



**RULE MAKING ORDER**

**(RCW 34.05.360)**

**CR-103 (710/97)**

**Agency: Department of Community Trade and Economic Development**

- Permanent Rule
- Emergency Rule
- Expedited Adoption
- Expedited Repeal

**(1) Date of Adoption: December 14, 1998**

**(2) Purpose:**

To adopt amendments of Chapter 365-110 WAC that eliminate obsolete references and change the definition of "building permit" as it pertains to the State Building Code fee.

**(3) Citation of existing rules affected by this order:**

- Repealed:**
- Amended:** WAC 365-110-010 and 365-110-035
- Suspended:**

**(4) Statutory authority for adoption: RCW 43.330.040(2) and 19.27.070(3)**

Other authority:

**PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)**

Adopted under notice filed as WSR 98-14-069 on 6/30/98 (date).

**Describe any changes other than editing from proposed to adopted version:** Testimony received on this rule was largely against including separate plumbing and mechanical permits as part of the building permit definition, so that portion of the proposed rule was not adopted and the reference to plumbing and mechanical permits was retained in the last sentence of Section 035.

**EMERGENCY RULE ONLY**

Under RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

**EXPEDITED REPEAL ONLY**

Under Preproposal Statement of Inquiry filed as WSR \_\_\_\_\_ on \_\_\_\_\_ (date).

**(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes  No
- If Yes, explain:

**(6) Effective date of rule:**

**Permanent Rules  
or Expedited Rule Making**

- 31 days after filing
- Other (specify): \*

\*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

**Emergency Rules**

- Immediately
- Later (specify)

NAME (TYPE OR PRINT)

**Jean Ameluxen**

SIGNATURE

TITLE

Legislative Liaison

DATE

12/16/98

CODE REVISER USE ONLY

CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED

DEC 16 1998

TIME 4:10

WSR 98-14-069

AM PM

(COMPLETE REVERSE SIDE)

**NOTE: If any category is left blank, it will be calculated as zero.**

**No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

Federal statute:	New	Amended	Repealed
Federal rules or standards:	New	Amended	Repealed
Recently enacted state statutes:	New	Amended	Repealed

**The number of sections adopted at the request of a nongovernment entity:**

New	Amended	Repealed
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**The number of sections adopted on the agency's own initiative:**

New	Amended 2	Repealed
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	Amended 2	Repealed
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**The number of sections adopted using:**

Negotiated rule making:	New	Amended	Repealed
Pilot rule making:	New	Amended	Repealed
Other alternative rule making:	New	Amended 2	Repealed

AMENDATORY SECTION (Amending Order 85-10, filed 9/13/85)

**WAC 365-110-010 Authority.** These rules are adopted under the authority of RCW ((43.63A.060)) 43.330.040(2) which provides that the director shall make such rules and regulations and do all other things necessary and proper to carry out the purposes of chapter ((43.63A)) 43.330 RCW. ((RCW 43.63A.065(2) provides that among its functions and responsibilities the department shall administer state and federal grants and programs which are assigned to the department by the governor or the legislature.))

AMENDATORY SECTION (Amending Order 90-01, filed 4/6/90, effective 5/7/90)

**WAC 365-110-035 Definitions.** 1. **Department** shall mean the department of community, trade, and economic development.

2. **State Building Code fee** shall mean a fee which is required to be collected by cities and counties pursuant to chapter 19.27 RCW. Funds collected shall be used exclusively to implement the provisions of chapters 19.27 and 19.27A RCW.

3. **Building permit** shall mean a permit issued by a city or a county to construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or structure regulated by the Uniform Building Code as set forth in the Uniform Building Code, section ((301)) 106.1. This definition shall be subject to the exemptions contained in section ((301)) 106.2 of the Uniform Building Code. ((Building permit shall include an installation permit or other permit issued by a city or county for a mobile/manufactured home, commercial coach, or factory built structure as defined and regulated by chapters 296-150A and 296-150B WAC.)) Building permits shall not include plumbing, electrical, mechanical permits, or permits issued pursuant to the Uniform Fire Code.