~~
- ~~• Cutting the log into rounds;~~
- ~~• Splitting the rounds into blocks;~~
- ~~• Feeding the blocks through a shake or shingle saw;~~
- ~~• Grading, sorting, bundling, and stacking finished shakes, shingles and/or ridge caps.~~

~~Machinery and equipment includes, but is not limited to, log loaders, conveyors, log slips, overhead splitters, cut-off saws, shake saws, shingle saws, taper saws, head saws, pallet presses, and fork-lifts.~~

~~This classification excludes:~~

- ~~• Establishments engaged exclusively in the manufacturing of ridge caps or shims which are to be reported separately in classification 2903;~~
- ~~• All operations conducted in the woods, such as logging or the cutting and splitting of shake or shingle bolts, which are to be reported separately in the applicable logging classification;~~
- ~~• Automated shake and shingle mills which are to be reported separately in classification 1002 provided the entire process to produce shakes and shingles uses automated processes at the mill site, and meets the requirements defined in WAC 296-17A-1002.)~~

Applies to:

Businesses engaged in the operation and maintenance of a shake and/or shingle mill.

Products manufactured include, but are not limited to:

- Shakes - Roofing or siding material having at least one surface with a natural grain textured split surface;
- Shingles - Roofing or siding material having sawn faces and backs and of a standard thickness at the butt end and tapered finish at the other end; and
- Ridge caps - Produced from two pieces nailed together to form a "v" shape placed on the center line of a roof.

Work activities include, but are not limited to:

- Receiving raw logs which are cut and split into shakes, shingles, and ridge caps;
- Temporarily storing raw logs in the yard;
- Loading raw logs onto a conveyor or log slip;
- Cutting the log into rounds;
- Splitting the rounds into blocks;
- Feeding the blocks through a shake or shingle saw;
- Grading, sorting, bundling, and stacking finished shakes, shingles and/or ridge caps.

Machinery and equipment used include, but are not limited to:

- Conveyors;
- Cut-off saws;
- Forklifts;
- Head saws;
- Log loaders;
- Log slips;
- Overhead splitters;
- Pallet presses;
- Shake saws;
- Shingle saws;
- Taper saws.

Exclusions:

- Businesses engaged exclusively in the manufacturing of ridge caps or shims are classified in 2903;
- All operations conducted in the woods, such as logging or the cutting and splitting of shake or shingle bolts are classified in the applicable logging classification; and
- Automated shake and shingle mills are classified in 1002, provided the entire process to produce shakes and shingles is automated at the mill site, and meets the requirement defined in WAC 296-17A-1002.

AMENDATORY SECTION (Amending WSR 13-10-080, filed 5/1/13, effective 7/1/13)

WAC 296-17A-1006 Classification 1006.

~~((1006-00 Land surveying services, N.O.C.~~

~~**Applies to** establishments engaged in providing professional land surveying services not covered by another classification (N.O.C.).~~

~~**Work in this rate classification includes**, but is not limited to:~~

- ~~• Measuring the size and physical characteristics of earth surfaces to determine precise location and measurements of points, elevations, lines, areas, contours and boundaries; and~~
- ~~• Performing marine, mine, forestry, geological and photogrammetric surveys which utilize sophisticated instruments and techniques, including aerial photography.~~

~~Field data collected by surveyors may be used to produce maps, architectural and civil engineering plans and drawings. Maps and drawings may be produced by drafters who plot out the field data by hand or by using computer-aided drafting programs.~~

~~**What activities are not included in this classification?**~~

- ~~• Draftsmen whose duties are limited to office work; if all conditions of the general reporting rules governing standard exception employees have been met, they may be reported separately in classification 4904; and~~
- ~~• Surveyors employed by construction companies or other types of businesses who are to be reported separately in the applicable classification for those businesses.)~~

1006-00 Land surveying services, N.O.C.

Applies to:

Businesses engaged in providing professional land surveying services not covered by another classification (N.O.C).

Work activities include, but are not limited to:

- Measuring the size and physical characteristics of earth surfaces to determine precise location and measurements of points, elevations, lines, areas, contours, and boundaries;
- Performing marine, mine, forestry, geological and photogrammetric surveys which utilize sophisticated instruments and techniques, including aerial photography;
- Field data collected by surveyors may be used to produce maps, architectural and civil engineering plans and drawings. Maps and drawings may be produced by drafters who plot out the field data by hand or by using computer-aided drafting programs.

Exclusions:

- Draftspersons whose duties are limited to office work, if all conditions of the general reporting rules governing standard exception employees have been met, may be reported separately in classification 4904;
- Surveyors employed by construction companies or other types of businesses are reported in the applicable classification for those businesses;
- Environmental and ecological surveyor services are classified in 1007.

AMENDATORY SECTION (Amending WSR 17-11-120, filed 5/23/17, effective 7/1/17)

~~WAC 296-17A-1102 Classification 1102. ((Classification 1102 applies to establishments engaged in interstate or intrastate trucking, or a combination of interstate and intrastate trucking.~~

~~• Interstate trucking is the hauling of goods that either originate out-of-state or have an out-of-state destination.~~

~~• Intrastate trucking is the hauling of goods within the boundaries of Washington state. The goods must have both an origin and destination in Washington state.~~

~~Duties include:~~

~~• Driving~~

~~• Loading and unloading vehicles~~

~~• Mechanical repair.~~

~~Equipment may include, but is not limited to:~~

~~• Forklifts~~

~~• Hand trucks~~

~~• Pallet jacks~~

~~• Tractor and trailers.~~

~~**Special notes:**~~

~~• Businesses in this classification may have terminals or storage depots where goods are stored awaiting transfer. Workers who exclusively work at these facilities may be reported in classification 2002. All hours for workers who spend any time driving or riding in trucks for businesses subject to this classification must be reported in classification 1102. Hours cannot be split between 1102 and 2002.~~

~~Note: The term "lumper" is sometimes applied to laborers who unload cargo.~~

~~• Driver hours are capped at 520 hours per driver per quarter. See the special trucking industry rules, WAC 296-17-35203(3).~~

~~• The special exception rules for permanent yard and shop operations apply to trucking firms assigned classification 1102. See subclassification 5206-80 and WAC 296-17-31018.~~

~~• See RCW 51.08.180 and 21.12.095 concerning owner operators of trucking.~~

~~**Excluded operations:** Classification 1102 excludes:~~

~~• Firms hauling their own goods. Hauling goods owned by the firm is a general inclusion, which is classified according to the nature of the firm's business.~~

~~Note: For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.~~

~~For administrative purposes, classification 1102 is divided into the following subclassification(s):~~

~~1102-02 Interstate trucking~~

~~1102-03 Intrastate trucking~~

~~1102-04 Combined interstate/intrastate trucking))~~

1102-02 Interstate trucking

Applies to:

Businesses that hire drivers and riders engaged in interstate trucking. Interstate truck driving is operating a truck hauling goods either to or from an out-of-state destination.

This classification includes passengers providing labor including lumpers and other similar workers who ride in the truck. "Lumpers" means laborers who load or unload cargo.

Duties include, but are not limited to:

- Deadhead trips, driving without a load or without a trailer attached;
- Escort or pilot car driving;
- Loading and unloading vehicles;
- Mechanical repair.

Types of goods hauled include, but are not limited to:

- Bulk freight, merchandise, or commodities;
- Gravel or aggregate;
- Logs;
- Mobile homes or factory-built housing units;
- Soils or compost;
- Vehicles.

Equipment may include, but is not limited to:

- Forklifts;
- Hand trucks;
- Pallet jacks;
- Tractor and trailers.

Exclusions:

- Delivery of factory-built housing units by factory-built housing dealers is classified in 3415.
- Delivery and set up of factory-built housing units by contractor is classified in 0517.
- Businesses that provide escort or pilot car services for others as described in subclassification 1404-11 are classified in 1404-11.
- Automobile delivery or repossessing, where a driver, not a motorized transportation service, does the delivery, is classified in 1101-04.
- Businesses that sell and also deliver soils or compost are classified in 1103.
- Hauling logs from a logging site to a mill or storage yard is classified in 5003.

Notes:

- Classification 1102 is assigned as a nature of business or if a basic classification specifically excludes trucking. See WAC 296-17-31015 General inclusions.
- Businesses in this classification may have terminals or storage depots where goods are stored awaiting transfer. Workers who exclusively work at these facilities may be reported in classification 2002. An individual's hours cannot be split between 1102 and 2002.
- Driver hours are capped at 520 hours per driver per quarter. See the special trucking industry rules, WAC 296-17-35203(3).
- The special exception rules for permanent yard and shop operations apply to trucking businesses assigned classification 1102. See subclassification 5206-80 and WAC 296-17-31018.
- See RCW 51.08.180 and 51.12.095 concerning owner operators of trucks.
- For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

1102-03 Intrastate trucking

Applies to:

Businesses that hire drivers and riders engaged in intrastate trucking. Intrastate truck driving is operating a vehicle hauling goods within the boundaries of Washington state. This includes when the origin or destination of the load is out-of-state but the driver does not continue out-of-state with the load.

This classification includes passengers providing labor including lumpers and other similar workers who ride in the truck. "Lumpers" means laborers who load or unload cargo.

Duties include, but are not limited to:

- Deadhead trips, driving without a load or without a trailer attached;
- Escort or pilot car driving;
- Loading and unloading vehicles;
- Mechanical repair.

Types of goods hauled include, but are not limited to:

- Bulk freight, merchandise, or commodities;
- Gravel or aggregate;
- Logs;
- Mobile homes or factory-built housing units;
- Soils or compost;
- Vehicles.

Equipment may include, but is not limited to:

- Forklifts;
- Hand trucks;
- Pallet jacks;
- Tractor and trailers.

Exclusions:

- Delivery of factory-built housing units by factory-built housing dealers is classified in 3415.
- Delivery and set up of factory-built housing units by contractor is classified in 0517.
- Businesses that provide escort or pilot car services for others as described in subclassification 1404-11 are classified in 1404-11.
- Automobile delivery or repossessing, where a driver, not a motorized transportation service, does the delivery, is classified in 1101-04.
- Businesses that sell and also deliver soils or compost are classified in 1103.
- Hauling logs from a logging site to a mill or storage yard is classified in 5003.

Notes:

- Classification 1102 is assigned as a nature of business or if a basic classification specifically excludes trucking. See WAC 296-17-31015 General inclusions.
- Businesses in this classification may have terminals or storage depots where goods are stored awaiting transfer. Workers who exclusively work at these facilities may be reported in classification 2002. An individual's hours cannot be split between 1102 and 2002.
- Driver hours are capped at 520 hours per driver per quarter. See the special trucking industry rules, WAC 296-17-35203(3).
- The special exception rules for permanent yard and shop operations apply to trucking businesses assigned classification 1102. See subclassification 5206-80 and WAC 296-17-31018.
- See RCW 51.08.180 and 51.12.095 concerning owner operators of trucks.
- For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

1102-04 Combined interstate/intrastate trucking**Applies to:**

Businesses that employ drivers and riders engaged in both interstate and intrastate trucking.

Interstate truck driving is operating a truck hauling goods either to or from an out-of-state destination.

Intrastate truck driving is operating a vehicle hauling goods within the boundaries of Washington state. This includes when the origin or destination of the load is out-of-state but the driver does not continue out-of-state with the load.

This classification includes passengers providing labor including lumpers and other similar workers who ride in the truck. "Lumpers" means laborers who load or unload cargo.

Duties include, but are not limited to:

- Deadhead trips, driving without a load or without a trailer attached;
- Escort or pilot car driving;
- Loading and unloading vehicles;
- Mechanical repair.

Types of goods hauled include, but are not limited to:

- Bulk freight, merchandise, or commodities;
- Gravel or aggregate;
- Logs;
- Mobile homes or factory-built housing units;
- Soils or compost;
- Vehicles.

Equipment may include, but is not limited to:

- Forklifts;
- Hand trucks;
- Pallet jacks;
- Tractor and trailers.

Exclusions:

- Delivery of factory-built housing units by factory-built housing dealers is classified in 3415.
- Delivery and set up of factory-built housing units by contractor is classified in 0517.
- Businesses that provide escort or pilot car services for others as described in subclassification 1404-11 are classified in 1404-11.
- Automobile delivery or repossessing, where a driver, not a motorized transportations service, does the delivery, is classified in 1101-04.
- Businesses that sell and also deliver soils or compost are classified in 1103.
- Hauling logs from a logging side to a mill or storage yard is classified in 5003.

Notes:

- Classification 1102 is assigned as a nature of business or if a basic classification specifically excludes trucking. See WAC 296-17-31015 General inclusions.
- Businesses in this classification may have terminals or storage depots where goods are stored awaiting transfer. Workers who exclusively work at these facilities may be reported in classification 2002. An individual's hours cannot be split between 1102 and 2002.
- Driver hours are capped at 520 hours per driver per quarter. See the special trucking industry rules. WAC 296-17-35203(3).
- The special exception rules for permanent yard and shop operations apply to trucking businesses assigned classification 1102. See subclassification 5206-80 and WAC 296-17-31018.
- See RCW 51.08.180 and 51.12.095 concerning owner operators of trucks.
- For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

AMENDATORY SECTION (Amending WSR 12-11-109, filed 5/22/12, effective 7/1/12)

WAC 296-17A-1103 Classification 1103.

1103-00 Coal and solid fuel dealers - Yard operations

~~((Applies to establishments engaged in the sale and delivery of coal, pressed wood fiber logs (fire logs), wood stove pellets, wood chips, and sawdust. Operations contemplated by this classification include all related store, yard and delivery operations when conducted by employees of employers having operations subject to this classification.~~

~~This classification excludes all manufacturing operations which are to be reported separately in the classification applicable to the material and process used, and all mining operations which are to be reported separately in the applicable classification.~~

1103-02 Firewood dealers - Yard operations

~~Applies to establishments engaged in the sale of firewood. This classification is limited to establishments operating a firewood sales lot where customers either pick up firewood or the dealer makes deliv-~~

eries from. Operations contemplated by this classification are limited to yard and delivery operations.

This classification excludes firewood cutting operations conducted in timber or forest lands and firewood sales lots conducted from a logging landing which are both to be reported separately in the applicable logging classification.

Special note: Establishments subject to this classification may purchase pre-cut firewood from other nonrelated businesses or may have a cutting crew. The only cutting operations allowed in classification 1103 are those conducted in the sales lot.

1103-04 Composting

Applies to establishments engaged in composting yard waste or other materials. Depending on the type of yard waste accepted, grinders may be used to reduce the size of the material for faster composting. Once the material is an acceptable size for composting, it may be placed in static curing piles, turned periodically to aerate until it is adequately decomposed, then sometimes screened. Another method of curing is to place the waste material in long rows, called "windrows" which are turned periodically. Other establishments, either operated privately or by municipalities, may use processed and dewatered sludge which is mixed with other materials such as shredded yard waste, sawdust, or other wood waste. The mixture must be designed to have the right degree of moisture and air to maintain a temperature of between 130 and 160 degrees Fahrenheit. The end product, in either instance, is a "Class A" pathogen product, meaning it can be used in soil for raising vegetables and is referred to as "manufactured" soil. This classification includes delivery when performed by employees of an employer having operations subject to this classification.

1103-06 Top soil, humus, peat and beauty bark dealers -- Yard operations

Applies to establishments engaged in the sale of soils, humus, peat, and beauty bark to others. Operations contemplated by this classification are limited to the receipt of soils, peat, humus, bark and compost in bulk and the subsequent load out of bark, soil and related organic matter into customer vehicles. This classification includes: Custom mixing soils; incidental sales of landscaping rock, sand, gravel, and crushed rock; and delivery when performed by employees of an employer subject to this classification.

This classification excludes: Contract delivery by nondealer employees who are to be reported separately in classification 1102; building materials dealers selling stone, brick, and concrete products which are to be reported separately in classification 2009; and digging of soils/humus/peat/gravel or grinding of bark which are to be reported separately in the applicable classification.)

Applies to:

Businesses engaged in selling coal, pressed wood fiber logs (fire logs), wood stove pellets, wood chips, or sawdust.

Work activities include, but are not limited to:

- Delivery;
- Store operations;
- Yard operations.

Exclusions:

• Worker hours engaged in manufacturing operations are reported separately in the classification applicable to the material and process used.

• Worker hours engaged in mining operations are reported separately in the applicable mining classification.

Note: For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

1103-02 Firewood dealers - Yard operations

Applies to:

Businesses engaged in selling firewood, operating a firewood sales lot that the dealer makes deliveries from or where customers pick up firewood.

Work activities include, but are not limited to:

• Cutting firewood - Businesses subject to this classification may purchase precut firewood from other nonrelated businesses or may have a cutting crew. The only cutting operations allowed in classification 1103 are those conducted at the sales lot;

- Delivery;
- Yard operations.

Exclusions:

• Worker hours engaged in firewood cutting operations conducted in timber or forest lands are reported separately in the applicable logging classification.

• Worker hours engaged in firewood sales lot operations conducted from a logging landing are reported separately in the applicable logging classification.

Note: For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

1103-04 Composting

Applies to:

Businesses engaged in composting.

Materials composted include, but are not limited to:

- Dewatered sludge;
- Yard waste.

Work activities include, but are not limited to:

- Composting;
- Delivery.

Composting processes include, but are not limited to:

• Composting yard waste - Grinders may be used to reduce the size of the material for faster composting. The material may be placed in static curing piles or long rows called "windrows" that are turned periodically to aerate until it is adequately decomposed. When needed, the resulting material is screened.

• Composting dewatered sludge - Processed and dewatered sludge is mixed with other materials such as shredded yard waste, sawdust, or other wood waste. The mixture must have the right degree of moisture and air to maintain a temperature between 130 and 160 degrees Fahrenheit.

The end product is a "Class A" pathogen product, meaning it can be used in soil for raising vegetables.

Exclusion:

- Worm farms are classified in 4804.

Note: For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

1103-06 Top soil, humus, peat, and beauty bark dealers - Yard operations**Applies to:**

Businesses engaged in selling soils, humus, peat, or beauty bark.

Work activities include, but are not limited to:

- Receiving and subsequent loading out into customer vehicles of soils, peat, humus, bark, compost, and related organic matter;
- Mixing custom soils;
- Incidental sales of landscaping rock, sand, gravel, and crushed rock;
- Delivery.

Exclusions:

- Contract delivery by nondealer employees is classified in 1102.
- Building materials dealers selling stone, brick, or concrete products are classified in 2009.
- Worker hours engaged in digging soils/humus/peat/gravel or grinding bark are reported separately in the applicable classification.

Note: For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

WAC 296-17A-1104 Classification 1104.**1104-00 Auto or truck wrecking or dismantling**

~~((Applies to establishments engaged in salvaging, dismantling and parting out motorized vehicles, motorcycles, and aircraft. Parts may be removed and inventoried or removed when there is a special request for them. Afterwards, hulls are stripped and may be crushed. Operations contemplated by this classification includes removal of salable parts with the use of hand tools and discarding frames and bodies for future sale to scrap dealers and metal manufacturers. Any subsequent breaking up of stripped chassis and bodies with torches or shears to be sold as iron or steel scrap is also included within the scope of this classification as is the reconditioning of the yard's own autos and trucks for resale. In addition to the yard work, salvaged parts will be reconditioned or repaired and sold over the counter. New parts may also be sold. A dismantler may locate and obtain parts from another yard for a customer. Dismantlers may haul cars and trucks to the yard by tow truck, flatbed, or multicar carrier or the owner may bring the vehicle to the yard. Tow truck operations related to the hauling of vehicles purchased by the wrecking yard for sale by the yard are included within the scope of this classification.~~

~~This classification excludes establishments engaged in tow truck services to the public which are to be reported separately in classification 1109, and establishments engaged in salvaging, collecting, sorting and reducing scrap metal which are to be reported separately in classification 0604.))~~

Applies to:

Businesses engaged in salvaging, dismantling and parting out motorized vehicles, motorcycles, and aircraft. Parts may be removed and

inventoried or removed when there is a special request for them. Afterward, hulls are stripped and may be crushed.

Work activities include, but are not limited to:

- Hauling cars and trucks to the yard by tow truck, flatbed, or multicar carrier or the owner may bring the vehicle to the yard;
- Removal of salable parts with the use of hand tools and discarding frames and bodies for future sale to scrap dealers and metal manufacturers;
- Breaking up of stripped chassis and bodies with torches or shears to be sold as iron or steel scrap;
- Salvaged parts are reconditioned or repaired and sold over the counter;
- Reconditioning of the yard's own autos and trucks for resale;
- Selling new parts;
- Locate and obtain parts from another yard for a customer;
- Tow truck operations related to the hauling of vehicles purchased by the wrecking yard for sale by the yard are included within the scope of this classification.

Exclusions:

- Tow truck services to the public are classified in 1109;
- Salvaging, collecting, sorting, and reducing scrap metal are classified in 0604.

AMENDATORY SECTION (Amending WSR 17-11-120, filed 5/23/17, effective 7/1/17)

WAC 296-17A-1105 Classification 1105.

1105-00 Septic tank pumping

~~((Applies to establishments engaged in septic tank pumping services. Operations contemplated by this classification include driving, locating the septic tank and digging as necessary to uncover it, connecting the pumping hose to the septic tank, pumping out the sludge, and disposing of the waste products.~~

~~This classification excludes installation and repair of septic tanks or systems which are to be reported separately in classification 0108, and cleaning of sewage treatment tanks which is to be reported separately in classification 0504.~~

~~1105-01 Street sweeping; parking lot sweeping; dust control; and portable chemical toilet servicing~~

~~Applies to establishments that perform street sweeping and parking lot sweeping services for others. Trucks used for sweeping are equipped with rotating or nonrotating brushes and vacuum/suction devices. In addition to driving duties, the drivers may adjust/unclog the brushes, and clean the holding tanks contained on the sweeping or pumping vehicle. This classification also includes snow removal by plowing, delivery of portable toilets and the related servicing and disposal of waste products which are recovered by establishments subject to this classification. This classification also includes trucks that spray water on roads and other surfaces for dust control.~~

~~1105-02 Vacuum truck services~~

~~Applies to establishments engaged in vacuum truck services for others. Services include, but are not limited to, cleaning of duct work, picking up waste oils, lubricants, antifreeze, bilge water, and~~

similar waste products. Establishments subject to this classification may offer a regular service, one-time or occasional pick-up service. The driver has kits for testing the materials and, if there is a question, a sample is taken to a laboratory for further analysis. If the waste material is acceptable, it is pumped into the tanker truck. The waste material may be consolidated with similar products and "bulked" in storage tanks, then taken to appropriate treatment or disposal facilities, or it may be taken directly to appropriate facilities. If it is to be "bulked" with other products, it will be filtered as it is pumped into the storage tanks and allowed to sit for a few days for any water to settle to the bottom of the tank and be drained off. Bulked materials may be hauled away by the establishment's own trucks or by common carrier. Establishments subject to this classification may pick up containers of used oil filters and bring them into their plant where they are sorted into crushed and uncrushed filters, and gaskets removed. This activity is included within the scope of this classification if it is an incidental service. This classification includes the related disposal of waste products which are recovered by establishments subject to this classification.

This classification excludes septic tank pumping which is to be reported separately in classification 1105-00.)

Applies to:

Businesses engaged in septic tank pumping services.

Work activities include, but are not limited to:

- Driving;
- Locating the septic tank;
- Digging as necessary to uncover the septic tank;
- Connecting the pumping hose to the septic tank;
- Pumping out the sludge; and
- Disposing of the waste products.

Exclusions:

- Worker hours engaged in installation or repair of septic tanks or systems are reported separately in classification 0108;
- Worker hours engaged in cleaning of sewage treatment tanks are reported separately in classification 0504.

1105-01 Street sweeping; parking lot sweeping; dust control; and portable chemical toilet servicing

Applies to:

- Businesses engaged in street sweeping and parking lot sweeping services for others.
- Businesses engaged in snow removal by plowing.
- Businesses engaged in delivery of portable toilets and related servicing and disposal of waste products which are recovered by establishments subject to this classification.
- Businesses engaged in operating trucks that spray water on roads and other surfaces for dust control.

Equipment used includes, but is not limited to:

- Trucks used for sweeping, equipped with rotating or nonrotating brushes or vacuum/suction devices.

Work activities include, but are not limited to:

- Adjusting or unclogging the truck brushes;
- Cleaning the holding tanks on the sweeping or pumping vehicles;
- Driving.

1105-02 Vacuum truck services**Applies to:**

Businesses engaged in vacuum truck services.

Services include, but are not limited to:

• Cleaning duct work using vacuum trucks;
• Picking up waste oils, lubricants, antifreeze, bilge water, and similar waste products using vacuum trucks.

Work activities include, but are not limited to:

• Operating vacuum trucks;
• Testing materials using testing kits;
• Pumping acceptable material into tanker trucks;
• Consolidating similar products in storage tanks;
• Taking waste to appropriate treatment or disposal facilities;
• Picking up containers of used oil filters, bringing them into their plant, sorting them into crushed and uncrushed filters, and re-moving their gaskets. This activity is included within the scope of this classification if it is an incidental service.
• Related disposal of waste products recovered by businesses subject to this classification.

Exclusion:

• Septic tank pumping is classified in 1105-00.

AMENDATORY SECTION (Amending WSR 18-11-113, filed 5/22/18, effective 7/1/18)

WAC 296-17A-1303 Classification 1303.**1303-00 Telecommunication service providers - All other employees**

~~((Applies to establishments engaged in providing telecommunication services which enable subscribers to converse or transmit coded data. Work contemplated by this classification includes, but is not limited to, the regular installation, maintenance and repair of machinery and equipment, the extension and maintenance of lines (including poles, towers and underground lines), clearing right of ways, installing telephones and wiring in buildings, and making service connections when done by employees of an employer having operations subject to this classification. Machinery and equipment includes, but is not limited to, central control and switching center equipment, relays, computers, antennae, cranes, forklifts, vehicles and garages, warehouse equipment, and hand tools.~~

~~This classification excludes clerical office, exchange operators and administrative personnel who are to be reported separately in classification 1304; contractors engaged in underground line construction maintenance or repair who are to be reported separately in classification 0107; contractors engaged in overhead line, pole, and tower construction, maintenance or repair, who are to be reported separately in classification 0509; contractors engaged in wiring within buildings and making pole-to-house hook-ups who are to be reported separately in classification 0608; contractors engaged in the installation or contract maintenance of machinery or equipment who are to be reported separately in classification 0603; and establishments primarily engaged in selling telephone equipment retail which are to be reported separately in classification 6411.~~

1303-01 Telegraph companies - All other employees

Applies to establishments engaged in providing telecommunication services which enable printed messages (telegrams) to be transmitted from one agent to another for receipt by, or delivery to, a designated party. Telegraph companies also provide a "moneygram" service which allows an agent to receive a sum of money at one location and transmit a message to another agent to pay out the same amount of money to a designated party at another location. Work contemplated by this classification includes the regular installation, maintenance and repair of machinery and equipment, the extension and maintenance of lines (including poles, towers and underground lines), installing transmission and receiving equipment, the clearing of right of ways, and delivery work when done by employees of an employer having operations subject to this classification. Machinery and equipment includes, but is not limited to, cables, control panels, poles, lines, relays, computers, cranes, forklifts, vehicles and garages, warehouse equipment, and hand tools.

This classification excludes clerical office and administrative personnel who are to be reported separately in classification 1304; contractors engaged in underground line construction maintenance or repair who are to be reported separately in classification 0107; contractors engaged in overhead line, pole, and tower construction, maintenance or repair, who are to be reported separately in classification 0509; contractors engaged in wiring within buildings who are to be reported separately in classification 0608; and contractors engaged in the installation or contract maintenance of machinery or equipment who are to be reported separately in classification 0603.)

Applies to:

All other employees of businesses providing telecommunications services that enable subscribers or customers to converse or transmit coded data, not covered by another classification (N.O.C.).

Classification 1303 is usually assigned with classification 1304 for the business's administrative, office, and sales personnel. Employers must keep records that permit the department to confirm hours worked in each classification. When employers do not or cannot keep these records, they must report all hours in question in the classification with the higher rate.

Work activities include, but are not limited to:

- Clearing right of ways;
- Extension and maintenance of lines (including poles, towers, and underground lines);
- Installation, maintenance, and repair of machinery and equipment;
- Installing telephones and wiring in buildings;
- Making service connections when done by employees of an employer having operations subject to this classification.

Machinery and equipment used includes, but is not limited to:

- Antennae;
- Central control and switching center equipment;
- Computers;
- Cranes;
- Forklifts;
- Hand tools;
- Relays;
- Vehicles;

- Warehouse equipment.

Exclusions:

- Worker hours for clerical office, exchange operators, and administrative personnel of businesses providing telecommunications services are reported separately in classification 1304;
- Contractors engaged in underground line construction, maintenance, or repair are classified in 0107;
- Contractors engaged in overhead line, pole, and tower construction, maintenance, or repair are classified in 0509;
- Contractors engaged in wiring within buildings and making pole-to-house hook-ups are classified in 0608;
- Contractors engaged in the installation or contract maintenance of machinery or equipment are classified in 0603;
- Businesses primarily engaged in selling telephone equipment retail are classified in 6411.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

WAC 296-17A-1701 Classification 1701.

1701-02 Ore reduction, by wet or dry process without application of heat at mine

~~((Applies to establishments engaged in the reduction of coarse ores by a wet or dry process at a mine site. Work contemplated by this classification involves a variety of ore milling activities. The process begins by crushing, screening and washing the ores. Next, ores are placed in a rotating cylindrical mill which contains steel balls, flint pebbles, rods or rock for further grinding. Then with the use of amalgamation (introduction of a chemical such as mercury to break down the ores) or flotation (uses water to separate by buoyancy and densities), the ore material is broken down and dried to obtain concentrated ores of metals. The milling of ores to recover some nonmetallic minerals which do not require amalgamation or flotation are also included within this classification.~~

~~This classification excludes underground mining operations which are to be reported separately in classification 1702, and open cut mining operations which are to be reported separately in classification 1703.)~~

Applies to:

- Businesses engaged in the reduction of coarse ores by a wet or dry process without the application of heat at a mine site.
- Businesses milling ores to recover nonmetallic minerals, that do not require amalgamation or flotation, at a mine site.

Work activities and processes include, but are not limited to:

- Crushing, screening, and washing ores;
- Rotating ores in a cylindrical mill containing steel balls, flint pebbles, rods or rock for further grinding;
- Amalgamation - Introduction of a chemical such as mercury to break down the ores into parts to obtain concentrated ores of metals;
- Flotation - Using water to separate parts by buoyancy and density to obtain concentrated ores of metals;
- Milling ores without amalgamation or floatation to recover non-metallic minerals.

Exclusions:

- Underground mining operations are classified in 1702;
- Open cut mining operations are classified in 1703.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

WAC 296-17A-1702 Classification 1702.**1702-01 ((~~Coal mines and mines N.O.C., underground; coke ovens~~**

~~Applies to establishments engaged in underground mining, not covered by another classification (N.O.C.), involving the extraction of coal, ores, stone, clay or other minerals. Operations contemplated by this classification include excavation and tunneling below ground as well as the incidental activities occurring above ground. Underground mining may involve shaft sinking, slope sinking, rock tunneling, and the building of drifts and shafts with heavy timbers or steel beams. Material is broken loose within the tunnel or shaft with explosives, drilling machines, rock drills, chippers, power hand drills and picks. After the material is broken loose it is removed from underground by way of hoist, conveyor, or some type of haulage car on steel track. On the surface, some of the extracted material is further refined such as coal which is crushed, screened, washed and graded before being hauled away. Additional equipment includes elevators, ventilation and communication systems, water pipes, lighting systems, as well as front end loaders, bulldozers and trucks. This classification also applies to establishments engaged in the manufacture of coke which is a solid carbonaceous residue obtained from bituminous coal after the removal of volatile materials by a distillation process. The method usually consists of a beehive or by-product oven process. Coal is fed into crushers which breaks oversized pieces into smaller pieces which are then conveyed to bunkers serving the ovens. This classification also applies to ore reduction involving heat processes.~~

~~This classification excludes ore reduction operations which do not require the use of heat which are to be reported separately in classification 1701, and open cut mining which is to be reported separately in classification 1703.)~~ **Underground mines N.O.C. and manufacturing coke from coal**

Applies to:

- Businesses engaged in underground mining, not covered by another classification (N.O.C.), involving the extraction of coal, ores, stone, clay, or other minerals;
- Businesses engaged in the manufacture of coke which is a solid carbonaceous residue obtained from bituminous coal after the removal of volatile materials by a distillation process.

Processes include, but are not limited to:

Underground mining and the incidental activities occurring above ground - Underground mining may involve shaft sinking, slope sinking, rock tunneling, and the building of drifts and shafts with heavy timbers or steel beams. Material is broken loose within the tunnel or shaft with explosives, drilling machines, rock drills, chippers, power hand drills, and picks. The material is then removed from underground by hoist, conveyor, or some type of haulage car on steel track. On the surface, some extracted material is further refined. For

example, coal is crushed, screened, washed, and graded before being hauled away.

• Manufacture of coke - Coke is a solid carbonaceous residue obtained from bituminous coal after the removal of volatile materials by a distillation process. Coal is fed into crushers which break down oversized pieces. The coal is baked in airless kilns or beehive coke ovens at high temperatures removing volatile materials leaving behind the coke.

• Ore reduction involving heat processes.

Equipment used include, but are not limited to:

- Bulldozers;
- Chippers;
- Communication systems;
- Conveyors;
- Crushers;
- Drilling machines;
- Elevators;
- Explosives;
- Front end loaders;
- Haulage cars on tracks;
- Hoists;
- Lighting systems;
- Picks;
- Pipes to carry water;
- Power hand drills;
- Rock drills;
- Trucks;
- Ventilation systems.

Exclusions:

• Ore reduction operations that do not require the use of heat are classified in 1701.

• Open cut mining is classified in 1703.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

WAC 296-17A-1703 Classification 1703.

1703-01 Open cut mining - All types; placer or hydraulic mining

~~((Applies to establishments engaged in open cut mining to extract all types of ore including certain minerals such as, but not limited to, phosphate rock, graphite, talc, chalk, mica, asphalt, asbestos and gypsum. The process of open cut mining is also commonly referred to as surface mining, open pit mining or strip mining whereby such ores and minerals are extracted from a large hole or pit on the surface. Operations contemplated by this classification involve excavating and stripping the surface material with use of drag lines, power shovels or earth moving equipment. The products are loaded onto dump trucks or belt conveyors for movement to railroad sidings and loading into ore cars for shipment to processing plants. The equipment generally involves compressors, pneumatic drilling rigs, conveyors, trucks, drag lines, shovels, scrapers and bulldozers. This classification also applies to establishments engaged in hydraulic mining in which material is excavated by moving a stream of high pressure water over the mining~~

~~face, and placer mining which obtains minerals from placers by use of running water such as on a stream or the shoreline.~~

~~This classification excludes underground mining which is to be reported separately in classification 1702, and quarrying which is to be reported separately in classification 1704.)~~

Applies to:

All types of open cut mining, also commonly referred to as surface mining, open pit mining, or strip mining, whereby ores and minerals are extracted from a large hole or pit on the surface.

Materials extracted include, but are not limited to:

- All types of ore;
- Asbestos;
- Asphalt;
- Chalk;
- Graphite;
- Gypsum;
- Mica;
- Phosphate rock;
- Talc.

Work activities include, but are not limited to:

- Excavating and stripping the surface material with use of drag lines, power shovels or earth moving equipment.
- Loading products onto dump trucks or belt conveyors for movement to railroad sidings.
- Loading into ore cars for shipment to processing plants.
- Hydraulic mining - Material is excavated by moving a stream of high pressure water over the mining face.
- Placer mining - Obtains minerals from placers by use of running water such as on a stream or the shoreline.

Equipment used include, but are not limited to:

- Bulldozers;
- Compressors;
- Conveyors;
- Drag lines;
- Pneumatic drilling rigs;
- Scrapers;
- Shovels;
- Trucks.

Exclusions:

- Underground mining is classified in 1702;
- Quarrying is classified in 1704.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

WAC 296-17A-1704 Classification 1704.

1704-02 Quarries, N.O.C.

~~((Applies to establishments engaged in quarrying, not covered by another classification (N.O.C.), to extract large solid stone such as, but not limited to, limestone, sandstone, granite, marble, slate, hard shale rock, ballast rock, cement rock, coral rock, etc., from hill-sides or open pits. Operations contemplated by this classification in-~~

~~involve exposing stone with use of drag lines, power shovels, scrapers or other earth moving equipment. In some instances, blasting with explosives is performed on large stone masses to break portions loose. The stone is separated into large blocks, sometimes called loafs. There are several methods to cut a loaf — line drilling, wire sawing, diamond wire sawing or chiseling. The loafs are removed from the quarry pit and taken to the surface. This classification includes all other activities occurring on the surface of the quarry site which could involve the further cutting of the loafs or the crushing of stone into smaller pieces.~~

~~This classification excludes open pit mining operations which are to be reported separately in classification 1703, and underground mining which is to be reported separately in classification 1702.)~~

Applies to:

Businesses engaged in quarrying to extract large solid rock from hillsides or open pits, not covered by another classification (N.O.C.).

Rocks extracted include, but are not limited to:

- Ballast rock;
- Cement rock;
- Coral rock;
- Granite;
- Limestone;
- Marble;
- Sandstone;
- Shale rock;
- Slate.

Work processes include, but are not limited to:

- Exposing rock with use of drag lines, power shovels, scrapers, or other earth moving equipment;
- Blasting large rock masses with explosives to break portions loose;
- Separating the rock into large blocks, sometimes called loafs;
- Cutting a loaf using line drilling, wire sawing, diamond wire sawing, or chiseling methods;
- Removing loafs from the quarry pit and taking them to the surface;
- All other activities on the surface of the quarry site, which could involve further cutting of the loafs or crushing of rock into smaller pieces.

Exclusions:

- Open pit mining operations are classified in 1703;
- Underground mining is classified in 1702.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

WAC 296-17A-1801 Classification 1801.

