

## WSR 21-18-076

## EXPEDITED RULES

## DEPARTMENT OF REVENUE

[Filed August 27, 2021, 11:38 a.m.]

Title of Rule and Other Identifying Information: WAC 458-19-045  
Levy limit—Removal of limit (lid lift).

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is amending WAC 458-19-045 to incorporate 2021 legislation, E2SHB 1069. This legislation allows a county with a population of more than 1,500,000 to supplant existing funds when voters approve a lid lift, if the lid lift is approved during specific years.

Reasons Supporting Proposal: This rule is being updated to incorporate changes resulting from 2021 legislation, E2SHB 1069.

Statutory Authority for Adoption: RCW 84.08.010 and 84.08.070.

Statute Being Implemented: RCW 84.55.050.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of revenue, governmental.

Name of Agency Personnel Responsible for Drafting: Leslie Mullin, 6400 Linderson Way S.W., Tumwater, WA, 360-534-1589; Implementation and Enforcement: John Ryser, 6400 Linderson Way S.W., Tumwater, WA, 360-534-1603.

This notice meets the following criteria to use the expedited adoption process for these rules:

Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: The expedited rule-making process is applicable to this rule update because the department is incorporating changes resulting from 2021 legislation.

## NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Leslie Mullin, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, phone 360-534-1589, fax 360-534-1606, email LeslieMu@dor.wa.gov, AND RECEIVED BY November 1, 2021.

August 27, 2021  
Atif Aziz  
Rules Coordinator

OTS-3295.1

AMENDATORY SECTION (Amending WSR 18-24-104, filed 12/4/18, effective 1/4/19)

**WAC 458-19-045 Levy limit—Removal of limit (lid lift).** (1) **Introduction.** This rule explains the procedures for implementing a lid lift ballot measure when a taxing district wants to ask its voters for the authority to exceed the levy limit.

(2) **Definitions.** The definitions in WAC 458-19-005 apply to this rule.

(3) **Lid lift - Purpose.** The purpose of a lid lift is to allow additional property taxes to be collected at a time when the levy limit in chapter 84.55 RCW is the effective legal constraint to increasing property taxes. A levy limit may be exceeded when authorized by a majority of the voters voting on a proposition to "lift the lid" of the levy limit as described in RCW 84.55.050. This "lid lift" is intended to allow the levy limit to be exceeded for the levy made immediately following the vote on the proposition. Lid lifts may result in increasing the limit factor, as defined in WAC 458-19-005, for one year or up to six consecutive years. The result of the limit factor increase can temporarily or permanently impact subsequent levy limit calculations.

(4) **Election for approval of lid lift proposition - When held.** The election to approve a lid lift proposition must be held within the taxing district and may be held at the time of a general election, or at a special election called by the governing body of the taxing district for that purpose. The election must not be held more than twelve months prior to the date the proposed levy is to be made. For purposes of this rule, a levy is "made" when the taxing district's budget is certified. The ballot title and measure proposing the lid lift are prepared by the county prosecutor or city attorney, as applicable, in accordance with RCW 29A.36.071. RCW 29A.36.071 requires a ballot title to include a concise description of the measure, not to exceed seventy-five words. The requirements for the text of a ballot title and measure differ depending on whether the levy limit will be exceeded for a single year or multiple years, up to six consecutive years. A simple majority vote is required for approval of a lid lift.

(5) **Single year lid lift.** A single year lid lift allows a taxing district to increase its levy by more than one percent over its highest lawful levy since 1985 for 1986 collection, for one year.

(6) **Ballot title and measure - Single year lid lift.** The text of a ballot title and measure for a single year lid lift must contain the following:

(a) The dollar rate of the proposed levy so that it reflects the total dollar rate for the taxing district, which may be less than the maximum statutory dollar rate allowed for the particular class of taxing district; and

(b) Any of the following conditions that are applicable:

(i) The number of years the increased levy is to be made by the taxing district; however, if one of the purposes of the increased levy is to make redemption payments on bonds of the taxing district, the duration of the increased levy cannot exceed nine years, except for taxes levied for collection in 2018 and thereafter in Thurston County,

the period for which the increased levies are made may not exceed twenty-five years;

(ii) The purpose or purposes of the increased levy;

(iii) Whether the dollar amount of the increased levy will be used for the purpose of computing the limitations for subsequent levies and thereby permanently increase the taxing district's levy base; and

(iv) Whether the increase in regular property taxes by a county or city resulting from the approval of the lid lift will not apply to property exempt under the senior citizens and disabled persons property tax exemption in RCW 84.36.381.

(7) **Multiple year lid lift.** A multiple year lid lift allows a taxing district to increase its levy by more than one percent over its highest lawful levy since 1985 for 1986 collection, for up to six consecutive years.

