

67.16.040. 86-09-072 (Order 86-02), § 260-40-100, filed 4/21/86. Statutory Authority: RCW 67.16.020. 78-08-089 (Order 78-2), § 260-40-100, filed 7/31/78; Order 74.2, § 260-40-100, filed 10/30/74, effective 1/1/75; Rules of racing, §§ 102, 103, filed 4/21/61; Subsection (4) added, filed 3/11/65.]

**Chapter 260-48 WAC  
MUTUELS**

**WAC**  
260-48-320 Daily double.

**WAC 260-48-320 Daily double.** (1) If no ticket is sold combining the two winners of the daily double, the pool shall then be apportioned equally between those having tickets including the winner in the first race of the daily double and those having tickets including the winner in the last race of the daily double in the same manner in which place pool is calculated and distributed.

(2) If no ticket is sold including the winner of the first race of the daily double then the entire pool will be paid to the holders of tickets which include the winner of the last race of the daily double.

(3) Likewise, if no ticket is sold including the winner of the last race of the daily double, the entire pool will be paid to the holders of tickets which include the winner of the first race of the daily double.

(4) If no ticket is sold including a winner of either race of the daily double, then the pool shall be paid to holders of tickets which include the horses finishing second in the two races of the daily double.

(5) If no ticket is sold that would require distribution of the daily double pool to a winner under the subsections (1), (2), (3) and (4) of this rule, the association shall make a complete and full refund of the daily double pool.

(6) If for any reason the first race of a daily double is cancelled and declared off, full and complete refund will be made of the daily double pool.

(7) If for any reason, the second race of a daily double is cancelled or declared off, the whole of the daily double pool shall be distributed as a win pool to the holders of daily double tickets, upon the winner of the first half of the daily double. If no daily double ticket has been sold upon the winner of the first half of such daily double, the total pool shall be distributed as a win pool to the holders of the daily double tickets upon the horse finishing second in the first half of such daily double.

(8) There shall be a refund of daily double wagers in the event of a horse being scratched before the betting on the daily double has closed. (This refund to apply only to wagers on the horse scratched.)

(9) In the event a horse is excused in the second half of the daily double, after the first race is official, all money wagered on the scratched horse in the second half of the daily double shall be deducted from the daily double pool. Using this money, so deducted, as a win pool, a special or consolation prize shall be paid to all ticket holders, combining the scratched horse with the winner of the first race of the daily double.

(10) Before the running of the race comprising the last half of the daily double pool there shall be posted in a prominent place, easily visible from the grand stand, club

house and bleachers, the pay-off of each combination coupled with the winner of the first half of the daily double.

(11) In case of a dead heat for winner in the first half of the daily double, the pay-off of the daily double need not be posted until after the running of the second half of the daily double, owing to the complicated calculations involved. However, announcement of this fact must be made over the loud-speaker and notice to this effect be posted on the board at conclusion of first half of daily double.

(12) If a dead heat should result in either the first or second race of the daily double, the total pool is figured as a place pool.

(13) Sale of daily double tickets shall close not later than "off-time" of the first race of the daily double.

(14) The daily double is not a "parlay" and has no connection with or relation to the pool shown on the totalizator board. In any race, the win, place, show and daily double pools are treated separately and calculated independently of each other.

[Statutory Authority: RCW 67.16.040. 95-07-141, § 260-48-320, filed 3/22/95, effective 4/22/95; Rules of racing, § 419, filed 4/21/61.]

**Title 263 WAC  
INDUSTRIAL INSURANCE  
APPEALS, BOARD OF**

**Chapters**  
**263-12 Practice and procedure.**

**Chapter 263-12 WAC  
PRACTICE AND PROCEDURE**

**WAC**

263-12-015	Administration and organization.
263-12-080	Correction and amendment of notice.
263-12-140	Proposed decisions and orders.
263-12-155	Final decisions and orders after review.
263-12-165	Attorney's fees.
263-12-190	Petitions for rule making.

**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., PO 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 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 executive secretary of the board is located at the headquarters and principal office of the board.