~~((1801-01 Lead smelting, sintering, or refining; calcium carbide manufacturing~~

~~Applies to establishments primarily engaged in the smelting, sintering, or refining of lead, including the manufacturing of calcium~~

carbide. The lead ore most commonly mined is galena which is the sulfide of lead. The ore is mixed with other metalliferous minerals, such as sphalerite, copper pyrites and iron pyrites. The smelting process consists of fusing or separating the metallic elements. After ore has been received, the process begins by crushing, washing and screening the ore. There may be various steps of milling, concentration or amalgamation (floatation) to separate the galena from the sphalerite and other minerals. The roasting or sintering process takes place in rotary kilns or other types of furnaces. In this way the material is sintered or converted into lumps (called sinter) which are mixed with coke and placed into a shaft furnace. The material is then desilverized which is achieved by adding metallic zinc and raising the temperature sufficiently to dissolve it. The molten metal is then cast into ingots. The ingots may go through further refining processes or may be considered a finished product. This classification also includes the manufacturing of calcium carbide which is a crystalline material produced by heating pulverized limestone or quicklime with carbon and used to generate acetylene gas, as a dehydrating agent, and in making graphite and hydrogen.

This classification excludes aluminum smelting operations which are to be reported separately in classification 1802; the smelting, sintering or refining of ores not covered by another classification, (N.O.C.) which is to be reported separately in classification 1801-08; the recovering, refining or reprocessing of metals which is to be reported separately in classification 1801-09; ore reduction which is to be reported separately in classification 1701; and open pit or underground mining operations which are to be reported separately in the classification applicable to the mining being performed.

1801-03 Steel or iron rolling mills; rolling mills, N.O.C.

Applies to establishments engaged in operating iron or steel rolling mills. In a rolling mill ingots and/or slabs of steel are rolled (i.e., they are passed between rollers whereby they undergo an increase in length and a corresponding reduction in depth). The rollers used by the rolling mills vary widely in size and shape, depending on the type of rolled section(s) to be produced. Depending upon the thickness of the metal to start and the desired thickness when finished, a single piece of metal may pass through the same or a different set of rollers several times.

Rolling mills for pipes may be divided into two categories — welded pipes and seamed pipes. Welded pipes are produced from a steel strip which is bent to a tubular shape and whose edges are then joined by welding. Seamed pipes are produced from cast or rolled billets at rolling temperature. There are different processes for both kinds of manufacturing. Whatever method is used the metals are somehow heated to temperatures up to 1400 degrees Fahrenheit. The equipment may include, but is not limited to, rakes, ladle, forklifts and front loaders.

This classification excludes aluminum smelting plant operations which are to be reported separately in classification 1802, and establishments engaged in the manufacture of pipe or tube from iron or steel by drawing or bending which are to be reported separately in classification 5101.

1801-08 Ore smelting, sintering or refining, N.O.C.

Applies to establishments engaged in the smelting, sintering, or refining of ores not covered by another classification (N.O.C.). Smelting and sintering are refining processes which use different

properties of heat which may or may not reduce the ore to molten form. Temperatures are usually lower than 1400 degrees Fahrenheit. Ore is received direct from the mine or in a variety of forms such as, but not limited to, pellets, particles, molds and briquettes. The process begins by crushing, washing and screening; there may be various steps of milling, concentration or amalgamation. The roasting or sintering process takes place in rotary kilns or other types of furnaces. In this way the material is sintered or converted into lumps (called sinter) which may be mixed with other materials and placed into a shaft furnace. The molten metal ore is then cast or recast into ingots. The ingots may go through further refining processes or may be considered a finished product.

This classification excludes aluminum smelting operations which are to be reported separately in classification 1802; the smelting, sintering or refining of lead which is to be reported separately in classification 1801-01; the recovering, refining or reprocessing of metals which is to be reported separately in classification 1801-09; ore reduction which is to be reported separately in classification 1701; and open pit or underground mining operations which are to be reported separately in the classification applicable to the mining being performed.

1801-09 Metal recovering, refining or reprocessing

Applies to establishments engaged in the recovering, refining, or reprocessing of metals. These establishments are considered secondary processors or reprocessors to primary metal producers. The primary producer uses ore to manufacture metal, whereas, the secondary processors or reprocessors will recover, refine, or reproduce refined metals from coarse metal. Types of metal include, but are not limited to, gold, aluminum, silver, lead, and zinc. Metal comes in various forms to include cast ingots, dross, and scrap material. The scrap material and dross are recycled to extract reusable metallic elements. Other metals are reprocessed and may include adding alloys and/or other elements, or recasting the metals into different shapes and sizes. An example may include adding magnesium to zinc as part of the recycling process in which zinc oxide is produced and sold to rubber companies for manufacturing tires and other rubber products. Metals are weighed, sorted and/or sifted through a variety of screens and includes crushing as needed. Next, the materials are placed in an oven or furnace and chemicals and/or alloys are added. At this point the metal may be placed in molds and cooled by air or water. Finished products are inspected, graded, weighed, packaged and shipped. To assist in the processing function, ladles, rakes, conveyers, scales, hoist, front end loaders and forklifts may be used. This classification also includes the incidental buying and selling of scrap metal.

This classification excludes aluminum smelting operations which are to be reported separately in classification 1802; the smelting, sintering or refining of lead which is to be reported separately in classification 1801-01; the smelting, sintering or refining ores not covered by another classification N.O.C., which is to be reported separately in classification 1801-08; ore reduction which is to be reported separately in classification 1701; scrap metal dealers which are to be reported separately in classification 0604; and establishments which compact or recycle metal containers such as aluminum or tin cans which are to be reported separately in classification 2102.)

1801-08 Ore or lead smelting, sintering or refining, N.O.C.; Calcium carbide manufacturing; Steel or iron rolling mills, rolling mills, N.O.C.; Metal recovering, refining, or reprocessing

Applies to:

- Businesses smelting, sintering, or refining lead or ores not covered by another classification (N.O.C.).
- Businesses manufacturing calcium carbide.
- Businesses operating iron or steel rolling mills.
- Businesses recovering, refining, or reprocessing metals. (These are secondary processors or reprocessors to primary metal producers. The primary producer uses ore to manufacture metal. The secondary processors or reprocessors use course metal to recover, refine, or reproduce refined metals.)

Processes include, but are not limited to:

• **Smelting lead ore:** The smelting process uses heat and chemical reactions to fuse or separate metallic elements. The lead ore most commonly mined is galena, which is the sulfide of lead. The process begins by crushing, washing, and screening the ore. In its raw form, the ore is often mixed with other metalliferous minerals, such as sphalerite, copper pyrites, and iron pyrites. There may be various steps of milling, concentration, or amalgamation (floatation) to separate the galena from the sphalerite and other minerals. The roasting or sintering takes place in rotary kilns or other types of furnaces. The material is sintered, converted into lumps called sinter, and then mixed with coke and placed into a shaft furnace. The material is desilvertized by adding metallic zinc and raising the temperature to dissolve the silver into the zinc, which floats to the top and can then be removed. The molten metal is cast into ingots. The ingots may go through further refining processes or be considered a finished product.

• **Smelting ores:** Smelting and sintering are refining processes that use different properties of heat and chemical reactions to fuse or separate metallic elements. Temperatures are usually lower than 1400 degrees Fahrenheit. Ore comes in a variety of forms such as, but not limited to, pellets, particles, molds, and briquettes. The process begins by crushing, washing, and screening. There are various steps of milling, concentration, or amalgamation. The sintering process takes place in rotary kilns or other types of furnaces. The material is converted into lumps and placed into a shaft furnace. The molten metal ore is cast or recast into ingots. The ingots go through further refining processes.

• **Calcium carbide production:** Calcium carbide is a crystalline material produced by heating pulverized limestone or quicklime with carbon and used to generate acetylene gas, as a dehydrating agent, and used to make graphite and hydrogen.

• **Metal rolling:** In a rolling mill, ingots and slabs of steel are rolled between rollers where they undergo an increase in length and a corresponding reduction in depth. A single piece of metal may pass through the same or a different set of rollers several times to obtain the desired length and width.

• **Rolling mills for pipes are in two categories:** Welded pipes and seamed pipes. Welded pipes are produced from a steel strip, which is bent to a tubular shape and whose edges are joined by welding. Seamed pipes are produced from cast or rolled billets at rolling temperature. There are different processes for both kinds of manufacturing. Whatev-

er method is used the metals are heated to temperatures up to 1400 degrees Fahrenheit.

• **Recovering, refining, and reprocessing:** Secondary metal processors or reprocessors recover, refine, or reproduce refined metals from coarse metal. Types of metal include, but are not limited to, gold, aluminum, silver, lead, and zinc. Metal comes in various forms to include cast ingots, dross, and scrap material. The scrap material and dross are recycled to extract reusable metallic elements. Metals are reprocessed, which can include adding alloys and other elements or recasting the metals into different shapes and sizes. Metals are weighed, sorted, and sifted through a variety of screens and include crushing as needed. Materials are placed in an oven or furnace and chemicals and alloys added. Metal is placed in molds and cooled by air or water. Finished products are inspected, graded, weighed, packaged, and shipped.

• This classification includes the incidental buying and selling of scrap metal.

Work activities include, but are not limited to:

- Washing, crushing, mixing, sintering, and smelting lead or ore;
- Rolling steel or iron;
- Manufacturing calcium carbide or acetylene gas;
- Buying or selling metal;
- Refining, recovering, or reprocessing metal;
- Welding and seaming of metal pipes.

Equipment used, but not limited to:

- Buckets;
- Conveyors;
- Forklifts;
- Frontloaders;
- Furnaces;
- Hoists;
- Ladles;
- Personal protective equipment;
- Rakes;
- Scales.

Exclusions:

- Aluminum smelting operations are classified in 1802;
- Ore reduction is classified in 1701;
- Open pit or underground mining operations are classified in the classification applicable to the mining performed;
- Businesses manufacturing pipe or tube from iron or steel by drawing or bending are classified in 5101;
- Scrap metal dealers are classified in 0604; and
- Business compacting or recycling metal containers, such as aluminum or tin cans, are classified in 2102.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

WAC 296-17A-2203 Classification 2203.

2203-00 Laundries - Commercial or industrial: N.O.C.

~~((Applies to establishments engaged in laundering operations which are not covered by another classification (N.O.C.)). In addition~~

to linen, uniform or diaper services, these establishments may launder other goods such as, but not limited to, protective apparel (flame, heat, or chemical resistant), dust control items (treated mops, rugs, mats, dust cloths), and wiping towels. These items may belong to the commercial or industrial laundry and rented to users, or they may be the customers' own goods. Operations include, but are not limited to, soliciting new customers by route supervisors or drivers, collecting and delivering, marking, weighing and sorting laundry, washing, extracting, tumbling, starching, drying, machine or hand ironing, making repairs or alterations, folding and wrapping. This classification also contemplates employees such as counter personnel, receiving clerks, sorters and markers at collection or distribution stores operated on the premises where laundering is performed.

This classification excludes laundry and dry cleaning establishments providing services primarily to retail walk-in customers which are to be reported separately in classification 2201; self-service, coin-operated laundry or dry cleaning establishments which are to be reported separately in classification 2204; and carpet, rug and upholstery cleaning establishments which are to be reported separately in classification 2202.

Special note: This classification also covers establishments specializing in stone washing jeans or "contract dyeing" for commercial or industrial businesses and the cleaning of nonfabric items, such as venetian blinds, plastic goods or computer parts when done at the laundry facility.))

Applies to:

Businesses engaged in laundering operations which are not covered by another classification (N.O.C.).

Special note: This classification also covers establishments specializing in stone washing jeans or "contract dyeing" for commercial or industrial businesses and the cleaning of nonfabric items, such as venetian blinds, plastic goods, or computer parts when done at the laundry facility.

Types of products laundered include, but are not limited to:

- Diaper services;
- Dust control items (treated mops, rugs, mats, dust cloths);
- Linens;
- Protective apparel (flame, heat, or chemical resistant);
- Towels;
- Uniforms.

These items may belong to the commercial or industrial laundry and rented to users, or they may be the customers' own goods.

Work activities include, but are not limited to:

- Soliciting new customers;
- Collecting and delivering;
- Marking, weighing, and sorting laundry;
- Washing, extracting, tumbling, starching, drying;
- Machine or hand ironing;
- Making repairs or alterations;
- Folding and wrapping.

This classification also includes employees such as counter personnel, receiving clerks, sorters, and markers at collection or distribution stores operated on the premises where laundering is performed.

Exclusions:

- Laundry and dry cleaning services primarily to retail walk-in customers are classified in 2201.
- Self-service, coin-operated laundry, or dry cleaning services are classified in 2204.
- Carpet, rug, and upholstery cleaning services are classified in 2202.

AMENDATORY SECTION (Amending WSR 20-20-108, filed 10/6/20, effective 1/1/21)

WAC 296-17A-2903 Classification 2903.**2903-00 Manufacturing wood chips, hog fuel, bark, bark flour, fire logs or laths****Applies to:**

Businesses that manufacture wood products primarily made from log by-products.

In addition to operations taking place in a permanent yard or shop, this classification includes operating portable chipping or debarking mills close to the wood source.

Products manufactured include, but are not limited to:

- Wood chips - Small pieces of wood, generally uniform in size and larger and coarser than sawdust, commonly used to make pulp, particleboard, stuffing for products such as animal bedding, and as smoker/barbecue fuel;
- Hog fuel - Made by grinding waste wood in a hog machine. The bits are larger and coarser than wood chips. Hog fuel can be used to fire boilers or furnaces;
- Bark - The outermost covering of a tree which is chopped into pieces of varying sizes, and is commonly used for landscaping;
- Bark flour - Finely ground bark used as a filler or extender in adhesives;
- Fire logs - Made by forming sawdust into a log about (~~fifteen~~) 15 inches long and used for fuel;
- Lath - A narrow strip of wood commonly used to support shingle, slate or tile roofing, and as a fencing material;
- Excelsior - The curled shreds of wood used as a packing and stuffing material, or as a raw material in making various board products; and
- Particleboard - A panel made from discrete particles of wood which are mixed with resins and formed into a solid board under heat and pressure.

Materials used include, but are not limited to:

- Bark;
- Chips;
- Glue;
- Logs;
- Sawdust; and
- Other mill waste.

Equipment used include, but are not limited to:

- Chippers;

- Conveyance equipment: Forklifts, loaders, overhead cranes, pallet jacks, and trolley systems;
- Debarkers;
- Delivery trucks;
- Dryers;
- Kilns;
- Loaders;
- Mills;
- Molders;
- Presses;
- Saws; and
- Sorting screens.

Exclusions:

- Worker hours cutting, cultivating, or gathering wood from forestland or tree farms are reported separately in the applicable classifications.
- Worker hours cutting raw logs and other sawmill activities are reported separately in classifications 1002 and 5001.

Notes:

- For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

2903-08 Manufacturing or assembly of wood doors, jambs, windows, sashes, stairs, molding or other miscellaneous millwork**Applies to:**

Businesses that manufacture and assemble wood doors, jambs, windows, sashes, stairs, molding and other millwork.

Products manufactured include:

- Doors - This includes wood doors of all sizes and shapes, for commercial or residential uses;
- Door/window components and grilles;
- Jambs;
- Mantels;
- Moldings - This includes all types of wood molding: Picture rails, chair rails, baseboards, and other architectural molding;
- Pillars;
- Sashes;
- Shutters;
- Skylights;
- Stairs and component parts for stairs - Risers, tread, balusters, hand rails, and posts;
- Turnings;
- Wainscot; and
- Windows.

Materials used include, but are not limited to:

- Cardboard;
- Dimensional lumber;
- Glass;
- Glue;
- Hardware;
- Metal;
- Oils;
- Paints;
- Particle board;
- Plastic laminates;

- Plywood;
- Stains; and
- Veneer.

Equipment used include, but are not limited to:

- Air compressors and brushes;
- Boring machines;
- Chippers;
- Chisels;
- Conveyance equipment: Forklifts, loaders, overhead cranes, pallet jacks, and trolley systems;
- Delivery trucks;
- Drills;
- Dryers;
- Jointers;
- Kilns;
- Lathes;
- Mills;
- Molders;
- Planers;
- Pneumatic nail guns;
- Presses;
- Routers;
- Sanders and blasters;
- Saws;
- Sprayers, coaters, and spreaders; and
- Staple and screw guns.

Exclusions:

- Manufacturing wood furniture or caskets is classified in 2905.
- Manufacturing wood cabinets, countertops, and fixtures is classified in 2907.
- Worker hours manufacturing metal doors, jambs, windows and sashes are reported separately in classification 3402.
- Worker hours repairing or installing products manufactured or assembled in this class away from the business's premises are reported separately in the applicable installation or repair classification.
- Worker hours cutting, cultivating, or gathering wood from forestland or tree farms are reported separately in the applicable classifications.
- Worker hours cutting raw logs and other sawmill activities are reported separately in classifications 1002 and 5001.

Notes:

- For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.
- Lumber yards and building materials centers subject to classification 2009 that prehang doors are assigned classification 2903-08 in addition to their basic classification.

2903-10 Manufacturing, assembly, or repair of wood containers or pallets; wood pallet dealer or recycle operations: Including repairs of pallets

Applies to:

- Businesses that manufacture, assemble, and repair wood pallets and all other types of wood containers.
- Businesses that repair, recondition, or rebuild wood pallets or containers at the business's facilities or at the customer's location.

Products manufactured include, but are not limited to:

- Bins;
- Boxes;
- Crates;
- Shipping containers;
- Shooks (a shook is a set of unassembled wood components for assembling a packing box or barrel); and
- Storage containers.

Materials used include, but are not limited to:

- Glue;
- Lumber;
- Nails;
- Paint;
- Plywood;
- Screws; and
- Staples.

Equipment used include, but are not limited to:

- Air compressors and brushes;
- Chippers;
- Conveyance equipment: Forklifts, loaders, overhead cranes, pallet jacks, and trolley systems;
- Delivery trucks;
- Drills;
- Dryers;
- Jointers;
- Kilns;
- Mills;
- Planers;
- Pneumatic nail guns;
- Routers;
- Sanders and blasters;
- Saws;
- Sprayers, coaters, and spreaders; and
- Staple and screw guns.

Exclusions:

- Worker hours cutting, cultivating, or gathering wood from forestland or tree farms are reported separately in the applicable classifications.
- Worker hours cutting raw logs and other sawmill activities are reported separately in classifications 1002 and 5001.

Notes:

- For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

2903-12 Manufacturing or assembly of wood products not otherwise classified (N.O.C.)**Applies to:**

Businesses that manufacture or assemble miscellaneous wood products that are not described by or included in another classification. Items manufactured are a variety of sizes and require varying degrees of manufacturing and assembly by machine or hand.

Products manufactured include:

- Attic vents;
- Barricades;

- Beams;
- Cable spools;
- Cross arms;
- Docks;
- Ends for paper rolls;
- Floats;
- Gazebos;
- Ladders;
- Lattice panels;
- Log home shells from dimensional-log lumber;
- Playground equipment;
- Remanufactured lumber - Lumber remanufacturing is the process of converting green wood (unseasoned wood), rough-cut cants (large slabs of wood cut from logs), plywood, or lumber into a more specialized or higher grade product;
 - Ridge cap shingles or shims;
 - Saunas;
 - Signs;
 - Slugs;
 - Solariums;
 - Utility poles;
- Veneered products - Veneered products are made by gluing veneer to cores made of plywood, other lower quality wood, or nonwood based material and are generally sold as a lumber substitute;
 - Wall panels; and
- Wood furniture stock - Wood furniture stock is sold to other manufacturers as unfinished and unassembled pieces of lumber used to make finished furniture.

Materials used include, but are not limited to:

- Acrylic;
- Hardware;
- Lacquers;
- Laths;
- Lumber;
- Nails;
- Oils;
- Paints;
- Particle board;
- Plastic laminates;
- Plywood;
- Screws;
- Stains;
- Staples; and
- Wood veneer.

Equipment used include, but are not limited to:

- Air compressors and brushes;
- Boring machines;
- Chippers;
- Chisels;
- Conveyance equipment: Forklifts, loaders, overhead cranes, pallet jacks, and trolley systems;
 - Delivery trucks;
 - Drills;
 - Dryers;
 - Jointers;
 - Kilns;

- Lathes;
- Mills;
- Molders;
- Planers;
- Pneumatic nail guns;
- Presses;
- Routers;
- Sanders and blasters;
- Saws;
- Sprayers, coaters, and spreaders; and
- Staple and screw guns.

Exclusions:

- Manufacturing log home shells in a permanent yard using the traditional method of peeling the logs, using chainsaws to notch logs, and assembling the logs together is classified in 1003.
- Worker hours engaged in sawmill operations are reported separately in classification 1002.
- Worker hours building log homes on-site are reported separately in the applicable construction classifications.
- Manufacturing wood household or sporting goods is classified in 2909.
- Manufacturing wood furniture or caskets is classified in 2905.
- Manufacturing wood cabinets, countertops, and fixtures is classified in 2907.
- Manufacturing wood veneer or plywood is classified in 2904.
- Worker hours installing or removing signs outside of buildings are reported separately in classification 0403.
- Worker hours installing or removing signs inside of buildings are reported separately in classification 0513.
- Worker hours painting or lettering signs on the inside of buildings or painting on or applying lettering to sign "backings" that are manufactured by others are reported separately in classification 4109.
- Worker hours manufacturing metal or plastic signs are reported separately in the classification applicable to the manufacturing process.
- Businesses only kiln drying and/or treating lumber with preservatives, fire retardants, or insecticides are classified in 1003.
- Worker hours repairing or installing products manufactured or assembled in this class away from the business's premises are reported separately in the applicable installation or repair classification.
- Worker hours cutting, cultivating, or gathering wood from forestland or tree farms are reported separately in the applicable classifications.
- Worker hours cutting raw logs and other sawmill activities are reported separately in classifications 1002 and 5001.

Notes:

- For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.
- Classification 2903 can only be assigned for ridge cap shingles or shims after a site visit. If a classification must be assigned prior to the site visit, the business will be assigned classification 1005-02. Businesses manufacturing shakes or shingles in addition to ridge caps report the manufacture of ridge caps in classification 1002 or 1005, depending on the processes.

2903-21 Manufacturing wooden roof trusses**Applies to:**

Businesses that manufacture wooden roof trusses, ceiling joists, or floor joists from wood or wood products.

Products manufactured include:

- Ceiling joists;
- Floor joists; and
- Roof trusses.

Materials used include, but are not limited to:

- Dimensional lumber (usually 2" x 4", 2" x 6", and 2" x 8");
- Hardware;
- Plywood; and
- Various fasteners.

Equipment used include, but are not limited to:

- Air compressors and brushes;
- Assembly tables;
- Conveyance equipment: Forklifts, loaders, overhead cranes, pallet jacks, and trolley systems;
- Delivery trucks;
- Mills;
- Planers;
- Pneumatic nail guns;
- Roller presses;
- Saws; and
- Staple and screw guns.

Exclusions:

- Worker hours repairing or installing products manufactured or assembled in this class away from the business's premises are reported separately in the applicable installation or repair classification.

- Worker hours cutting, cultivating, or gathering wood from forestland or tree farms are reported separately in the applicable classifications.

- Worker hours cutting raw logs and other sawmill activities are reported separately in classifications 1002 and 5001.

Notes:

- For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

2903-28 Manufacturing, repairing, or refinishing wooden boats**Applies to:**

Businesses that manufacture, repair, or refinish wooden boats.

Products manufactured include:

- Wooden boats.

Materials used include, but are not limited to:

- Dimensional lumber;
- Glue;
- Hardware;
- Lacquers;
- Oils;
- Paints;
- Plywood; and
- Stains.

Equipment used include, but are not limited to:

- Drills;
- Jointers;
- Lathes;
- Planers;
- Sanders; and
- Saws.

Exclusions:

- Worker hours manufacturing (~~or repairing~~) fiberglass boats are reported separately in classification 3511.
- Worker hours manufacturing or repairing metal boats are reported separately in the applicable metal manufacturing classification.
- Businesses that do not manufacture boats but do mechanical, engine, electrical, vinyl or glass work on boats, install boat accessories, or detail all types of boats are classified in 3414.
- Worker hours cutting, cultivating, or gathering wood from forestland or tree farms are reported separately in the applicable classifications.
- Worker hours cutting raw logs and other sawmill activities are reported separately in classifications 1002 and 5001.

Notes:

- For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

AMENDATORY SECTION (Amending WSR 20-20-108, filed 10/6/20, effective 1/1/21)

WAC 296-17A-3101 Classification 3101.**3101-05 Ready mix concrete dealers**

~~((Applies to establishments engaged in the mixing and delivery of ready mix concrete for all types of residential and commercial projects such as, but not limited to, foundations, walls, slabs, roadways, driveways, walkways, dams, bridges and swimming pools. Usually, these establishments operate a plant location with a supply of sand, gravel, pebbles, broken stones or slag, and various ingredients to produce bonding adhesives such as cement. The concrete is premixed at the plant location and loaded into a delivery truck, or the raw unmixed ingredients such as cement, sand, gravel, pebbles, broken stones and water are loaded into a concrete truck and mixed in a revolving or rotating drum in transit to the project site. The concrete is discharged from the drum with use of a metal chute or is transferred into the bed of a concrete pump truck for pumping. This classification includes ready mix dealers who operate concrete ready mix trucks and/or concrete pump trucks as part of the delivery service. This classification also includes the related sale of tools, equipment, and building materials such as bricks or concrete blocks. This classification also includes pit and crusher operations provided all sand and gravel produced is used by the dealer to manufacture concrete mix.~~

~~This classification excludes establishments engaged in the commercial production and/or digging of sand, gravel or stone not in connection with a ready mix dealer which is to be reported separately in classification 0112, and concrete pump truck services not in connec-~~

tion with a ready mix dealer which is to be reported separately in classification 3506.)

Applies to:

Businesses engaged in the mixing and delivery of ready mix concrete for all types of residential and commercial projects.

Projects include, but are not limited to:

- Bridges;
- Dams;
- Driveways;
- Foundations;
- Roadways;
- Slabs;
- Swimming pools;
- Walkways;
- Walls.

Work activities include, but are not limited to:

- Operating a plant location with a supply of sand, gravel, pebbles, broken stones or slag, and various ingredients to produce bonding adhesives such as cement;
- Pit and crusher operations when all sand and gravel produced is used by the dealer to manufacture concrete mix;
- Premixing concrete at the plant location;
- Loading of premixed concrete into a delivery truck;
- Operating concrete ready mix trucks and/or concrete pump trucks as part of the delivery service;
- Loading of raw unmixed ingredients such as cement, sand, gravel, pebbles, broken stones and water into a concrete truck and mixed in a revolving or rotating drum in transit to the project site;
- Discharging concrete from the drum with the use of a metal chute;
- Transferring concrete into the bed of a concrete pump truck for pumping;
- Related sales of tools, equipment, and building materials such as bricks or concrete blocks.

Exclusions:

- Businesses engaged in the commercial production and/or digging of sand, gravel or stone not in connection with a ready mix dealer are classified in 0112;
- Concrete pump truck services not in connection with a ready mix dealer are classified in 3506.

AMENDATORY SECTION (Amending WSR 13-11-128, filed 5/21/13, effective 7/1/13)

WAC 296-17A-3405 Classification 3405.

3405-02 Precision machined parts and products, N.O.C.: Manufacturing

~~((Applies to establishments engaged in the manufacture of parts and products not otherwise classified (N.O.C.) of various sizes and metal compositions which are primarily produced with computer numeric controlled (CNC) machinery and equipment and are frequently used by aerospace, aircraft, automotive, medical, and scientific industries.~~

~~This classification excludes establishments engaged in the manufacture of hand tools, hardware, or similar parts or products, N.O.C. which are not produced with CNC machinery and equipment. This classification excludes all foundry operations involving the preparation of castings, the pouring of metal, and shake out operations which are to be reported separately in classification 5103.)~~)

Applies to:

Businesses manufacturing parts and products not otherwise classified (N.O.C.) of various sizes and metal compositions, which are primarily produced with computer numeric controlled (CNC) machinery and equipment.

Typical industries parts are produced for include, but are not limited to:

- Aerospace;
- Aircraft;
- Automotive;
- Medical;
- Scientific.

Exclusions:

- Businesses manufacturing hand tools, hardware, or similar parts or products, N.O.C. which are not primarily produced with CNC machinery and equipment;
- Foundry operations involving the preparation of casting, the pouring of metals, and shake out operations are classified in 5103.

AMENDATORY SECTION (Amending WSR 18-11-113, filed 5/22/18, effective 7/1/18)

WAC 296-17A-3602 Classification 3602.

3602-01 Electrical, telegraph or radio component, telephone set: Manufacture, assembly, or repair

~~((Applies to establishments engaged in the manufacture, assembly, or repair of components related to the telegraph, electrical, radio or telephone industry. Component parts may be for items such as, but not limited to, radio or television sets, hearing aids, transformers, coils, condensers, switches, antennae, phones, speaker units, dials, rheostats, plugs, arrestors, resistors, and electrical control relays, circuit breakers, or other parts necessary to accomplish radio, electrical, telegraph or telephone communication. Materials include, but are not limited to, metal, plastic, and wood used for the outside casings, and component parts. Some establishments in this classification manufacture the casings and the internal components. Other establishments in this classification assemble the ready-made parts with air and hand tools such as, but not limited to, drill presses, solder guns, or saws. Internal parts are usually assembled simply by clamping circuit boards in place, then soldering small pieces together. This classification includes engineers, research and laboratory personnel employed by establishments having operations subject to this classification. This is a shop or plant only classification. Repair work when specified is limited to work performed at the shop or plant.~~

~~This classification excludes all outside repair work which is to be reported separately in the applicable services classification; and the production of raw materials used in the manufacturing of the above~~

articles which is to be reported separately in the classification applicable to the production process used.

3602-02 Instrument — Scientific, medical, or professional: Manufacturing; magnetic tape: Manufacturing

Applies to establishments engaged in the manufacture of instruments used in medical, scientific, or professional applications. This classification also applies to establishments engaged in the manufacture of magnetic tapes. Instruments in this classification range widely in shape and size; they include, but are not limited to, dental or surgical instruments, microscopes or other scientific testing or research instruments, surveyors' instruments, and electrical testing instruments. Materials include, but are not limited to, metal, glass, plastic, or wood for casings, and component parts. Processes vary depending upon the product being produced, and could involve some stamping, machining, and heat-treating. However, component parts are usually manufactured by others, and establishments in this classification perform a substantial amount of hand assembling, inspecting, testing, and packaging operations. This is a shop or plant only classification. Repair work when specified is limited to work performed at the shop or plant.

This classification excludes all outside repair work which is to be reported separately in the applicable services classification, and the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used.

3602-03 Sound recording equipment: Manufacturing

Applies to establishments engaged in the manufacture of sound recording equipment. Establishments in this classification may manufacture all or some equipment such as instruments for measuring sounds, and generators (for producing sounds), filters or modulators (for processing sounds), magnetic or tape recorders (for storing sounds), and speakers (for reproducing sounds). Materials include, but are not limited to, metal, glass, plastic, or wood for casings, clamps, glue or epoxy, and component parts. Components may be produced by the manufacturer or purchased from others and assembled. The assembly may be partially or wholly automated. Machinery includes, but is not limited to, shears, drill presses, grinders, soldering guns, welding equipment, and air or hand tools. There may be inspection areas and sound testing rooms. This is a shop or plant only classification. Repair work when specified is limited to work performed at the shop or plant.

This classification excludes all outside repair work which is to be reported separately in the applicable services classification, and the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used.

3602-04 Thermometer and steam gauge: Manufacturing

Applies to establishments engaged in the manufacture of thermometers and/or steam gauges. The most common type of thermometer is a mercury thermometer which consists of a capillary tube that is sealed at its upper end and is enlarged into a spherical or cylindrical bulb at its lower end. This bulb is filled with mercury and mounted on a thin metal or plastic sheet. The manufacturers of steam gauges may simply assemble component parts with hand tools, test, and package them. This is a shop or plant only classification. Repair work when specified is limited to work performed at the shop or plant.

~~This classification excludes all outside repair work which is to be reported separately in the applicable services classification, and the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used.~~

3602-05 Dental laboratories

~~Applies to establishments engaged in the manufacture of dentures, artificial teeth, braces, and retainers. These types of establishments are generally referred to as dental laboratories. The manufacture of these items involves precision work with castings, plastic or vinyl molding, and light wire forming. In the state of Washington dental laboratories can fit patients for dentures, in addition to making the denture which is included when performed by employees of employers subject to this classification. This is a shop only classification. Repair work when specified is limited to work performed at the shop. Shops may include kiosks in malls that make custom dental molds used in tooth whitening treatments.~~

~~This classification excludes all outside repair work which is to be reported separately in the applicable services classification, and the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used.~~

3602-06 Jewelry: Manufacturing or engraving; trophy assembly or engraving

~~Applies to establishments engaged in the manufacture or engraving of jewelry, such as, but not limited to, rings, bracelets, necklaces, earrings, watchbands, pins, brooches, and cigarette lighters. Jewelry manufacturing or engraving involves working with precious metal and/or stones. Operations usually include polishing, buffing, drilling, and assembly, mixing and melting alloys and metals, then pouring the mixture into small casts. This classification also applies to establishments engaged in assembling or engraving trophies on a production basis. For purposes of this classification, assembly means making trophies from premanufactured components purchased from others. The engraving may be done by "etching" or by computer. In the etching method, patterns or lettering are cut into a metal strip that is coated with a solution resistant to etching acids. The metal strip is treated with etching acids that "melt away" the uncoated portion of metal, leaving an impression of the design. Computerized engraving is done by keying the designs or letters into the computer; the designs are transmitted to an "arm" on the computer which "draws" (engraves) them onto the metal plate. This is a shop or plant only classification. Repair work when specified is limited to work performed at the shop or plant.~~

~~This classification excludes all outside repair work which is to be reported separately in the applicable services classification; the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used; and establishments engaged in the manufacture of watches which are to be reported separately in classification 3602-09.~~

~~**Special note:** This classification is for manufacturers engaged in the mass production of jewelry items and is distinguishable from jewelry stores reported in classification 6308 that produce custom, one-of-a-kind pieces on a special order basis. Trophy stores in classification 6308 may assemble components to make custom trophies, or en-~~

grave plaques for the trophies they sell. Assembly and engraving that is incidental to their retail sales operation is included in their store classification.

3602-07 Electronic parts: Assembly

Applies to establishments engaged in the assembly of electronic parts which are usually sold to other manufacturers. They may have automated/robotics assembly lines for all or part of the processes. In manual operations, small parts are soldered, chipped, riveted, or screwed into place with hand tools such as, but not limited to, soldering guns, riveters, drills, screw drivers, or water jets. This classification also applies to establishments engaged in the manufacture or assembly of computers and the manufacture of dry cell (flashlight type) batteries. This is a shop or plant only classification. Repair work when specified is limited to work performed at the shop or plant.

This classification excludes all outside repair work which is to be reported separately in the applicable services classification, and the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used.

3602-08 Electrical/electronic ignition assembly, cord set, or radio set: Assembly

Applies to establishments engaged in the assembly of electrical/electronic ignition assemblies, cord sets, and radio set components. An ignition assembly is a switching component that allows an electrical circuit to be completed in order to start a piece of machinery or equipment. Electrical cord sets are the portion of wiring found on appliances and tools that plug into electrical power sources. A radio set is comprised of an input circuit for tuning in to the frequencies of the various transmitters to be received, the demodulation circuit for separating the audio-frequency from the high-frequency carrier, a low-frequency amplifier stage, and the loudspeaker. The amplifier elements are transistors supplied with the necessary operating voltages. Establishments in this classification usually assemble radio component parts and circuit boards that are manufactured by others. The assembly is accomplished by soldering, clipping, riveting, and welding the parts into place. This is a shop or plant only classification. Repair work when specified is limited to work performed at the shop or plant.

This classification excludes all outside repair work which is to be reported separately in the applicable services classification, and the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used.

3602-09 Watch: Manufacturing

Applies to establishments engaged in the manufacture of watches. The component parts are usually mass produced on an assembly line. Watch cases are usually made from sheet metal or plastic; watch faces are made from plastic or glass. The internal works are very small gears or springs and/or computer chips. The face may have hands and a dial, or may consist of a light emitting diode (LED). This classification includes the manufacture of internal works of clocks. This is a shop or plant only classification. Repair work when specified is limited to work performed at the shop or plant.

This classification excludes establishments engaged in the manufacture of jewelry which are to be reported separately in classifica-

tion 3602-06; establishments engaged in the manufacture of wooden housings or casings for clocks such as grandfather and mantle types which are to be reported separately in classification 2905; all outside repair work which is to be reported separately in the applicable services classification; and the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used.

~~3602-10 Camera, video camcorder, motion picture projectors: Manufacturing, assembly, or repair~~

~~Applies to establishments engaged in the manufacture, assembly, or repair of cameras, video camcorders, and motion picture projectors. Materials include, but are not limited to, metals, plastics, glass and internal components. Machinery includes, but is not limited to, punch presses, drill presses, and soldering guns. Establishments in this classification often assemble products from internal components manufactured by others. This is a shop or plant only classification. Repair work when specified is limited to work performed at the shop or plant.~~

~~This classification excludes all outside repair work which is to be reported separately in the applicable services classification, and the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used.~~

~~**Special note:** When an establishment subject to this classification has a retail store, if all the conditions of the general reporting rules covering the operation of a secondary business have been met, then both classifications 6411 and 3602-10 may be assigned. Otherwise, all operations are to be reported in the highest rated classification of the two.~~

~~3602-11 Fishing tackle: Manufacturing or assembly~~

~~Applies to establishments engaged in the manufacture or assembly of fishing tackle. For purposes of this classification, the term fishing tackle is limited to lures, spinners, spoons, flies, plugs, sinkers, artificial bait and similar items. Work contemplated by this classification includes the receipt of supplies such as wire, hooks, spoons, swivels, beads and feathers, and other components from unrelated manufacturers and distributors, hand assembly of components into finished fishing tackle, painting spoons and plug bodies, packaging and shipping. This classification also contemplates testing of products and research and development of new products. This is a shop or plant only classification. Repair work when specified is limited to work performed at the shop or plant.~~

~~This classification excludes the manufacture of items such as, but not limited to, reels, poles, nets, tackle boxes, knives, melting pots, plastic beads, wooden or plastic plug bodies, hand tools (pliers, bench vise), molds, specialty clothing or protective gear which are to be reported separately in the classification applicable to the material and process used to produce the product; and the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used.~~

~~**Special note:** Care should be taken when assigning this classification to verify that the product being manufactured is compatible with the manufacturing and assembly processes contemplated within this~~

classification. Most fishing tackle subject to this classification is hand assembled from small component parts.