(a) Ballot title and measure. The text of a ballot title and measure for a multiple year lid lift must contain the following:

(i) The dollar rate of the first year's proposed levy so that it reflects the total dollar rate for the taxing district, which may be less than the maximum statutory dollar rate allowed for the particular class of taxing district;

(ii) The limit factor, or specific index used to determine the limit factor (such as the consumer price index), which is not required to be the same for all years, by which the regular tax levy for the district may be increased in each of the subsequent consecutive years;

(iii) The limited purposes for which the proposed annual increases will be used; and

(iv) Any of the following conditions that are applicable:

(A) The number of years the increased levy is to be made by the taxing district; however, if one of the purposes of the increased levy is to make redemption payments on bonds of the taxing district, the duration of the increased levy cannot exceed nine years, except for taxes levied for collection in 2018 and thereafter in Thurston County, the period for which the increased levies are made may not exceed twenty-five years;

(B) The purpose or purposes of the increased levy;

(C) Whether the dollar amount of the increased levy will be used for the purpose of computing the limitations for subsequent levies and thereby permanently increase the taxing district's levy base; and

(D) Whether the increase in regular property taxes by a county or city resulting from the approval of the lid lift will not apply to property exempt under the senior citizens and disabled persons property tax exemption in RCW 84.36.381.

(b) Supplanting of existing funds.

(i) Except as otherwise provided in (b) of this subsection, funds raised by a levy under this rule may not supplant existing funds used for the limited purpose specified in the ballot title. For purposes of (b) of this subsection, existing funds means the actual operating expenditures for the calendar year in which the ballot measure is approved by voters. Actual operating expenditures excludes:

(A) Lost federal funds;

(B) Lost or expired state grants or loans;

(C) Extraordinary events not likely to reoccur;

(D) Changes in contract provisions beyond the control of the taxing district receiving the services; and

(E) Major nonrecurring capital expenditures.

(ii) In counties with a population of less than one million five hundred thousand, funds raised through a lid lift can be used to supplant existing funds beginning with levies submitted and approved by the voters after July 26, 2009.

(iii) In counties with a population of one million five hundred thousand or more, funds raised through a lid lift can be used to supplant existing funds ~~((for levies))~~ if the levy was approved by the voters ((between)) after July 26, 2009, ((and December 31, 2011)) or in one of the following calendar years; 2009, 2010, 2011, 2015, 2016, 2017, 2018, 2019, 2020, 2021, and 2022.

(8) **Permanent lid lift.** A permanent lid lift occurs when the ballot title and measure expressly state that the levy will be used for the purpose of computing the limitations for subsequent levies as provided in subsections (6)(b)(iii) and (7)(a)(iv)(C) of this rule. Approval of a permanent lid lift permanently increases the base used to calculate the levy limit.

(a) First levy after voter approval. The first regular levy of a taxing district made after voter approval of a permanent lid lift proposition is calculated on the basis of the dollar rate stated in the ballot title. The dollar rate is subject to the constitutional one percent limit, the statutory aggregate dollar rate limit, and any applicable prorationing.

(b) Subsequent levies. The levy limit on regular levies of a taxing district made subsequent to the first regular levy made after voter approval of a permanent lid lift proposition is calculated by multiplying the highest amount that could have been lawfully levied since 1985 for 1986 collection, including the dollar amount of the regular levy calculated in (a) of this subsection, by the limit factor.

(9) **Temporary lid lift.** If the ballot title and measure do not expressly indicate that the final levy will be used for the purpose of computing subsequent levies, the levy increase is temporary.

(a) First levy after voter approval. The first regular levy of a taxing district made after voter approval of a temporary lid lift proposition is calculated on the basis of the dollar rate stated in the ballot title. The dollar rate is subject to the constitutional one percent limit, the statutory aggregate dollar rate limit, and any applicable prorationing.

(b) Subsequent levies. The levy limit on regular levies of a taxing district made subsequent to the first regular levy made after voter approval of a temporary lid lift proposition is calculated by multiplying the highest amount that could have been lawfully levied since 1985 for 1986 collection, including the dollar amount of the regular levy calculated in (a) of this subsection, by the limit factor.

[Statutory Authority: RCW 84.08.010, 84.08.070, and 84.55.060. WSR 18-24-104, § 458-19-045, filed 12/4/18, effective 1/4/19. Statutory Authority: RCW 84.08.010, 84.08.070, 84.48.080, 84.48.200, 84.52.0502, and 84.55.060. WSR 18-05-013, § 458-19-045, filed 2/8/18, effective 3/11/18; WSR 14-14-023, § 458-19-045, filed 6/23/14, effective 7/24/14. Statutory Authority: RCW 84.08.010, 84.08.070, 84.48.080, 84.55.060, 84.52.0502, chapters 84.52 and 84.55 RCW, and RCW 34.05.230(1). WSR 02-24-015, § 458-19-045, filed 11/25/02, effective 12/26/02. Statutory Authority: RCW 84.55.060 and 84.08.070. WSR 94-07-066, § 458-19-045, filed 3/14/94, effective 4/14/94.]