**(6) Communications with the board.** All written communications by parties pertaining to a particular case, including notices of appeal, applications, notices of appearance, briefs, memoranda, motions, requests, or petitions for review, shall be filed with the board at its headquarters in Olympia, Washington. All correspondence and written communications 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 executive secretary of the board. Any written communications with the board concerning an appeal should reference the docket number which was assigned by the board to the appeal, if known. Copies of any written communications filed with the board shall be furnished to all other parties or their representatives of record, and the original shall demonstrate compliance with this requirement. All written communications with the board shall be on paper 8 1/2" x 11" in size.

[Statutory Authority: RCW 51.52.020. 95-02-065, § 263-12-015, filed 1/3/95, effective 2/3/95; 91-13-038, § 263-12-015, filed 6/14/91, effective 7/15/91. Statutory Authority: RCW 51.52.104, 51.52.020 and chapters 51.48 and 42.17 RCW. 86-03-021 (Order 20), § 263-12-015, filed 1/10/86. Statutory Authority: RCW 51.52.020. 84-02-024 (Order 15), § 263-12-015, filed 12/29/83. Statutory Authority: RCW 51.41.060(4) and 51.52.020. 83-01-001 (Order 12), § 263-12-015, filed 12/2/82. Statutory Authority: RCW 51.52.020. 82-03-031 (Order 11), § 263-12-015, filed 1/18/82; Order 10, § 263-12-015, filed 4/5/76; Order 7, § 263-12-015, filed 4/4/75; Order 4, § 263-12-015, filed 6/9/72; General Order 2, § 2, filed 6/12/63; General Order 1, § 2, filed 3/23/60; General Order 3, Subsection 4, filed 10/29/65. Formerly WAC 296-12-015.]

**WAC 263-12-080 Correction and amendment of notice.** If any notice of appeal is found by the board to be defective or insufficient, the board may require the party filing said notice of appeal to correct, clarify or amend the same to conform to the requirements of the statute and the board's rules. The board may refuse to schedule any conference or hearing thereon until compliance with such requirement, or may issue an order providing for the denial or dismissal of such appeal upon failure to comply within a specified time.

Any party may amend his or her notice of appeal on such terms as the industrial appeals judge may prescribe, and the industrial appeals judge may, when deemed necessary, in justice to all parties, require correction, clarification or amendment of a notice of appeal before allowing any hearing thereon to proceed, or may issue an order requiring

such correction, clarification or amendment to be made within a specified time, and if such requirement is not complied with, the board may dismiss the appeal.

[Statutory Authority: RCW 51.52.020. 95-02-065, § 263-12-080, filed 1/3/95, effective 2/3/95; 91-13-038, § 263-12-080, filed 6/14/91, effective 7/15/91. Statutory Authority: RCW 51.41.060(4) and 51.52.020. 83-01-001 (Order 12), § 263-12-080, filed 12/2/82; Order 4, § 263-12-080, filed 6/9/72; General Order 3, Rule 5.7, filed 10/29/65; General Order 2, Rule 5.7, filed 6/12/63. Formerly WAC 296-12-080.]

**WAC 263-12-140 Proposed decisions and orders.**

Upon completion of the record and submission of the issues for decision and order, the industrial appeals judge shall enter a proposed decision and order which shall be in writing and contain findings and conclusions as to each contested issue of fact and law, as well as the order based thereon, and copies thereof shall be mailed by the board to each party to the appeal and to his or her attorney or representative of record.

[Statutory Authority: RCW 51.52.020. 95-02-065, § 263-12-140, filed 1/3/95, effective 2/3/95. Statutory Authority: RCW 51.41.060(4) and 51.52.020. 83-01-001 (Order 12), § 263-12-140, filed 12/2/82; Order 4, § 263-12-140, filed 6/9/72; Rule 8.3, filed 6/12/63. Formerly WAC 296-12-140.]

**WAC 263-12-155 Final decisions and orders after review.**

In those cases where a petition for review is granted, the record before the board shall be considered by a panel of at least two of the members of the board, on which not more than one industry and one labor member serve. The chairperson may be a member of any panel. The decision and order of any such panel shall be the decision and order of the board. Every final decision and order rendered by the board shall be in writing and shall contain findings and conclusions as to each contested issue of fact and law, as well as the board's order based thereon. The board shall in all cases render a final decision and order within one hundred and eighty days from the date a petition for review is filed. A copy of the decision and order, including the findings and conclusions, shall be mailed to each party to the appeal and to his or her attorney or representative of record.