3602-12 Incandescent lamp or electric tube: Manufacturing

Applies to establishments engaged in the manufacture of electrical or gas-filled bulbs or tubes such as, but not limited to, incandescent lamps, photoflash lamps, flood lamps, fluorescent tubes, X-ray tubes, cathode-ray tubes, neon tubes or artistic style neon tube signs that are not attached to metal backings. The processes and equipment will vary somewhat depending on the type of electrical bulb, tube, or lamp being made, but the basic operation is the same. Component parts such as, but not limited to, glass bulbs, globes, or tubes, tungsten wire, metal bases, shellac, and nitrogen and argon gas are purchased from outside sources. Using flange machines, the bottom of the glass tubing is fused to the flange to produce the base that is used within the bulb or globe. Metal bases may be milled, and then coated with a sealing compound such as shellac. Mounts are assembled and inserted into the flange on stem machines. The assemblies are seared together, and then the tungsten filaments are fixed between support wires forming the stem. The bulbs or globes are flushed with nitrogen to expel any moisture before the stems are inserted into them. These units are inserted into the metal bases and cemented. Air is evacuated and argon gas is pumped into the bases, after which they are heat sealed and trimmed. Neon tube signs or displays are made by heating a thin tube of glass over a ribbon flame until the tube becomes flexible, blowing air into the tube to keep the glass from collapsing, then, while it is still hot, bending it to shape. Because the glass cools rapidly, the heating and bending is repeated until the desired shape is achieved, then the tube is filled with neon or argon gas and the ends sealed.

This classification excludes establishments engaged in the manufacture of metal fixtures equipped with electrical or gas lighting which are to be reported separately in classification 3402; all outside repair work which is to be reported separately in the applicable services classification; and the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used.

3602-14 Musical instrument - Metal: Repair

Applies to establishments engaged in the repair of metal musical instruments which include, but are not limited to, trumpets, trombones, French horns, and tubas. The operations involve primarily hand work such as, but not limited to, brazing and soldering, as well as fitting, testing, and polishing the instruments. Tools include, but are not limited to, solder or brazing guns, lathes, drill presses, and various types of saws. This is a shop or plant only classification. Repair work when specified is limited to work performed at the shop or plant.

This classification excludes all outside repair work which is to be reported separately in the applicable services classification; the repair of wood musical instruments which is to be reported separately in classification 2906; and the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used.

3602-23 Electronics products - Resistors, capacitors, chips and relays, transistors: Manufacturing

Applies to establishments engaged in the manufacture of resistors, capacitors, chips, relays, and transistors which are usually tiny and delicate. Products manufactured in this classification are usually mass produced with little human intervention during the production process, which is often done in a vacuum or a nitrogen filled room. Materials include, but are not limited to, silicon, wires, and plastics. In addition to the automated equipment, hand-held tools include, but are limited to, pliers, wrenches, and soldering guns. Finished products are inspected, usually through powerful microscopes, then packaged and shipped. This is a shop or plant only classification. Repair work, when specified, is limited to work performed at the shop or plant.

This classification excludes all outside repair work which is to be reported separately in the applicable services classification, and the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used.

3602-24 Stamped metal goods: Manufacturing

Applies to establishments engaged in the manufacture of small, stamped, metal goods such as, but not limited to, metal tags, buttons, zippers, bottle caps, fasteners, snaps, clasps, buckles, and curtain fasteners. Materials, which come in coils or strips, are run through presses. Most of the stamping is done on automatic stamping presses. Products are cut, stamped, formed, trimmed, and cleaned, then usually finished by plating or lacquering. This is a shop or plant only classification. Repair work, when specified, is limited to work performed at the shop or plant.

This classification excludes the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used.

3602-27 Electronic circuit board, N.O.C.: Assembly

Applies to establishments engaged in the assembly of electronic circuit boards not covered by another classification (N.O.C.) which are used in a wide variety of electronic and automotive products. The process usually begins by cutting boards to size with power saws, then drilling or punching holes in them with automated drills or punches. Depending upon the original materials used, the boards used for the base may be coated or dipped. Then the chips, transistors, resistors, and/or condensers are installed, usually as part of an assembly line process. Next, the circuit boards are dipped and coated with a thin metal. Finished products are inspected, tested, packaged and shipped. This is a shop or plant only classification. Repair work when specified is limited to work performed at the shop or plant.

This classification excludes all outside repair work which is to be reported separately in the applicable services classification, and the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used.

3602-28 Stereo components: Manufacturing or assembly

Applies to establishments engaged in the manufacture or assembly of stereo components such as, but not limited to, record changers, disc or video players, receivers and amplifiers. Materials include, but are not limited to, circuit boards, resistors, drivers, baffle plates, chambers, trim/rings, and grills. Equipment includes, but is

~~not limited to, hot glue guns, electric drills, electric screw drivers, and automated assembly or manufacturing equipment. Finished products are inspected, tested, packaged and shipped. This is a shop or plant only classification. Repair work when specified is limited to work performed at the shop or plant.~~

~~This classification excludes all outside repair work which is to be reported separately in the applicable services classification, and the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used.)~~

Applies to:

Businesses manufacturing, assembling, or repair of components related to the telegraph, electrical, radio, or telephone industry.

This is a shop or plant only classification.

Repair work is limited to work performed at the shop or plant.

Component parts may be for items such as, but are not limited to:

- Antennae;
- Arrestors;
- Casings;
- Circuit breakers;
- Coils;
- Condensers;
- Dials;
- Electrical control relays;
- Hearing aids;
- Internal components;
- Other parts to accomplish radio, electrical, telegraph, or telephone communication;
- Phones;
- Plugs;
- Radio or television sets;
- Resistors;
- Rheostats;
- Speaker units;
- Switches;
- Transformers.

Materials include, but are not limited to:

- Component parts, usually manufactured by others;
- Metal;
- Plastic;
- Wood for the outside casings and component parts.

Tools include, but are not limited to:

- Air and hand tools;
- Clamps;
- Drill presses;
- Saws;
- Soldering guns.

Occupations include, but are not limited to:

- Engineers;
- Research and laboratory personnel.

Exclusions:

• Worker hours engaged in outside installation or repair are reported separately in the applicable classification.

- Worker hours engaged in the production of metal or other raw materials are reported separately in the applicable classification.
- Activities away from the shop or plant must be reported separately in the applicable classification.

3602-02 Instrument - Scientific, medical, or professional: Manufacturing; magnetic tape: Manufacturing; sound recording equipment: Manufacturing

Applies to:

- Businesses manufacturing instruments used in medical, scientific, or professional applications.
 - Businesses manufacturing magnetic tapes.
 - Businesses manufacturing sound recording equipment.
- This is a shop or plant only classification.
Repair work is limited to work performed at the shop or plant.

Products produced include, but are not limited to:

- Dental or surgical instruments;
- Electrical testing instruments;
- Filters or modulators for processing sounds;
- Generators for producing sounds;
- Instruments measuring sounds;
- Magnetic or tape recorders for storing sounds;
- Microscopes or other scientific testing or research instruments;
- Speakers for reproducing sounds;
- Surveyors' instruments.

Materials include, but are not limited to:

- Clamps;
- Component parts, usually manufactured by others;
- Glass;
- Glue or epoxy;
- Metal;
- Plastic or wood for casings.

Work activities include, but are not limited to:

- Automated assembly;
- Hand assembling;
- Heat treating;
- Inspecting;
- Machining;
- Packaging;
- Stamping;
- Testing.

Tools include, but are not limited to:

- Air or hand tools;
- Drill presses;
- Grinders;
- Shears;
- Soldering guns;
- Welding equipment.

Exclusions:

- Worker hours engaged in outside installation or repair are reported separately in the applicable classification.
- Worker hours engaged in the production of metal or other raw materials are reported separately in the applicable classification.

• Activities away from the shop or plant must be reported separately in the applicable classification.

3602-04 Thermometer and steam gauge: Manufacturing

Applies to:

Businesses manufacturing thermometers and/or steam gauges.

This is a shop or plant only classification.

Repair work is limited to work performed at the shop or plant.

Products produced include, but are not limited to:

- Thermometers;
- Steam gauges.

Materials include, but are not limited to:

- Glass bulbs;
- Globes;
- Mercury;
- Tubes.

Tools include, but are not limited to:

- Air or hand tools;
- Drill presses;
- Grinders;
- Shears;
- Soldering guns;
- Welding equipment.

Exclusions:

• Manufacturing of metal fixtures equipped with electrical or gas lighting is classified in 3402.

• Worker hours engaged in outside repair are reported separately in the applicable classification.

• Worker hours engaged in the production of raw materials are reported separately in the applicable classification.

• Activities away from the shop or plant must be reported separately in the applicable classification.

3602-05 Dental shops, laboratories, or kiosks

Applies to:

Businesses, or dental laboratories, manufacturing dentures, artificial teeth, braces, and retainers.

This is a shop or plant only classification. Shops may include mall kiosks.

Repair work when specified is limited to work performed at the shop.

Materials include, but are not limited to:

- Castings;
- Light wire forming;
- Plastic or vinyl molding.

Work activities include, but are not limited to:

- Fit patients for dentures;
- Making custom dental molds, such as those used in tooth whitening treatments;
- Making dentures, artificial teeth, braces, and retainers.

Exclusions:

• Worker hours engaged in outside repair are reported separately in the applicable classification.

- Worker hours engaged in the production of raw materials are reported separately in the applicable classification.
- Activities away from the shop or plant must be reported separately in the applicable classification.

3602-06 Jewelry: Manufacturing or engraving; trophy assembly or engraving; musical instrument - Metal: Repair

Applies to:

- Businesses manufacturing or engraving jewelry.
 - Businesses assembling or engraving trophies on a production basis from premanufactured components.
 - Businesses repairing metal musical instruments.
- This is a shop or plant only classification.
Repair work is limited to work performed at the shop or plant.

Products produced include, but are not limited to:

- Bracelets;
- Brooches;
- Cigarette lighters;
- Earrings;
- Necklaces;
- Pins;
- Repaired metal musical instruments;
- Rings;
- Trophies;
- Watchbands.

Materials include, but are not limited to:

- Precious metal;
- Precious stones;
- Solder.

Work activities include, but are not limited to:

- Assembling;
- Brazing;
- Buffing;
- Drilling;
- Engraving by hand, computer, or etching acids;
- Fitting and testing;
- Mixing and melting alloys and metals and pouring the mixture into small casts;
- Polishing;
- Soldering.

Tools include, but are not limited to:

- Computers;
- Drill presses;
- Hand tools;
- Lathes;
- Saws, various types;
- Soldering or brazing guns.

Special note: Classification 3602 is for manufacturers engaged in the mass production of jewelry items, unlike jewelry stores reported in classification 6308 that produce custom, one-of-a-kind pieces on a special order basis.

Trophy stores in classification 6308 may assemble components to make custom trophies, or engrave plaques for the trophies they sell.

Assembly and engraving that is incidental to their retail sales operation is included in their store classification.

Exclusions:

- Worker hours engaged in outside repair are reported separately in the applicable classification.
- Worker hours engaged in the production of raw materials are reported separately in the applicable classification.
- Manufacturing watches is classified in 3602-07.
- Repairing of wood musical instruments is classified in 2906.
- Activities away from the shop or plant must be reported separately in the applicable classification.

3602-07 Electronic parts: Assembly; electrical/electronic ignition assembly, cord set, or radio set: Assembly; stereo components: Manufacturing or assembly; watch: Manufacturing

Applies to:

- Businesses assembling of electronic parts, which are usually sold to other manufacturers.
- Businesses manufacturing or assembly of computers and the manufacture of dry cell (flashlight type) batteries.
- Businesses assembling of electrical/electronic ignition assemblies, cord sets, and radio set components.
- Businesses manufacturing or assembly of stereo components, record changers, disc or video players, receivers, and amplifiers.
- Businesses manufacturing of watches and internal clock components.

This is a shop or plant only classification.

Repair work is limited to work performed at the shop or plant.

Products produced include, but are not limited to:

- Amplifiers - Amplifier elements are transistors supplied with the necessary operating voltages;
- Disc/video players;
- Electrical cord set - Electrical cord sets are the portion of wiring that plug into electrical power sources;
- Electrical parts;
- Ignition assembly - An ignition assembly is a switching component that allows an electrical circuit to be completed in order to start a piece of machinery or equipment;
- Internal clock components;
- Radio set - A radio set has an input circuit for tuning in to the frequencies of the various transmitters, the demodulation circuit for separating the audio-frequency from the high-frequency carrier, a low-frequency amplifier stage, and the loudspeaker;
- Receivers;
- Record changers;
- Stereo components;
- Watches - Analog/LED.

Materials include, but are not limited to:

- Baffle plates;
- Chambers;
- Circuit boards;
- Computer chips;
- Drivers;
- Gears;
- Glass;

- Grills;
- Plastic;
- Radio components;
- Resistors;
- Sheet metal;
- Springs;
- Trim/rings;
- Wiring.

Work activities include, but are not limited to:

- Chipping;
- Clipping;
- Riveting or screwing into place;
- Soldering;
- Welding.

Tools include, but are not limited to:

- Automated/robotic assembly lines;
- Drills;
- Electric screw drivers;
- Hot glue guns;
- Riveters;
- Screw drivers;
- Soldering guns;
- Water jets.

Exclusions:

- Worker hours engaged in outside repair are reported separately in the applicable classification.
- Worker hours engaged in the production of raw materials are reported separately in the applicable classification.
- Manufacturing of jewelry is classified in 3602-06.
- Manufacturing of wooden housings or casings for clocks such as grandfather and mantle types is classified in 2905.
- Activities away from the shop or plant must be reported separately in the applicable classification.

3602-10 Camera, video camcorder, motion picture projectors: Manufacturing, assembly, or repair

Applies to:

Businesses manufacturing, assembling, or repairing cameras, video camcorders, and motion picture projectors.

This is a shop or plant only classification.

Repair work is limited to work performed at the shop or plant.

Materials include, but are not limited to:

- Glass;
- Internal components manufactured by others;
- Metals;
- Plastics.

Tools includes, but are not limited to:

- Drill presses;
- Punch presses;
- Soldering guns.

Exclusions:

- Worker hours engaged in outside repair are reported separately in the applicable classification.

- Worker hours engaged in the production of raw materials are reported separately in the applicable classification.
- Activities away from the shop or plant must be reported separately in the applicable classification.

Special note: For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

3602-11 Fishing tackle: Manufacturing or assembly; stamped metal goods: Manufacturing

Applies to:

- Businesses manufacturing or assembling fishing tackle.
 - Businesses manufacturing small, stamped, metal goods.
- This is a shop or plant only classification.
Repair work is limited to work performed at the shop or plant.

Products produced include, but are not limited to:

- Artificial bait and similar items;
- Bottle caps;
- Buckles;
- Buttons;
- Clasps;
- Curtain fasteners;
- Fasteners;
- Flies;
- Lures;
- Metal tags;
- Plugs;
- Sinkers;
- Snaps;
- Spinners;
- Spoons;
- Zippers.

Materials include, but are not limited to:

- Beads;
- Feathers;
- Finished fishing tackle;
- Hooks;
- Painting spoons;
- Plug bodies;
- Spoons;
- Swivels;
- Wire.

Work activities include, but are not limited to:

- Automated stamping;
- Cleaning;
- Cutting;
- Forming;
- Hand assembling;
- Lacquering;
- Packaging and shipping;
- Plating;
- Receiving of supplies;
- Researching and developing of new products;
- Testing of products;
- Trimming.

Exclusions:

• Manufacturing of items such as, but not limited to, reels, poles, nets, tackle boxes, knives, melting pots, plastic beads, wooden or plastic plug bodies, hand tools, molds, specialty clothing or protective gear are to be reported separately in the classification applicable to the material and process used to produce the product.

• Workers hours engaged in the production of raw materials are reported separately in the applicable classification.

• Activities away from the shop or plant must be reported separately in the applicable classification.

Special note: Care should be taken when assigning this classification to verify that the product being manufactured is compatible with the manufacturing and assembly processes contemplated within this classification. Most fishing tackle subject to this classification is hand assembled from small component parts.

3602-12 Incandescent lamp or electric tube: Manufacturing**Applies to:**

Businesses manufacturing electrical or gas-filled bulbs or tubes.

Products produced include, but are not limited to:

- Cathode-ray tubes;
- Flood lamps;
- Fluorescent tubes;
- Incandescent lamps;
- Neon tubes, attached to metal backings or artistic style;
- Photoflash lamps;
- X-ray tubes.

Materials include, but are not limited to:

- Argon gas;
- Glass bulbs;
- Glass globes;
- Glass tubes;
- Metal bases;
- Nitrogen gas;
- Shellac;
- Tungsten wire.

Work activities include, but are not limited to:

- Bending;
- Blowing air;
- Flushing bulbs/globes with nitrogen;
- Fusing;
- Heating;
- Milling;
- Sealing;
- Searing.

Tools include, but are not limited to:

- Flange machines;
- Stem machines.

Exclusions:

• Manufacturing of metal fixtures equipped with electrical or gas lighting is classified in 3402.

• Worker hours engaged in outside repair are reported separately in the applicable classification.

- Worker hours engaged in the production of raw materials are reported separately in the applicable classification.
- Activities away from the shop or plant must be reported separately in the applicable classification.

3602-23 Electronics products - Resistors, capacitors, chips and relays, transistors: Manufacturing

Applies to:

Businesses manufacturing resistors, capacitors, chips, relays, and transistors.

Products manufactured in this classification are usually mass produced with little human intervention during the production process, which is often done in a vacuum or a nitrogen filled room.

This is a shop or plant only classification.

Repair work is limited to work performed at the shop or plant.

Materials include, but are not limited to:

- Plastics;
- Silicon;
- Wires.

Work activities include, but are not limited to:

- Inspecting;
- Packaging;
- Shipping;
- Soldering.

Tools include, but are not limited to:

- Automated equipment;
- Hand held tools;
- Pliers;
- Soldering guns;
- Wrenches.

Exclusions:

- Worker hours engaged in outside repair are reported separately in the applicable classification.
- Worker hours engaged in the production of raw materials are reported separately in the applicable classification.
- Activities away from the shop or plant must be reported separately in the applicable classification.

3602-27 Electronic circuit board, N.O.C.: Assembly

Applies to:

Businesses assembling electronic circuit boards not covered by another classification (N.O.C.).

This is a shop or plant only classification.

Repair work is limited to work performed at the shop or plant.

Work activities include, but are not limited to:

- Coating;
- Cutting boards;
- Dipping;
- Drilling holes;
- Inspecting;
- Installing;
- Packaging;
- Punching holes;
- Shipping;

- Testing.

Tools include, but are not limited to:

- Assembly lines;
- Automated drills;
- Automated punches;
- Power saws.

Exclusions:

- Worker hours engaged in outside repair are reported separately in the applicable classification.
- Worker hours engaged in the production of raw materials are reported separately in the applicable classification to the production process used.
- Activities away from the shop or plant must be reported separately in the applicable classification.

AMENDATORY SECTION (Amending WSR 16-11-082, filed 5/17/16, effective 7/1/16)

WAC 296-17A-4305 Classification 4305.

~~((4305-06 Garbage works or landfill: Reduction or incineration~~

~~Applies to establishments engaged in the disposal of refuse by processing or destruction, or in the operation of incinerators, landfills or other sites for disposal of such materials. Sanitary landfilling involves spreading typical household waste, in thin layers, compacting them to the smallest practical volume, and covering them with soil each working day in a manner that minimizes environmental impact. Sanitary landfills must have permits issued by a state regulatory program. Also included in this classification are solid waste landfills which are designed to accept construction debris such as plasterboard, cement, dirt, wood, and brush. Compactors may be used to compact the trash before it is discarded in the landfill. Incinerator operations reduce the volume of refuse with the remaining material and ashes being discarded in a landfill. Front end loaders are frequently used to feed the refuse into the incinerator. This classification includes:~~

- ~~• Cashiers collecting fees from customers;~~
- ~~• Incidental recycling or sorting operations conducted in connection with a landfill or garbage works operation by employees of an employer subject to this classification; and~~
- ~~• Establishments that only sort refuse. (Refuse sorting centers are distinguished from "buy back centers" in that "buy back centers" collect recyclable materials which they sell to others while refuse sorting centers collect and dispose of materials.)~~

~~This classification excludes:~~

- ~~• Establishments engaged in solid waste, refuse or ashes collecting, including curbside recycle services which are to be reported separately in classification 4305-18;~~
- ~~• Cities or towns engaged in solid waste, refuse or ashes collecting, including curbside recycle services which are to be reported separately in classification 0803;~~
- ~~• Counties and taxing districts engaged in operating garbage works, landfill, reduction or incineration operations which are to be reported separately in classification 1501;~~

- Establishments engaged in hazardous waste and toxic material processing or handling, including processing of medical or septic tank waste, drug lab or hazardous spill cleanup (excluding oil spill clean-up on land), and reprocessing or handling of low-level radioactive materials, which are to be reported separately in classification 4305-20;

- Establishments engaged in tire dumps or collection centers which are to be reported separately in classification 4305-21; and

- Buy back (recycle) center operations that include the collecting, buying from customers, sorting and the baling and sales of materials which are to be reported separately in classification 2102.

4305-18 Solid waste, refuse or ashes collecting

Applies to establishments engaged in collecting and removing waste from private homes, commercial establishments, industrial facilities, and other sites. Refuse may be picked up on a daily, weekly, or other regular basis. Drivers are usually assigned designated routes to collect curbside garbage or transport metal dumpsters for commercial businesses. This classification also includes the curbside collection of recyclable material when performed by employees of an employer subject to this classification. Garbage collection companies have contracts to dump refuse at landfills or local transfer stations where refuse is compacted and later transferred to a landfill. Independent owners may also contract to run the services for a county or city. This classification also includes establishments engaged in mobile paper shredding services. A truck, similar to a small moving van, is outfitted with a paper shredder. Empty bins or cans are left at establishments such as banks and law offices which need to have documents shredded, the filled containers are picked up either on a regular basis or on call, and the paper shredded on-site. The shredded paper is delivered to recyclers or other businesses who use shredded paper.

This classification excludes:

- Establishments engaged in garbage works, landfill, reduction or incineration operations which are to be reported separately in classification 4305-06;

- Counties or taxing districts engaged in garbage works, landfill, reduction or incineration operations which are to be reported separately in classification 1501;

- Cities or towns engaged in solid waste, refuse or ashes collecting, including curbside recycling services which are to be reported separately in classification 0803;

- Establishments engaged in hazardous waste and toxic material processing or handling, including processing of medical or septic tank waste, drug lab or hazardous spill cleanup (excluding oil spill clean-up on land), and reprocessing or handling of low-level radioactive materials, which are to be reported separately in classification 4305-20;

- Establishments engaged in tire dumps or collection centers which are to be reported separately in classification 4305-21; and

- Recycle ("buy-back") center operations that include the collecting, buying from customers, sorting, and the baling of materials which are to be reported separately in classification 2102.

4305-20 Hazardous waste and toxic material processing or handling, N.O.C.

Applies to establishments engaged in the processing or handling of hazardous/toxic materials not covered by another classification

(N.O.C.), including the ~~processing of medical or septic tank waste, drug lab or hazardous spill cleanup (excluding oil spill cleanup on land), and reprocessing or handling of low-level radioactive materials.~~ This classification is distinguished from classification 3701-27, in that 4305-20 applies to the ~~processing or cleanup of hazardous/toxic materials while 3701-27 includes the identifying and repackaging for disposal~~ of such materials as drugs, pesticides, chemicals, and toners. Hazardous waste can be defined as any material that contains hazardous elements in amounts high enough to pose a significant threat to human health and the environment and therefore should be isolated. Hazardous characteristics include the ability to bioconcentrate, ignite, corrode, react with water or other materials, or show toxicity such as toxic metals including lead, cadmium and mercury; organic solvents such as benzene and trichloroethylene; and toxic materials such as asbestos.

This classification excludes:

- Establishments engaged in garbage works, landfill, reduction or incineration operations which are to be reported separately in classification 4305-06;

- Establishments engaged in solid waste and refuse or ashes collecting, including curbside recycle services and mobile paper shredding operations, which are to be reported separately in classification 4305-18;

- Establishments engaged in tire dumps or collection centers which are to be reported separately in classification 4305-21;

- Soil remediation, including oil spill cleanup on land, which is to be reported separately in classification 0101;

- Asbestos abatement, all operations, which is to be reported separately in classification 0512;

- Processing of waste oils, solvents, antifreeze, paints, and other hazardous materials, which is to be reported separately in classification 3407; and

- Hazardous/toxic material repackaging for disposal, including drugs, pesticides, chemicals, and toners, which is to be reported separately in classification 3701.

Special note: See asbestos certification and training requirements at www.lni.wa.gov.

4305-21 Tire dumps or collection centers

Applies to establishments engaged in operating tire dumps or collection centers. The primary source of used vehicle tires are tire retailers who remove the tires from their customers' vehicles when replacement tires are sold. Occasionally community or charitable groups will hold a fund raising event where the public can drop off their used tires for a fee. Operations include, but are not limited to, picking up and hauling the used tires to a location where the tires can be stored or manually sorted into those with enough tread to be used on the highways; those casings suitable for retreading (either of which have a resale value); and those with no resale value which are hauled to an appropriate disposal site. This classification includes drivers as well as workers involved in the sorting operations.

4305-22 Debris removal: Construction sites or nonconstruction debris N.O.C.

Applies to establishments engaged in the collecting and removing of construction site debris left by construction crews. The debris may consist of scrap lumber, metal, wire, drywall, carpet and any other materials used in the construction of residential or commercial

projects. This classification also includes the collecting and removal of nonconstruction debris. This includes, but is not limited to:

- ~~Basement debris;~~
- ~~Household junk;~~
- ~~Garden waste;~~
- ~~Furniture; and~~
- ~~Appliances.~~

~~The debris is loaded into dump trucks, utility trucks, dump trailers, or roll off dumpsters then transferred to a landfill or local transfer station.~~

~~This classification excludes:~~

- ~~Establishments engaged in residential or commercial construction that remove and haul their own debris which is to be reported in the construction classification applicable to the work being performed;~~
- ~~Establishments engaged in garbage works, landfill reduction or incineration operations which are to be reported separately in classification 4305-06;~~
- ~~Establishments engaged in solid waste and refuse or ashes collecting, including curbside recycle services and mobile paper shredding operations which are to be reported separately in classification 4305-18;~~
- ~~Establishments engaged in hazardous waste and toxic material processing or handling, including processing of medical or septic tank waste, drug lab or hazardous spill cleanup (excluding oil spill cleanup on land), and reprocessing or handling of low-level radioactive materials which are to be reported separately in classification 4305-20;~~
- ~~Establishments engaged in tire dumps or collection centers which are to be reported separately in classification 4305-21; and~~
- ~~Establishments engaged in preoccupancy cleanup of newly constructed residential or commercial structures which includes washing windows, vacuuming carpets, dusting woodwork, doors, cabinets, washing floors and fixtures which are to be reported separately in classification 6602-03.)~~

4305-18 Garbage works, landfills, solid waste, refuse or ashes collecting, including reduction or incineration, mobile paper shredding, and tire sorting or tire collection centers

Applies to:

- Businesses engaged in collecting and removing waste from private homes, commercial businesses, industrial facilities, or other sites for disposal at a garbage works or a landfill where the waste is processed, incinerated, or buried;
- Businesses that only sort refuse;
- Businesses engaged in mobile paper shredding services;
- Businesses engaged in tire collection or tire sorting for resale to others.

Types of business include, but are not limited to:

- Ashes collecting;
- Garbage or refuse collection;
- Landfills;
- Garbage works;
- Garbage incineration or garbage disposal;
- Mobile paper shredding - Mobile paper shredding services send a truck outfitted with a paper shredder to the business location for shredding. Customers fill containers for secure disposal. Shredding

occurs on-site. Delivery of the shredded paper to recyclers or other businesses by employees of the employer is included in this classification;

- Refuse sorting centers - Refuse sorting centers are distinguished from "buy back centers" classified in 2102 in that "buy back centers" collect recyclable materials, which they sell to others while refuse sorting centers collect and dispose of materials;

- Tire disposal;

- Tire sorting/tire storage - Tire collection or tire sorting businesses pick up, haul, and deliver used tires to a sorting location or disposal site. Employees may sort and grade tires for resale to others. Unusable tires are delivered to landfills or disposal sites;

- Waste compaction.

Work activities include, but are not limited to:

- Refuse pick up on a daily, weekly, or other regular basis.

Drivers collect curbside garbage or transport metal dumpsters for commercial businesses;

- Curbside collection of recyclable material when performed by employees of an employer subject to this classification;

- Processing waste at a landfill, which may be compacted, spread in thin layers, and covered with soil daily;

- Cashiers collecting fees from customers;

- Incidental recycling or sorting operations conducted in connection with a landfill or garbage works operation by employees of an employer subject to this classification;

- Incinerating refuse to reduce its volume before the remaining material is discarded in a landfill;

- Accepting construction debris, such as plasterboard, cement, dirt, wood, and brush at landfills;

- Delivering sorted tires or shredded paper to other businesses that either recycle or dispose of them.

Machinery and equipment include, but are not limited to:

- Compactors;

- Conveyors;

- Crushers;

- Excavators;

- Forklifts;

- Front end loaders;

- Incinerators;

- Pallets;

- Paper shredders;

- Tractors;

- Trucks.

Exclusions:

- Counties or taxing districts engaged in garbage works, landfill, reduction or incineration operations are classified in 1501;

- Cities or towns engaged in solid waste refuse or ashes collecting, including curbside recycling services, are classified in 0803;

- Businesses engaged in hazardous waste and toxic material processing or handling, including processing of medical or septic tank waste, drug lab or hazardous spill cleanup (excluding oil spill cleanup on land), and reprocessing or handling of low-level radioactive materials, are classified in 4305-20;

• Recycle (buy-back) center operations that include the collecting, buying from customers, sorting, and the baling of materials, are classified in 2102.

Note: For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

4305-20 Hazardous waste and toxic material processing or handling, N.O.C.

Applies to:

Businesses engaged in the processing or handling of hazardous/toxic materials not covered by another classification (N.O.C.), including the processing of medical or septic tank waste, drug lab or hazardous spill cleanup (excluding oil spill cleanup on land), and re-processing or handling of low-level radioactive materials.

Additional information:

• This classification is distinguished from classification 3701-27, in that classification 4305-20 applies to the processing or cleanup of hazardous/toxic materials while classification 3701-27 includes the identifying and repackaging for disposal of such materials as drugs, pesticides, chemicals, and toners.

• Hazardous waste can be defined as any material that contains hazardous elements in amounts high enough to pose a significant threat to human health and the environment and therefore should be isolated.

• Hazardous characteristics include the ability to bioconcentrate, ignite, corrode, react with water or other materials, or show toxicity such as toxic metals including lead, cadmium and mercury; organic solvents such as benzene and trichloroethylene; and toxic materials such as asbestos.

Machinery and equipment include, but are not limited to:

- Breathing apparatus;
- Eye protection and face masks;
- Forklifts;
- Gloves;
- Hard hats;
- Hazardous material suits;
- High temperature and high pressure equipment for cleansing;
- Puncture proof containers;
- Storage barrels for containment and transport;
- Traffic barriers and cones;
- Trucks.

Exclusions:

• Businesses engaged in garbage works, landfill, reduction or incineration operations, solid waste or landfill operations, mobile shredding, or tire collection and tire storage are classified in 4305-18;

• Soil remediation, including oil spill cleanup on land, is classified in 0101;

• Asbestos abatement, all operations, is classified in 0512;

• Processing of waste oils, solvents, antifreeze, paints, and other hazardous materials, is classified in 3407;

• Hazardous/toxic material repackaging for disposal, including drugs, pesticides, chemicals, and toners, is classified in 3701.

Special note: See asbestos certification and training requirements at www.lni.wa.gov.

Note: For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

4305-22 Debris removal: Construction sites or nonconstruction debris N.O.C.**Applies to:**

- Businesses engaged in collecting and removing construction site debris left by construction crews. The debris may consist of scrap lumber, metal, wire, drywall, carpet and any other materials used in the construction of residential or commercial projects.
- Businesses which collect and remove nonconstruction debris including, but not limited to, basement debris, household junk, garden waste, furniture, and appliances.

Machinery and equipment include, but are not limited to:

- Dump trailers;
- Dump trucks;
- Roll off dumpsters;
- Utility trailers.

Exclusions:

- Businesses engaged in residential or commercial construction that remove and haul their own debris, are classified in the construction classification applicable to the work performed;
- Businesses engaged in garbage works, landfill reduction or incineration operations; solid waste, refuse, or ashes collecting, including curbside collection services; mobile paper shredding; tire collection; or tire storage services are classified in 4305-18;
- Businesses engaged in hazardous waste and toxic material processing or handling, including processing of medical or septic tank waste, drug lab or hazardous spill cleanup (excluding oil spill cleanup on land), and reprocessing or handling of low-level radioactive materials are classified in 4305-20;
- Businesses engaged in preoccupancy cleanup of newly constructed residential or commercial structures, which includes washing windows, vacuuming carpets, dusting woodwork, doors, cabinets, and washing floors and fixtures, are classified in 6602-03.

Note: For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

WAC 296-17A-5108 Classification 5108.**5108-55 Cable or wire rope: ((Drawing and)) Manufacturing**

((Applies to establishments engaged in wire drawing including wire rope or cable manufacturing from iron or steel. Establishments may be engaged in the further manufacturing of products made from wire such as, but not limited to, baling wire, barbed wire, spikes, galvanized wire and nails. The process involves the forming of metal on a swage block into a shape that will eventually be drawn through a series of dies to reduce it in size. Some wire may be heat-treated to allow for continual drawing. Secondary and final drawing machines with progressively smaller dies are used to reduce the wire to the desired fineness. Incidental galvanizing is considered normal to iron or steel wire when performed as a subsequent treatment of drawn wire. The finished wire is automatically wound onto reels for shipment or may be further processed into wire rope or cables. Stranding and braiding is

~~done on automatic machines and the wire or cable stored on shipping reels.~~

~~**5108-56 Cable or wire rope: Manufacturing with no drawing**~~

~~Applies to establishments engaged exclusively in stranding iron or steel wire rope or cable. Reeled iron or steel coils of drawn wire and core material are received from others. The wires are mechanically wound together to form a multiwire strand which are then wound helically around a metal or fiber core to form wire rope. The finished rope or cable is pulled through a compression die, measured by power driven drums and stored on shipping reels.~~

~~**5108-57 Cable or wire insulation or covering: Manufacturing**~~

~~Applies to establishments engaged in manufacturing insulated or covered electrical cable. These establishments receive the drawn wire and the insulation material from outside sources. Commonly used insulation materials are enamel or lacquer, rubber, plastic, paper, cambric and cotton thread. Enamel or nylon insulation is applied by running the wire through heated tanks of either mix. The wire is then dried in ovens and the cycle is repeated several times. This classification applies also to the placing of various protective coverings on insulated wire. These protective coverings are generally cotton braid, metallic armor or lead sheathing. This classification includes incidental wire stranding when performed by employees of employers subject to this classification.)~~

Applies to:

- Businesses engaged in wire drawing including wire rope or cable manufacturing from iron or steel;
- Businesses engaged in stranding iron or steel wire rope or cable; and
- Businesses engaged in manufacturing insulated or covered electrical cable.

Products manufactured include, but are not limited to:

- Baling wire;
- Barbed wire;
- Cable;
- Covered electrical cable;
- Galvanized wire;
- Insulated wire;
- Nails;
- Spikes;
- Wire rope.

Materials used include, but are not limited to:

- Carbon steel;
- Fiber or polypropylene core;
- Insulation material such as cambric, cotton thread, enamel, lacquer, nylon, paper, plastic, and rubber;
- Iron;
- Protective coverings such as cotton braid, lead sheathing, metallic armor, or zinc;
- Shipping reels;
- Stainless steel.

Work processes include, but are not limited to:

- Wire drawing - The process involves the forming of metal on a swage block into a shape that will eventually be drawn through a series of dies to reduce it in size. Some wire may be heat-treated to al-

low for continual drawing. Secondary and final drawing machines with progressively smaller dies are used to reduce the wire to the desired fineness. Incidental galvanizing is considered normal to iron or steel wire when performed as a subsequent treatment of drawn wire.

• Stranding or braiding - Wire ropes are mechanically wound together to form multiwire strands which are then wound helically around a metal or fiber core to form wire rope. The finished rope or cable is pulled through a compression die, measured by power driven drums and stored on shipping reels.

• Insulating - Commonly used insulation materials are enamel or lacquer, rubber, plastic, paper, cambric, and cotton thread. Enamel or nylon insulation is applied by running the wire through heated tanks of either mix. The wire is then dried in ovens and the cycle is repeated several times.

• Covering - These protective coverings are generally cotton braid, metallic armor, or lead sheathing.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

WAC 296-17A-5209 Classification 5209.

5209-00 Boiler or tank construction

~~((Applies to establishments engaged in the construction of boilers or steel tanks. Boilers are tanks used to either store hot water or make steam. Tanks may be used to hold products such as, but not limited to, sand and gravel, water, solid waste or fuels. The product is constructed from steel plate and may use I-beams for structural support. The materials may be purchased in bulk, if the business has the brake presses and rollers to cut and shape the metals to the appropriate dimensions, or as fabricated components. These establishments may also use cutting torches and other welding equipment in the manufacture of their products. They usually have a large shop area in one or more buildings that is equipped with overhead cranes. There is usually a yard to store raw materials, work-in-process, and finished goods. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.~~

~~This classification excludes installation of boilers or tanks which is to be reported separately in the classification applicable to the work being performed.~~

5209-01 Metal goods, N.O.C. from 9 gauge or heavier metals

~~Applies to establishments engaged in the manufacture of goods using ferrous and nonferrous metal of 9 gauge or heavier. 9 gauge metals are approximately 1/8" thick. Items manufactured include, but are not limited to, crab pots, gaff hooks, firewood boxes, rims for basketball hoops, and rebar. Raw material is cut to desired size with saws, shears, brake presses, punches, and flame cutters. Parts may be joined by welding, riveting, screwing, or bolting. The parts may be handled by overhead cranes, hoists, and forklifts. The products may be finished in a variety of ways including, but not limited to, sanding, grinding, cleaning with solvents and applying paint or lacquer. Finish work is included in this classification when performed by employees of employers subject to this classification. This is a shop or plant only classification; it includes work being performed in an adjacent yard~~

when operated by an employer having operations subject to this classification.

