

# Title 448 WAC

## STATE TOXICOLOGIST

### Chapters 448-13

#### Administration of breath test program.

#### Chapter 448-13 WAC

#### ADMINISTRATION OF BREATH TEST PROGRAM

#### WAC

448-13-035	Simulator thermometer certification.
448-13-040	Administration of breath test on the DataMaster.
448-13-056	Invalid sample message.
448-13-060	Validity and certification of test results.
448-13-225	Severability.

**WAC 448-13-035 Simulator thermometer certification.** The ability of the simulator to provide a reference ethanol vapor concentration is a function of its temperature. The thermometers used in the simulators shall be certified on an annual basis to have an accuracy of within plus or minus 0.1 degree centigrade. Such certification shall be made using a reference thermometer traceable to standards maintained by the National Institute of Standards and Testing (NIST), or its successor.

[Statutory Authority: RCW 46.61.506. 01-17-009, § 448-13-035, filed 8/2/01, effective 9/2/01.]

**WAC 448-13-040 Administration of breath test on the DataMaster.** The following method for performing a breath test is approved by the state toxicologist pursuant to WAC 448-13-130 and includes the following safeguards to be observed by the operator prior to the test being performed. It must be determined that: (1) The person does not vomit or have anything to eat, drink, or smoke for at least fifteen minutes prior to administration of the test; and (2) the subject does not have any foreign substances, not to include dental work, fixed or removable, in his or her mouth at the beginning of the fifteen minute observation period. Such determination shall be made by either an examination of the mouth or a denial by the person that he or she has any foreign substances in mouth. A test mouthpiece is not to be considered a foreign substance for purposes of this section. If a subject is wearing jewelry or ornamentation pierced through their tongue, lips, cheek, or other soft tissues in the oral cavity, they will be required to remove this prior to conducting the breath test. If the subject declines, they will be deemed to have a physical limitation rendering them incapable of providing a valid breath sample and will be required to provide a blood sample under the implied consent statute, RCW 46.20.308.

Prior to the start of the test the operator must verify that the thermometer, certified per WAC 448-13-035, indicates that the temperature of the simulator solution is thirty-four degrees centigrade plus or minus 0.3 degrees centigrade. During the test the person will be required to provide at least two valid breath samples. A refusal to provide a valid breath sample at any point during the test will constitute a refusal. The results of the test will be provided in the form of a print-

out on a breath test document. These results will indicate the grams of alcohol per two hundred ten liters of breath.

[Statutory Authority: RCW 46.61.506. 01-17-009, § 448-13-040, filed 8/2/01, effective 9/2/01; 99-06-048, § 448-13-040, filed 3/1/99, effective 4/1/99; 91-21-040, § 448-13-040, filed 10/11/91, effective 11/11/91; 91-06-022, § 448-13-040, filed 2/26/91, effective 3/29/91.]

**WAC 448-13-056 Invalid sample message.** One of the causes of an "invalid sample" message being displayed by the DataMaster during the test is the presence of exogenous mouth alcohol, which could adversely affect the breath test reading. In the event that the DataMaster records an "invalid sample" result at any point during the subject's test, that subject's test should be readministered, after again checking the subject's mouth and repeating the fifteen minute observation period as required in WAC 448-13-040.

[Statutory Authority: RCW 46.61.506. 01-17-009, § 448-13-056, filed 8/2/01, effective 9/2/01.]

**WAC 448-13-060 Validity and certification of test results.** A test shall be a valid test and so certified, if the requirements of WAC 448-13-040, 448-13-050 and 448-13-055 are met, and in addition the following criteria for precision and accuracy, as determined solely from the breath test document, are met:

(1) The internal standard test results in the message "verified."

(2) In order to be valid, the two breath samples must agree to within plus or minus ten percent of their mean. This shall be determined as follows:

(a) The breath test results shall be reported, truncated to three decimal places.

(b) The mean of the two breath test results shall be calculated and rounded to four decimal places.

(c) The lower acceptable limit shall be determined by multiplying the above mean by 0.9, and truncating to three decimal places.

(d) The upper acceptable limit shall be determined by multiplying the mean by 1.1 and truncating to three decimal places.

(e) If the results fall within and inclusive of the upper and lower acceptable limits, the two breath samples are valid.

(3) The simulator external standard result must lie between .072 to .088 inclusive.

(4) All four blank tests must give results of .000.

If these criteria are met, then these and no other factors are necessary to indicate the proper working order of the instrument, and so certify it, at the time of the breath test.

(5) These criteria have changed over time, and the criteria applied to determine the validity of any test and so certify it, should be those provisions of the Washington Administrative Code in effect at the time the test is administered.

[Statutory Authority: RCW 46.61.506. 01-17-009, § 448-13-060, filed 8/2/01, effective 9/2/01; 99-22-009, § 448-13-060, filed 10/22/99, effective 11/22/99; 95-20-025, § 448-13-060, filed 9/27/95, effective 10/28/95; 91-06-022, § 448-13-060, filed 2/26/91, effective 3/29/91.]