[Statutory Authority: RCW 51.52.020. 95-02-065, § 263-12-155, filed 1/3/95, effective 2/3/95; Order 9, § 263-12-155, filed 8/8/75; Order 4, § 263-12-155, filed 6/9/72; General Order 3, Rule 8.6, filed 10/29/65; General Order 2, Rule 8.6, filed 6/12/63; General Order 1, Rule 6.2, filed 3/23/60. Formerly WAC 296-12-155.]

**WAC 263-12-165 Attorney's fees. (1) Applications for attorney's fees.**

The board shall fix a reasonable attorney fee to be paid by the worker, crime victim or beneficiary for services rendered before the board if written application therefor is made by the attorney, worker, crime victim or beneficiary, as provided in RCW 51.52.120, within one year after the board's final decision and order is communicated to the party making the application. If such application for fixing of a fee is made by the attorney, it shall set forth therein the monetary amount which the attorney considers reasonable for all services rendered before the board in an appeal. The board shall afford to all parties affected a minimum of ten days in which to submit comments and material information which may be helpful to the board in setting a fair and reasonable fee.

(2) **Fee fixing criteria.** All attorney fees fixed by the board, where application therefor has been made, shall be established in accordance with Rule 1.5 of the Rules of Professional Conduct and the following general principles:

(a) Only one fee shall be fixed for legal services in any one appeal regardless of the number of attorneys representing the worker, crime victim or beneficiary, except that in cases of multiple beneficiaries represented by one or multiple attorneys the board has the discretion to set more than one attorney fee if so requested.

(b) The board shall defer fixing a fee until such time as information, which it deems sufficient upon which to base a fee, is available.

(c) A fee shall be fixed only in those cases where the attorney's services are instrumental in securing additional benefits to the worker, crime victim or beneficiary or in sustaining the worker's or beneficiary's right to benefits upon an appeal by another party.

(d) Where increased compensation is obtained, the fee may be fixed without regard to any medical benefits secured.

(e) In setting all fees, the following factors shall be carefully considered and weighed:

(i) Nature of the appeal.

(ii) Novelty and complexity of the issues presented or other unusual circumstances.

(iii) Time and labor expended.

(iv) Skill and diligence in conducting the case.

(v) Extent and nature of the relief. In computing the extent of additional benefits, or the retention of benefits awarded by the department, the cost to the worker, crime victim or beneficiary of the litigation, i.e., medical examination and witness fees, shall be first deducted and the net benefits considered.

(vi) The amount of accrued time-loss payments as a result of proceedings before the board.

(vii) The prevalent practice of charging contingency fees in cases before the board.

(viii) The worker's or crime victim's circumstances and the remedial social purposes of the Industrial Insurance Act and of the Crime Victims Compensation Act, which are intended to provide sure and adequate relief to injured workers and crime victims and their families.

(f) In those cases where the payment of accumulated benefits is insufficient to allow payment of the fee set and allow the worker, crime victim or beneficiary to retain a reasonable monetary amount, the board may also set the schedule and manner in which such fee shall be payable.

**(3) Amount of fees.**

(a) Where additional compensation for permanent partial disability, loss of earning power, or total temporary disability is obtained as a result of settlement of the appeal on agreement of the parties prior to presentation of testimony, a fee of from 10 to 25 percent of the increased compensation due the worker, crime victim or beneficiary on the date of the board's order on agreement of the parties and by reason thereof shall be fixed after considering all factors.

(b) Where additional compensation for permanent partial disability, loss of earning power or total temporary disability is obtained after the presentation of testimony, a fee of from 10 to 30 percent of the increased compensation shall be fixed after considering all factors. This provision shall also

apply to retroactive permanent total disability (pension) benefits.

(c) Where no additional compensation is obtained, but the worker or crime victim is relieved of the payment for medical benefits, a fee of from 10 to 25 percent of the amount the worker or crime victim is so relieved of paying shall be fixed after considering all factors.

(d) Where permanent total disability (pension) benefits are obtained for the worker or crime victim, or death benefits are obtained for survivors of a deceased worker or crime victim, 10 percent of the first \$40,000.00 of the pension reserve as calculated by the department of labor and industries, and 15 percent of the pension reserve in excess of \$40,000.00 shall constitute the usual fee, which may be decreased or increased after weighing all factors.