~~This classification excludes establishments primarily engaged in structural iron or steel manufacturing which are to be reported separately in classification 5208; establishments primarily engaged in welding and machine shop activities which are to be reported separately in classification 3402; and establishments primarily engaged in manufacturing products from metal lighter than 9 gauge which are to be reported separately in classification 3404.~~

5209-02 Wood or pellet burning stove: Manufacturing
~~(to be assigned only by classification services staff)~~

~~Applies to establishments engaged in the manufacture of wood or pellet burning stoves. Sheet steel or plate metal is sheared, formed, punched, baked and decreased. Parts are assembled by spot welding, then enameled or painted. Grey iron parts are foundry cast, chipped, and ground. Heating elements, insulation, wiring and control assemblies, glass panels and grey iron parts are assembled into stove shells on the production assembly line. The stoves are then packed for shipment. Materials include, but are not limited to, sheet steel, grey iron or ferrous castings, insulation materials, glass, aluminum and brass tubing control assemblies, chrome trim and hardware, and paints and enamels. Equipment includes, but is not limited to, power presses, shears, brake presses, welding equipment, spray painting equipment, baking oven, pneumatic and electric grinders and chippers, and pneumatic tools. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.)~~

Applies to:

Businesses engaged in the construction of boilers or steel tanks. Boilers are tanks used to either store hot water or make steam.

Products stored in tanks include, but are not limited to:

- Fuels;
- Sand and gravel;
- Solid waste;
- Water.

Materials used include, but are not limited to:

- I-beams (for structural support);
- Steel plate.

Equipment used include, but are not limited to:

- Brake presses;
- Cranes;
- Cutting torches;
- Rollers;
- Welding equipment.

Note: This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

Exclusions:

• Installation of boilers or tanks is classified in the classification applicable to the work being performed;
• Structural iron or steel manufacturing is classified in 5208;
• Welding and machine shop businesses are classified in 3402;
• Manufacturing products from metal lighter than 9 gauge is classified in 3404.

5209-01 Metal goods, N.O.C. from 9 gauge or heavier metals**Applies to:**

Businesses engaged in the manufacture of goods using ferrous and nonferrous metal of 9 gauge or heavier. 9 gauge metals are approximately 1/8" thick.

Products manufactured include, but are not limited to:

- Crab pots;
- Firewood boxes;
- Gaff hooks;
- Rebar;
- Rims for basketball hoops.

Work activities include, but are not limited to:

• Cutting material to desired size;
• Handling parts using equipment;
• Joining parts by bolting, riveting, screwing, or welding;
• Finish work, like sanding, grinding, cleaning with solvents, or applying paint or lacquer, when performed by employees of employers subject to this classification.

Equipment used include, but are not limited to:

- Brake presses;
- Cranes;
- Flame cutters;
- Forklifts;
- Hoists;
- Punches;
- Saws;
- Shears.

Note: This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

Exclusions:

• Structural iron or steel manufacturing is classified in 5208;
• Welding and machine shop businesses are classified in 3402;
• Manufacturing products from metal lighter than 9 gauge is classified in 3404.

5209-02 Wood or pellet burning stove: Manufacturing (to be assigned only by classification services staff)**Applies to:**

Businesses engaged in the manufacture of wood or pellet burning stoves.

Work activities include, but are not limited to:

- Assembling heating elements, insulation, and wiring controls;
- Assembling glass panels and grey iron parts into stove shells;
- Baking and decreasing metal;
- Forming metal;
- Packing for shipment;
- Punching metal;
- Shearing metals;
- Welding.

Materials used include, but are not limited to:

- Aluminum and brass tubing control assemblies;
- Chrome trim and hardware;
- Ferrous casting;

- Glass;
- Grey iron;
- Insulation materials;
- Paints and enamels;
- Sheet steel.

Equipment used include, but are not limited to:

- Baking oven;
- Brake presses;
- Pneumatic and electric grinders and chippers;
- Pneumatic tools;
- Power presses;
- Shears;
- Spray painting equipment;
- Welding equipment.

Note: This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

Exclusions:

- Structural iron or steel manufacturing is classified in 5208;
- Welding and machine shop businesses are classified in 3402;
- Manufacturing products from metal lighter than 9 gauge is classified in 3404.

AMENDATORY SECTION (Amending WSR 18-11-113, filed 5/22/18, effective 7/1/18)

WAC 296-17A-5301 Classification 5301.

5301-10 Accounting or bookkeeping services

Applies to establishments engaged in providing general accounting or bookkeeping services to others. Types of services contemplated by establishments subject to this classification include, but are not limited to:

- Auditing;
- Tax preparation;
- Medical or dental claims processing and billing;
- Advisory services.

This classification includes:

- Clerical office;
- Outside sales, and personnel who travel from one office to another.

This classification excludes establishments engaged primarily in management consultant services that are not otherwise classified, which are to be reported separately in classification 5301-12.

Special note: This classification is limited to employers engaged in such services being provided to the general public. This is a services only classification and does not include retailing or store operations, nor is this classification to be assigned to employers setting up separate business operations to manage other commonly owned or operated business undertakings unless coincidentally the other operations are also subject to this classification.

5301-11 Law firms

Applies to establishments engaged in providing legal services to others. Law firms may specialize in one or more areas of law. This

classification includes clerical office and outside sales personnel who travel from one office environment to another.

Special note: This is a services only classification and does not include retailing or store operations, nor is this classification to be assigned to employers setting up separate business operations to manage other commonly owned or operated business undertakings unless coincidentally the other operations are also subject to this classification.

5301-12 Management consultant services, N.O.C.

Applies to establishments engaged in providing management consulting services not covered by another classification (N.O.C.). Management consultants typically will observe and analyze:

- Computer or communication systems;
- Mail distribution;
- Organizational structures;
- Planning or development of related business needs;
- Work processes or work flows.

After a thorough analysis, consultants usually prepare a written report for the customer which identifies problem areas and/or recommends improvements to processes or equipment. Consultants may remain to oversee the implementation of the recommended improvements. Consultants subject to this classification do not sell any product they have recommended although they may act as an agent for their client in purchasing the product. Consulting projects vary from client to client depending upon the contract. Included within this classification are businesses that provide similar consultative services such as, but not limited to:

- Advertising agencies;
- Employer representative organizations;
- Mortgage brokers and financial advisers who do not make purchases on behalf of their clients;
- Public relations companies.

This classification includes clerical office staff, outside sales personnel and other staff who travel from one office to another.

This classification excludes businesses that perform computer consulting for others, which is to be reported in classification 5302.

Special note: This classification is limited to employers engaged in such services being provided to the general public. This is a services only classification and does not include retailing or store operations, nor is this classification to be assigned to employers setting up separate business operations to manage other commonly owned or operated business undertakings unless coincidentally the other operations are also subject to this classification.

5301-13 Credit bureaus; collection agencies

Applies to establishments that are licensed to provide collection and/or credit investigation services to others. Services include, but are not limited to:

- Checking the credit backgrounds of their client's potential customers;
- Collection of NSF checks or delinquent debts owed to clients of the collection agency.

If debts are not collected, the service agency may initiate legal proceedings against the debtor. This classification includes clerical office and outside sales personnel, and other staff who travel from one office to another.

This classification excludes establishments engaged in providing process and legal messenger services which are to be reported separately in classification 6601.

5301-14 Employment agencies

(only to be assigned by the temporary help/leasing underwriter)

Applies to establishments that are licensed to provide employment services for others. Clients of employment agencies may be persons seeking employment or companies looking for employees. Employment agencies usually conduct preliminary interviews with candidates for positions prior to referring them to their client companies for interviews. Generally, establishments subject to this classification place people in permanent positions. This classification includes clerical office and outside sales personnel, and staff who travel from one office to another.

This classification excludes:

- Employees of a temporary help agency who are assigned to work in the administrative or branch offices of the agency who are to be reported separately in classification 7104;
- Employees of a temporary help agency who are assigned on a temporary basis to its customers who are to be reported separately in the appropriate temporary help classification.

5301-15 Court reporting services

Applies to establishments engaged in providing court reporting services to others. Court reporters record verbatim testimony presented in court proceedings, depositions, public hearings or meetings. The most frequently used method to record testimony is by stenotype machine, although it may be recorded by voice recording on audio tape, or by manual shorthand. Transcription of the recorded material may be performed by the court reporter or by "note readers" or typists. The majority of court reporters today use computer-aided transcription systems. Court reporters may also offer notary public services for their clients. This classification includes clerical office and staff who travel from one office to another.

5301-16 Service and professional organizations

Applies to establishments engaged in protecting or furthering the interest of their members and/or the general public. Many of these operate as nonprofit organizations. Service and professional organizations may perform one or many of the following activities:

- Administer certification tests;
- Arbitrate disputes;
- Award scholarships;
- Collect membership dues;
- Compile, review, and disseminate informational data;
- Disburse funds;
- Host conventions;
- Issue vehicle license registrations, plates, decals, and certificates of title;
- Lobby the legislature;
- Manage promotional marketing programs;
- Maintain a membership directory;
- Offer insurance programs;
- Operate a tourist information center;
- Organize fund-raising campaigns;
- Perform charitable community services;
- Perform collective bargaining;

- Provide counseling, adoption, and advocacy services;
- Provide job placement assistance;
- Publish a newsletter;
- Research and interpret local, state, and federal regulations and apprise members of the results;
- Sponsor athletic leagues and tournaments;
- Sponsor educational training programs.

Also included in this classification are Economic Development Councils, Boards, or Associations. These nonprofit organizations provide economic consulting services and related statistics to government and industry in the promotion of economic stability, and recruit businesses that will create jobs and provide loans from the grant funds they manage. This classification includes clerical office and outside sales personnel who travel from one office environment to another.

This classification excludes:

- Collection of donated items by truck which is to be reported separately in classification 1101;
- Labor unions and employee representative associations which are to be reported separately in classification 6503.

Special note: If a charitable organization subject to classification 5301 operates a retail store for the sale of donated items, the collection of those items by truck, and all store operations, are to be reported separately in classification 6504.

5301-18 Telephone answering services

Applies to establishments engaged in providing telephone answering services or call centers for others. Customers include, but are not limited to:

- Attorneys;
- Medical professionals;
- Private businesses;
- Individuals.

Most answering services today use computerized communications systems to identify company names when answering calls for various companies, obtain correct information about the company to respond to questions, record and relay accurate messages in a timely manner. Related services often offered to customers by telephone answering service companies or call centers include, but are not limited to:

- Dispatching;
- Monitoring alarm systems;
- Placing reminder calls;
- Rental of office space;
- Scheduling appointments for customers;
- Taking orders for customers;
- Troubleshooting technical problems;
- Telemarketing;
- Voice mail or paging.

This classification includes clerical office personnel and staff who travel from one office to another.

5301-19 Travel agencies

Applies to establishments engaged in providing travel arrangement services for others. Travel agencies coordinate all types of travel arrangements for their clients through:

- Air;
- Bus lines;
- Car rental agencies;
- Cruise;

- Hotels;
- Motels;
- Related travel providers;
- Resorts;
- Train;
- Travel insurance companies.

Services vary and could include:

- Arrangement of special needs for people with disabilities or elderly travelers;
- Booking reservations;
- Delivery of tickets and itineraries to clients;
- Selling tickets for tours, excursions, or other entertainment events.

This classification includes clerical office and sales staff who travel from one office to another.

5301-21 Word processing, secretarial, ((~~or~~)) tutoring, or interpreter services

Applies to establishments engaged in providing word processing ((~~or~~)), secretarial, tutoring, or interpreter services to others. Services include, but are not limited to:

- Correcting assignments;
- Desktop publishing;
- Dictation and transcription services;
- Instruction;
- Making copies of documents;
- Student assessments;
- Typing/compiling reports, proposals, resumes, or correspondence;
- Testing;
- Sending faxes.

This classification includes clerical office and outside personnel who travel from one office or instructional environment to another.

Excluded operations: Classification **5301-21** excludes:

- Tutoring programs operated by schools, libraries, and any other organization or enterprise classified **6103** and/or **6104**.

Note: WAC 296-17-31017 multiple classifications must be applied when more than one basic classification is assigned.

Special note: This classification is limited to employers engaged in such services being provided to the general public. This is a services only classification and does not include retailing or store operations, nor is this classification to be assigned to employers setting up separate business operations to manage other commonly owned or operated business undertakings unless coincidentally the other operations are also subject to this classification.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

WAC 296-17A-6107 Classification 6107.

6107-01 Veterinary hospitals or clinics

~~((Applies to establishments of state licensed practitioners engaged in the practice of veterinary medicine, dentistry, or surgery. Veterinarians provide routine checkups, vaccinations, administer drugs~~

and medicines, euthanasia and autopsies; some specialize in areas such as animal dermatology or animal behaviors. Usually veterinary services are performed on an outpatient basis, although animals may be kept on the premises for one or more days for observation or treatment. Veterinarians who specialize in the treatment of larger animals such as cows or horses frequently provide their services off premises rather than in their own facilities. This classification includes clerical office and sales personnel.

This classification excludes animal boarding kennels, animal shelters and/or pet grooming parlors which are to be reported separately in classification 7308.)

Applies to:

Businesses of state licensed practitioners engaged in the practice of veterinary medicine, dentistry, or surgery. This classification includes clerical office and sales personnel.

Work activities include, but are not limited to:

- Administering drugs and medicines;
- Animal behaviors;
- Clerical;
- Dermatology;
- Euthanasia;
- Necropsies;
- Routine checkups;
- Sales;
- Vaccinations.

Usually veterinary services are performed on an outpatient basis, although animals may be kept on the premises for one or more days for observation or treatment. Veterinarians who specialize in the treatment of larger animals such as cows or horses frequently provide their services off premises rather than in their own facilities.

Exclusion:

Animal boarding kennels, animal shelters, and/or pet grooming parlors are classified in 7308.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

WAC 296-17A-6121 Classification 6121.

6121-00 Acute care hospitals - Without a fully implemented safe patient handling program ((~~to be assigned only by the hospital underwriter~~))

Applies to establishments that meet the definition of an acute care hospital contained in WAC 296-17-35203(7) but that are not using the required patient lifting and moving equipment as part of a fully implemented safe patient handling program as defined in WAC 296-17-35203 (7)(c). This classification contemplates all necessary and usual employments found in hospitals including, but not limited to, admissions, clerical, and sales staff, medical professionals, pharmacy staff, dietitians and food preparation staff, and laundry, housekeeping, custodial and grounds keeping staff.

AMENDATORY SECTION (Amending WSR 18-11-113, filed 5/22/18, effective 7/1/18)

WAC 296-17A-6206 Classification 6206.

6206-06 Golf courses, N.O.C.

~~((Applies to establishments engaged in operating public or private golf courses. Pro shops, miniature golf courses, and driving ranges operated in connection with the golf course are included in this classification. Typical operations of a pro shop include, but are not limited to, selling golf clubs, golf balls, specialty clothing, and related golfing items, renting carts, arranging tee times, and collecting green fees. Also included in this classification are snack bars operated at the golf course when limited to the same hours as the golf course is open. Typical employees include golf pros, greens keepers, caddies, and snack bar employees.~~

~~This classification excludes establishments operating miniature golf courses and driving ranges which are to be reported separately in classification 6208 and "bona fide" restaurant operations which may be reported separately in classification 3905. For purposes of this classification a "bona fide" restaurant at a golf course is operated independent of the course and is open to the public even when the golf course is closed.~~

~~**Special note:** A pro shop operated by an independent concessionaire may qualify for classification 6406, provided the pro shop does not operate the course, collect green fees, or perform other functions of managing a golf course.))~~

Applies to:

Businesses operating public or private golf courses, including pro shops, miniature golf courses, and driving ranges operated in connection with the golf course.

This classification includes snack bars operated at the golf course when the snack bar is not a "bona fide" restaurant operation as described in the exclusions below.

Pro shop work activities include, but are not limited to:

- Arranging tee times;
- Collecting green fees;
- Renting carts;
- Selling golf clubs, golf balls, specialty clothing, and related golfing items.

Typical employees include, but are not limited to:

- Caddies;
- Golf pros;
- Greens keepers;
- Snack bar employees.

Exclusions:

- Miniature golf courses and driving ranges not in connection with a standard golf course are classified in 6208.
- "Bona fide" restaurant operations may be reported separately in classification 3905. For purposes of this classification a "bona fide" restaurant at a golf course is operated independent of the course and is open to the public even when the golf course is closed.
- Pro shops operated by independent concessionaires may be reported separately in classification 6406, provided the pro shop does not

operate the course, collect green fees, or perform other functions of managing a golf course.

Note: For rules on assigning and reporting in more than one basic classification, see WAC 296-17-31017 Multiple classifications.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

WAC 296-17A-6410 Classification 6410.

6410-02 Janitorial supply dealers

~~((Applies to establishments engaged in wholesale and/or retail distribution of janitorial supplies. Janitorial supply dealers generally sell to cleaning service companies, hospitals, schools and government agencies. A small portion of their business may involve retail sales to walk-in customers. Typical products sold include, but are not limited to, aerosols, brushes, carpet cleaning products, cleaners, strippers, deodorizers, floor sealers, polishes, paper products, toilet tissue, paper towels, hand cleaners, dispensers, waxes, mops, buckets, and floor or carpet cleaning equipment. Orders may be taken by employees who work inside the store room, by outside sales personnel, or by route drivers, all of whom are included in this classification.~~

~~This classification excludes janitorial cleaning services which are to be reported separately in classification 6602.))~~

Applies to:

Businesses engaged in wholesale and/or retail distribution of janitorial supplies.

Employees who work inside the storeroom, outside sales personnel, and route drivers are all included in this classification.

Customers include, but are not limited to:

- Cleaning service companies;
- Government agencies;
- Hospitals;
- Schools.

Products sold include, but are not limited to:

- Aerosols;
- Brushes;
- Buckets;
- Carpet cleaning products;
- Cleaners;
- Deodorizers;
- Dispensers;
- Floor or carpet cleaning equipment;
- Floor sealers;
- Hand cleaners;
- Mops;
- Paper products;
- Polishes and waxes;
- Strippers;
- Toilet tissue.

Exclusion:

- Janitorial cleaning services are classified in 6602.

AMENDATORY SECTION (Amending WSR 20-20-108, filed 10/6/20, effective 1/1/21)

WAC 296-17A-6411 Classification 6411. Retail store operations limited to providing any combination of the following merchandise, supplies, or services:

- All types of phones;
- Beads;
- Books, newspapers, magazines, and comic books;
- Cameras;
- Cards (greeting, post, and sports);
- Cosmetics and fragrances;
- Laptops, electronic notebooks and pads, and other small electronic devices;
- Musical instruments (string, wood, brass, wind, and percussion);
- Photography and darkroom supplies;
- Records, music discs, tapes, videos, video games, and software disks;
- Small or portable entertainment players (or parts of player), radios, for homes, offices, or automobiles;
- Smoking accessories and tobacco products;
- Vaporizers and e-liquids;
- Other smaller items, such as playing cards, cups, calendars, puzzles, games, costume jewelry, cosmetics, pencils, pens, notebooks, etc.

Note: Stores in classification **6411** may also carry inventory listed in the scopes language of lower rated store risk classifications, along with the goods listed below, as long as the majority of the merchandise is described by the above list.

Classification 6411 includes:

- Cashiering;
- Cleaning and maintenance of store, storage areas, and associated business offices when performed by store employees;
- Inventory work by store employees;
- Sales of already-prepared snacks, and beverages (for off-site consumption), and/or promotional clothing;
- Parts and batteries for products included in classification **6411**;
- Receiving and returning merchandise at store's loading area;
- Renting items normally sold in classification **6411**;
- Sales work inside store;
- Store security and surveillance;
- Stocking.

Classification 6411 excludes:

- Stores selling merchandise described by a higher rated store classification;
- Delivery drivers who are reported separately in classification **1101**;
- Door to door sales, which are reported separately in subclassification **6309-22**;
- Stores using pallet jacks, fork lifts, conveyors, or other mechanized means of moving merchandise into and within store premises, which are classified in **6406** when merchandise is described by classification **6411** and/or classification **6406**;

- Stand-alone distribution centers or warehouses which are to be reported separately in classification **6407**;
- Repair or installation work, which must be reported separately;
- Sales of pets; see classifications **6406** and **7308**;
- Working at coffee stands, lunch counters, or any on-site food preparation or manufacturing of candy, where employees' hours are to be reported separately in classification **3905**;
- Employees doing custom framing; see classifications **6406** and **6309**;
- Product demonstration services which are to be reported in sub-classification **6406-40**;
- Businesses providing inventory services which are to be reported in subclassification **6406-00**;
- Wholesales, reported in classification **6407**;
- High volume warehouse and distribution facilities which are reported separately in classification **6407**.

For administrative purposes, classification **6411** is divided into the following retail store subclassification(s):

6411-00 Stores meeting the criteria for classification 6411, but not specifically described in any other subclassification. N.O.C.

6411-14 Wind, string, brass, and percussion musical instruments

Includes hand held keyboards and music instruction.

Excludes:

- Stores selling pianos and organs, see classifications **6406**, **6309**, and **6306**;
- Repair of instruments, which is reported separately in classification **2906** or **3602**; (if more than one is applicable, assign only the highest rated classification for all repair).

6411-19 Coins, stamps, rare metals, and collectible cards

6411-20 Books, videos, electronic games, music, newspapers, magazines, and comic books

Excludes establishments with coin or token arcades, to be reported in subclassification **6406-00**.

6411-24 Tobacco, vaporizers and liquids, and smoking accessories

Excludes:

- Retail stores primarily selling ((marijuana)) cannabis infused grocery items or ((marijuana)) cannabis, see classification **6403**;
- Retail bakeries selling a variety of baked goods infused with ((marijuana)) cannabis; see subclassification **3901-00**.

6411-25 Phones, cameras, electronic tablets, laptops, and notebooks, GPS displays, small stereo components and other small portable electronic devices, N.O.C.

Includes stores and kiosks selling and/or arranging DSL, cable, or dish services for phones, computers, televisions and other devices.

Excludes:

- Stores selling office or school supplies, reported in subclassification **6406-11**;
- Stores selling furniture or furniture kits; see classification **6406**, **6309**, or **6306**;
- Stores providing photo development and printing, see classification **6406** or **6506**;
- Workers performing repair work, which is to be reported separately in classification **3602**.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

WAC 296-17A-6502 Classification 6502.

6502-00 Banks; credit unions; savings and loan associations

~~((Applies to establishments engaged in providing banking and related financial services. Services include, but are not limited to, establishing and servicing checking and savings accounts, telephone, computer and in-person fund transfers, lending, vending certificates of deposit and savings bonds, providing financial consulting services and estate planning, and providing supplemental services such as automatic teller machines (ATMs) and credit cards, currency exchange, cashier and travelers checks, notary public services, and safe deposit box rentals. This classification includes clerical office and sales personnel.~~

~~This classification excludes establishments engaged in providing armored car or on-premises security which are to be reported separately in the applicable services classification.~~

6502-05 Mortgage companies; financial or investment companies, N.O.C.

~~Applies to establishments engaged in providing financial or investment services not covered by another classification (N.O.C.). This classification also applies to establishments engaged in extending credit in the form of mortgage loans by originating mortgage or real estate construction loans, selling mortgage loans to permanent investors, and servicing the loans, and to establishments that offer check cashing services. This classification includes clerical office and sales personnel and staff inspectors who authorize release of funds on construction loans.~~

~~This classification excludes mortgage brokers who are to be reported separately in classification 5301. Mortgage brokers provide the service of finding lenders for people who need loans.~~

6502-06 Stock brokers

~~Applies to establishments engaged in brokering stocks and other related securities. Establishments subject to this classification act as agents in the buying, selling, or exchanging of securities such as, but not limited to, stocks, mutual funds, annuities, bonds and commodity contracts for their clients. Their "full-service" usually extends to financial planning advice, arranging for IRA and KEOGH accounts, money market accounts, tax free bonds, and related financial investments. This classification also includes "investment bankers" who are primarily engaged in originating, underwriting, and distributing securities, buying and selling commodity contracts for their own account or for the account of others, and buying, selling, or trading in stocks, stocks options, bonds, or commodity contracts. This classification includes clerical office and sales personnel.~~

6502-07 Escrow companies

~~Applies to establishments engaged in providing escrow and/or title search services to the general public. They may be known either as "escrow companies" or "title companies." An escrow company is a third party who holds in custody a written agreement such as a deed or bond (escrow) which does not become effective until certain conditions are fulfilled by the grantee. Title companies conduct title searches to ensure there are no liens against property; if there are no liens, they issue a title insurance policy; if there are liens they make them known to potential buyers. Establishments subject to this classifica-~~

tion typically provide both escrow and title search services which include the issuance of title insurance, collection and disbursement of funds for which they are custodians, providing closing of documents for the purchase of real estate, and preparing and filing the documents at the appropriate municipal offices. This classification includes clerical office and sales personnel.)

Applies to:

Businesses providing banking and related financial services. This classification includes clerical office and sales personnel.

Services include, but are not limited to:

- Establishing and servicing checking and savings accounts;
- Providing financial consulting services and estate planning;
- Lending;
- Transferring funds by computer, telephone, or in-person; and
- Vending certificates of deposit and savings bonds.

Supplemental services provided include:

- Automatic teller machines (ATMs) and credit cards;
- Cashier and travelers checks;
- Currency exchange;
- Notary public; and
- Safe deposit box rentals.

Exclusion:

Businesses providing armored car or on-premises security services are classified in the applicable services classification.

6502-05 Mortgage companies; financial or investment companies, N.O.C.

Applies to:

- Businesses engaged in providing financial or investment services not covered by another classification (N.O.C.).
- Businesses engaged in extending credit in the form of mortgage loans by originating mortgage or real estate construction loans, selling mortgage loans to permanent investors, and servicing the loans.
- Businesses that offer check cashing services.

This classification includes clerical office and sales personnel and staff inspectors who authorize release of funds on construction loans.

Exclusion:

Businesses engaged as mortgage brokers who provide the service of finding lenders for people who need loans, but who do not make purchases on behalf of their clients, are classified in 5301.

6502-06 Stock brokers

Applies to:

Businesses engaged in brokering stocks and other related securities. This classification includes clerical office and sales personnel.

Services include, but are not limited to:

- Acting as agents for their clients buying, selling, or exchanging securities such as, but not limited to, stocks, mutual funds, annuities, bonds, and commodity contracts;
- Financial planning advice;
- Arranging for IRA and KEOGH accounts, money market accounts, tax free bonds, and related financial investments;

• Acting as investment bankers - Originating, underwriting, and distributing securities; buying and selling commodity contracts for their own account or for the account of others, and buying, selling, or trading in stocks, stocks options, bonds, or commodity contracts.

6502-07 Escrow companies

Applies to:

Escrow companies and title companies providing escrow and/or title search services to the general public. This classification includes clerical office and sales personnel.

Escrow companies - A third party who holds in custody a written agreement such as a deed or bond (escrow) which does not become effective until certain conditions are fulfilled by the grantee.

Title companies - Conduct title searches to ensure there are no liens against property; if there are no liens, they issue a title insurance policy; if there are liens, they make them known to potential buyers.

Services include, but are not limited to:

• Collecting and disbursing funds for which they are custodians;
• Issuing title insurance;
• Providing closing of documents for real estate purchases; and
• Preparing and filing documents at the appropriate municipal offices.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

WAC 296-17A-6503 Classification 6503.

6503-00 Labor unions or employee representative associations

~~((Applies to establishments engaged as labor unions or employee representative associations. This classification applies to the employees of the union or association itself as opposed to the members that they represent, who are employees of other businesses. These establishments act as bargaining agents for others; they maintain membership records, collect dues, and negotiate contracts. This classification includes labor union officials, business agents, organizers and other employees with combined inside and outside duties.~~

~~This classification excludes clerical office employees who may be reported separately in 4904 if the conditions of the standard exception general reporting rule are met.))~~

Applies to:

Businesses engaged as labor unions or employee representative associations and applies to the employees of the business as opposed to the members they represent.

Worker occupations may include, but are not limited to:

• Business agents;
• Organizers;
• Union officials; and
• Other employees with combined inside and outside duties.

Work activities include, but are not limited to:

• Acting as bargaining agents for others;
• Collecting dues;

- Maintaining membership records; and
- Negotiating contracts.

Exclusion:

Clerical office employees are classified in 4904 if the conditions of the standard exception general reporting rule are met.

AMENDATORY SECTION (Amending WSR 22-21-117, filed 10/18/22, effective 1/1/23)

WAC 296-17A-6504 Classification 6504.**6504-00 Thrift stores operated by charitable or other nonprofit organizations****Applies to:**

Nonprofit businesses operating stores primarily selling used merchandise that has been donated.

Items for sale include, but are not limited to:

- Clothing;
- Furniture;
- Household appliances;
- Housewares;
- Tools; and
- Toys.

Work activities include, but are not limited to:

- Cashiering;
- Collection of items from locations away from the store;
- Conditioning used merchandise (conditioning is limited to cleaning, reupholstery work, and minor repairs; it does not include major mechanical repairs or refinishing furniture); and
- Stocking and cleaning the store.

Exclusions:

- Nonstore employees of a charitable organization, are classified according to the overall nature and operations of the organization.
- Businesses repairing and selling used appliances are classified in 0607.
- Stores selling antiques are classified in 6309.

6504-01 For-profit thrift stores**Applies to:**

For-profit businesses operating stores primarily selling used merchandise that has been donated.

Items for sale include, but are not limited to:

- Clothing;
- Furniture;
- Household appliances;
- Housewares;
- Tools; and
- Toys.

Work activities include, but are not limited to:

- Cashiering;
- Collection of items from locations away from the store;

- Conditioning used merchandise (conditioning is limited to cleaning, reupholstery work, and minor repairs; it does not include major mechanical repairs or refinishing furniture); and
- Stocking and cleaning the store.

Exclusions:

- Nonstore employees of a charitable organization, are classified according to the overall nature and operations of the organization.
- Businesses repairing and selling used appliances are classified in 0607.
- Stores selling antiques are classified in 6309.

AMENDATORY SECTION (Amending WSR 14-17-085, filed 8/19/14, effective 9/19/14)

WAC 296-17A-6510 Classification 6510.**6510-00 Domestic ((servants)) workers/home care assistants employed in or about the private residence of a home owner**

~~((Applies to individuals employed by a home owner to provide domestic services/home care assistants in or about the home owner's private residence. This classification includes services such as, but not limited to, cooking, housekeeping, caring for children, caring for the elderly and people with disabilities including personal care such as bathing, body care, dressing and help with ambulating, as well as companionship, running errands, shopping, gardening, caretaker at home-owner's residence, and transporting members of the household by vehicle to appointments, after school activities, or similar activities. This classification also includes the care of animals not used for a business at the homeowner's residence.~~

~~This classification is subject to the provisions of RCW 51.12.020 — Employments excluded — which states in part: "The following are the only employments which shall not be included within the mandatory coverage of this title:~~

~~(1) Any person employed as a domestic servant in a private home by an employer who has less than two employees regularly employed forty or more hours a week in such employment.~~

~~(2) Any person employed to do gardening, maintenance, or repair, in or about the private home of the employer...." This classification is also subject to the provisions of RCW 51.12.110 which allows the employer to elect optional coverage for domestic servants and caretakers.~~

~~This classification excludes entities whose nature of business is to provide chore services which are to be reported separately in classification 6511; domestic (residential) cleaning or janitorial services which are to be reported separately in classification 6602; lawn and yard maintenance services which are to be reported separately in classification 0308; skilled or semiskilled nursing care which is to be reported separately in classification 6110; and new construction which would be reported in the classification appropriate for that phase of construction.))~~

Applies to:

Individuals employed by a home owner to provide domestic services/home care assistants in or about the home owner's private residence.

Services include, but are not limited to:

- Cooking;
- Gardening;
- Housekeeping;
- Care of animals not used for a business at the homeowner's residence;
- Caring for children;
- Caring for the elderly;
- Caring for people with disabilities including personal care such as bathing, body care, dressing and help with ambulating, as well as companionship;
- Shopping;
- Running errands;
- Caretaker at homeowner's residence; and
- Transporting members of the household by vehicle to appointments, after school activities, or similar activities.

Domestic workers and caretakers under this classification are exempt from mandatory coverage as specified in RCW 51.12.020:

- Any person employed as a domestic worker in a private home by an employer who has less than two employees regularly employed 40 or more hours a week in such employment.
 - Any person employed to do gardening, maintenance, or repair, in or about the private home of the employer.
- Employers of domestic workers and caretakers exempt from mandatory coverage may elect coverage.

Exclusions:

- Businesses whose nature of business is providing chore services are classified in 6511;
- Domestic (residential) cleaning or janitorial businesses are classified in 6602;
- Lawn and yard maintenance businesses are classified in 0308;
- Skilled or semiskilled nursing care is classified in 6110; and
- Worker hours engaged in new construction are reported separately in the classification applicable to the phase of construction.

AMENDATORY SECTION (Amending WSR 19-11-109, filed 5/21/19, effective 7/1/19)

WAC 296-17A-6512 Classification 6512.**6512-00 Home care services/consumer directed employer program**

~~((Applies to persons who are employed by people who are ill, people with disabilities, or vulnerable individuals to provide home care services that enable those individuals to remain in their own homes. Services provided may include, but are not limited to:~~

- ~~• Household tasks, such as housekeeping, shopping, meal planning and preparation, and transportation; and delegated tasks of nursing under RCW 18.79.260 (3)(e);~~
- ~~• Personal care such as assistance with dressing, feeding, and personal hygiene to facilitate self-care.~~

~~**Special note:** Premiums are paid by the consumer directed employer on behalf of the persons who provide the home care services.))~~

Applies to:

Persons employed by individuals who are ill, individuals with disabilities, or vulnerable individuals to provide home care services that enable those individuals to remain in their own homes.

Household services include, but are not limited to:

- Housekeeping;
- Meal planning and preparation;
- Shopping;
- Transportation; and
- Delegated tasks of nursing under RCW 18.79.260 (3) (e).

Personal care services include, but are not limited to:

- Assistance with dressing;
- Feeding; and
- Personal hygiene to facilitate self-care.

Special note: Premiums for the persons who provide home care services are paid by the consumer directed employer.

AMENDATORY SECTION (Amending WSR 20-20-108, filed 10/6/20, effective 1/1/21)

WAC 296-17A-6601 Classification 6601.

6601-00 Detective agencies

~~((Applies to establishments engaged in providing investigative and related services for others. Services include, but are not limited to, investigating corporate embezzlement and fraud, employee theft, insurance fraud, missing person cases, matrimonial or child custody disputes, conducting background checks, tracking and apprehending fugitives, monitoring burglar or fire alarm systems, or provide polygraph testing or fingerprinting services. Investigative methods include checking public records, conducting interviews, surveillance, and undercover operations. As a general rule, the detective agency provides clients with a final report, which includes documentation, photographs, or videotapes.~~

~~This classification excludes establishments engaged in providing customer shoplifting surveillance within retail stores which are to be reported separately in classification 6601-01 and surveillance employees hired as direct employees of a nondetective or security agency who are to be reported separately in the classification applicable to the establishment.~~

6601-01 Merchant police or patrol

~~Applies to establishments engaged in providing security services to shopping centers, malls, business parks, banks and other businesses. Services include, but are not limited to, monitoring parking lots and garages, maintaining public security in malls, hospitals, and banks, providing surveillance for theft or shoplifting, and monitoring alarm systems.~~

~~This classification excludes detective agencies which are to be reported separately in classification 6601-00 and security guard services which are to be reported separately in classification 6601-02.~~

6601-02 Security guard agencies

~~Applies to establishments engaged in providing general security guard services for clients such as airports, commercial, industrial, residential and governmental facilities. Services include, but are not~~

limited to, protecting persons or buildings, responding to fire or burglar alarms, protecting and/or transporting executives, providing security at strikes, and conducting electronic sweeps. The clients' security systems may be connected to a central security system of the security guard agency, where employees of the security guard agency monitor the client's systems and notify the appropriate authorities if necessary. As a general rule, security guards, do not have police powers.

This classification excludes security guards at logging sites who are to be reported separately in classification 6601-03 and security guards at construction sites who are to be reported separately in classification 6601-04 provided the conditions in the special exception section of the general rules have been met.

6601-03 Security guards at logging sites

Applies to employees of logging contractors or landowners who are employed as security guards to maintain security at logging sites by preventing, deterring and detecting crime and/or fires. Security guards subject to this classification are limited to employment at the site only during those hours that the employer is not conducting any other operations at the site and may have no other duties during their shift as security guard. This classification also applies to establishments that contract to provide security guards at logging sites.

6601-04 Security guards at construction sites

Applies to employees of construction contractors or landowners who are employed as security guards to maintain security at construction sites by preventing, deterring and detecting crime and/or fires. Security guards subject to this classification are limited to employment at the site only during those hours that the employer is not conducting any other operations at the site and may have no other duties during their shift as security guard. This classification also applies to establishments that contract to provide security guards at construction sites.

6601-05 Armored car services

Applies to establishments engaged in armored car services which transport cash or valuables for businesses such as, but not limited to, banks, supermarkets, and jewelry stores to other destinations. Also included are armored car services which collect or deposit money into or from automatic teller machines.

6601-06 Crowd control services

Applies to establishments engaged in providing crowd control services. Crowd control services is a growing field and may include, but not be limited to, crowd management at sporting events, race tracks, live concerts, rallies, conventions, rodeos, and fairs. This classification includes parking lot staff, and rule enforcement employees such as uniformed or plain clothes security guards who maintain order as well as providing personal protection.

This classification excludes theater ushers, inside ticket takers, set up crews and stagehands who are to be reported separately in classification 4504.

6601-07 Process/legal messenger services

Applies to establishments engaged in providing process services and legal messenger services for others. Process servers deliver legal documents such as summonses, complaints, subpoenas and writs to individuals. A legal messenger delivers legal papers between legal repre-

~~sentatives and the courts. Services may also include checking public records, surveillance work, and conducting interviews to locate recipients of legal documents. They will provide clients with a final report of service or nonservice on the recipient.~~

~~This classification excludes errand and parcel delivery services that are to be reported separately in classification 1101.)~~

Applies to:

Businesses providing investigative and related services for others.