**WAC 448-13-225 Severability.** If any part or provision of these rules or regulations or the application thereof is held invalid, such invalidity shall not affect other provisions or

applications of these rules which can be given effect without the invalid provision or application, and to this end any section, paragraph or sentence, is declared to be severable.

[Statutory Authority: RCW 46.61.506, 01-17-009, § 448-13-225, filed 8/2/01, effective 9/2/01.]

458-16-165	Conditions under which nonprofit organizations, associations, or corporations may obtain a property tax exemption.
458-16-260	Nonprofit day care centers, libraries, orphanages, homes for sick or infirm, hospitals, outpatient dialysis facilities.
458-16-270	Schools and colleges.

## Title 458 WAC

### REVENUE, DEPARTMENT OF

#### Chapters

458-12	Property tax division—Rules for assessors.
458-16	Property tax—Exemptions.
458-20	Excise tax rules.
458-30	Open Space Taxation Act rules.
458-40	Taxation of forest land and timber.

#### Chapter 458-12 WAC

#### PROPERTY TAX DIVISION—RULES FOR ASSESSORS

#### WAC

458-12-015	Repealed.
458-12-020	Repealed.
458-12-085	Repealed.

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

458-12-015	Definition—Interstate commerce. [Order PT 68-6, § 458-12-015, filed 4/29/68.] Repealed by 01-11-029, filed 5/8/01, effective 6/8/01. Statutory Authority: RCW 84.36.865, 84.08.010 and 84.08.070.
458-12-020	Definition—Foreign commerce—Imports and exports. [Order PT 68-6, § 458-12-020, filed 4/29/68.] Repealed by 01-11-029, filed 5/8/01, effective 6/8/01. Statutory Authority: RCW 84.36.865, 84.08.010 and 84.08.070.
458-12-085	Listing of personalty—Merchants—Personalty—Consignments. [Order PT 68-6, § 458-12-085, filed 4/29/68.] Repealed by 01-11-029, filed 5/8/01, effective 6/8/01. Statutory Authority: RCW 84.36.865, 84.08.010 and 84.08.070.

**WAC 458-12-015 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 458-12-020 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 458-12-085 Repealed.** See Disposition Table at beginning of this chapter.

#### Chapter 458-16 WAC

#### PROPERTY TAX—EXEMPTIONS

#### WAC

458-16-110	Applications—Who must file, initial applications, annual declarations, appeals, filing fees, penalties, and refunds.
458-16-120	Appeals.
458-16-130	Change in taxable status of real property.
458-16-150	Cessation of use—Taxes collectible for prior years.

**WAC 458-16-110 Applications—Who must file, initial applications, annual declarations, appeals, filing fees, penalties, and refunds.** (1) **Introduction.** This rule explains the procedures property owners must follow to apply for and renew all real and personal property exemptions or leasehold excise tax exemptions under chapter 84.36 RCW for which the taxpayer must apply in order to receive. It also specifies the fee that must be submitted with each initial application or renewal declaration for exemption, as well as the late filing penalty that is due whenever an application or renewal declaration is received after the filing deadline.

(2) **Application required.** All foreign national governments, cemeteries, nongovernmental nonprofit corporations, organizations, or associations, soil and water conservation districts, and a public hospital district established under chapter 70.44 RCW seeking a property tax exemption or a leasehold excise tax exemption under chapter 84.36 RCW must submit an application for exemption and supporting documentation to the state department of revenue (department). Unless otherwise exempted by law, no real or personal property or leasehold interest is exempt from taxation until an application is submitted and an exemption is granted.

(3) **Where to obtain application and annual renewal declaration forms.** Applications for exemption may be obtained from any county assessor's office, the department's property tax division, or on the internet at <http://dor.wa.gov/index.asp> under Property Tax, "Forms." Annual renewal declaration forms are mailed by the department to all entities receiving a property tax or leasehold excise tax exemption. If such a form is not received in the mail, an annual renewal declaration may be obtained from the department's property tax division or an application form may be obtained and adapted for use as an annual renewal declaration.

(4) **Initial application, filing deadlines, and other requirements.** In general, initial applications for exemption must be filed with the department on or before March 31st to exempt the property from taxes due in the following year. However, an initial application may be filed after March 31st if the property is acquired or converted to an exempt use after that date, if the property may qualify for an exemption under chapter 84.36 RCW. In this situation, the application must be submitted within sixty days of acquisition or conversion of the property to an exempt use. If an initial application is not received within this sixty day period, the late filing penalty described in subsection (12) of this rule is imposed.

(a) The following requirements apply to all initial applications:

(i) A filing fee of thirty-five dollars must be submitted with each application for exemption. The department will not process any application unless this fee is paid;