(e) Where indeterminate additional compensation is obtained because the claimant is successful in establishing a proper claim for benefits which was previously rejected or for which responsibility was denied, a fee in accordance with the preceding principles and factors shall be fixed.

(f) Where, upon an appeal by a party other than the worker or his or her beneficiary, the right to receive the benefits awarded by the department is affirmed, a fee in accordance with the preceding principles and factors shall be fixed.

(4) **Excess fee unlawful.** Where the board, pursuant to written application by an attorney, worker, crime victim or beneficiary, fixes a reasonable fee for the services of the attorney in proceedings before this board, it is unlawful for the attorney to charge or receive any fee for such services in excess of that fee so fixed, per RCW 51.52.132.

[Statutory Authority: RCW 51.52.020, 95-12-062, § 263-12-165, filed 6/5/95, effective 7/6/95; 91-13-038, § 263-12-165, filed 6/14/91, effective 7/15/91; 82-03-031 (Order 11), § 263-12-165, filed 1/18/82; Order 7, § 263-12-165, filed 4/4/75; Order 4, § 263-12-165, filed 6/9/72; Subsection 1 from General Order 3, Rule 9.1, filed 10/29/65; General Order 2, Rule 9.2, filed 6/12/63; General Order 1, Rule 6.4, filed 3/23/60; Subsection (2), General Order 3, Rule 9.2, filed 10/29/65; General Order 9.1, filed 6/12/63; General Order 1, Rule 6.4, filed 3/23/60. Formerly WAC 296-12-165.]

**WAC 263-12-190 Petitions for rule making.** (1) Right to petition for rule making. Any interested person may petition the board for the promulgation, amendment, or repeal of any rule.

(2) Form of petition. The form of the petition for promulgation, amendment, or repeal of any rule shall generally adhere to the following:

At the top of the page shall appear the wording, "Before the board of Industrial Insurance Appeals, State of Washington." On the left side of the page below the foregoing the following caption shall be set out: "In the matter of the petition of (name of petitioning party) for (state whether promulgation, amendment or repeal) of rule (or rules)." Opposite the foregoing caption shall appear the word "petition."

The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party and whether the petitioner seeks the promulgation of new rule or rules, or amendment or repeal of existing rule or rules. The second paragraph, in case of a proposed new rule or amendment of an existing rule, shall set forth the desired rule in its entirety. Where

the petition is for amendment, the new matter shall be underscored and the matter proposed to be deleted shall appear in double parentheses. Where the petition is for repeal of an existing rule, such shall be stated and the rule proposed to be repealed shall either be set forth in full or shall be referred to by rule number. The third paragraph shall set forth concisely the reasons for the proposal of the petitioner and shall contain a statement as to the interest of the petitioner in the subject matter of the rule. Additional numbered paragraphs may be used to give full explanation of petitioner's reason for the action sought.

Petitions shall be dated and signed by the person or entity named in the first paragraph or by his or her attorney. The original and two legible copies of the petition shall be filed with the board. Petitions shall be on white paper, 8 1/2" x 11" in size.

(3) Consideration of petitions. All petitions shall be considered by the entire board, and the board may, in its discretion, order an informal hearing or meeting for the further consideration and discussion of the requested promulgation, amendment or repeal of any rule.

(4) Notification of disposition of petition. The board shall notify the petitioning person within a reasonable time of the disposition, if any, of the petition.

[Statutory Authority: RCW 51.52.020, 95-02-065, § 263-12-190, filed 1/3/95, effective 2/3/95. Statutory Authority: RCW 51.52.104, 51.52.020 and chapters 51.48 and 42.17 RCW. 86-03-021 (Order 20), § 263-12-190, filed 1/10/86; Order 4, § 263-12-190, filed 6/9/72; General Order 2, Rules 13.1-13.4, filed 3/23/60; Subsections (3)-(4), General Order 3, Rule 13.3, filed 10/29/65. Formerly WAC 296-12-190.]