Services include, but are not limited to:

- Conducting background checks;
- Investigating corporate embezzlement and fraud, employee theft, insurance fraud, missing person cases, matrimonial or child custody disputes;
- Monitoring burglar or fire alarm systems;
- Providing polygraph testing or fingerprinting services; or
- Tracking and apprehending fugitives.

Work activities include investigative methods, such as:

- Checking public records;
- Conducting interviews;
- Surveillance;
- Undercover operations; and
- Providing client with a final report, which includes documentation, photographs, or videotapes.

Exclusions:

- Businesses providing customer shoplifting surveillance within retail stores reported separately in classification 6601-01;
- Surveillance employees hired as direct employees of a nondetective or security agency are reported separately in the classification applicable to the establishment.

6601-01 Merchant police or patrol

Applies to:

Businesses providing security services to shopping centers, malls, business parks, banks, and other businesses.

Services include, but are not limited to:

- Maintaining public security in malls, hospitals, and banks;
- Monitoring parking lots and garages;
- Monitoring alarm systems; and
- Providing surveillance for theft or shoplifting.

Exclusions:

- Detective agencies are to be reported separately in classification 6601-00;
- Security guard services which are to be reported separately in classification 6601-02.

6601-02 Security guard agencies

Applies to:

Businesses providing general security guard services for clients such as airports, commercial, industrial, residential, and governmental facilities.

Services include, but are not limited to:

- Conducting electronic sweeps;

- Protecting persons or buildings;
- Protecting and/or transporting executives;
- Providing security at strikes; and
- Responding to fire or burglar alarms.

The clients' security systems may be connected to a central security system of the security guard agency, where employees of the security guard agency monitor the client's systems and notify the appropriate authorities if necessary. As a general rule, security guards, do not have police powers.

Exclusions:

- Security guards at logging sites are classified separately in 6601-03;
- Security guards at construction sites are classified separately in 6601-04, provided the conditions in the special exception section of the general rules have been met.

6601-03 Security guards at logging sites

Applies to:

- Employees of logging contractors or landowners who are employed as security guards to maintain security at logging sites preventing, deterring, and detecting crime and/or fires.
- Businesses that contract to provide security guards at logging sites preventing, deterring, and detecting crime and/or fires.

Security guard duties are limited only to hours that the employer is not conducting any other operations at the site. The employee may have no other duties during their shift as a security guard.

6601-04 Security guards at construction sites

Applies to:

- Employees of construction contractors or landowners who are employed as security guards to maintain security at construction sites preventing, deterring, and detecting crime and/or fires.
- Businesses that contract to provide security guards at construction sites preventing, deterring, and detecting crime and/or fires.

Security guard duties are limited only to hours that the employer is not conducting any other operations at the site. The employee may have no other duties during their shift as a security guard.

6601-05 Armored car services

Applies to:

Businesses engaged in armored car services transporting cash or valuables for businesses such as, but not limited to, banks, supermarkets, and jewelry stores to other destinations; or collect or deposit money into or from automatic teller machines.

6601-06 Crowd control services

Applies to:

Businesses engaged in providing crowd control services.

Types of events services may be provided for include, but are not limited to:

- Conventions;
- Fairs;
- Live concerts;
- Race tracks;
- Rallies;

- Rodeos; and
- Sporting events.

Workers may include:

- Rule enforcement workers such as uniformed or plain clothes security guards who maintain order as well as providing personal protection; and
- Parking lot staff.

Exclusion:

Theater ushers, inside ticket takers, set up crews and stagehands are classified separately in 4504.

6601-07 Process/legal messenger services**Applies to:**

- Businesses engaged in providing process services by delivering legal documents such as summonses, complaints, subpoenas, and writs to individuals.
- Businesses engaged in legal messenger services for others by delivering legal papers between legal representatives and the courts.

Services include, but are not limited to:

- Checking public records;
- Conducting interviews to locate recipients of legal documents;
- Surveillance work; and
- Providing clients with a final report of service or nonservice on the recipient.

Exclusion:

Errand and parcel delivery services are classified separately in 1101.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

WAC 296-17A-6704 Classification 6704.**6704-00 Parking lot operations**

~~((Applies to establishments engaged in operating parking lots for the temporary parking of customer vehicles in uncovered spaces. Work contemplated by this classification includes, but is not limited to, checking customers in and out, collecting fees, parking customers vehicles at check-in and returning them to customer upon check-out, patrolling and monitoring the area for security purposes, and providing shuttle service in connection with parking lot operations. Parking lot operations subject to this classification do not provide service to the automobiles.~~

~~This classification excludes parking/storage garages which are to be reported separately in classification 3406.))~~

Applies to:

Businesses operating parking lots for the temporary parking of customer vehicles in uncovered spaces.

Work activities include, but are not limited to:

- Checking customers in and out;
- Collecting fees;

- Parking customer's vehicles at check-in and returning them to customer at check-out;
- Patrolling and monitoring the area for security purposes; and
- Providing shuttle service in connection with parking lot operations.

Parking lot operations in this classification do not provide service to the vehicles.

Exclusion:

- Parking/storage garages are classified in 3406.

AMENDATORY SECTION (Amending WSR 15-02-060, filed 1/6/15, effective 7/1/15)

WAC 296-17A-6706 Classification 6706.

((Operations and facilities for sports teams

~~**Note:** As used in this classification, the term "player" and "athlete" have the same meaning.~~

~~Applies to workers employed by all types of athletic teams. This classification includes employees who care for a team's athletes, their equipment, the playing field/stadium/arena, or operate facilities during games.~~

~~This classification includes the coaching staff and managers of amateur teams. However, when the only employees of an amateur sports team are coaching staff and standard exception employees, the team reports its coaching staff in classification 6103.~~

~~**This classification also includes, but is not limited to:**~~

- ~~Trainers;~~
- ~~Mascots;~~
- ~~Announcers;~~
- ~~Scorekeepers;~~
- ~~Concessionaires;~~
- ~~Laundry workers;~~
- ~~Janitors;~~
- ~~Stadium lighting and sound technicians;~~
- ~~Ushers, security;~~
- ~~Parking attendants;~~
- ~~Staff who maintain clubhouse/locker room and grounds;~~

~~Coaches and managers of professional and semiprofessional teams in the off-season only. Off-season follows the final competitive event. It begins after all athletes have left any premises used by their employer for player meetings, training, or practices, and continues until the time any of the players are assembled together again, by their employer, in preparation for the upcoming season.~~

~~The following exposures are excluded:~~

- ~~Professional and semiprofessional athletes (see classifications 6707 and 6809);~~
- ~~Coaches and managers for professional and semiprofessional teams - Except in the off-season;~~
- ~~Referees, umpires and other sports officials (see classifications 6707 and 6809);~~
- ~~Ticket sales from office or booth with no other duties, which are reported in classification 4904;~~

~~• Businesses that own, or contract to maintain, a facility or stadium, but do not operate the facility for teams or sporting events classification 4910.~~

~~For administrative purposes, classification 6706 is divided into the following subclassification:))~~

6706-01 Athletic teams: Operations and facilities((-))

Note: As used in this classification, the term "player" and "athlete" have the same meaning.

Applies to:

Workers employed by all types of athletic teams who care for a team's athletes, their equipment, the playing field/stadium/arena, or operate facilities during games.

Worker occupations include, but are not limited to:

• Coaching staff and managers of amateur teams. However, when the only employees of an amateur sports team are coaching staff and standard exception employees, the team reports its coaching staff in classification 6103.

• Coaches and managers of professional and semiprofessional teams in the off-season only. Off-season follows the final competitive event. It begins after all athletes have left any premises used by their employer for player meetings, training, or practices, and continues until the time any of the players are assembled together again, by their employer, in preparation for the upcoming season.

- Announcers;
- Concessionaires;
- Janitors;
- Laundry workers;
- Mascots;
- Parking attendants;
- Scorekeepers;
- Security;
- Stadium lighting and sound technicians;
- Staff who maintain clubhouse/locker room and grounds;
- Trainers;
- Ushers.

Exclusions:

• Professional and semiprofessional athletes are classified in either 6707 or 6809;

• Coaches and managers for professional and semiprofessional teams during the season are classified in either 6707 or 6809;

• Referees, umpires, and other sports officials are classified in either 6707 or 6809;

• Ticket sales from office or booth with no other duties are classified in 4904;

• Businesses that own, or contract to maintain, a facility or stadium, but do not operate the facility for teams or sporting events are classified in 4910.

AMENDATORY SECTION (Amending WSR 16-11-082, filed 5/17/16, effective 7/1/16)

WAC 296-17A-6907 Classification 6907.

6907-01 Household furnishings moving and storage

~~((Applies to establishments engaged in interstate and/or intrastate moving and/or storage of household furnishings. Work contemplated by this classification includes packing and unpacking, loading and unloading of household goods, transportation from one residence to another, and temporary storage of household goods in a warehouse. This classification includes the moving van drivers, packing personnel, laborers who assist in the loading and unloading operations, warehouse employees and truck mechanics.~~

~~This classification excludes:~~

~~• Intrastate and/or interstate delivery of nonhousehold furnishings which are to be reported separately in either classification 1101 or 1102, as applicable;~~

~~• Nonhousehold furnishing warehouses, which are to be reported separately in the appropriate warehouse classification; and~~

~~• Firms providing moving and assembly of office furniture and modular work stations, which are reported in classification 2002-13.~~

~~**Special note:** Establishments subject to this classification are to report actual hours worked for each driver. However, the hours are to be capped at 520 hours per driver per quarter. Detailed information can be found in the general audit rule covering the trucking industry and in RCW 51.12.095.)~~

Applies to:

Businesses engaged in moving or storage of household goods and furnishings.

Work activities include, but are not limited to:

- Packing and unpacking household goods/furnishings;
- Loading and unloading household goods/furnishings;
- Transporting household goods/furnishings from one residence to another, may be intrastate or interstate;
- Temporary storage of household goods/furnishings in warehouse.

Occupations include, but are not limited to:

- Laborers;
- Moving van drivers;
- Packing personnel;
- Truck mechanics;
- Warehouse personnel.

Exclusions:

• Intrastate and/or interstate delivery of nonhousehold furnishings are classified in either classification 1101 or 1102, as applicable;

• Warehouses not used for the temporary storage of household furnishings, are classified in the appropriate warehouse classification; and

• Businesses providing moving and assembly of office furniture and modular work stations, are classified in classification 2002-13.

Special note: Businesses subject to this classification are to report actual hours worked for each driver. However, the hours are to be capped at 520 hours per driver per quarter. Detailed information can be found in the general audit rule covering the trucking industry and in RCW 51.12.095.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

WAC 296-17A-6908 Classification 6908.

6908-02 Lightweight paper products, N.O.C.: Manufacturing

~~((Applies to establishments engaged in the manufacture of lightweight paper products not otherwise classified (N.O.C.), such as, but not limited to, carbon paper, crepe paper, blue print paper, computer paper, calculation tape, note pad, file folder, envelope, stationery, and typewriter ribbon. Materials include, but are not limited to, file folder or stationery-weight paper, glue, string, clasps, coating liquids and ink. Machinery includes, but is not limited to, sheeters, slitters, die cutters or other cutting equipment, printing presses, folding, punching and drilling machines, glue applicators, trimmers, winders/rewinders, embossers, packaging machinery, balers, shredders and forklifts.~~

~~This classification excludes establishments engaged in the manufacture of paper, which are to be reported separately in classification 2401.~~

~~**Special note:** This classification includes establishments engaged as "paper rewinders or paper converters." These businesses purchase large rolls of premanufactured paper from outside sources, then cut, rewind, or "remanufacture" them into smaller or narrower rolls. They sometimes refer to themselves as "paper wholesalers," but they are performing more "manufacturing" work than what is allowed in classification 6407 for wholesale stores. The machinery used for this type of cutting and rewinding is the same as that used by manufacturers of the types of goods mentioned above, who also cut, wind and rewind paper from large rolls onto smaller rolls.~~

6908-03 Paper bag, movers packing pads, and wallpaper: Manufacturing

~~Applies to establishments engaged in the manufacture of paper products such as, but not limited to, paper bags of all sizes, movers packing pads, wrapping paper and wallpaper. Raw materials include, but are not limited to, paper, glue, string, ink, foam or bubble plastic, plastic wrap and tape. Machinery includes, but is not limited to, bag making machines, slitters, die cutters or other cutting machinery, perforating or embossing machines, glue applicators, printing presses, winders/rewinders, packaging machines, shredders, balers, forklifts and sewing machines which are used to sew tape across the tops of bags that package bulk goods.~~

~~This classification excludes establishments engaged in the manufacture of paper, pulp or wood fiber, corrugated boxes or other heavy-grade paper products, or corrugating, laminating, oiling or coating paper, which are to be reported separately in classification 2401; establishments engaged in the manufacture of plastic bags which are to be reported separately in classification 3510 and establishments engaged in the manufacture of abrasive cloth or paper (emery cloth/sandpaper) and textile bags or sacks, which are to be reported separately in classifications 3708 or 3802 as applicable.~~

6908-05 Paper box -- Noncorrugated: Manufacturing

~~Applies to establishments engaged in the manufacture of boxes, or partitions for boxes, from lightweight, noncorrugated cardboard. Boxes contemplated by classification package goods such as, but not limited to, clothing or other soft goods, prepared foods, wine, cigars, stationery and games. Materials include, but are not limited to, card-~~

board (chipboard), glue, staples, tape, resins, ink and plastic film. Machinery includes, but is not limited to, box-making machines, sheeters, slitters, slotters, winders and rewinders, printing presses, cutting machines, laminators, bundlers, unitizers, balers, shredders and forklifts.

This classification excludes establishments engaged in the manufacture of paper, pulp or wood fiber, corrugated boxes or other heavy-grade paper products, or corrugating, laminating, oiling or coating paper, which are to be reported separately in classification 2401.

6908-06 Single or double-ply paper products: Manufacturing

Applies to establishments engaged in the manufacture of single or double-ply paper products such as, but not limited to, surgical gowns, towels, napkins, table or shelf covers, florist papers, tissue and shredded or crimped packing material. Some of the items made in this classification are primarily hand-made. Raw materials include, but are not limited to, single or double-ply paper, tape, glue, plastic or cellophane lining. Machinery includes, but is not limited to, winders and rewinders, folding machines, cutting tables, paper-crimping machinery, gluing machines and forklifts.

This classification excludes establishments engaged in the manufacture of paper, which are to be reported separately in classification 2401.)

Applies to:

• Businesses manufacturing lightweight paper products not otherwise classified (N.O.C.).

• Businesses engaged as paper rewinders or paper converters. Businesses that purchase large rolls of premanufactured paper from outside sources, then cut, rewind, or "remanufacture" them into smaller or narrower rolls. They sometimes refer to themselves as "paper wholesalers," but they are performing more "manufacturing" work than what is allowed in classification 6407 for wholesale stores. The machinery used for this type of cutting and rewinding is the same as that used by manufacturers of lightweight paper products, who also cut, wind, and rewind paper from large rolls onto smaller rolls.

Products manufactured include, but are not limited to:

- Blueprint paper;
- Calculation tape;
- Carbon paper;
- Computer paper;
- Crepe paper;
- Envelopes;
- File folders;
- Note pads;
- Stationery;
- Typewriter ribbon.

Materials used include, but are not limited to:

- File folder or stationery-weight paper;
- Clasps;
- Coating liquids and ink;
- Glue;
- String.

Machinery used include, but are not limited to:

- Balers;
- Die cutters and other cutting equipment;

- Embossers;
- Folding, punching, and drilling machines;
- Forklifts;
- Glue applicators;
- Packing machinery;
- Printing presses;
- Shredders;
- Sheeters;
- Slitters;
- Trimmers;
- Winders/rewinders.

Exclusion:

- Paper manufacturing is classified in 2401.

6908-03 Paper bag, movers packing pads, and wallpaper: Manufacturing**Applies to:**

Businesses manufacturing paper bags of all sizes, movers packing pads, wrapping paper, and wallpaper.

Materials used include, but are not limited to:

- Bubble wrap;
- Foam;
- Glue;
- Ink;
- Paper;
- Plastic wrap;
- String;
- Tape.

Machinery used include, but are not limited to:

- Bag making machines;
- Balers;
- Die cutters or other cutting machinery;
- Embossing machines;
- Forklifts;
- Glue applicators;
- Packing machines;
- Perforating or embossing machines;
- Printing presses;
- Sewing machines;
- Shredders;
- Slitters;
- Winders/rewinders.

Exclusions:

• Manufacture of paper, pulp or wood fiber, corrugated boxes, or other heavy-grade paper products is classified in 2401;

• Corrugating, laminating, oiling, or coating of paper is classified in 2401;

• Manufacture of plastic bags is classified in 3510;

• Manufacture of abrasive cloth or paper (emery cloth/sandpaper) and textile bags or sacks, are classified in 3708 or 3802 as applicable.

6908-05 Paper box - Noncorrugated: Manufacturing**Applies to:**

Businesses manufacturing boxes, or partitions for boxes, from lightweight, noncorrugated cardboard.

Boxes or box partitions manufactured to package products that include, but are not limited to:

- Cigars;
- Clothing or other soft goods;
- Games;
- Prepared foods;
- Stationery;
- Wine.

Materials used include, but are not limited to:

- Cardboard (chipboard);
- Glue;
- Ink;
- Plastic film;
- Resin;
- Staples;
- Tape.

Machinery used include, but are not limited to:

- Balers;
- Box-making machines;
- Bundlers;
- Cutting machines;
- Forklifts;
- Laminators;
- Printing presses;
- Sheeters;
- Shredders;
- Slitters;
- Slotters;
- Unitizers;
- Winders and rewinders.

Exclusions:

- Manufacture of paper, pulp or wood fiber, corrugated boxes, or other heavy-grade paper products is classified in 2401;
- Corrugating, laminating, oiling, or coating paper is classified in 2401.

6908-06 Single or double-ply paper products: Manufacturing**Applies to:**

Businesses manufacturing single or double-ply paper products.

Products manufactured include, but are not limited to:

- Florist papers;
- Handmade items;
- Napkins;
- Shredded or crimped packaging material;
- Surgical gowns;
- Table or shelf covers;
- Tissue;
- Towels.

Materials used include, but are not limited to:

- Glue;
- Plastic or cellophane lining;
- Single or double-ply paper;
- Tape.

Machinery used include, but are not limited to:

- Cutting tables;
- Folding machines;
- Forklifts;
- Gluing machines;
- Paper crimping machinery;
- Winders and rewinders.

Exclusion:

- Paper manufacturing is classified in 2401.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

WAC 296-17A-7100 Classification 7100.**7100-00 Exempt limited liability company members, N.O.C.**

Applies to members of a limited liability company exempt from mandatory coverage under RCW 51.12.020(13) who have elected optional coverage, and perform *only* administrative, clerical and outside sale duties. Any LLC member electing optional coverage who performs duties directly related to the operational activities of the company must be reported in the basic classification applicable to the work being performed.

Special note: Under no circumstances is classification 4904 to be assigned to any exempt member of a limited liability company. Any member of a limited liability company who has elected optional coverage and is engaged exclusively in outside sales is to be reported separately in classification 6303 if they meet all the standard exception requirements for classification 6303 detailed in WAC 296-17-31018.

AMENDATORY SECTION (Amending WSR 14-17-085, filed 8/19/14, effective 9/19/14)

WAC 296-17A-7101 Classification 7101.**7101-00 Corporate officers, N.O.C.**

Applies to executive officers of a corporation who are not covered by another classification (N.O.C.) and for whom optional coverage has been elected. This is a standard exception classification as described in WAC 296-17-31018 Exception classification. To qualify for this section, a corporate officer must:

- Be exempt from mandatory coverage pursuant to RCW 51.12.020(8);
- Not be exposed to the operative hazard of the business; and
- Not directly supervise workers who are exposed to the operative hazard of the business.

Officers who are exposed to the operative hazard, or who directly supervise workers who are exposed to the operative hazard, must be reported in the basic classification applicable to the work performed.

Special note: Exempt officers (~~can be~~) who have elected optional coverage and are engaged exclusively in outside sales are reported in classification 6303 if they meet all the standard exception requirements for classification 6303 detailed in WAC 296-17-31018.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

WAC 296-17A-7308 Classification 7308.

7308-02 Animal shelters or services, dog pounds and humane societies

~~((Applies to establishments engaged in operating animal shelters/ services, dog pounds, or humane societies which care for lost or unwanted animals or animals that have been placed for adoption. The title "animal services" has replaced the title "animal shelter" or "dog pound" in most establishments. While the activities are the same under all of these titles, the main difference is the funding. Animal services are tax-base funded; humane societies are privately funded. Activities include, but are not limited to, feeding, cleaning, or grooming animals, veterinary care, euthanasia, catching or controlling animals, and investigating incidents such as animal bites and animal abuse. This classification also applies to dog obedience classes that are not in connection with kennels or pet breeding establishments.~~

~~This classification excludes pet grooming parlors which are to be reported separately in classification 7308-03; pet stores which are to be reported separately in classification 7308-04; and pet breeding/boarding kennels which are to be reported separately in classification 7308-05.~~

~~**Special note:** Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.~~

7308-03 Pet grooming parlors

~~Applies to establishments engaged in providing pet grooming services either at the groomer's or the customer's location. Services may be provided in a shop or at the customer's location with the use of a vehicle equipped with the necessary supplies. Although most of the animals groomed are dogs, parlors may also groom cats. Activities include, but are not limited to, bathing, dipping to control fleas, cutting, brushing, combing and drying hair, clipping nails, and the incidental sale of pet products such as collars, shampoos and pet clothing. Depending on the length of their stay, animals may also be fed, watered, and placed in kennels until their owners pick them up.~~

~~This classification excludes animal shelters, dog pounds, and humane societies which are to be reported separately in classification 7308-02; pet stores, N.O.C. which are to be reported separately in classification 7308-04; and pet breeding/boarding kennels which are to be reported separately in classification 7308-05.~~

~~**Special note:** Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.~~

7308-04 Pet stores, N.O.C.

~~Applies to establishments engaged as pet stores not covered by another classification (N.O.C.). Stores in this classification sell cats and dogs. In addition to cats and dogs, they may also sell other animals such as birds, snakes, fish, reptiles or turtles, and related items such as, but not limited to, pet food, cages, travel carriers, pet toys, collars, shampoos, flea, tick and worm treatments, vaccination equipment, aquariums, and supplies aquariums. This classification~~

also includes any incidental pet grooming performed by employees of employers subject to this classification.

This classification excludes stores which sell pets such as tropical fish, birds or reptiles, but do not sell cats and dogs, which are to be reported separately in classification 6406; pet grooming parlors which are to be reported separately in classification 7308-03; animal shelters, dog pounds and humane societies which are to be reported separately in classification 7308-02; pet breeding/boarding kennels which are to be reported separately in classification 7308-05 and stores which sell pet food only, but do not sell pets, which are to be reported separately in classification 6403.

Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

7308-05 Pet breeding and boarding kennels

Applies to establishments primarily engaged in boarding pets while their owners are away from home, or in boarding pets for others in connection with a breeding service. Work contemplated by this classification is of a custodial nature that includes, but is not limited to, sheltering, tending, breeding, grooming and feeding animals, erecting or mending fences, erecting or maintaining kennels, cleaning kennels, and veterinary services and the incidental sale of animals, animal grooming or care supplies when performed by employees of an employer subject to this classification.

This classification excludes pet grooming parlors which are to be reported separately in classification 7308-03 and contractors hired by a farm operator to build or repair fences or structures who are to be reported separately in the applicable construction classification.

Special notes: The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as feeding animals, grooming, and cleaning kennels. Generally the work involves manual labor tasks as opposed to machine operations. Farm labor contractors will be reported in the classification applicable to the farm or business with which they are contracting.

Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.)

Applies to:

- Businesses operating privately or publicly funded animal shelters/services, dog pounds, or humane societies, which care for lost or unwanted animals or animals that have been placed for adoption.
- Businesses conducting dog obedience classes that are not in connection with kennels or pet breeding establishments.

Work activities include, but are not limited to:

- Catching or controlling animals;
- Cleaning;
- Feeding;
- Grooming;
- Euthanasia;
- Investigating incidents such as animal bites and animal abuse;
- Veterinary care.

Exclusions:

- Pet breeding/boarding kennels are classified in 7308-05;
- Pet grooming parlors are classified in 7308-03;
- Pet stores are classified in 7308-04.

7308-03 Pet grooming parlors

Applies to:

Businesses providing pet grooming services, either at the groomer's shop or at the customer's location with the use of a vehicle equipped with the necessary supplies.

Work activities include, but are not limited to:

- Bathing;
- Brushing;
- Clipping nails;
- Combing;
- Dipping to control fleas;
- Drying;
- Incidental sale of pet products such as collars, shampoos, and pet clothing;
- Depending on the length of their stay, animals may also be fed, watered, and placed in kennels until their owners pick them up.

Exclusions:

- Animal shelters, dog pounds, and humane societies are classified in 7308-02;
- Pet breeding/boarding kennels are classified in 7308-05;
- Pet stores, N.O.C. are classified in 7308-04.

7308-04 Pet stores, N.O.C.

Applies to:

Pet stores not covered by another classification (N.O.C.).

Stores in this classification sell:

- Aquariums and related supplies;
- Birds;
- Cages;
- Cats;
- Collars;
- Dogs;
- Fish;
- Flea, tick, and worm treatments;
- Pet food;
- Pet toys;
- Reptiles;
- Shampoos;
- Snakes;
- Travel carriers;
- Turtles;
- Vaccination equipment;
- Incidental pet grooming performed by employees of employers subject to this classification.

Exclusions:

- Animal shelters, dog pounds, and humane societies are classified in 7308-02;
- Pet breeding/boarding kennels are classified in 7308-05;
- Pet grooming parlors are classified in 7308-03;
- Stores which sell pet food only, but do not sell pets, are classified in 6403;

• Stores which sell pets such as tropical fish, birds or reptiles, but do not sell cats and dogs, are classified in 6406.

7308-05 Pet breeding and boarding kennels

Applies to:

Businesses primarily boarding pets while their owners are away from home, or boarding pets for others in connection with a breeding service.

Work activities include, but are not limited to:

- Breeding;
- Cleaning kennels;
- Erecting or mending fences;
- Erecting or maintaining kennels;
- Feeding;
- Grooming;
- Sheltering;
- Tending;
- Veterinary services when performed by an employer subject to this classification;
- Incidental sale of animals, animal grooming, or care supplies when performed by employees of an employer subject to this classification.

Exclusions:

- Pet grooming parlors are classified in 7308-03;
- Contractors hired by a farm operator to build or repair fences or structures are classified in the applicable construction classification.

Special notes: The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as feeding animals, grooming, and cleaning kennels. Generally the work involves manual labor tasks as opposed to machine operations. Farm labor contractors will be reported in the classification applicable to the farm or business with which they are contracting.

WSR 23-23-161
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 23-13—Filed November 21, 2023, 10:56 a.m., effective December 22, 2023]

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

Purpose: WAC 220-412-090 Multi-season deer and elk tags. This rule change created a special subset of multi-season deer tags that will be available only to those hunters who are eligible to participate in the Washington department of fish and wildlife's (WDFW's) chronic wasting disease incentive program (CWDIP).

The changes to WAC 220-412-090 create 100 multi-season deer tags which serve as an incentive to hunters to participate in the WDFW chronic wasting disease (CWD) surveillance program. These 100 multi-season deer tags will be awarded at no cost by random draw to hunters that meet the eligibility requirements of CWDIP. To be eligible to participate in the CWDIP, a hunter must have submitted their deer or elk for CWD sampling to WDFW staff during the preceding license year. These tags are valid beginning in license year 2024 and the hunting season occurs between September 1 through December 31. The special hunt is statewide in GMUs that allow general seasons for archery, muzzleloader, or modern firearm hunters. This rule will provide for an overall increase in the total number of multi-season deer tags offered for each license year starting in 2024.

CWD is a fatal illness of free-ranging deer, elk, moose, and caribou. While CWD has not been detected in Washington, the disease continues to spread and is found as close as Idaho. Animals infected with CWD will look healthy for many months before showing signs of the disease; however, during that time, they are spreading the disease. It is therefore important for WDFW to detect the disease early to preserve and protect ungulates of the state. CWDIP will assist WDFW in the early detection and prevention of this disease.

Citation of Rules Affected by this Order: Amending WAC 220-412-090.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.055, 77.12.047, and 77.08.030.

Other Authority: RCW 77.04.012, 77.04.055, 77.12.047, and 77.08.030.

Adopted under notice filed as WSR 23-19-041 on September 13, 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 0, Repealed 0.

Date Adopted: October 27, 2023.

Kelly Susewind
Director

OTS-4765.2

AMENDATORY SECTION (Amending WSR 20-12-080, filed 6/1/20, effective 7/2/20)

WAC 220-412-090 Multi-season deer and elk tags. Multi-season deer and elk tags allow hunters who draw and purchase those tags to hunt during more than one general season.

The department will conduct an annual drawing for multi-season tags.

(1) Multi-season deer and elk tags:

(a) To apply for multi-season deer and elk tags, applicants must purchase a multi-season application for deer and/or elk.

(b) The department will not refund or exchange applications for multi-season deer and elk after they submit the application.

(c) An applicant may purchase only one application for a multi-season tag for each species.

(d) Applicants will be randomly drawn by computer selection.

(e) Incomplete applications will not be accepted.

(f) Multi-season deer and elk drawings will be held in April.

(2) Multi-season tags:

(a) Hunters who are drawn will be required to purchase their multi-season tag by July 31.

(b) Multi-season tags are not transferable.

(c) Multi-season tags not purchased by successful applicants prior to August 1 may be made available for purchase to unsuccessful applicants at the discretion of the department.

(3) Multi-season tag holders are required to follow all rules and restrictions, including bag limits, for general season hunters, for the species, within the game management unit or area hunted.

Number of Tags	Dates	Game Management Units (GMUs)	Legal Animal	Eligible Hunters
Multi-season Deer Tags				
8500	Sept. 1 - December 31 within general seasons and regulations established by the commission for deer	Statewide in those GMUs with general seasons for archery, muzzleloader, or modern firearm hunters	Any legal deer consistent with the game management unit or area restrictions	Any licensed deer hunter
50	Sept. 1 - December 31 within general seasons and regulations established by the commission for deer	Statewide in those GMUs with general seasons for archery, muzzleloader, or modern firearm hunters	Any legal deer consistent with the game management unit or area restrictions	Hunter education instructors meeting qualifications and selection criteria established by the department
<u>100</u>	<u>Sept. 1 - December 31 within general seasons and regulations established by the commission for deer</u>	<u>Statewide in those GMUs with general seasons for archery, muzzleloader, or modern firearm hunters</u>	<u>Any legal deer consistent with the game management unit or area restrictions</u>	<u>Any licensed hunter that meets the eligibility requirements of the WDFW Chronic Wasting Disease Incentive Program^a</u>
Multi-season Elk Tags				
1000	Sept. 1 - December 31 within general seasons and regulations established by the commission for elk	Statewide in those GMUs with general seasons for archery, muzzleloader, or modern firearm hunters	Any legal elk consistent with the game management unit or area restrictions	Any licensed elk hunter

Number of Tags	Dates	Game Management Units (GMUs)	Legal Animal	Eligible Hunters
25	Sept. 1 - December 31 within general seasons and regulations established by the commission for elk	Statewide in those GMUs with general seasons for archery, muzzleloader, or modern firearm hunters	Any legal elk consistent with the game management unit or area restrictions	Hunter education instructors meeting qualifications and selection criteria established by the department

^a To be eligible, hunters must have submitted their deer or elk for CWD sampling to WDFW staff during the preceding license year.

WSR 23-23-162
PERMANENT RULES

DEPARTMENT OF TRANSPORTATION

[Filed November 21, 2023, 1:14 p.m., effective December 22, 2023]

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

Purpose: WAC 468-38-435 Federal weight increases on the interstate system; the purpose for this rule change is to allow for consistency with the Fixing America's Surface Transportation Act (FAST Act). Changes to subsection (1) add language to include electric powered vehicles and the changes in subsection (3) of the proposal are to treat fluid milk products as nondivisible loads and provides the permit parameters when operating under a permit on Washington highways. The proposal is consistent with, FAST Act § 1409; U.S.C. 127(s), FAST Act § 1410; U.S.C. 127.

Citation of Rules Affected by this Order: Amending WAC 468-38-435 (1) and (3).

Statutory Authority for Adoption: RCW 46.44.098, 46.44.090, 46.44.0941.

Other Authority: RCW 46.44.098.

Adopted under notice filed as WSR 23-12-087 [23-18-091] on October 24, 2023 [September 6, 2023].

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

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 1 [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 1 [0], Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: October 24, 2023.

Sam Wilson, Director
Business Support Services

OTS-4905.1

AMENDATORY SECTION (Amending WSR 19-06-036, filed 3/1/19, effective 4/1/19)

WAC 468-38-435 Federal weight increases on the interstate system. (1) Are there any weight exemptions for natural gas engines or electric battery vehicles?

Yes, for the interstate system and no more than one mile access to and from the interstate system, natural gas vehicles or electric battery vehicles, if operated by an engine fueled primarily by natural gas or electric batteries, may exceed vehicle weight limits set in RCW 46.44.041 up to (~~two thousand~~) 2,000 pounds with a maximum gross ve-

hicle weight of (~~eighty-two thousand~~) 82,000 pounds. The increase in weight shall equal the difference between:

- (a) The weight of the vehicle attributable to the natural gas tank and fueling system carried by that vehicle; and
- (b) The weight of a comparable diesel tank and fueling system.

(2) What weights are authorized for emergency vehicles to travel on the interstate system?

(a) Emergency vehicles may operate without a permit on the interstate system and no more than one mile to and from the interstate system to a maximum gross vehicle weight of (~~eighty-six thousand~~) 86,000 pounds and axle weights of:

- (i) Twenty-four thousand pounds on a single steering axle;
- (ii) Thirty-three thousand five hundred pounds on a single drive axle;
- (iii) Sixty-two thousand pounds on a tandem axle; or
- (iv) Fifty-two thousand pounds on a tandem rear drive steer axle.

(b) In this section, the term emergency vehicle means a vehicle designed to be used under emergency conditions:

- (i) To transport personnel and equipment; and
- (ii) To support the suppression of fires and mitigation of other hazardous situations.

~~((3))~~ (c) Operators of emergency vehicles described in this section shall check their route on Washington state department of transportation, commercial vehicle services website for restrictions prior to travel. These vehicles shall obtain approval/permit from the local jurisdiction when traveling on any local roads. Any firefighting apparatus or emergency vehicle shall obtain a permit from commercial vehicles services office prior to traveling on state highways that are not part of the interstate system if their weights exceed what is prescribed in RCW 46.44.190(4).

(3) Can liquid bulk milk be treated as a nondivisible load? Per the Fixing America's Transportation Act (FAST Act), a vehicle carrying fluid milk products shall be considered a load that cannot be easily dismantled or divided (nondivisible). Carriers may obtain annual permits up to 129,000 lbs., and up to 85 ft. of load length when using a double trailer combination. For this section, a double trailer is a tractor, semi-trailer and a second semi-trailer. This section applies to a vehicle that transports raw milk from a farm and/or raw milk products to or from a milk plant, receiving station or transfer station. Transporters of liquid bulk milk are exempt from holiday and commuter curfew restrictions when operating under a permit.

(a) Annual double trailer milk permits cannot exceed legal axle weight per RCW 46.44.041;

(b) Cannot exceed a load length of 85 ft.; and

(c) Must adhere to posted limits and restrictions on WSDOT's commercial vehicle services website.

WSR 23-23-164
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed November 21, 2023, 1:48 p.m., effective January 1, 2024]

Effective Date of Rule: January 1, 2024.

Purpose: This rule making adds a new part (R-1—Surgical Smoke) to chapter 296-62 WAC, General occupational health standards. The new part is necessary for the department of labor and industries (L&I) to implement and enforce SHB 1779, passed by the Washington state legislature in 2022 (codified as RCW 49.17.500), which becomes effective January 1, 2024. SHB 1779 requires employers in hospitals and ambulatory surgical centers to adopt and adhere to policies covering the use of smoke evacuation systems to protect workers who may be exposed to surgical smoke. The rule adopts language from RCW 49.17.500 and provides clarity regarding which employers are covered under the scope. RCW 49.17.500 states the law does not apply to hospitals with fewer than 25 acute care beds in operation. L&I interprets "in operation" as "licensed" beds to make sure the rule applies to the correct facilities.

Citation of Rules Affected by this Order: New WAC 296-62-510, 296-62-51010, 296-62-51020, 296-62-51030, 296-62-51040, 296-62-51060, and 296-62-51070.

Statutory Authority for Adoption: RCW 49.17.500.

Adopted under notice filed as WSR 23-18-077 on September 5, 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 7, 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 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: November 21, 2023.

Joel Sacks
Director

OTS-4625.2

PART R-1—SURGICAL SMOKE

NEW SECTION**WAC 296-62-510 Surgical smoke.**NEW SECTION

WAC 296-62-51010 Scope and application. (1) This section applies to surgical smoke exposures in hospitals, as defined in RCW 70.41.020, and ambulatory surgical facilities, as defined in RCW 70.230.010.

(2) Exposures to surgical smoke in other health care settings and exposures to similar smokes, particulates, vapors, and gases in other settings are covered under chapter 296-841 WAC, Airborne contaminants, and other applicable substance specific standards.

NEW SECTION

WAC 296-62-51020 Definitions. The following definitions apply to this section:

Smoke evacuation system. Equipment designed to capture and neutralize surgical smoke at the point of origin, before the smoke makes contact with the eyes or the respiratory tract of occupants in the room. Smoke evacuation systems may be integrated with the energy generating device or separate from the energy generating device.

Surgical smoke. The by-product that results from contact with tissue by a tool that performs a surgical function using heat, laser, electricity, or other form of energy.

NEW SECTION

WAC 296-62-51030 Surgical smoke program. (1) Employers must have a written surgical evacuation smoke program for any procedure that may generate surgical smoke.

(2) The surgical smoke evacuation program must have the following elements:

(a) Selection of surgical smoke evacuation systems.

(b) Required use of a surgical smoke evacuation system during any planned surgical procedure that is likely to generate surgical smoke which would otherwise make contact with the eyes or respiratory tract of the occupants of the room.

NEW SECTION

WAC 296-62-51040 Surgical smoke evacuation systems. (1) Employers must control employee exposure to surgical smoke with surgical smoke evacuations systems, as feasible.

(2) Surgical smoke evacuation systems must capture and neutralize surgical smoke before it makes contact with the eyes or respiratory tracts of room occupants.

(a) Surgical smoke should be captured as close to the point of origin or point at which it is released from the body of the patient as feasible.

(b) The system must neutralize the smoke in a manner that protects the safety of room occupants by filtering, safely exhausting outside or to a building exhaust system, or otherwise treating the air in a manner that protects the safety and health of the room occupants and other employees.

Note: Subject to funding being made available by the legislature, between January 2, 2025, and June 30, 2025, hospitals that meet certain criteria may apply for reimbursement of up to \$1,000 per operating room for smoke evacuation systems that were purchased and installed on or before January 1, 2025. See WAC 296-62-51070 Appendix A for details.

NEW SECTION

WAC 296-62-51060 Effective dates. (1) Chapter 296-62 WAC, Part R-1, is effective January 1, 2024.

(2) WAC 296-62-51030 and 296-62-51040 do not apply to the following establishments until January 1, 2025:

(a) Hospitals certified as critical access hospitals under 42 U.S.C. Sec. 1395i-4;

(b) Hospitals with fewer than 25 licensed acute care beds;

(c) Hospitals certified by the centers for medicare and medicaid services as sole community hospitals; and

(d) Hospitals that qualify as a medicare dependent hospital.

NEW SECTION

WAC 296-62-51070 Appendix A—Nonmandatory—Reimbursement for smoke evacuation systems. Equipment cost reimbursement.

(1) Subject to funding being made available by the legislature, the following hospitals may apply for reimbursement of costs for purchase and installation of surgical smoke evacuation equipment:

(a) Hospitals certified as critical access hospitals under 42 U.S.C. Sec. 1395i-4;

(b) Hospitals with fewer than 25 licensed acute care beds;

(c) Hospitals certified by the centers for medicare and medicaid services as sole community hospitals; and

(d) Hospitals that qualify as a medicare dependent hospital.

(2) Costs must be incurred by the hospital on or before January 1, 2025.

(3) Reimbursement is limited to \$1,000 for each operating room in the hospital.

(4) Reimbursement requests may be submitted from January 2, 2025, until April 30, 2025. If moneys in the reimbursement account are exhausted, no further requests will be processed.

(5) To apply for reimbursement, the hospital must follow the directions posted on the department website, <https://www.lni.wa.gov/>.

WSR 23-23-165

PERMANENT RULES

DEPARTMENT OF TRANSPORTATION

[Filed November 21, 2023, 1:51 p.m., effective December 22, 2023]

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

Purpose: RCW 47.28.070 authorizes the department to receive a questionnaire and financial statement prior to authorizing a proposal to a bidder. This process of obtaining information to determine that the bidder is qualified is referred to as "prequalification" and follows the process outlined in chapter 468-16 WAC. Due to process changes associated with working from home, the WAC needs to be revised to allow for electronic transmittal of performance reports. Also, changes in the law related to small and veteran business utilization have created revisions to the prime contractor performance report which is shown in the WAC and needs to be added to contractor suspension criteria based on sections of the prime contractor performance report.

Citation of Rules Affected by this Order: Amending chapter 468-16 WAC.

Statutory Authority for Adoption: RCW 47.28.070.

Adopted under notice filed as WSR 22-20-089 [23-18-082] on September 5, 2023.

A final cost-benefit analysis is available by contacting Jenna Kemp, P.O. Box 47360, Olympia, WA 98504-7360, phone 360-545-2818, email kempj@wsdot.wa.gov, website <https://wsdot.wa.gov/business-wsdot/how-do-business-us/public-works-contracts>.

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 2, 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 6, Repealed 0.

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

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

Date Adopted: October 26, 2023.

Sam Wilson, Director
Business Support Services

OTS-4466.1

AMENDATORY SECTION (Amending WSR 15-01-170, filed 12/23/14, effective 1/23/15)

WAC 468-16-090 Standard questionnaire. The standard questionnaire and financial statement shall be prepared and transmitted to the secretary, Attn: Contract advertisement and award office. The questionnaire shall include the following information:

(1) The contractor's name, address, phone number, facsimile number, email address, and type of organization (corporation, partnership, sole proprietorship, etc.).

(2) A list of the classes of work for which the contractor seeks qualification.

(3) A statement of the ownership of the firm and, if a corporation, the name of the parent corporation, if any, and the names of any affiliated or subsidiary companies.

(4) A certificate of authority from the office of the secretary of state to do business in Washington state if the applicant is an out-of-state corporation.

(5) A list of officials within the applicant firm who are also affiliated with other firms involved in construction work as a contractor, subcontractor, supplier, or consultant; including the name of the firm and their relationship with the affiliate firm.

(6) A complete list of the highest valued contracts or subcontracts performed in whole or in part within the immediate three years preceding application. The contract amount, contract number, date of completion, class of work; and the name, mailing address, email address, and phone number of the project owner or agency representative must be provided for those projects listed. Only that work completed by the contractor's own organization under its own supervision will be considered for prequalification purposes. A minimum of five completed projects must be listed.

(7) Personnel requirements.

(a) A listing of the principal officers and key employees indicating their years of experience in the classes of work for which prequalification is sought. For qualification in a class of work based on newly acquired personnel rather than the firm's past contract experience, the newly acquired personnel must be available for future employment for the full year for which qualification is sought unless replacement personnel have been approved. The loss of such personnel during the year of qualification, will result in revocation of qualification for the class of work granted pursuant to their acquisition. The department may require resumes of such personnel as deemed proper for making its determination. The firm's performance on department contracts must be currently rated standard or better to be used for qualification purposes.

(b) A firm must have, within its own organization, qualified permanent, full time personnel having the skills and experience including, if applicable, technical or specialty licenses, for each work class for which prequalification is sought. Those firms seeking qualification for electrical work (classes 9 and 16) must provide photocopies of current Washington state electrical licenses. The skills and experience must be substantiated by education and practical experience on completed construction projects.

(c) "Its own organization" shall be construed to include only the contractor's permanent, full time employed office and site supervisory personnel as shown on the most recently submitted or amended prequalification questionnaire. Workers of the organization shall be employed and paid directly by the prime contractor. The term "its own organization," shall also include the equipment owned or rented by the contractor with or without equipment operators. Such term does not include employees or equipment of another contractor, subcontractor, assignee, or agent of the applicant contractor although they are placed on the applicant contractor's payroll.

(8) A financial statement.

For a firm showing a net worth in excess of (~~one hundred thousand dollars~~) \$100,000, the applicant must provide, with the questionnaire, a copy of its financial statement as audited or reviewed for its last fiscal year, prepared in accordance with the standards of the American Institute of Certified Public Accountants. The statement must be prepared by an independent certified public accountant registered and licensed under the laws of any state. Balance sheets, income statements, a statement of retained earnings, supporting schedules and notes, and the opinion of the independent auditor must accompany the financial statement.

(9) A wholly owned subsidiary firm may file the latest consolidated financial statement of its parent corporation in lieu of a financial statement prepared solely for the subsidiary. When a consolidated financial statement is submitted, the requirements of subsection (8) of this section and WAC 468-16-140 (2)(b) must be fulfilled.

(10) The applicant shall list the following occurrences within the previous three years:

(a) Instances of having been denied qualification, or a license, or instances of having been deemed other than responsible by any public agency.

(b) Convictions for felonies listed in WAC 468-16-050.

(c) Failure to complete a contract.

(11) The standard questionnaire shall be processed as follows:

(a) The application for qualification shall be prepared on a standard questionnaire provided by the department and sworn to before a notary public or other person authorized to take oaths.

(b) A standard questionnaire will be reviewed and a written notice provided to the applicant, within (~~thirty~~) 30 days of its receipt, stating whether the applicant has been prequalified or qualification has been denied. The applicant will be advised of lack of receipt of data corroborating project completion and errors or omissions in the questionnaire and a request made for additional information necessary to complete evaluation of the applicant. If the information is not provided within (~~twenty~~) 20 calendar days of the request, the application will be processed, if possible, with the information available or it will be returned to the applicant without further action.

(c) When qualification is denied, the applicant shall be advised in writing by (~~certified mail (return)~~) email (read receipt requested) of the reasons for the denial and of the right to a hearing upon written request.

(d) Applicants not satisfied with the qualification granted may request in writing, a review of their questionnaire and qualification ratings. The request must be filed within (~~thirty~~) 30 calendar days of the date of receipt of the notice of qualification and must specifically state the basis for the request.

(e) The secretary or designee shall advise the applicant of his or her decision on the reconsideration within (~~thirty~~) 30 calendar days of receipt of the request.

(12) Criteria for initial qualification, renewal, and submission of supplemental data:

(a) Qualification may be established in any calendar quarter and must be renewed annually. Information submitted in the questionnaire will be used as a basis for the contractor's initial prequalification, work class ratings, and maximum capacity ratings. Qualification will be valid for the remainder of the applicant's fiscal year plus two calendar quarters as established by the date of the year-end financial

statement. Prequalification will be renewed annually thereafter or at other times as designated by the department.

(b) A standard questionnaire from a contractor, not previously qualified under this chapter, must have been received no less than ~~((fifteen))~~ 15 calendar days and prequalification must be granted by the department prior to the scheduled bid opening to receive consideration for issuance of a bidding proposal for that bid opening unless the contract is under ~~((one hundred thousand dollars))~~ \$100,000, in which case the department may waive the ~~((fifteen))~~ 15-day requirement.

(c) The department may, during the period for which the contractor has been prequalified, require the submission of a new standard questionnaire. If the questionnaire is not provided within ~~((thirty))~~ 30 calendar days of the date of request, the notice of qualification held by the contractor will be declared invalid and the contractor will not be permitted to bid with the department until the contractor is again prequalified.

(d) A supplemental questionnaire shall be submitted when a significant change in the structure of the firm occurs, e.g., incorporation, officers, ownership, etc., or when required by the department.

(e) If prequalification has lapsed for more than six months, the applicant will again be required to submit a fully executed standard questionnaire and financial statement.

(f) The applicant shall authorize the department to request and receive such additional information from any sources deemed necessary for the completion of the qualification process.

(g) Inquiries will be made and investigations, if necessary, will be conducted to verify the applicant's statements and to determine eligibility for qualification.

(h) The department may, upon request, require a list of all major items of equipment used to perform those classes of work for which prequalification is sought. The description, quantity, condition, present location, and age of such equipment must be shown. The schedule must show whether the equipment is owned, leased, or rented.

(i) The department may require a personal interview with a principal or principals of the contracting firm when considering its qualification.

(j) Qualified contractors in good standing shall be notified of impending expiration of their qualification and will be provided the necessary questionnaire forms for renewal at least ~~((forty-five))~~ 45 days before the expiration date.

(13) Financial information supplied by, or on behalf of, a contractor for the purpose of qualification under RCW 47.28.070 shall not be made available for public inspection and copying, pursuant to RCW 42.56.270. The foregoing restriction shall not prohibit the department's providing such information in evidence or in pretrial discovery in any court action or administrative hearing involving the department and a contractor. Insofar as permitted by public disclosure statutes, qualification ratings shall be treated as confidential information.

(14) Qualified contractors will be provided with notices which list projects currently being advertised.

AMENDATORY SECTION (Amending WSR 15-01-170, filed 12/23/14, effective 1/23/15)

WAC 468-16-150 Prime contractor performance reports. (1) Performance reports described in this section, substantially in the format as that appearing at WAC 468-16-210, will be completed for prime contractors only for projects valued at (~~one hundred thousand dollars~~) \$100,000 or more. Each prime contractor's performance report will be classified as to the primary work class being rated. This shall be stated in Section I of the report by listing the major classes of work performed by the contractor e.g., clearing, grading, surfacing, etc.

(2) Performance will be rated under the following headings: Administration, management, and supervision; quality of work; progress of work; and compliance with laws and contract requirements.

(3) The following adjectival ratings are established for performance reports:

(a) Superior	131-150
(b) Above standard	101-130
(c) Standard	100
(d) Below standard	70-99
(e) Inadequate	50-69

(4) The performance report shall be used in evaluating a contractor's prequalification status.

(5) The report shall contain a narrative section which verbally provides the details substantiating the numerical rating. The narrative section shall be based upon documentation prepared during the life of the project, such as the project engineer's diary, the inspector's daily report and other pertinent documents. This documentation shall constitute the major portion of the administrative record to be used for any hearings or litigation that may arise from the rating process.

(6) The performance report will be prepared and discussion held with the contractor by the project engineer. The report will include a numerical rating substantiated by a narrative report which describes the contractor's typical performance. The narrative will reference such documents as will substantiate the given numerical rating.

(7) The report will be endorsed by the region operations engineer or designated assistant who will provide a copy to the contractor.

(8) The contractor may appeal the rating to the region administrator in writing within (~~twenty~~) 20 calendar days of the date the report is received by the contractor. If the report is not delivered to the contractor in person, it shall be forwarded by (~~certified mail~~) email with a (~~return~~) delivery receipt and read receipt requested to the contractor's representative who signed the contract. The appeal must set forth the specific basis upon which it has been made.

(9) The region administrator or designated assistant will review all contractor performance reports after they have been endorsed and may modify the numerical or narrative rating if such is deemed appropriate. The contractor will be advised of any changes made. The region administrator will be required to make comments thereon only when the contractor's overall performance rating has been rated inadequate, below standard, or superior.

(10) Performance reports, when completed at region level, will be submitted to the secretary, Attn: Manager, contractor prequalification office, not later than (~~forty-five~~) 45 calendar days following final completion of the project.

(11) The region administrator or designated assistant shall review the appeal and provide a written response to the contractor by (~~certified mail (return)~~) email (read receipt requested) within (~~twenty~~) 20 calendar days of its receipt. A copy of the appeal and the response thereto will be forwarded to the secretary, Attn: Contract advertisements and award office.

(12) The contractor may further appeal to the secretary in writing setting forth the specific basis for the appeal. The contractor's appeal shall be made within (~~ten~~) 10 calendar days of the date of receipt of the region administrator's response. When making an appeal, the contractor may also present information in person. The secretary will consider the appeal and respond to it by (~~certified mail~~) email (read receipt requested) within (~~sixty~~) 60 calendar days of its receipt. This determination shall be the final administrative act of the department.

(13) All prime contractor performance reports shall be reviewed by the office of the secretary for completeness, objectivity, and substantiation of numerical ratings. The secretary may modify the report as deemed appropriate as a result of the review. The rated contractor and region administrator shall be given a copy of the modified report. The contractor may appeal the modified report in the manner and within the time allotted in subsection (12) of this section to which the secretary shall respond as cited therein.

(14) A prime contractor performance report shall be considered a preliminary paper until all reviews and appeals have been accomplished and it shall have been stamped and initialed as having been "filed in the office of the secretary."

(15) DOT Form 421-010 is authorized.

AMENDATORY SECTION (Amending WSR 15-01-170, filed 12/23/14, effective 1/23/15)

WAC 468-16-180 Suspension of qualification. (1) A suspension may be ordered for cause or for a period pending the completion of investigation and any ensuing legal action for revocation of qualification.

(2) The secretary may, upon determination from reports, other documents, or through investigation that cause exists to suspend the qualification of a contractor, impose suspension upon a contractor.

(3) The secretary may suspend qualification for:

(a) Incompetency found detrimental to timely project completion or to the safety of the public or employees.

(b) Inadequate performance on one or more projects.

(c) Infractions of rules, regulations, specifications, and instructions which may adversely affect public health, welfare, and safety.

(d) Uncompleted work which might prevent the prompt completion of other work.

(e) A finding of noncompliance and refusal to agree to take corrective action, and/or failure to implement agreed upon corrective action to comply with equal employment opportunity, small, women's, mi-

nority (~~and~~), disadvantaged business enterprise, and veteran-owned business requirements or state apprentice utilization requirements.

(f) Repeated findings of noncompliance (two or more) with equal employment opportunity, small, women's, minority, (~~and~~) disadvantaged business enterprise, and veteran-owned business requirements or state apprentice utilization requirements.

(g) Debarment or suspension from participation in federal or state projects.

(h) Pending completion of debarment proceedings in federal or state projects.

(4) The minimum periods of suspension for acts or deficiencies enumerated above are as follows:

(a) For subsection (3)(a) and (e) of this section - Three months.

(b) For subsection (3)(b), (c), (d), and (f) of this section - Six months.

(c) For subsection (3)(g) of this section - For duration of debarment or suspension by the federal or other state agency.

(d) For subsection (3)(h) of this section - Until a determination is made by the federal or other state agency.

(5) The secretary may reduce the period of suspension upon the contractor's supported request for reasons including, but not limited to:

(a) Newly discovered evidence;

(b) Elimination of causes for which the suspension was imposed.

AMENDATORY SECTION (Amending WSR 93-03-020, filed 1/12/93, effective 2/12/93)

WAC 468-16-190 Revocation of qualification. (1) The secretary, upon determination from reports, other documents, or investigation that cause exists to revoke the qualification of a contractor, may revoke the contractor's qualifications for a maximum period of two years.

(2) The secretary may revoke the qualification of a contractor upon a plea by the firm of nolo contendere, conviction, judgment, or admission for any of the following causes:

(a) Existence of any condition cited in WAC 468-16-050.

(b) Intentional falsification with intent to defraud or unauthorized destruction of project related records.

(3) Revocation of qualification may also be imposed for the following reasons:

(a) Default on a contract within three years prior to the date of application for qualification.

(b) Bankruptcy or insolvency.

(c) Breach of contract.

(d) Having been suspended two or more times within a two-year period.

(4) When qualification has been revoked, a contractor shall be required to reapply for qualification upon again reaching eligibility status.

(5) Revocation of qualification shall be final after (~~twenty~~) 20 calendar days following the read receipt of the email notification (~~(thereof by certified mail)~~), unless a hearing has been requested.

(6) The secretary may reverse the decision to revoke qualifications upon the contractor's supported request for reasons including, but not limited to:

- (a) Newly discovered evidence;
- (b) Reversal of the conviction or judgment upon which the revocation was based; and
- (c) Elimination of causes for which the revocation was imposed.

AMENDATORY SECTION (Amending WSR 15-01-170, filed 12/23/14, effective 1/23/15)

WAC 468-16-200 Hearings procedure. (1) A contracting firm which has been notified by the secretary that the department is contemplating suspending or revoking its qualification, may request in writing within ~~((twenty))~~ 20 calendar days of the date of notification by ~~((certified mail))~~ email, that a hearing be conducted. Unless the department is otherwise prohibited from contracting with the contractor, the suspension or revocation shall not become effective until the final decision of the secretary has been rendered. The hearing shall be conducted in accordance with the procedure set forth in this section.

(2) The secretary shall designate a hearing official to conduct any hearing held under this chapter. The hearing official shall furnish written notice by ~~((certified mail))~~ email with a read receipt of a hearing to the contractor and any named affiliates at least ~~((twenty))~~ 20 calendar days before the effective date of suspension or revocation of qualifications. The notice shall state:

- (a) That suspension or revocation of qualification is being considered.
- (b) The effective date of the proposed action.
- (c) The facts giving cause for the proposed action.
- (d) The cause or causes relied upon for proposing the action, i.e., fraud, statutory violations, etc.
- (e) If suspension is proposed, the duration of the suspension.
- (f) That the contractor may, within ~~((twenty))~~ 20 calendar days of receipt of the notice, submit to the hearing official by ~~((certified mail, return))~~ email, read receipt requested, information and argument in opposition to or in clarification of the proposed action.
- (g) When the action is based on a conviction, judgment, or admission, fact-finding shall be conducted if the hearing official determines that the contractor's submission raises a genuine dispute over material facts upon which the suspension or revocation is based or whether the causes relied upon for proposing suspension or revocation exist.
- (h) The time, place, and date of the hearing.
- (i) The name and ~~((mailing))~~ email address of the hearing official.

(j) That proposals shall not be issued nor contracts awarded to the contractor subsequent to the dispatch of the notice of hearing pending the final decision of the secretary.

(3) The hearing official may extend the date of any hearing upon request of the contractor, but the hearing shall not be extended beyond ~~((forty-five))~~ 45 calendar days from the date of the notice of the hearing. The hearing official shall schedule and conduct the hearing within ~~((thirty))~~ 30 calendar days of the date of the notice, except when an extension is granted as provided in this subsection.

- (4) In the course of the hearing, the hearing official shall:
- (a) Regulate the course and scheduling of the hearings;
 - (b) Rule on offers of proof, receipt of relevant evidence, and acceptance of proof and evidence as part of the record;
 - (c) Take action necessary to insure an orderly hearing; and
 - (d) At the conclusion of the hearing, issue written findings of fact and recommended administrative action to the secretary. The hearing officer shall deliver the entire record to the secretary.
- (5) The contractor shall have the opportunity to be present and appear with counsel, submit evidence, present witnesses, and cross-examine all witnesses. A transcribed or taped record shall be made of the hearing unless the secretary and the contractor waive the transcript or taping requirement. The transcript or tape shall be made available, at cost, to the contractor and all named affiliates upon request.

In actions where it has been established by conviction, judgment or admission, or where it has been established by findings made in accordance with this chapter, that the named contractor has engaged in conduct described in WAC 468-16-050 and the sole issue before the hearing official is the appropriateness of revocation of qualification or the length of suspension of qualification to be recommended to the secretary, prior judicial or administrative decision or findings shall not be subject to collateral attack.

The secretary, after receiving the record, findings of fact, and recommendations of the hearing official shall determine the administrative action to be taken. The secretary shall notify the contractor of his determination in writing.

Upon denial, suspension or revocation of prequalification, the respondent may appeal therefrom to the superior court of Thurston County pursuant to RCW 47.28.070. If the appeal is not made within the time prescribed in that statute, the department's action shall be conclusive.

AMENDATORY SECTION (Amending WSR 15-01-170, filed 12/23/14, effective 1/23/15)

WAC 468-16-210 Prime contractor performance report. (1) The evaluation of contractor performance shall be made on a form substantially in the format as illustrated herein.

(2) A *Prime Contractor Performance Report Manual* provides detailed instructions for preparation of the prime contractor performance report.

Prime Contractor Performance Report Instructions

The Prime Contractor Performance Report, DOT Form 421-010, consists of two parts — page 1 and page 2. Page 1 consists of Sections I, II, and III. Page 2 consists of Sections IV and V.

Section I CONTRACTOR DATA

This section denotes the type report being submitted and provides data relating to the contracting firm, its status and supervisors. Interim reports must be submitted annually on the anniversary of the project start date for all projects exceeding a duration of one year.

Section II PROJECT DATA

This section provides basic project data to assist those reviewing or otherwise using the report to place this evaluation in proper perspective with regard to project size, costs, complexity, and completion time. Under Work Class Performed by Contractor, list that work using the general headings in the description of project documents (e.g., preparation, grading, structure, asphalt concrete paving, etc.)

Section III NUMERICAL RATING

This section contains the four weighted rating areas of (A) Administration/Management and Supervision, (Q) Quality of Work, (P) Progress of Work, and (C) Compliance with Laws and Contract Requirements. Each area contains statements which are weighted as to their importance within the rating area. The rater must consult the Prime Contractor Performance Report Manual (M 41-40) for criteria used for rating contractor performance. There is only one value for the rating of standard. If more space is needed, use additional blank sheets.

* Shaded areas indicate the range of Inadequate and Superior ratings. Unshaded areas indicate Below Standard and Above Standard ranges, which are separated by a line representing a standard rating.

Section IV NARRATIVE RATING

This section is divided into three parts.

- A General Elements — Make any general statements pertinent to reporting the contractor's work activity, e.g., innovativeness in performing the work and any other noteworthy contractor activities.
- B Below Standard Elements — List any actions or activities which substantiate a numerical rating for each statement falling within the range of inadequate or below standard. Each comment must be correlated to identify the rating area and statement number. Each comment must be related to substantiating data reported during the life of the project in the Inspector's Daily Report, Project Engineer's Diary, correspondence, or other pertinent records. This data must be available as a part of the administrative record in the event of hearings or litigation.
- C Superior Elements — Make supportive comments for superior ratings. Substantiation by recorded data should be available in the form of reports, letters, and other documents if not included in diaries and journals.

Comments made in response to B and C above should make reference to documented activities that describe the typical performance of the contractor.

Section V REVIEW AND AUTHENTICATION

This section provides for the recording of the review and authentication of the report by the rater, endorser, and reviewer. Its purpose is to verify that the contractor has been given a copy of the report and that the contractor is aware of his right to appeal. It also serves the purpose of verifying that the report has been reviewed for the purposes of assuring objectivity in its preparation and for the elimination of the influences of personalities. The report will be reviewed by the Region Administrator. The Region Administrator will enter narrative comments thereon only when the contractor's overall performance has been rated below standard, inadequate, or superior. The completed report is to be forwarded to the Secretary (Attn: Prequalification Branch) to arrive not later than 45 calendar days after project completion.

DOT Form 421-010 EF Instructions
Revised 06/2014

Prime Contractor Performance Report Instructions

The Prime Contractor Performance Report, DOT Form 421-010, consists of two parts — page 1 and page 2. Page 1 consists of Sections I, II, and III. Page 2 consists of Sections IV and V. The electronic form is optimized for use with Adobe Acrobat. Do not use AdobeSign to complete or route the form for signature.

1. PE completes Sections I – IV in strict conformance with the Prime Contractor Performance Report Manual (M41-40)
2. PE Send to Contractor and discuss.
3. PE sign electronically and transmit to Region. It is recommended to use Adobe Acrobat for signing. Do not lock the form when signing.
4. Region Operations Engineer review, sign electronically. Do not lock the form when signing. Print and mail to Contractor via Certified Mail. Retain electronic copy for further processing.
5. Wait 20 days. Respond to protests, as necessary. Make adjustments.
 - a. Adjustments made with strikethrough, adding new text and initials of individual making change.
6. Regional Administrator Sign electronically. Do not lock the form when signing. The form must be unlocked for headquarters use.
7. Transmit to Contract Ad and Award electronically. Distribute copies to PE, RA, and Contractor.

DOT Form 421-010 Distribution: Original - Prequalification Branch Copy - Region Administrator Copy - Project Engineer Copy – Contractor
Revised 07/2022



Prime Contractor Performance Report

Section I Contractor Data		Section II Project Data			
Report Type <input type="checkbox"/> Interim <input type="checkbox"/> Final <input type="checkbox"/> Special	Contractor No. (HQ Use Only)	Region	Contract No. Federal-Aid No.	County	SR
Company Name		Project Title			
Address	Phone No.	Auth. Working Days	Working Days Charged	Work Starting Date	Completion Date
Superintendent	Foreman	Contract Award Amount		Contract Completion Amount	
Work Class Performed by Contractor:					
Description of Work:					

Section III Numerical Rating						
	* Inadequate	* Below Std	Standard	Above Std	* Superior	Rating
A Administration / Management / Supervision						
A1. Supervision/Decision Making/Coordination with Subcontractors and suppliers	3	4	6	8	10	
A2. Submission of Documents and Reports	3	4	6	8	10	
A3. Coordination and Cooperation with Department Personnel on Project Matters	3	4	6	8	10	
A4. Relations with General Public, Other Agencies and Adjacent Contractors	2	4	5	6	7	
A5. Maintenance of Employee Safety Standards	1	1.5	2	2.5	3	
Section A Total	12	17.5	25	32.5	40	
Q Quality of Work						
Q1. Adherence to Plans and Specifications	9	12.5	15	18	21	
Q2. Standards of Workmanship	6	8	10	12.5	15	
Q3. Public Safety and Traffic Control	2	3	4	5	6	
Q4. Environmental Compliance	4	5	6	7	8	
Section Q Total	21	28.5	35	42.5	50	
P Progress of Work						
P1. Completion of project within allotted time	6	8	10	12	14	
P2. Baseline scheduling	2.5	3.5	5	7	8.5	
P3. Weekly look ahead schedule & schedule update	1.5	2.5	4	5.5	7.5	
P4. Number of days from Physical Completion Until contract completion	3	4.5	6	8	10	
Section P Total	13	18.5	25	32.5	40	
C Compliance with Laws and Contract Requirements						
C1. Compliance with EEO, On-the-Job Training and D/M/W/SBE Requirements	1.3	3.5	5	6.5	8	
C2. Compliance with Apprenticeship Requirements	1.3	3.5	5	6	7	
C3. Compliance with Laws, Ordinances and Regulations	1.4	3.5	5	5	5	
Section C Total	4	10.5	15	17.5	20	
Project Total	50	75	100	125	150	

* Explain any Inadequate, Below Standard, and Superior ratings in Narrative Section (IV) Performance Score HQ Use Only

NOTE: An inadequate or below standard rating in any section shall limit the section total to a standard rating.

DOT Form 421-010 EF Revised 01/2014 Distribution: Original - Prequalification Branch Copy - Region Administrator Copy - Project Engineer Copy - Contractor Page 1 of 2

FILED IN THE OFFICE OF THE SECRETARY (HQ USE)
DATE: INITIALS:



Prime Contractor Performance Report

Section I Contractor Data			Section II Project Data			
Report Type <input type="checkbox"/> Interim <input type="checkbox"/> Final <input type="checkbox"/> Special	Contractor No. (HQ Use Only)		Region	Contract No. Federal-Aid No.	County	SR
Company Name			Project Title			
Address		Phone No.	Auth. Working Days	Working Days Charged	Work Starting Date	Contract Completion Date
Superintendent	Foreman		Contract Award Amount		Contract Completion Amount	
Work Class Performed by Contractor:						
Description of Work:						

Section III Numerical Rating						
	* Inadequate	* Below Std	Standard	Above Std	* Superior	Rating
A Administration / Management / Supervision						
A1. Supervision/Decision Making/Coordination with Subcontractors and suppliers	3	4	6	8	10	
A2. Submission of Documents and Reports	3	4	6	8	10	
A3. Coordination and Cooperation with Department Personnel on Project Matters	3	4	6	8	10	
A4. Relations with General Public, Other Agencies and Adjacent Contractors	2	4	5	6	7	
A5. Maintenance of Employee Safety Standards	1	1.5	2	2.5	3	
Section A Total	12	17.5	25	32.5	40	
Q Quality of Work						
Q1. Adherence to Plans and Specifications	9	12.5	15	18	21	
Q2. Standards of Workmanship	6	8	10	12.5	15	
Q3. Public Safety and Traffic Control	2	3	4	5	6	
Q4. Environmental Compliance	4	5	6	7	8	
Section Q Total	21	28.5	35	42.5	50	
P Progress of Work						
P1. Completion of project within allotted time	6	8	10	12	14	
P2. Baseline scheduling	2.5	3.5	5	7	8.5	
P3. Weekly look ahead schedule & schedule update	1.5	2.5	4	5.5	7.5	
P4. Number of days from Physical Completion Until contract completion	3	4.5	6	8	10	
Section P Total	13	18.5	25	32.5	40	
C Compliance with Laws and Contract Requirements						
C1. Compliance with Business Utilization Requirements	1.3	3.5	5	6.5	8	
C2. Compliance with Apprentice and On-the-Job Training Requirements	1.3	3.5	5	6	7	
C3. Compliance with Laws, Ordinances and Regulations	1.4	3.5	5	5	5	
Section C Total	4	10.5	15	17.5	20	
Project Total	50	75	100	125	150	0.00

* Explain any Inadequate, Below Standard, and Superior ratings in Narrative Section (IV) Performance Score HQ Use Only
 NOTE: An inadequate or below standard rating in any section shall limit the section total to a standard rating.
 DOT Form 421-010 Revised 07/2022 Distribution: Original - Prequalification Branch Copy - Region Administrator Copy - Project Engineer Copy - Contractor Page 1 of 2

Contract No. _____

Section IV Narrative Rating

A General Elements Enter comments that describe the contractor's overall performance and provide background data on the project.

B Below Standard Elements Enter comments here to substantiate below standard ratings. (See Instructions)

C Superior Elements Enter comments here to substantiate superior ratings. (See Instructions)

Section V Authentication and Review

I certify that I have objectively prepared this report basing it upon data contained in available project records and discussed the report with the contractor.

Project Engineer's Name (Print) Project Engineer's Signature Date

I have reviewed this report for objectivity and accuracy. I have given a copy of this report to the rated contractor and I have advised the contractor that any appeal must be made within twenty (20) calendar days.

Date Copy Given / Mailed to Contractor

Operations Engineer or Designee's Name (Print) Operations Engineer or Designee's Signature Date

I have reviewed this Contractor Performance Report and make the following comments and changes as cited herein or on attached sheets.

Region Administrator's Name (Print) Region Administrator's Signature Date

((

))

Contract No. _____

Section IV Narrative Rating		
A General Elements Enter comments that describe the contractor's overall performance and provide background data on the project.		
B Below Standard Elements Enter comments here to substantiate below standard ratings. (See Instructions)		
C Superior Elements Enter comments here to substantiate superior ratings. (See Instructions)		

Section V Authentication and Review		
I certify that I have objectively prepared this report basing it upon data contained in available project records and discussed the report with the contractor.		
_____	_____	_____
Project Engineer's Name (Print)	Project Engineer's Signature	Date
I have reviewed this report for objectivity and accuracy. I have given a copy of this report to the rated contractor and I have advised the contractor that any appeal must be made within twenty (20) calendar days.		

Date Copy Given / Mailed to Contractor		
_____	_____	_____
Operations Engineer or Designee's Name (Print)	Operations Engineer or Designee's Signature	Date
I have reviewed this Contractor Performance Report and make the following comments and changes as cited herein or on attached sheets.		
_____	_____	_____
Region Administrator's Name (Print)	Region Administrator's Signature	Date

WSR 23-23-166
PERMANENT RULES
DEPARTMENT OF HEALTH
(Board of Nursing)

[Filed November 21, 2023, 1:52 p.m., effective December 22, 2023]

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

Purpose: Health equity continuing education (CE) for licensed practical nurses (LPN) and registered nurses (RN) licensed in WAC 246-840-220 and 246-840-222. The Washington state board of nursing (board) is adopting an amendment to WAC 246-915-085 to implement ESSB 5229 (chapter 276, Laws of 2021). The board is adopting a new section of rule and revisions to existing rule in order to establish health equity CE requirements to comply with RCW 43.70.613.

RCW 43.70.613 (3) (b) directs the rule-making authority for each health profession licensed under Title 18 RCW that is subject to CE to adopt rules requiring a licensee to complete health equity CE training at least once every four years. The statute also directs the department of health (department) to create model rules establishing the minimum standards for health equity CE programs. The department filed model rules for health equity CE minimum standards on November 23, 2022, under WSR 22-23-167. Any rules developed for the board must meet or exceed the minimum standards in the model rules in WAC 246-12-800 through 246-12-830.

The board's adopted rule adds two hours of health equity education to be completed as part of the current CE requirements every year. This exceeds the two hours of health equity education to be completed every four years required in the model rules. The proposed rule requires two hours in health equity CE every year which can be counted under existing CE requirements for the profession. No additional topics are being added to the model rules requirements.

Citation of Rules Affected by this Order: New WAC 246-840-222; and amending WAC 246-840-220.

Statutory Authority for Adoption: RCW 18.79.010, 18.79.110, and 43.70.613.

Adopted under notice filed as WSR 23-19-081 on September 19, 2023.

A final cost-benefit analysis is available by contacting Jessilyn Dagum, P.O. Box 47864 Olympia, WA 98504-7864, phone 360-236-3538, fax 360-236-4738, TTY 711, email WABONRules@doh.wa.gov, website www.nursing.wa.gov.

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

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

Date Adopted: October 25, 2023.

Alison Bradywood, DNP, MN/MPH, RN, NEA-BC
Executive Director

OTS-4786.2

AMENDATORY SECTION (Amending WSR 21-11-032, filed 5/12/21, effective 6/12/21)

WAC 246-840-220 Continuing competency requirements—Active status. (1) Upon license renewal a nurse must attest on a form provided by the department of health declaring completion of the required active nursing practice hours and continuing nursing education hours.

(2) A nurse must complete within a (~~twelve~~) 12-month period prior to the renewal of licensure:

(a) A minimum of (~~ninety-six~~) 96 hours of active nursing practice; and

(b) A minimum of eight hours of continuing nursing education of which at least two hours must be on health equity training, as specified in WAC 246-840-222.

(3) Nurses must complete a qualified suicide prevention training as follows:

(a) A registered nurse, except for registered nurses holding an active certified registered nurse anesthetist license, and licensed practical nurses must complete a one-time, six hour training in suicide assessment, treatment, and management from a qualified suicide prevention training program. The training must be completed by the end of the first full year of practice.

(b) A qualified suicide training program must be on the model list, required under RCW 43.70.442, to be accepted.

(c) The hours spent completing a qualified training program in suicide assessment, treatment, and management under this section counts toward continuing competency requirements in subsection (2)(b) of this section.

(4) Nurses who are enrolled in, or have completed prerequisite classes for, an advanced nursing education program are exempt from the continuing competency requirements during their current review period.

NEW SECTION

WAC 246-840-222 Continuing competency requirements—Health equity continuing education. (1) Licensed practical nurses and registered nurses must complete a minimum of two hours of health equity continuing education every year upon license renewal as described in WAC 246-12-800 through 246-12-830.

(2) This training must be completed by the end of the second full continuing education reporting period after January 1, 2024, or the second full continuing education reporting period after initial licensure, whichever is later.

(3) After the first required reporting period, this training must be completed within a 12-month period prior to license renewal. Additional hours cannot be rolled over to the following year.

(4) The hours spent completing health equity continuing education under this section count toward meeting applicable continuing education requirements for nurse license renewal as described in WAC 246-840-220.

WSR 23-23-168
 PERMANENT RULES
 NOXIOUS WEED
 CONTROL BOARD

[Filed November 21, 2023, 4:01 p.m., effective January 1, 2024]

Effective Date of Rule: January 1, 2024.