## Title 284 WAC INSURANCE COMMISSIONER

**Chapters**

- 284-13 Assets—Liabilities—Investments and reinsurance.**
- 284-14 Regulations pertaining to fees and taxes.**
- 284-20 Insurance policies.**
- 284-22 USL&H Assigned risk plan.**
- 284-30 Trade practices.**
- 284-32 Plan of operation for Washington insurance guaranty association.**
- 284-44 Health care services contractors—Agents—Contract formats—Standards.**
- 284-48 Bulletins.**
- 284-54 Long-term care insurance rules.**
- 284-87 Joint underwriting association for midwifery and birthing centers malpractice insurance.**
- 284-97 Viatical settlement regulation.**

### Chapter 284-13 WAC

#### ASSETS—LIABILITIES—INVESTMENTS AND REINSURANCE

**WAC**

- 284-13-110 Repealed.
- 284-13-120 Repealed.
- 284-13-130 Repealed.
- 284-13-140 Repealed.
- 284-13-150 Repealed.
- 284-13-310 Repealed.
- 284-13-320 Repealed.
- 284-13-330 Repealed.
- 284-13-340 Repealed.
- 284-13-350 Repealed.
- 284-13-360 Repealed.
- 284-13-370 Repealed.
- 284-13-380 Repealed.
- 284-13-390 Repealed.
- 284-13-400 Repealed.
- 284-13-410 Repealed.
- 284-13-420 Repealed.
- 284-13-850 Scope.
- 284-13-855 Accounting requirements.
- 284-13-860 Written agreements.
- 284-13-863 Existing agreements.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 284-13-110 Purpose. [Statutory Authority: RCW 48.02.060, 87-09-056 (Order R 87-4), § 284-13-110, filed 4/20/87.] Repealed by 95-19-018 (Order 95-4), filed 9/8/95, effective 10/9/95. Statutory Authority: RCW 48.02.060, 48.05.250 and 48.05.400.
- 284-13-120 Scope. [Statutory Authority: RCW 48.02.060, 87-09-056 (Order R 87-4), § 284-13-120, filed 4/20/87.] Repealed by 95-19-018 (Order 95-4), filed 9/8/95, effective 10/9/95. Statutory Authority: RCW 48.02.060, 48.05.250 and 48.05.400.
- 284-13-130 Accounting requirements. [Statutory Authority: RCW 48.02.060, 87-09-056 (Order R 87-4), § 284-13-130, filed 4/20/87.] Repealed by 95-19-018 (Order 95-4), filed 9/8/95, effective 10/9/95. Statutory Authority: RCW 48.02.060, 48.05.250 and 48.05.400.
- 284-13-140 Written agreements. [Statutory Authority: RCW 48.02.060, 87-09-056 (Order R 87-4), § 284-13-140, filed 4/20/87.] Repealed by 95-19-018 (Order 95-4), filed 9/8/95, effective 10/9/95. Statutory Authority: RCW 48.02.060, 48.05.250 and 48.05.400.
- 284-13-150 Existing agreements. [Statutory Authority: RCW 48.02.060, 87-09-056 (Order R 87-4), § 284-13-150, filed 4/20/87.] Repealed by 95-19-018 (Order 95-4), filed 9/8/95, effective 10/9/95. Statutory Authority: RCW 48.02.060, 48.05.250 and 48.05.400.
- 284-13-310 Definitions. [Statutory Authority: RCW 48.02.060 and 48.05.340(4), 93-19-012 (Order R 93-16), § 284-13-310, filed 9/1/93, effective 10/2/93.] Repealed by 95-20-022 (Order R 95-8), filed 9/26/95, effective 10/27/95. Statutory Authority: RCW 48.02.060.
- 284-13-320 RBC reports. [Statutory Authority: RCW 48.02.060 and 48.05.340(4), 93-19-012 (Order R 93-16), § 284-13-320, filed 9/1/93, effective 10/2/93.] Repealed by 95-20-022 (Order R 95-8), filed 9/26/95, effective 10/27/95. Statutory Authority: RCW 48.02.060.
- 284-13-330 Company action level event. [Statutory Authority: RCW 48.02.060 and 48.05.340(4), 93-19-012 (Order R 93-16), § 284-13-330, filed 9/1/93, effective 10/2/93.] Repealed by 95-20-022 (Order R 95-8), filed 9/26/95, effective 10/27/95. Statutory Authority: RCW 48.02.060.
- 284-13-340 Regulatory action level event. [Statutory Authority: RCW 48.02.060 and 48.05.340(4), 93-19-012 (Order R 93-16), § 284-13-340, filed 9/1/93, effective 10/2/93.]