Purpose: The Washington state noxious weed list provides the basis for noxious weed control efforts for county noxious weed control boards and other entities. It also provides guidelines for the state noxious weed control board. This proposal updates the noxious weed list, adds a section regarding the Washington state noxious weed control board (NWCB) bylaws outlining the definition of conflict of interest and procedures for board members to follow, and updates language throughout chapter 16-750 WAC. The anticipated effects include having an effective and efficient noxious weed list and guidelines for the administration of the NWCB. This rule-making order amends chapter 16-750 WAC by:

Updates to the noxious weed list:

WAC 16-750-005 Class A Noxious Weed Changes and Additions:

The addition of Palmer amaranth, *Amaranthus palmeri*.

The addition of variable-leaf milfoil hybrids, *Myriophyllum heterophyllum x Myriophyllum hippuroides*.

WAC 16-750-011 Class B Noxious Weed Changes and Additions:

Undesignating Brazilian elodea, *Egeria densa*, in Green Lake in King County.

Undesignating shiny geranium, *Geranium lucidum*, in Snohomish County.

WAC 16-750-015 Class C Noxious Weed Changes and Additions:

Adding European, American, and hybrid beach grasses, *Ammophila arenaria*, *A. breviligulata*, and *A arenaria x breviligulata*.

New WAC 16-750-137 Draft rules on conflicts: [See attached WAC for language].

Other administrative updates ensure chapter 16-750 WAC reflects and matches chapter 17.10 RCW, and makes grammatical corrections.

Citation of Rules Affected by this Order: New WAC 16-750-137; and amending WAC 16-750-003, 16-750-005, 16-750-011, 16-750-015, 16-750-020, 16-750-022, 16-750-025, 16-750-100, 16-750-115, 16-750-120, 16-750-130, 16-750-135, 16-750-140, 16-750-142, 16-750-145, 16-750-146, and 16-750-165.

Statutory Authority for Adoption: Chapter 17.10 RCW.

Other Authority: Chapter 34.05 RCW.

Adopted under notice filed as WSR 23-19-064 on September 18, 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 1, Amended 17, 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: November 1, 2023.

William C. Agosta
Chairman

OTS-4948.1

AMENDATORY SECTION (Amending WSR 10-03-046, filed 1/14/10, effective 2/14/10)

WAC 16-750-003 Definitions. (1) The definitions in this section shall apply throughout this chapter, unless the context plainly requires otherwise:

(a) "Action" means the transaction of the official business of the Washington state noxious weed control board including but not limited to receipt of public testimony, deliberations, discussions, considerations, reviews, and final actions.

(b) "Board" means the Washington state noxious weed control board, or a duly authorized representative.

(c) "Director" means the director of the department of agriculture, or the director's appointed representative.

(d) "Executive secretary" means the executive secretary of the Washington state noxious weed control board.

(e) "Department" means the department of agriculture of this state.

(f) "Final action" means a collective positive or negative decision, or an actual vote by a majority of board members when sitting as a body or entity, upon a motion, proposal, resolution, or order.

(g) "Meeting" means meetings at which action is taken.

(h) "Regular meetings" means recurring meetings held in accordance with a periodic schedule in compliance with applicable statute or rule.

(2) The definitions in this subsection apply throughout this chapter, chapter 17.10 RCW, and any rules adopted thereunder unless the context plainly requires otherwise:

(a) "Control" of noxious weeds means to prevent all seed production and to prevent the dispersal of all propagative parts capable of forming new plants.

(b) "Contain" means to confine a noxious weed and its propagules to an identified area of infestation.

(c) "Eradicate" means to eliminate a noxious weed within an area of infestation.

(d) "Prevent the spread of noxious weeds" means to contain noxious weeds.

(e) Class A noxious weeds ((are)) consist of those noxious weeds not native to the state that are of limited distribution or are unrecorded in the state and that pose a serious threat to the state.

(f) Class B noxious weeds ((are)) consist of those noxious weeds not native to the state that are of limited distribution or are unre-

corded in a region of the state and that pose a serious threat to that region.

(g) "Class B designate" means those Class B noxious weeds whose populations in a region or area are such that all seed production can be prevented within a calendar year.

(h) Class C are any other nonnative to Washington state noxious weeds.

(3) Any county noxious weed control board may enhance the clarity of any definition contained in subsection (2) of this section, making that definition more specific, but shall not change its general meaning.

AMENDATORY SECTION (Amending WSR 20-24-098, filed 11/30/20, effective 1/1/21)

WAC 16-750-005 State noxious weed list—Class A noxious weeds.

Common Name	Scientific Name
broom, French	<i>Genista monspessulana</i>
broom, Spanish	<i>Spartium junceum</i>
common crupina	<i>Crupina vulgaris</i>
cordgrass, common	<i>Spartina anglica</i>
cordgrass, dense-flowered	<i>Spartina densiflora</i>
cordgrass, salt meadow	<i>Spartina patens</i>
cordgrass, smooth	<i>Spartina alterniflora</i>
dyer's woad	<i>Isatis tinctoria</i>
eggleaf spurge	<i>Euphorbia oblongata</i>
false brome	<i>Brachypodium sylvaticum</i>
floating primrose-willow	<i>Ludwigia peploides</i>
flowering rush	<i>Butomus umbellatus</i>
garlic mustard	<i>Alliaria petiolata</i>
giant hogweed	<i>Heracleum mantegazzianum</i>
goatsrue	<i>Galega officinalis</i>
hydrilla	<i>Hydrilla verticillata</i>
Johnsongrass	<i>Sorghum halepense</i>
knapweed, bighead	<i>Centaurea macrocephala</i>
knapweed, Vochin	<i>Centaurea nigrescens</i>
kudzu	<i>Pueraria montana</i> var. <i>lobata</i>
meadow clary	<i>Salvia pratensis</i>
oriental clematis	<i>Clematis orientalis</i>
<u>Palmer amaranth</u>	<u><i>Amaranthus palmeri</i></u>
purple starthistle	<i>Centaurea calcitrapa</i>
reed sweetgrass	<i>Glyceria maxima</i>
ricefield bulrush	<i>Schoenoplectus mucronatus</i>
sage, clary	<i>Salvia sclarea</i>
sage, Mediterranean	<i>Salvia aethiopsis</i>
silverleaf nightshade	<i>Solanum elaeagnifolium</i>

Common Name	Scientific Name
small-flowered jewelweed	<i>Impatiens parviflora</i>
South American spongeplant	<i>Limnobium laevigatum</i>
Syrian bean-caper	<i>Zygophyllum fabago</i>
Texas blueweed	<i>Helianthus ciliaris</i>
thistle, Italian	<i>Carduus pycnocephalus</i>
thistle, milk	<i>Silybum marianum</i>
thistle, slenderflower	<i>Carduus tenuiflorus</i>
thistle, Turkish	<i>Carduus cinereus</i>
variable-leaf milfoil <u>and hybrids</u>	<i>Myriophyllum heterophyllum</i> <u><i>Myriophyllum heterophyllum x Myriophyllum hippuroides</i></u>
wild four o'clock	<i>Mirabilis nyctaginea</i>

AMENDATORY SECTION (Amending WSR 22-24-059, filed 12/1/22, effective 1/1/23)

WAC 16-750-011 State noxious weed list—Class B noxious weeds.

Name	Will be a "Class B designate" in all lands lying within:
(1) blueweed, <i>Echium vulgare</i>	(a) regions 1, 2, 3, 4, 6 (b) region 5, except Spokane County
(2) Brazilian elodea, <i>Egeria densa</i>	(a) region 1, except Grays Harbor County (b) region 2, except Kitsap County <u>and Green Lake in King County</u> (c) King County of region 2, except lakes Dolloff, Fenwick, Union, Washington, and Sammamish, and the Sammamish River (d) region 3, except Wahkiakum County (e) regions 4, 5, and 6
(3) bugloss, annual, <i>Lycopsis arvensis</i>	(a) regions 1, 2, 3, 4, and 6 (b) region 5, except Spokane County
(4) bugloss, common, <i>Anchusa officinalis</i>	(a) regions 1, 2, 3, and 6 (b) All of region 4 except those areas lying within the Entiat River Valley between the Columbia River confluence and Stormy Creek in Chelan County (c) region 5, except Spokane County
(5) butterfly bush, <i>Buddleja davidii</i>	(a) Grays Harbor County of region 1 (b) San Juan County of region 2 (c) Cowlitz County of region 3
(6) camelthorn, <i>Alhagi maurorum</i>	(a) regions 1, 2, 3, 4, 5, and 6
(7) common fennel, <i>Foeniculum vulgare</i> (except bulbing fennel, <i>F. vulgare</i> var. <i>azoricum</i>)	(a) region 1, except Jefferson County (b) region 2, except King and Skagit counties (c) region 3, except Clark County (d) regions 4, 5, and 6

Name		Will be a "Class B designate" in all lands lying within:	
(8)	common reed, <i>Phragmites australis</i> (nonnative genotypes only)	(a)	regions 1, 2, 3, and 4
		(b)	region 5, except Grant County
		(c)	Asotin, Columbia, and Garfield counties of region 6
(9)	common tansy, <i>Tanacetum vulgare</i>	(a)	Clallam County of region 1
		(b)	Kitsap and San Juan counties of region 2
		(c)	Cowlitz County of region 3
		(d)	Adams and Lincoln counties of region 5
(10)	Dalmatian toadflax, <i>Linaria dalmatica</i> ssp. <i>dalmatica</i>	(a)	regions 1, 2, and 3
		(b)	Adams, Kittitas, and Lincoln counties of region 5
		(c)	Benton, Franklin, and Walla Walla counties of region 6
(11)	Eurasian watermilfoil, <i>Myriophyllum spicatum</i>	(a)	region 1, except Pacific County
		(b)	Island, Kitsap, and San Juan counties of region 2
		(c)	Clark and Cowlitz counties of region 3
		(d)	Chelan and Okanogan counties, and all lakes with public boat launches except Fan Lake in Pend Oreille County of region 4
		(e)	Adams, Kittitas, Lincoln, and Whitman counties of region 5
		(f)	Asotin, Columbia, and Garfield counties of region 6
(12)	European coltsfoot, <i>Tussilago farfara</i>	(a)	regions 1, 2, 3, 4, 5, and 6
(13)	fanwort, <i>Cabomba caroliniana</i>	(a)	regions 1, 2, 4, 5, and 6
		(b)	region 3, except Cowlitz County
(14)	gorse, <i>Ulex europaeus</i>	(a)	region 1, except Grays Harbor and Pacific counties
		(b)	regions 2, 3, 4, 5, 6
(15)	grass-leaved arrowhead, <i>Sagittaria graminea</i>	(a)	region 1
		(b)	region 2, except Snohomish County
		(c)	regions 3, 4, 5, and 6
(16)	hairy willow-herb, <i>Epilobium hirsutum</i>	(a)	regions 1, 3, and 4
		(b)	region 2, except Thurston and Whatcom counties
		(c)	region 5, except Klickitat County
		(d)	region 6, except Benton and Franklin counties
(17)	hanging sedge, <i>Carex pendula</i> , <i>Carex pendula</i> subsp. <i>pendula</i> and <i>Carex pendula</i> subsp. <i>agastachys</i>	(a)	regions 1, 3, 4, 5, and 6
		(b)	region 2, except for King County
(18)	hawkweed oxtongue, <i>Picris hieracioides</i>	(a)	regions 1, 2, 4, 5, and 6
		(b)	region 3, except Skamania County
(19)	hawkweed, orange, <i>Hieracium aurantiacum</i>	(a)	regions 1, 3, and 6
		(b)	region 2, except Whatcom County
		(c)	region 4, except Pend Oreille and Stevens counties
		(d)	region 5, except Kittitas and Spokane counties

Name	Will be a "Class B designate" in all lands lying within:
(20) hawkweeds: All nonnative species and hybrids of the Meadow subgenus (<i>Pilosella</i>), including, but not limited to, mouseear (<i>Hieracium pilosella</i>), pale (<i>H. lactucella</i>), queen-devil (<i>H. glomeratum</i>), tall (<i>H. piloselloides</i>), whiplash (<i>H. flagellare</i>), yellow (<i>H. caespitosum</i>), and yellow-devil (<i>H. x floribundum</i>)	(a) region 1 (b) region 2, except Thurston County (c) region 3, except Cowlitz County (d) region 4, except Pend Oreille and Stevens counties (e) region 5, except Klickitat and Spokane counties (f) region 6
(21) hawkweeds: All nonnative species and hybrids of the Wall subgenus (<i>Hieracium</i>), including, but not limited to, common (<i>Hieracium lachenalii</i>), European (<i>H. sabaudum</i>), polar (<i>H. atratum</i>), smooth (<i>H. laevigatum</i>), spotted (<i>H. maculatum</i>), and wall (<i>H. murorum</i>)	(a) regions 1, 3, 5, and 6 (b) region 2, except King, Skagit, Snohomish, and Whatcom counties (c) region 4, except Stevens County
(22) herb-Robert, <i>Geranium robertianum</i>	(a) regions 4, 5, and 6
(23) hoary alyssum, <i>Berteroa incana</i>	(a) regions 1, 2, 3, and 6 (b) region 4, except Pend Oreille and Ferry counties (c) region 5, except Klickitat County
(24) houndstongue, <i>Cynoglossum officinale</i>	(a) regions 1, 2, and 3 (b) Chelan and Douglas counties of region 4 (c) Yakima, Grant and Adams counties of region 5 (d) Benton and Franklin counties of region 6
(25) indigobush, <i>Amorpha fruticosa</i>	(a) regions 1, 2, and 4 (b) Lewis County of region 3 (c) region 5, except Klickitat County
(26) knapweed, black, <i>Centaurea nigra</i>	(a) regions 1, 2, 3, 4, 5, and 6
(27) knapweed, brown, <i>Centaurea jacea</i>	(a) regions 1, 2, 3, 4, 5, and 6
(28) knapweed, diffuse, <i>Centaurea diffusa</i>	(a) region 1 (b) region 2 (c) region 3, except Cowlitz County (d) Adams County of region 5
(29) knapweed, meadow, <i>Centaurea x gerstlaueri</i>	(a) regions 1 and 4 (b) region 2, except Whatcom County (c) Thurston County of region 2, except below the ordinary high-water mark of the Nisqually River (d) Lewis and Wahkiakum counties of region 3 (e) region 5, except Kittitas and Klickitat counties (f) region 6, except Franklin and Walla Walla counties
(30) knapweed, Russian, <i>Rhaponticum repens</i>	(a) regions 1, 2, and 3 (b) Ferry and Pend Oreille counties of region 4 (c) Lincoln, Spokane, and Whitman counties of region 5 (d) Adams County of region 5, except for the area west of Highway 17 and north of Highway 26

Name		Will be a "Class B designate" in all lands lying within:	
(31)	knapweed, spotted, <i>Centaurea stoebe</i>	(e)	Asotin and Garfield counties of region 6
		(a)	region 1, except Grays Harbor
		(b)	region 2, except Whatcom County
		(c)	Clark, Lewis, and Wahkiakum counties of region 3
		(d)	Ferry and Douglas counties of region 4
		(e)	Adams, Grant and Yakima counties of region 5
(32)	knotweed, Bohemian, <i>Fallopia x bohémica</i>	(f)	region 6, except Columbia and Walla Walla counties
		(a)	Island and San Juan counties of region 2
(33)	knotweed, giant, <i>Fallopia sachalinensis</i>	(b)	Skamania County of region 3
		(c)	region 4, 5, and 6
		(a)	region 2, except King, Pierce, and Snohomish counties
(34)	knotweed, Himalayan, <i>Persicaria wallichii</i>	(b)	region 3, except Cowlitz and Lewis counties
		(c)	regions 4, 5, and 6
		(a)	region 1, except Pacific County
		(b)	region 2, except King and Pierce counties
(35)	knotweed, Japanese, <i>Fallopia japonica</i>	(c)	region 3, except Wahkiakum County
		(d)	region 4, 5, and 6
		(a)	Island, San Juan, and Whatcom counties of region 2
		(b)	Skamania County of region 3
		(c)	region 4, except Okanogan County
(36)	kochia, <i>Bassia scoparia</i>	(d)	region 5, except Spokane County
		(e)	region 6
		(a)	regions 1, 2, and 3
		(b)	Stevens and Pend Oreille counties of region 4
(37)	lesser celandine, <i>Ficaria verna</i>	(c)	Adams County of region 5
		(a)	region 1, 3, 4, 5, and 6
(38)	loosestrife, garden, <i>Lysimachia vulgaris</i>	(b)	region 2, except King and Whatcom counties
		(a)	regions 1, 2, 3, 4, 5, 6
(39)	loosestrife, purple, <i>Lythrum salicaria</i>	(a)	Clallam, Jefferson, and Mason counties of region 1
		(b)	region 2, except Kitsap, Skagit, and Snohomish counties
		(c)	Clark, Lewis, and Skamania counties of region 3
		(d)	region 4, except Douglas County
		(e)	region 5, except Grant and Spokane counties
		(f)	region 6, except Asotin and Franklin counties
(40)	loosestrife, wand, <i>Lythrum virgatum</i>	(a)	Clallam, Jefferson, and Mason counties of region 1
		(b)	region 2, except Kitsap, Skagit, and Snohomish counties
		(c)	Clark, Lewis, and Skamania counties of region 3
		(d)	region 4, except Douglas County
		(e)	region 5, except Grant and Spokane counties
		(f)	region 6, except Asotin and Franklin counties
(41)	Malta starthistle, <i>Centaurea melitensis</i>	(a)	regions 1, 2, and 3
		(b)	region 4, except T36 R38 in the area contained within Hwy 395/Hwy 20, Pingston Creek Road, and Highland Loop Road in Stevens County
		(c)	region 5, except Klickitat and Whitman counties

Name		Will be a "Class B designate" in all lands lying within:	
(42)	parrotfeather, <i>Myriophyllum aquaticum</i>	(a)	region 1, except Pacific County
		(b)	regions 2, 4, 5, and 6
		(c)	Clark and Skamania counties of region 3
(43)	perennial pepperweed, <i>Lepidium latifolium</i>	(a)	regions 1, 2, and 4
		(b)	region 3, except Clark and Cowlitz counties
		(c)	Kittitas, Lincoln and Spokane counties of region 5
		(d)	Columbia and Garfield counties of region 6
(44)	poison hemlock, <i>Conium maculatum</i>	(a)	Clallam, Mason, and Pacific counties of region 1
		(b)	region 2, except King, Skagit, and Whatcom counties
		(c)	Clark and Skamania counties of region 3
		(d)	Chelan, Douglas, and Pend Oreille counties of region 4
		(e)	Grant, Kittitas and Lincoln counties of region 5
(45)	policeman's helmet, <i>Impatiens glandulifera</i>	(a)	region 1, 3, 4, 5, and 6
		(b)	region 2, except Thurston and Whatcom counties
(46)	puncturevine, <i>Tribulus terrestris</i>	(a)	regions 1, 2, and 3
		(b)	Ferry, Pend Oreille, and Stevens counties of region 4
		(c)	region 5, except Grant, Klickitat, and Yakima counties
(47)	Ravenna grass, <i>Tripsidium ravennae</i>	(a)	Cowlitz County of region 3
		(b)	region 4
		(c)	region 5, except Yakima County
		(d)	region 6, except Benton County
(48)	rough chervil, <i>Chaerophyllum temulum</i>	(a)	regions 1, 3, 4, 5, and 6
		(b)	region 2, except for King County
(49)	rush skeletonweed, <i>Chondrilla juncea</i>	(a)	regions 1, 2, and 3
		(b)	region 4, except all areas of Stevens County south of Township 29
		(c)	Kittitas and Yakima counties of region 5, and Adams County, except those areas lying east of Sage Road, the western border of Range 36
		(d)	Asotin County of region 6
(50)	saltcedar, <i>Tamarix ramosissima</i> (unless intentionally planted prior to 2004)	(a)	regions 1, 3, 4, 5, and 6
		(b)	region 2, except King and Thurston counties
(51)	Scotch broom, <i>Cytisus scoparius</i>	(a)	regions 4 and 6
		(b)	region 5, except Klickitat County
(52)	shiny geranium, <i>Geranium lucidum</i>	(a)	regions 1, 4, 5, and 6
		(b)	region 2, except King, <u>Snohomish</u> , and Thurston counties
		(c)	region 3, except Clark County
(53)	spurge flax, <i>Thymelaea passerina</i>	(a)	region 4, except Okanogan County
		(b)	regions 5 and 6
(54)	spurge laurel, <i>Daphne laureola</i>	(a)	region 1, except Clallam and Jefferson counties
		(b)	region 2, except King, Kitsap, and Pierce counties
		(c)	region 3
		(d)	regions 4, 5, and 6
(55)	spurge, leafy, <i>Euphorbia virgata</i>	(a)	regions 1, 2, 3, and 4
		(b)	region 5, except Spokane County
		(c)	region 6, except Columbia County

Name		Will be a "Class B designate" in all lands lying within:	
(56)	spurge, myrtle, <i>Euphorbia myrsinites</i>	(a)	region 1, except Clallam and Jefferson counties
		(b)	region 2, except King, Kitsap, Pierce, and Whatcom counties
		(c)	regions 3, 5, and 6
		(d)	region 4, except Okanogan County
(57)	sulfur cinquefoil, <i>Potentilla recta</i>	(a)	region 1
		(b)	region 2, except Pierce and Thurston counties
		(c)	region 3, except Lewis and Skamania counties
		(d)	Adams, Grant, Lincoln, and Whitman counties of region 5
		(e)	region 6, except Asotin County
(58)	tansy ragwort, <i>Jacobaea vulgaris</i>	(a)	Island and San Juan counties of region 2
		(b)	Clark and Wahkiakum counties of region 3
		(c)	regions 4, 5, and 6
(59)	thistle, musk, <i>Carduus nutans</i>	(a)	regions 1, 2, 3, and 6
		(b)	region 4, except Douglas and Ferry counties
		(c)	region 5, except Kittitas County
(60)	thistle, plumeless, <i>Carduus acanthoides</i>	(a)	regions 1, 2, 3, 5, 6
		(b)	region 4, except those areas north of State Highway 20 in Stevens County
(61)	thistle, Scotch, <i>Onopordum acanthium</i>	(a)	regions 1, 2, 3, and 4
		(b)	region 5, except Spokane and Whitman counties
(62)	velvetleaf, <i>Abutilon theophrasti</i>	(a)	regions 1, 2, 3, 4, and 6
		(b)	region 5, except Yakima County
(63)	water primrose, <i>Ludwigia hexapetala</i>	(a)	regions 1, 2, 3, 4, 5, and 6
(64)	white bryony, <i>Bryonia alba</i>	(a)	regions 1, 2, 3, and 4
		(b)	region 5, except Whitman County
		(c)	Benton and Garfield counties of region 6
(65)	Wild basil/basil savory, <i>Clinopodium vulgare</i>	(a)	regions 1, 2, 4, 5, and 6
		(b)	region 3, except for Skamania County
(66)	wild chervil, <i>Anthriscus sylvestris</i>	(a)	regions 1, 3, 4, and 6
		(b)	region 2, except Whatcom County
		(c)	region 5, except Whitman County
(67)	yellow archangel, <i>Lamium galeobdolon</i>	(a)	Clallam County of region 1
		(b)	Island, San Juan, Skagit, and Whatcom counties of region 2
		(c)	Cowlitz, Skamania, and Wahkiakum counties of region 3
		(d)	regions 4, 5, and 6
(68)	yellow floating heart, <i>Nymphoides peltata</i>	(a)	regions 1, 2, 3, and 6
		(b)	region 4, except Stevens County
		(c)	region 5, except Spokane County
(69)	yellow nutsedge, <i>Cyperus esculentus</i>	(a)	regions 1 and 4
		(b)	region 2, except Skagit and Thurston counties
		(c)	region 3, except Clark County
		(d)	region 5, except Klickitat and Yakima counties
		(e)	region 6, except Franklin and Walla Walla counties

Name		Will be a "Class B designate" in all lands lying within:	
(70)	yellow starthistle, <i>Centaurea solstitialis</i>	(a)	regions 1, 2, and 3
		(b)	region 4, except T36 R38 in the area contained within Hwy 395/Hwy 20, Pingston Creek Road, and Highland Loop Road in Stevens County
		(c)	region 5, except Klickitat, and Whitman counties

AMENDATORY SECTION (Amending WSR 22-01-040, filed 12/7/21, effective 1/1/22)

WAC 16-750-015 State noxious weed list—Class C noxious weeds.

Common Name	Scientific Name
absinth wormwood	<i>Artemisia absinthium</i>
Austrian fieldcress	<i>Rorippa austriaca</i>
babysbreath	<i>Gypsophila paniculata</i>
<u>beach grass, European, American, and hybrids</u>	<u><i>Ammophila arenaria</i>, <i>A. breviligulata</i>, and <i>A. arenaria x breviligulata</i></u>
black henbane	<i>Hyoscyamus niger</i>
blackberry, evergreen	<i>Rubus laciniatus</i>
blackberry, Himalayan	<i>Rubus bifrons</i>
blackgrass	<i>Alopecurus myosuroides</i>
buffalobur	<i>Solanum rostratum</i>
cereal rye	<i>Secale cereale</i>
common barberry	<i>Berberis vulgaris</i>
common catsear	<i>Hypochaeris radicata</i>
common groundsel	<i>Senecio vulgaris</i>
common St. Johnswort	<i>Hypericum perforatum</i>
common teasel	<i>Dipsacus fullonum</i>
curly-leaf pondweed	<i>Potamogeton crispus</i>
English hawthorn	<i>Crataegus monogyna</i>
English ivy 4 cultivars only:	<i>Hedera hibernica</i> 'Hibernica' <i>Hedera helix</i> 'Baltica' <i>Hedera helix</i> 'Pittsburgh' <i>Hedera helix</i> 'Star'
Eurasian watermilfoil hybrid	<i>Myriophyllum spicatum</i> x <i>M. sibiricum</i>
field bindweed	<i>Convolvulus arvensis</i>
fragrant water lily	<i>Nymphaea odorata</i>
green alkanet	<i>Pentaglottis sempervirens</i>
hairy whitetop	<i>Lepidium appelianum</i>
hoary cress	<i>Lepidium draba</i>
Italian arum	<i>Arum italicum</i>
Japanese eelgrass	<i>Nanozostera japonica</i>
jointed goatgrass	<i>Aegilops cylindrica</i>
jubata grass	<i>Cortaderia jubata</i>
lawnweed	<i>Soliva sessilis</i>

Common Name	Scientific Name
longspine sandbur	<i>Cenchrus longispinus</i>
Medusahead	<i>Taeniatherum caput-medusae</i>
nonnative cattail species and hybrids	Including, but not limited to, <i>Typha angustifolia</i> , <i>T. domingensis</i> and <i>T. x glauca</i>
old man's beard	<i>Clematis vitalba</i>
oxeye daisy	<i>Leucanthemum vulgare</i>
pampas grass	<i>Cortaderia selloana</i>
perennial sowthistle	<i>Sonchus arvensis</i> ssp. <i>arvensis</i>
reed canarygrass	<i>Phalaris arundinacea</i>
Russian olive	<i>Elaeagnus angustifolia</i>
scentless mayweed	<i>Tripleurospermum inodorum</i>
smoothseed alfalfa dodder	<i>Cuscuta approximata</i>
spikeweed	<i>Centromadia pungens</i>
spiny cocklebur	<i>Xanthium spinosum</i>
spotted jewelweed	<i>Impatiens capensis</i>
Swainsonpea	<i>Sphaerophysa salsula</i>
thistle, bull	<i>Cirsium vulgare</i>
thistle, Canada	<i>Cirsium arvense</i>
tree-of-heaven	<i>Ailanthus altissima</i>
ventenata	<i>Ventenata dubia</i>
white cockle	<i>Silene latifolia</i>
wild carrot (except subs. sativus where grown commercially or for food)	<i>Daucus carota</i>
yellow flag iris	<i>Iris pseudacorus</i>
yellow toadflax	<i>Linaria vulgaris</i>

AMENDATORY SECTION (Amending WSR 99-24-029, filed 11/23/99, effective 1/3/00)

WAC 16-750-020 Noxious weeds—Civil infractions—Schedule of monetary penalties. Civil infractions under chapter 17.10 RCW shall be assessed a monetary penalty according to the following schedule:

(1) Any owner knowing of the existence of any noxious weeds on the owner's land who fails to control the noxious weeds (~~((will))~~) may be assessed (~~((the following))~~) monetary penalties (~~((The penalties are assessed))~~) per parcel, per noxious weed species, per day after expiration of the notice to control filed pursuant to RCW 17.10.170 as follows:

(a) Any Class A noxious weed:

1st offense within five years	\$ 750
2nd and any subsequent offense	1,000

(b) Any Class B designate noxious weed in the noxious weed control region in which the land lies:

1st offense within five years	\$ 500
2nd offense	750
3rd and any subsequent offense	1,000

(c) Any Class B nondesignate noxious weed in the noxious weed control region in which the land lies; or any Class C noxious weed:

1st offense within five years	\$ 250
2nd offense	500
3rd offense	750
4th and any subsequent offense	1,000

(2) Any person who enters upon any land in violation of an order in force pursuant to RCW 17.10.210 will be assessed as follows:

1st offense within five years	\$ 500
2nd offense	750
3rd and any subsequent offense	1,000

(3) Any person who interferes with the carrying out of the provisions of chapter 17.10 RCW shall be assessed as follows:

1st offense within five years	\$ 500
2nd offense	750
3rd and any subsequent offense	1,000

AMENDATORY SECTION (Amending WSR 12-01-050, filed 12/15/11, effective 1/15/12)

WAC 16-750-022 Noxious weed list—Listing process. The noxious weed list is adopted annually by the Washington state noxious weed control board. The listing process is open to the public, and there are several opportunities for participation. The process of considering changes to the list begins with the board's noxious weed committee. The weed listing process consists of the following steps each year:

(1) The board accepts proposals to make additions, deletions, or changes to the weed list between January and the end of April.

(2) Starting in May, the committee reviews and evaluates the proposals and may conduct additional research including literature reviews, surveys of counties, discussions with other states, and field investigations during its deliberations, which continue into September.

(3) The board considers the committee's recommendations in September and votes on which proposed changes to include in a public hearing, typically held in November.

(4) The board solicits public comment at the public hearing and makes its final decisions on proposed changes to the weed list after considering the testimony received.

(5) The new revised noxious weed list (~~becomes effective in~~) comes into effect January 1st.

(6) Proposals to add new species to the weed list that were not adopted by the board will not be reconsidered for future listing unless additional information is provided, including additional data

from scientific and/or noxious weed professional sources regarding any invasive and noxious qualities of the species, as well as existing positive economic benefits.

AMENDATORY SECTION (Amending WSR 99-24-029, filed 11/23/99, effective 1/3/00)

WAC 16-750-025 Plant monitor list—Purpose. The purpose of the monitor list is to gather more information on suspect weeds as well as monitor for occurrence or spread. Information collected may be used to justify future inclusion on the state noxious weed list. There is no regulatory aspect to this list. Reasons for plant inclusion on the monitor list include:

(1) There is reason to believe the species is invasive or poses a potential threat to Washington.

(2) Additional information is needed on distribution, abundance, or biology.

(3) The species was once present in Washington and on the state noxious weed list. It is now being monitored for reoccurrence.

(4) There is need to verify existence (site investigation), verify identification, and/or obtain voucher specimen.

(5) It exists in an adjacent state or province or occurs on an adjacent state or province's noxious weed list and is not known to occur in Washington.

Native species of Washington will not be included on the monitor list. Each weed included on the monitor list will be included by vote of the noxious weed committee. A sponsor is required in order to place a weed on the monitor list. The current monitor list is kept in the state noxious weed board office.

A sponsor will be point of contact for their monitor species. A sponsor will house the data and information collected. A sponsor will make available information for their species to the WSNWCB.

AMENDATORY SECTION (Amending WSR 93-01-004, filed 12/2/92, effective 1/2/93)

WAC 16-750-100 State noxious weed control board—Description—Purpose. The board was created pursuant to chapter 17.10 RCW, Noxious weeds—Control boards. The board is a regulatory board with rule-making and administrative duties under chapter 17.10 RCW and an advisory board to the department regarding the state noxious weed program (~~and has rule-making and administrative responsibilities under chapter 17.10 RCW~~).

AMENDATORY SECTION (Amending WSR 99-24-029, filed 11/23/99, effective 1/3/00)

WAC 16-750-115 State noxious weed control board—Membership. The board is comprised of nine voting members and three nonvoting members selected as follows:

(1) Four of the members are elected by the members of activated county noxious weed control boards eligible to vote for the elected position established by the state noxious weed board. Two members are elected from the west side of the state, the crest of the Cascades being the dividing line, and two from the east side of the state.

(2) The director is a voting member or the director's appointed representative.

(3) One member is elected by the directors of activated weed districts formed under chapter 17.04 or 17.06 RCW.

(4) The Washington state association of counties appoints one voting member who must be a member of a county legislative authority.

(5) The director appoints two voting members to represent the public interest, one from the west side and one from the east side of the state.

(6) The director appoints three nonvoting members representing scientific disciplines relating to weed control.

(7) A state wide association representing county noxious weed coordinators appoints a nonvoting technical advisor.

AMENDATORY SECTION (Amending WSR 99-24-029, filed 11/23/99, effective 1/3/00)

WAC 16-750-120 State noxious weed control board—Nominations—Elections—Terms of office—Vacancies. (1) Nominations and elections to board positions are conducted by regular mail.

(2) The board calls for nominations to elected positions at least ~~((sixty))~~ 60 days prior to expiration of position terms.

(3) The board sends ballots to eligible activated county noxious weed control boards or weed district directors by regular mail at least ~~((forty-five))~~ 45 days prior to expiration of each position term.

(4) Ballots must be returned no later than ~~((thirty))~~ 30 days before expiration of each term. Only official ballots will be accepted. Photocopied ballots will be considered invalid.

(5) The board chairperson appoints a committee to count ballots and certify elections at least ~~((thirty))~~ 30 days prior to expiration of each term.

(6) Results of elections are announced prior to the next scheduled board meeting.

(7) For the purpose of conducting nominations or elections, the board uses the current list of county noxious weed control board voting members and weed district directors.

(8) Any person who is a resident in and member of an activated county noxious weed control board in the counties represented by positions 1, 2, 3, and 4 may enter his or her name, or that of any qualified person in nomination for election to the board position by voting members of the above activated county noxious weed control boards.

(9) Any director of an active weed district formed under chapter 17.04 or 17.06 RCW may enter a name in nomination for election to position 5 on the board.

(10) Each candidate or each person nominating such candidate must complete a certificate of nomination, and must return it to the board postmarked by the date specified.

(11) The board creates a ballot listing the names in alphabetical order beginning with the last name first, of the candidates nominated to the position of the board: Provided, That the board shall remove the name of any person nominated who notifies the board in writing that he or she is unwilling to serve on the board.

(12) The ballot, along with the statement, if any, of each candidate in the election will be mailed by regular mail to each voting member of an activated county noxious weed control board or director of an active weed district. Only county board members or weed district directors within the established position area are eligible to vote for the board member to represent that area.

(13) Each voting member of an activated county noxious weed control board or director of an activated weed district may cast one vote for the candidates appearing on the appropriate ballot and return it to the board as provided above and as per the dates specified.

(14) The candidate receiving the highest number of votes is elected: Provided, That if the candidate fails to receive more than (~~fif-~~~~ty~~) 50 percent of the votes cast in an election, a second election will be held between such candidate and the candidate receiving the next highest votes and: Provided further, That if there is only one candidate, that candidate will be deemed elected unanimously.

(15) The term of office for all members of the board is (~~three~~) four years from the date of election or appointment.

(16) Vacancies among board members appointed by the director will be filled by the director. Vacancies among elected members will be filled by special election by those entities eligible to elect that position for the expired term. Special elections follow the same procedure as regular elections and repeated as needed until position is filled. Board members appointed to fill vacancies will serve out the existing term.

AMENDATORY SECTION (Amending WSR 14-24-103, filed 12/2/14, effective 1/2/15)

WAC 16-750-130 State noxious weed control board—Organization.

The organization of the board is as follows:

(1) The officers of the board are the chairperson, vice chairperson, and secretary. The title of the chief administrative officer is the executive secretary.

(2) Duties of officers.

(a) The chairperson presides at all meetings of the board, has the power to appoint committees, acts as ex officio member of all committees except the executive committee, serves as chairperson of the executive committee, serves as official signer of agreements between the board and public or private agencies, and performs such other duties as pertain to the office.

(b) The vice chairperson performs the duties of the chairperson in his or her absence, acts as an ex officio member of all committees, and any other duties delegated by the chairperson. The vice chairperson will assume the duties of and serve out the term of the chairperson upon permanent departure of the chairperson.

(c) The secretary is the official keeper of the minutes and, approves them, and presents them to the board for adoption. In the ab-

sence of the chairperson and vice chairperson, the secretary performs the duties of the chairperson.

(d) The duties of the executive secretary, in addition to administrative duties assigned elsewhere in this chapter, are to keep a record of the proceedings of the board, notify all board members, county noxious weed control boards, and weed districts of meetings, act as an ex officio nonvoting member of all committees, negotiate agreements with public and private agencies on behalf of the board, and perform other responsibilities as delegated by the chairperson.

(3) Term of office. Term of office for officers of the board is two years following elections held at the first board meeting in January and ending at the January meeting of the second year.

(4) Election of officers. Elections will be held every two years at the January meeting of the first year. Officers are elected by a majority vote of the voting members present.

(5) Vacancies of officers other than chairperson, shall be filled for the remainder of the term, by election of the voting board members present.

AMENDATORY SECTION (Amending WSR 09-01-071, filed 12/15/08, effective 1/16/09)

WAC 16-750-135 State noxious weed control board—Meetings. (1)

All meetings of the board are open and public and all persons are permitted to attend any meeting of the board, except as otherwise provided in the Open Public Meetings Act, chapter 42.30 RCW.

(2) Members of the public are not required, as a condition to attendance at a board meeting, to register names, other information, or otherwise to fulfill any condition prior to attending.

(3) Interruptions. In the event that any meeting is interrupted by any person as to render the orderly conduct of the meeting unfeasible, and order cannot be restored by the removal of individuals who are interrupting the meeting, the chairperson may order the meeting room cleared and continue in session or may adjourn the meeting and reconvene at another location selected by a majority vote of the board members present. In such a session, the board will follow the procedures set forth in the Open Public Meetings Act (RCW 42.30.050).

(4) Adoption of rules, regulations, resolution, etc. The board shall not adopt any rules, regulations, resolution, etc. except in a meeting open to the public and then only at a meeting, the date of which is fixed by rule, or at a meeting of which notice has been given according to the provisions of the Open Public Meetings Act. Any action taken at meetings failing to comply with this section is null and void.

(5) Regular meetings—Schedule—Publication in State Register—Notice of change. The board will meet at least five times per year and at other times determined by the chairperson or by a majority of the voting members. If any regular meeting falls on a holiday, the meeting will be held on the next business day. The executive secretary files with the code reviser a schedule of the time and place of regular meetings on or before January of each year for publication in the Washington State Register. Notice of any change from this meeting schedule will be published in the State Register for distribution at least (~~twenty~~) 20 days prior to the rescheduled meeting date.

(6) Notice. (~~Ten days notice of all meetings will be given by mailing a copy of the notice and agenda to~~) Each board member, county noxious weed control board, and weed district will be notified of public meetings and provided an agenda within 10 days.

(7) Special meetings. The (~~ten~~) 10-day notice may be waived for special meetings which may be called at any time by the chairperson, director, or a majority of the voting board members. Special meeting notification shall follow the procedures for special meetings set forth in the Open Public Meetings Act (RCW 42.30.080).

(8) Adjournments. If a meeting is adjourned before the advertised time, a written notice will be posted at the meeting place that specifies when the meeting was adjourned.

(9) Executive sessions.

(a) The board may hold an executive session during a regular meeting which may be called by the chairperson or a majority of voting board members present. No official actions will be taken at executive sessions. Executive sessions may deal only with matters authorized by RCW 42.30.110.

(b) Before convening in executive session, the chairperson shall publicly announce the purpose of excluding the public from the meeting place and the time when the executive session will be concluded. The executive session may be extended to a later time by announcement of the chairperson.

(10) Agenda. The agenda will be prepared by the executive secretary in consultation with the chairperson. Items may be submitted by all board members to the executive secretary at least (~~fifteen~~) 15 days prior to the board meeting.

(11) Attendance. Each board member is expected to attend all board and assigned committee meetings. In the event a board member is unable to attend, he or she is requested to provide the chairperson or executive secretary with the reasons for the absence prior to the meeting. Any voting member who misses two consecutive board meetings without providing the chairperson or the executive secretary with the reasons for the absences prior to the meeting may be removed from the board, following due notice and a hearing. Removal procedures may be initiated by a quorum vote of the board.

(12) Voting procedures. Board voting procedures on all matters are as follows:

(a) Five voting members constitute a quorum to conduct the affairs of the board.

(b) The chairperson may vote on all matters coming before the board.

(c) A roll call of all voting board members present may be requested on all motions by any member.

(d) All members have the right to move or second motions.

(e) Proxy voting is not permitted.

(13) Minutes. The minutes of all regular and special meetings, except executive sessions, will be promptly recorded and such records are open to public inspection.

(14) Press releases. All press releases and official information concerning board activities will be released from the board office.

(15) Public participation.

(a) Any person wishing to make a formal presentation at a regularly scheduled meeting of the board must notify the executive secretary of the subject matter at least (~~fifteen~~) 15 days before the meeting.

(b) Permission to appear before the board will be granted by the executive secretary in consultation with the chairperson before the meeting. Permission includes the date and time of the meeting and the time set for formal presentation.

(c) The chairperson may, at his or her discretion, recognize anyone in the audience who indicates at the time of the meeting a desire to speak.

NEW SECTION

WAC 16-750-137 State noxious weed control board—Conflict of interest. (1) When a member of the board is beneficially interested, directly or indirectly, in a contract, sale, lease, purchase or grant that may be made by, through, or is under the supervision of the SNWCB, in whole or in part, or when the member accepts, directly or indirectly, any compensation, gratuity, or reward from any other person beneficially interested in such contract, sale, lease, purchase or grant, the member shall:

(a) Recuse themselves from the board discussion regarding the specific contract, sale, lease, purchase or grant;

(b) Recuse themselves from the board vote on the specific contract, sale, lease, purchase or grant; and

(c) Refrain from attempting to influence the remaining SNWCB members in their discussion and vote regarding the specific contract, sale, lease, purchase or grant.

(2) When a board member has an interest, financial or otherwise, direct or indirect, or has engaged in a business or transaction or professional activity, or has incurred an obligation of any nature, that is in conflict with the proper discharge of that board member's official duties, including the adoption of the state noxious weed list, the member shall:

(a) Recuse themselves from the board discussion regarding the decision implicated by the board member's conflict of interest;

(b) Recuse themselves from the board vote on the decision implicated by the board member's conflict of interest; and

(c) Refrain from attempting to influence the remaining SNWCB members in their discussion and vote regarding the decision implicated by the board member's conflict of interest.

(3) Under subsection (2) of this section, a board member has an interest that is in conflict with the proper discharge of their duties when the interest substantially impairs their ability to perform their duties as a board member in an objective and nonbiased manner. For example, a board member has such a conflict of interest where that board member is engaged in, or has a beneficial interest in an entity that is engaged in, the commercial production of a species that is being considered for addition on the state noxious weed list.

(4) The prohibition against discussion set forth in subsections (1)(a) and (c), (2)(a) and (c) of this section shall not prohibit the member of the SNWCB from using their general expertise to educate and provide general information on the subject area to the other members.

(5) If recusal occurs pursuant to subsection (1) or (2) of this section, the member of the SNWCB shall disclose to the public the reasons for his or her recusal from any board action whenever recusal oc-

curs. The SNWCB staff shall record each recusal and the basis for the recusal.

(6) Under subsection (1) of this section, "any other person" has a beneficial interest in a contract, sale, lease, purchase or grant when the other person bids or otherwise seeks to be awarded the contract, sale, lease, purchase or grant.

AMENDATORY SECTION (Amending WSR 19-24-052, filed 11/26/19, effective 1/1/20)

WAC 16-750-140 State noxious weed control board—Committees.

Standing committees shall fairly reflect the composition of the board and unless advertised and open to the public, not more than four voting members may attend a committee meeting.

(1) Executive committee. An executive committee is authorized to (~~deal with~~) make recommendations regarding housekeeping and personnel matters, subject to board approval at the next scheduled board meeting. The chairperson appoints the executive committee with approval of the board.

(2) Standing committees. The standing committees of the board are: Budget, executive, legislative, noxious weed, and education. The board chairperson appoints the chairperson and other members of each committee.

(3) Ad-hoc committees may be appointed from time to time.

(4) Committee voting procedures.

(a) All members of a particular committee have the right to vote. Other members in attendance may enter into discussion, but shall have no vote.

(b) Proxy voting is not permitted.

(c) All questions decided by the committee will be by majority of the committee members present.

(5) Advisory committees. Advisory committees are established by the board as deemed necessary to the functioning of the board. Advisory committees are limited in their scope to the purposes determined by the board.

(6) Notice. Notice of committee meetings shall be given to the executive secretary.

(7) Committee (~~reports~~) recommendations.

(a) Committee (~~reports and~~) recommendations are submitted to the board (~~in writing~~) except when committees meet in conjunction with the board.

(b) Minority reports may be submitted by members of a committee, if signed by those members.

(8) Committee compensation. Board members attending meetings of committees will, upon request, be reimbursed on the same basis as for attendance at regularly called board meetings.

(9) All committee appointments will be reviewed in January of even-numbered years.

AMENDATORY SECTION (Amending WSR 19-24-052, filed 11/26/19, effective 1/1/20)

WAC 16-750-142 State noxious weed control board—Executive secretary and education specialist—Hiring and dismissal. The board has the responsibility for hiring and removing from office the executive secretary and education specialist (~~(which are)~~). ~~The executive secretary is an~~ exempt employee(~~s~~). The executive secretary or education specialist may be dismissed by a majority vote of the full board upon the recommendation of the chairperson and the executive committee. Prior to initiating a dismissal the executive committee will notify the department. Neglect of duty, gross inefficiency, gross incompetence, gross misconduct, malfeasance or willful violation of obligations may give cause for a recommendation for dismissal or dismissal. Before any action is taken by the board to dismiss the executive secretary or education specialist, the chairperson and one member of the executive committee will confer with the employee and provide in writing and fully explain the charges and contemplated recommendation for dismissal. The privilege of a hearing before the executive committee or full board will be granted to the employee prior to any formal action taken by the board. The employee is granted (~~(thirty)~~) 30 days preparation time for the hearing and is entitled to present evidence, to be assisted by favorable witnesses, and to confront unfavorable witnesses at the hearing.

AMENDATORY SECTION (Amending WSR 19-24-052, filed 11/26/19, effective 1/1/20)

WAC 16-750-145 State noxious weed control board—Executive secretary—Definition. The executive secretary acts as the chief administrative officer for the board, duties of whom are fixed by the board which include, but are not limited to, as follows:

- (1) Implements and administers the statutes, administrative rules, and policies of the noxious weed control program assigned to the board;
- (2) Plans, develops, and prepares administrative rules and policies for the state noxious weed control program in conjunction with the board and the department; arranges public hearings in compliance with the Administrative Procedure Act and acts as chief hearing officer for the board; conducts elections for positions on the board;
- (3) Coordinates board activities with the department, maintains a liaison and performs coordinating activities with other public and private agencies;
- (4) Negotiates agreements, with consultation and approval of the board, with federal agencies, tribes, and other public and private agencies;
- (5) Represents the board before the state legislature; coordinates the development, edits, and oversees the production of the biennial report to the county noxious weed boards and weed districts on how state funds were spent and recommendations for the continued best use of state funds for noxious weed control;
- (6) Acts as the principal spokesperson of the board to the media, technical audiences, and the public;

- (7) Provides technical advice to county noxious weed boards and weed districts on the state noxious weed law and related rules;
- (8) Plans and coordinates statewide approaches to selected noxious weeds, assists in the development of statewide noxious weed survey standards, coordinates efforts with department weed specialists;
- (9) Coordinates the activities of the board by scheduling all regular and committee meetings; in consultation with the chair, prepares meeting agendas; prepares all board correspondence; updates board on local, state, and federal noxious weed activities; acts as an ex officio, nonvoting member of all committees;
- (10) (~~Records the official minutes~~) Ensures that the official records of the board are recorded and ensures their distribution; maintains all board records, acts as public records officer;
- (11) Oversees fiscal management of the board's administrative budget and cooperates with the department in budget development;
- (12) Supervises additional board employees, approves hiring, re-hiring, promotion, and termination of additional board employees and ensures these processes and any disciplinary actions comply with state and department personnel policies; notifies board and department prior to initiating an adverse personnel action against any employee;
- (13) Performs other assignments as determined by the board.

AMENDATORY SECTION (Amending WSR 19-24-052, filed 11/26/19, effective 1/1/20)

- WAC 16-750-146 State noxious weed control board—Education specialist—Definition.** The education specialist duties whom are fixed by the board which include, but are not limited to, as follows:
- (1) Supports and assists the educational and weed control efforts of county and regional noxious weed control boards and weed districts;
- (2) Plans, prepares, and presents programs on noxious weed control, specific weed species, and the role of the board;
- (3) Maintains a collection of scientific and technical information relating to noxious weeds and integrated vegetation management; prepares written findings for the inclusion of species on the state noxious weed list;
- (4) Develops, maintains, and ensures dissemination of information relating to noxious weeds to county noxious weed control boards and weed districts and keeps the general public and program participants informed of board activities and accomplishments;
- (5) Acts as an ex officio, nonvoting member of the education committee;
- (6) Performs other assignments as determined by the board and/or executive secretary.

AMENDATORY SECTION (Amending WSR 99-24-029, filed 11/23/99, effective 1/3/00)

- WAC 16-750-165 State noxious weed control board—Budget and finances.** (1) All board funds must be expended in a manner consistent with board wishes. The executive secretary is authorized to make these expenditures as appropriate. All matters related to payment of compen-

sation and other expenses of the board are subject to the State Budget and Accounting Act (chapter 43.88 RCW).

(2) Budget approval. The executive secretary prepares the biennial budget after consulting the budget committee. The budget will provide for costs associated with salary, personal benefits, travel, equipment, and goods and services for the operation of the board. ((The)) A budget is reviewed by the board for recommendation to ((and approval by)) the department and office of financial management for approval.

(3) The board reserves the right to pursue additional funds for its administrative budget independent of the department.

WSR 23-23-180

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed November 22, 2023, 10:23 a.m., effective December 23, 2023]

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

Purpose: Amending the current definitions related to commercial driver's license (CDL) holders to decrease regulatory barriers to obtaining a CDL per a petition from the Washington Trucking Association, as well as implementation pursuant to HB 1058 passed during the 2023 legislative session.

Citation of Rules Affected by this Order: New WAC 308-100-034 Demonstrated proficiency and 308-100-045 Reinstatement of a CDL after disqualification, cancellation, expiration, revocation, surrender, suspension, or transfer; repealing WAC 308-100-135 Out-of-service order violations; and amending WAC 308-100-005 Definitions, 308-100-020 Commercial driver's license—Eligibility, 308-100-033 Minimum training requirements, 308-100-035 Employer certification, 308-100-040 Examination requirement for commercial driver's license, 308-100-050 Examination fees, 308-100-100 Intrastate waiver, 308-100-130 Serious traffic violations, and 308-100-180 Third-party testing fee.

Statutory Authority for Adoption: RCW 46.01.110 Rule-making authority and HB 1058.

Adopted under notice filed as WSR 23-21-101 on October 18, 2023.

Changes Other than Editing from Proposed to Adopted Version:

Based on conversations during the public comment period, the department amended proposed WAC 308-100-034 Demonstrated proficiency, to add a new subsection which enables training providers to use any form of documentation, provided it meets the learning standards covered by the rubric issued by DOL. Additionally, the department removed the word "disqualification" from the "Without a CDL" definition in WAC 308-100-005, based on internal conversations.

A final cost-benefit analysis is available by contacting Kelsey Stone, 1125 Washington Street S.E., Olympia, WA 98504, phone 360-902-0131, email rulescoordinator@dol.wa.gov, website dol.wa.gov/rulemaking-activity.

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

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 1, Amended 5, 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: November 22, 2023.

Ellis Starrett
Rules and Policy Manager

OTS-5027.2

AMENDATORY SECTION (Amending WSR 19-01-078, filed 12/17/18, effective 1/17/19)

WAC 308-100-005 Definitions. The definitions of this section apply throughout this chapter unless the context clearly requires otherwise:

(1) "Behind-the-wheel (BTW) range training" means training provided by a BTW instructor when a student has actual control of the power unit during a driving lesson conducted for backing, street driving, and proficiency development. BTW range training does not include time a student spends observing the operation of a CMV when he or she is not in control of the vehicle.

(2) "Behind-the-wheel (BTW) instructor" means an individual who provides BTW training involving the actual operation of a CMV by a student on a range or a public road and meets one of these qualifications:

(a) Holds a CDL of the same (or higher) class and with all endorsements necessary to operate the CMV for which training is to be provided and has at least two years of experience driving a CMV requiring a CDL of the same or higher class and/or the same endorsement and meets all applicable state qualification requirements for CMV instructors; or

(b) Holds a CDL of the same (or higher) class and with all endorsements necessary to operate the CMV for which training is to be provided and has at least two years of experience as a BTW CMV instructor and meets all applicable state qualification requirements for CMV instructors.

(c) **Exception applicable to (a) and (b) of this definition:** A BTW instructor who provides training solely on a range which is not a public road is not required to hold a CDL of the same (or higher) class and with all endorsements necessary to operate the CMV for which training is to be provided, as long as the instructor previously held a CDL of the same (or higher) class and with all endorsements necessary to operate the CMV for which training is to be provided, and complies with the other requirements set forth in (a) or (b) of this definition.

(d) If an instructor's CDL has been canceled, suspended, or revoked due to any of the disqualifying offenses identified in C.F.R. 383.51, the instructor is prohibited from engaging in BTW instruction for two years following the date his or her CDL is reinstated.

(3) "Certified test route" means:

(a) Test route that is approved and assigned by the department.

(b) The areas for completing the pretrip inspection, basic controls and road test as approved by the department for the administration of a commercial driver license skills test.

(4) "Classroom" means a space dedicated to and used exclusively by an instructor for the instruction of students. With prior department approval, a classroom may be located within alternative facilities, such as a public or private library, school, community college, college or university, public agency, or a business training facility. "Classroom," may also include a virtual classroom environment when video conferencing technology is capable of two-way communication between the instructor and all students.

(5) "Classroom/theory instruction" means knowledge instruction on the operation of a CMV and related matters provided by a theory instructor through lectures, demonstrations, audiovisual presentations, computer-based instruction, driving simulation devices, or similar

means. Instruction occurring outside a classroom is included if it does not involve actual operation of a commercial motor vehicle and its components by the student.

~~((5))~~ (6) "Demonstration of proficiency" means driver-trainee must demonstrate proficiency in required skills over time. Demonstration of proficiency of state and federal entry level driver training standards is not met by the completion of minimum hours of training. Nor is it limited to a single standardized assessment result.

(7) "Employee" means any operator of a commercial motor vehicle, including full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner operator contractors, while in the course of operating a commercial motor vehicle, who are either directly employed by or under lease to an employer.

~~((6))~~ (8) "Employer" means a person or entity that hires one or more individuals to operate a commercial motor vehicle on a regular basis during their normal course of employment and whose primary purpose is not to train operators of commercial motor vehicles.

~~((7))~~ (9) "English proficiency" means applicants for a commercial motor vehicle skills test must be able to understand and respond to verbal commands and instructions in English by a skills test examiner per 49 C.F.R. 383.133(5).

(10) "Hour," as used in connection with training requirements, means no less than ~~((fifty))~~ 50 minutes of training or instruction.

~~((8))~~ (11) "Instructor-led" means person-to-person learning where students can ask questions, receive feedback in real-time, and interaction and discussion are enabled. Some classroom instruction may include self-paced, online components as authorized and certified by the department of licensing. Completely self-paced, online training courses are not authorized.

(12) "Lab" means a teaching environment involving a nonmoving vehicle for hands on instruction supported by classroom material.

~~((9))~~ (13) "Observation" means the careful watching, as a passenger in a commercial motor vehicle, of street driving during the hours of course instruction, recording lessons learned and applying classroom material.

~~((10))~~ (14) "Proficiency development" means driving exercises that will allow more time to develop the skills needed to demonstrate proficiency, competence, and confidence in the street driving and backing maneuvers portions of a course.

~~((11))~~ (15) "Proficiency-based learning" means:

(a) Learning outcomes emphasize competencies that include application and creation of knowledge along with the development of skills and abilities;

(b) Competency criteria and standards are explicit, measurable, transferable learning objectives that equip driver-trainees with necessary knowledge, skills, and abilities;

(c) Assessments are meaningful and directly related to driver-trainees' accomplishment of objectives;

(d) Driver-trainees receive rapid, differentiated support based on their individual learning needs; and

(e) Driver-trainees are given specific and actionable feedback that allows them to advance upon demonstrated proficiency of content in all required areas of the curriculum.

(16) "Range" means an area closed from the public where driving activities are practiced, free of obstructions, enables the driver to

maneuver safely and free from interference from other vehicles and hazards, and has adequate sight lines.

~~((12))~~ (17) "Street driving" means driving a commercial motor vehicle on a public road, where the traffic laws are enforced, consisting of city street, country road, and freeway driving.

~~((13))~~ (18) "Theory instructor" means an individual who provides knowledge instruction on the operation of a CMV and meets one of these qualifications:

(a) Holds a CDL of the same (or higher) class and with all endorsements necessary to operate the CMV for which training is to be provided and has at least two years of experience driving a CMV requiring a CDL of the same (or higher) class and/or the same endorsement and meets all applicable state qualification requirements for CMV instructors; or

(b) Holds a CDL of the same (or higher) class and with all endorsements necessary to operate the CMV for which training is to be provided and has at least two years of experience as a BTW CMV instructor and meets all applicable state qualification requirements for CMV instructors.

(c) **Exceptions applicable to (a) and (b) of this definition:** An instructor is not required to hold a CDL of the same (or higher) class and with all endorsements necessary to operate the CMV for which training is to be provided, if the instructor previously held a CDL of the same (or higher) class and complies with the other requirements set forth in (a) or (b) of this definition.

(d) If an instructor's CDL has been canceled, suspended, or revoked due to any of the disqualifying offenses identified in C.F.R. 383.51, the instructor is prohibited from engaging in theory instruction for two years following the date his or her CDL is reinstated.

~~((14))~~ (19) "Training institute/provider" means an entity that is approved by the department, to provide training as required by RCW 46.25.060 (1) (a) (ii):

(a) An institution of higher learning accredited by the Northwest Association of Schools and Colleges or by an accrediting association recognized by the higher education board;

(b) A licensed private vocational school as that term is defined by RCW 28C.10.020(7); ~~((10))~~

(c) An entity in another state that the department has determined provides training or instruction equivalent to that required under WAC 308-100-033 or 308-100-035; or

(d) An entity that the state has determined provides on-site contracted training or instruction equivalent to that required under WAC 308-100-033.

(20) "Without a CDL" means any period of cancellation, expiration, revocation, surrender, or suspension.

AMENDATORY SECTION (Amending WSR 00-18-068, filed 9/1/00, effective 10/2/00)

WAC 308-100-020 Commercial driver's license—Eligibility. (1) Any person who is at least ~~((eighteen))~~ 18 years of age and who meets the requirements of chapter 46.25 RCW may apply to the department for a commercial driver's license.

(2) For the purposes of clarifying when a CDL cannot be issued to citizens of Canada or Mexico:

(a) A driver who is a citizen of Canada or Mexico must be a resident of Washington, and either be a citizen of the U.S. or have an unexpired Permanent Resident (Green) Card (Form I-551) to obtain a Washington CDL.

(b) A driver who is a citizen of Canada or Mexico that is a resident of Washington but only has an employment authorization document cannot be issued a Washington or non-Domiciled CDL.

NEW SECTION

WAC 308-100-034 Demonstrated proficiency. For the purposes of establishing the definition of demonstrated proficiency, where and how proficiency is assessed, and procedures for reporting to the department.

(1) Per WAC 308-100-033 and 49 C.F.R. Part 380, training providers must determine and document that each driver-trainee has demonstrated proficiency in all elements of behind-the-wheel (BTW) curriculum, unless otherwise noted. Proficiency-based learning must be used to teach and determine driver-trainees' basic vehicle control skills, mastery of basic maneuvers, and public road operation, as covered in 49 C.F.R. 383.111 and 383.113, necessary to operate the vehicle safely.

(a) Consistent with the definitions of BTW range training and BTW public road training in 49 C.F.R. 380.605, a simulation device cannot be used to conduct such training or to demonstrate proficiency.

(b) Training providers must document the actual number of clock hours each driver-trainee spends to complete the BTW curriculum.

(c) Driver-trainees are not required to demonstrate proficiency in the following skills:

(i) Hazard perception;

(ii) Railroad (RR) highway grade crossing;

(iii) Night operation;

(iv) Extreme driving conditions;

(v) Skid control/recovery, jackknifing, and other emergencies.

(2) Training providers must adopt a written policy for driver-trainee demonstration of proficiency.

(3) Training providers shall use a learning standards rubric, provided by the department, in addition to federally determined learning standards as criteria when making decisions regarding driver-trainee demonstration of proficiency. Training providers shall provide proficiency standards to driver-trainees in writing at the time of enrollment.

(4) Training providers shall document successful demonstration of proficiency in all required areas of the curriculum prior to submitting a course completion to the department. Documentation must include the date, time, and location of the assessment, means of assessment used, and identification of staff who conducted the assessment of proficiency.

(5) In complying with subsections (3) and (4) of this section, training providers may use any form of documentation, provided that it is sufficient to demonstrate that trainees have been evaluated on the learning standards covered by the rubric provided by the department.

(6) Training providers must determine any potential driver-trainee has the basic skills necessary to complete and benefit from the program including, but not limited to, determining English proficiency as defined in WAC 308-100-005. Training providers subject to WAC 490-105-140 and RCW 28C.10.050 (1)(g), must conform to additional requirements from the workforce training and education coordinating board.

AMENDATORY SECTION (Amending WSR 20-19-032, filed 9/9/20, effective 10/10/20)

WAC 308-100-035 Employer certification. (1) An employer may ~~((certify that one of))~~ train its employees ~~((has))~~ on the skills and training necessary to operate a commercial motor vehicle ~~((safely by certifying the employee has demonstrated proficiency in the elements of the))~~ in accordance with course of instruction required in WAC 308-100-033, with the exception of the minimum required hours ~~((, on a form provided by the department))~~. The ~~((certification))~~ training must ~~((include))~~ be relevant to the classification or endorsements of commercial motor vehicle that the employee is ~~((competent))~~ licensed to operate.

(2) The certification of training completion must be provided to the department electronically according to WAC 308-100-036. ~~((Beginning on February 7, 2022,))~~ An employer may only ~~((certify that an applicant for a CDL has the skills and training necessary))~~ submit completion of training to operate a commercial motor vehicle safely if the employee has successfully completed training with a training provider listed on FMCSA's Training Provider Registry established under 49 C.F.R. 380.700.

(3) The department must receive an electronic notification of successful completion prior to an employee taking a skills test.

AMENDATORY SECTION (Amending WSR 19-01-078, filed 12/17/18, effective 1/17/19)

WAC 308-100-040 Examination requirement for commercial driver's license. (1) Persons applying for a commercial driver's license ~~((will be))~~ are required to pass a written examination testing their knowledge of commercial motor vehicle laws, rules of the road, and operating characteristics of the class and/or endorsement of vehicles for which they are seeking the commercial driver's license. ~~((They will also be))~~ Applicants are required to ~~((demonstrate))~~ successfully ~~((their))~~ demonstrate operating skills for the class of vehicle and endorsement(s) for which they seek the commercial driver's license.

(2) Knowledge and skills test scores are valid according to the following conditions:

(a) Double/triple and HAZMAT knowledge tests are valid for 180 days.

(b) General knowledge, passenger, school bus, air brake, and combination tests are valid for 180 days or through one CLP renewal cycle not to exceed one year (365 days) from the initial issuance.

(c) Tanker knowledge tests are only valid for 180 days unless the endorsement has been added to a valid commercial learner's permit.

When the endorsement is added to the permit, the test scores shall be valid for 180 days or through one CLP renewal cycle not to exceed one year (365 days) from the initial issuance.

(d) Skills tests scores for passed segments of the test are only valid during the initial issuance of the CLP. The renewal of a CLP nullifies any previously passed test segment scores.

(e) Excepting knowledge tests in (a) and (c) of this subsection, knowledge test scores remain valid when a CLP is renewed once for an additional 180 days not to exceed one year (365 days) from the initial issuance. Any subsequent CLP issuance or renewal requires retesting in all relevant knowledge areas.

(3) The department will conduct knowledge and skills examinations that at a minimum meet the requirements of 49 C.F.R. 383.133, as it existed on (effective date of WAC).

NEW SECTION

WAC 308-100-045 Reinstatement of a CDL after disqualification, cancellation, expiration, revocation, surrender, suspension, or transfer.

(1) CDL holders may reinstate a CDL after a period of disqualification, cancellation, expiration, revocation, surrender, suspension, or transfer under the following conditions:

(a) Any driver that has been without a commercial driver license (CDL), less than two years, if eligible, may reinstate the same CDL, endorsements, and restrictions without any additional training or testing provided all other issuance requirements have been satisfied.

(b) Any driver that has been without a commercial driver license (CDL), two years or more but less than eight years, may reinstate the same CDL, endorsements, and restrictions without any additional training. However, the driver must pass all applicable CDL knowledge tests, obtain a CLP, and pass all required skills tests provided all other issuance requirements have been satisfied.

(c) Any driver without a commercial driver license (CDL) for eight years or more, may reinstate the same CDL, endorsements, and restrictions, if otherwise eligible, must pass all required knowledge tests, obtain a CLP, complete required training, and pass all required skills tests. All other issuance requirements must be satisfied.

(i) Drivers must complete all required training for their intended class and endorsements as stated in WAC 308-100-033.

(ii) Any driver wishing to upgrade the class or endorsement(s) of their CDL at the time of reinstatement must complete all required training and tests associated with that upgrade.

(d) A driver transferring to Washington without a valid CDL, who surrendered that license prior to transfer may reinstate the same CDL, endorsements, and restrictions, if otherwise eligible, shall follow the procedures set forth in (a), (b), or (c) of this subsection as appropriate.

(2) For the purposes of reinstatement, all course completion, knowledge test, and skills test scores are valid for a period of six months.

(3) Drivers are not eligible for reinstatement if currently under any type of disqualification that would not allow them to be issued a CDL.

AMENDATORY SECTION (Amending WSR 17-22-074, filed 10/27/17, effective 11/27/17)

WAC 308-100-050 Examination fees. (1) The examination fee for each commercial driver's license knowledge examination, commercial driver's license endorsement knowledge examination, or any combination of commercial driver's license and endorsement knowledge examinations, shall be ~~((thirty-five dollars))~~ \$35.

(2) (a) Except as provided in subsection (2) (b) of this section, the examination fee for each commercial driver's license skill examination conducted by the department shall be ~~((two hundred fifty dollars and entitles the applicant to take the examination up to two times in order to pass.~~

~~(b) If the applicant's primary use of a commercial driver's license is for any of the following, then the examination fee for each commercial driver's license skill examination conducted by the department shall be two hundred twenty-five dollars and entitles the applicant to take the examination up to two times in order to pass:~~

~~(i) Public benefit not for profit corporations that are federally supported head start programs; or~~

~~(ii) Public benefit not for profit corporations that support early childhood education and assistance programs as described in RCW 43.215.405.~~

~~(c))~~ \$175.

(b) If the applicant's primary use of a commercial driver's license is to drive a school bus, the applicant shall pay a fee of no more than ~~((one hundred dollars))~~ \$100 for the classified skill examination or combination of classified skill examinations conducted by the department and entitles the applicant to take the examination up to two times in order to pass.

(3) Drivers selected for reexamination by the department may be subject to costs associated with the testing.

(4) The fees in this section are in addition to the regular drivers' licensing fees.

AMENDATORY SECTION (Amending WSR 14-20-053, filed 9/25/14, effective 10/26/14)

WAC 308-100-130 Serious traffic violations. In addition to the violations enumerated in RCW 46.25.010, "Serious traffic violation" shall include:

(1) Negligent driving in the first or second degree, as defined by RCW 46.61.5249, 46.61.525, or 46.61.526;

(2) Following too closely, as defined by RCW 46.61.145, or 46.61.635;

(3) Failure to stop, as defined by RCW 46.61.055, 46.61.065, 46.61.195, 46.61.200, 46.61.365, 46.61.370, 46.61.375, or 46.61.385;

(4) Failure to yield right of way, as defined by RCW 46.61.180, 46.61.185, 46.61.190, 46.61.202, 46.61.205, 46.61.210, 46.61.212, 46.61.215, 46.61.220, 46.61.235, 46.61.245, 46.61.261, 46.61.300, or 46.61.427;

(5) Speed too fast for conditions, as defined by RCW 46.61.400;

(6) Improper lane change or travel, as defined by RCW 46.61.070, 46.61.105, 46.61.140, 46.61.290, or 46.61.608;

(7) Improper or erratic lane changes, including:

- (a) Improper overtaking on the right, as defined by RCW 46.61.115;
- (b) Improper overtaking on the left, as defined by RCW 46.61.110, 46.61.120, or 46.61.130; and
- (c) Improper driving to left of center of roadway, as defined by RCW 46.61.125;
- (8) Reckless endangerment of emergency zone workers, as defined by RCW 46.61.212;
- (9) Reckless endangerment of roadway workers, as defined by RCW 46.61.527; (~~and~~)
- (10) A conviction of an administrative rule or local law, ordinance, rule, or resolution of this state, the federal government, or any other state, of an offense substantially similar to a violation included in this section; and
- (11) Use of a motor vehicle in the commission of any trafficking offense as defined in RCW 46.25.090, 9A.40.100, and 49 C.F.R. 383.51.

AMENDATORY SECTION (Amending WSR 19-01-078, filed 12/17/18, effective 1/17/19)

WAC 308-100-180 Third-party testing fee. (1) (a) Except as provided in WAC 308-100-190 or (b) of this subsection, the base fee for each classified skill examination or combination of skill examinations conducted by a third-party tester shall not be more than (~~two hundred fifty dollars and entitles the applicant to take the examination up to two times in order to pass~~) \$175.

(b) (~~If the applicant's primary use of a commercial driver's license is for any of the following, then the examination fee for each commercial driver's license skill examination conducted by a third-party tester shall not be more than two hundred twenty-five dollars and entitles the applicant to take the examination up to two times in order to pass:~~

~~(i) Public benefit not for profit corporations that are federally supported head start programs; or~~

~~(ii) Public benefit not for profit corporations that support early childhood education and assistance programs as described in RCW 43.215.405(4).~~

~~(c))~~ If the applicant's primary use of a commercial driver's license is to drive a school bus, the applicant shall pay a fee of no more than (~~one hundred dollars~~) \$100 for the classified skill examination or combination of classified skill examinations conducted by the department and entitles the applicant to take the examination up to two times in order to pass.

(2) The base fee shall apply only to the conducting of the examination, and is separate from any additional fees, such as vehicle use fees, which may be charged by the third-party tester. Any additional fees to be charged shall be (~~reported to~~) approved by the department.

(3) Fees owed to a third-party tester under this section must be paid by the applicant as provided in the third-party tester agreement entered into under WAC 308-100-140.

(4) Fees paid for a test that is deemed invalid by the department must be reimbursed immediately to the applicant.

(5) The fees in this section are in addition to the regular drivers' licensing fees.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-100-135 Out-of-service order violations.

WSR 23-23-183

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed November 22, 2023, 10:37 a.m., effective December 23, 2023]

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

Purpose: The department of licensing (DOL) is removing the requirement for DOL to provide the names and addresses of current vehicle owners of record.

Citation of Rules Affected by this Order: Amending WAC 308-56A-210 Ownership in doubt—Bonded title or three-year registration without title.

Statutory Authority for Adoption: RCW 46.12.635 Disclosure of names and addresses of individual vehicle and vessel owners—Vehicle and vessel information—Address confidentiality program participants.

Adopted under notice filed as WSR 23-19-100 on September 20, 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 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: November 22, 2023.

Ellis Starrett
Rules and Policy Manager

OTS-4910.1

AMENDATORY SECTION (Amending WSR 07-13-082, filed 6/19/07, effective 7/20/07)

WAC 308-56A-210 Ownership in doubt—Bonded title or three-year registration without title. (1) **What is ownership in doubt?** Ownership in doubt is when a vehicle owner(s) is unable to obtain satisfactory evidence of ownership or releases of interest as described in WAC 308-56A-265.

(2) **What options are available in an ownership in doubt situation?** When in an ownership in doubt situation, the owner may:

- (a) Apply for three-year registration without title; or
- (b) Apply for a bonded title described in RCW 46.12.151; or
- (c) Petition any district or superior court of any county of this state to receive a judgment awarding ownership of the vehicle. This is required if ownership of the vehicle is contested after the applicant

makes application for ownership in doubt and before the three-year ownership in doubt period has lapsed.

(3) **What documents are required when applying for a bonded title or three-year registration without title?** Required documents when applying for a bonded title or three-year registration include:

(a) The originals or copies of letters sent by registered or certified mail to the registered and legal owners of record, including the return receipt. The letters must include information regarding the applicant's claim to ownership and a request for the released certificate of ownership (title) or a notarized or certified release of interest.

(i) ~~((Registered and legal owner information will be released under WAC 308-56A-090 for applications needing that information.~~

~~(ii))~~ If there is no Washington record, (a) of this subsection does not apply.

~~((iii))~~ (ii) If the owners of record do not respond before submitting their application, the applicant must wait ~~((fifteen))~~ 15 days from acknowledged receipt of the letter.

~~((iv))~~ (iii) If the letter is returned unclaimed, the applicant must submit the letter, unopened, with the application.

(b) A bonded title or a three-year registration without title affidavit completed by the applicant and signed by all persons to be shown as a registered owner.

(c) Washington state patrol inspection, unless the vehicle is specifically exempt under subsection (4) of this section. For vehicles exempt from the Washington state patrol inspection under subsection (4) of this section, the following documents are also required:

(i) A bonded title or three-year registration without title affidavit for vehicles exempt from the Washington state patrol inspection completed and signed by a person to be shown as a registered owner; and

(ii) A legible etching or photograph of the VIN as proof of the VIN.

(d) Application for certificate of ownership (title).

(e) A bond as described in RCW 46.12.151, if the applicant is applying for a bonded title.

(f) Other documents that may be required by law or rule.

(4) **Are there exemptions from the Washington state patrol inspection?** Yes.

(a) Certain vehicles are exempt from the Washington state patrol inspection if:

(i) There is a Washington record; or

(ii) There is no Washington record, but the vehicle owner has a title or registration certificate issued by Washington or another jurisdiction.

(b) Vehicles exempt from the Washington state patrol inspection include:

(i) Mopeds;

(ii) Trailers with a scale weight less than ~~((two-thousand))~~ 2,000 pounds;

(iii) Not eligible for road use (NEFRU) vehicles as defined in WAC 308-56A-500 when the model year is ~~((ten))~~ 10 years old or older;

(iv) Travel trailers and park model trailers when the model year is ~~((ten))~~ 10 years old and older;

(v) Campers when the model year is ~~((ten))~~ 10 years old and older;

(vi) Manufactured and mobile homes are exempt at all times.

(5) **When is a bond required?** A bond is required in ownership in doubt situations when:

(a) The applicant is a Washington state licensed vehicle dealer; or

(b) The Washington record shows there is an existing lien.

(6) **How is a vehicle value determined for filing a bond?** Vehicle value may be determined from one of the following sources:

(a) The department's automated valuing system; or

(b) A published appraisal guide; or

(c) Appraisal from a licensed vehicle dealer or appraisal company. The appraisal must be on company letterhead and have the business card attached; or

(d) Insured amount; or

(e) Consideration or payment plus estimated repairs by a bona fide mechanic; or

(f) Other valuing sources approved by the department.

(7) **May I transfer ownership on a vehicle with a bonded title or three-year registration without title?** Yes.

(a) Owners releasing interest in a vehicle with a bonded title or three-year registration without title must provide a release of interest described in WAC 308-56A-265;

(b) The new owners must submit an application for title as described in this chapter and complete the time remaining on the current ownership in doubt period.