**WSR 21-18-087**  
**EXPEDITED RULES**  
**PROFESSIONAL EDUCATOR**  
**STANDARDS BOARD**

[Filed August 30, 2021, 4:04 p.m.]

Title of Rule and Other Identifying Information: WAC 181-82-110 School district response and support for nonmatched endorsements to course assignment of teachers.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This proposed rule clarifies the language for teachers serving on an out-of-endorsement basis. It also clarifies the language on which endorsements are eligible for a pre-endorsement waiver.

Reasons Supporting Proposal: These nonsubstantive changes include language clarification. This will make it more clear to those in education which teachers are eligible for out-of-endorsement placements.

Statutory Authority for Adoption: Chapter 28A.410 RCW.

Statute Being Implemented: Chapter 28A.410 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Professional educator standards board, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Maren Johnson, 600 Washington Street S.E., Olympia, WA 98504, 360-867-8424.

This notice meets the following criteria to use the expedited adoption process for these rules:

Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: This change clarifies language without making any substantive changes.

**NOTICE**

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Maren Johnson, Professional Educator Standards Board, 600 Washington Street S.E., Olympia, WA 98504, phone 360-867-8424, email [maren.johnson@k12.wa.us](mailto:maren.johnson@k12.wa.us), AND RECEIVED BY November 1, 2021.

August 30, 2021  
Maren Johnson  
Rules Coordinator

**OTS-3300.1**

AMENDATORY SECTION (Amending WSR 21-08-024, filed 3/29/21, effective 4/29/21)

**WAC 181-82-110 School district response and support for non-matched endorsements to course assignment of teachers.** (1) Individuals with initial, residency, endorsed continuing, professional, or emergency teacher certificates who are employed with a school district (~~(under RCW 28A.405.210)~~) may be assigned to classes other than in their areas of endorsement. If teachers are so assigned, the following shall apply:

(a) A designated representative of the district and any teacher so assigned shall mutually develop a written plan which provides for necessary assistance to the teacher, and which provides for a reasonable amount of planning and study time associated specifically with the out-of-endorsement assignment;

(b) Such teaching assignments shall be approved by a formal vote of the local school board for each teacher so assigned.

(2) Special education preendorsement waiver:

(a) A teacher who has completed two hundred forty continuing education credit hours under WAC 181-85-030 of course work applicable to a special education, early childhood special education, teacher of the visually impaired, ~~((or))~~ deaf education, or deaf education with ASL proficiency endorsement shall be eligible for a preendorsement waiver from the special education office under chapter 392-172A WAC. Individuals with a preendorsement waiver are considered to have met the requirements for "substantial professional training" for the appropriate endorsement under WAC 392-172A-02090.

(b) All remaining requirements for the special education, early childhood special education, teacher of the visually impaired, ~~((or))~~ deaf education, or deaf education with ASL proficiency endorsement shall be completed within five years.

(3) Teachers are not subject to nonrenewal or probation based on evaluation of their teaching effectiveness in the out-of-endorsement assignments under this section.

[Statutory Authority: Chapter 28A.410 RCW. WSR 21-08-024, § 181-82-110, filed 3/29/21, effective 4/29/21; WSR 20-16-144, § 181-82-110, filed 8/4/20, effective 9/4/20. Statutory Authority: RCW 28A.410.210. WSR 14-20-051, § 181-82-110, filed 9/25/14, effective 10/26/14; WSR 14-11-106, § 181-82-110, filed 5/21/14, effective 6/21/14; WSR 12-16-107, § 181-82-110, filed 8/1/12, effective 9/1/12; WSR 08-12-056, § 181-82-110, filed 6/2/08, effective 7/3/08; WSR 06-14-010, § 181-82-110, filed 6/22/06, effective 7/23/06. WSR 06-02-051, recodified as § 181-82-110, filed 12/29/05, effective 1/1/06. Statutory Authority: RCW 28A.410.010. WSR 03-04-023, § 180-82-110, filed 1/27/03, effective 2/27/03. Statutory Authority: RCW 28A.150.220(4), 28A.305.130(1), 28A.410.018. WSR 00-18-063, § 180-82-110, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 28A.305.130 (1) and (2), 28A.410.010 and 28A.150.220(4). WSR 99-04-008, § 180-82-110, filed 1/21/99, effective 2/21/99.]

## WSR 21-18-106

## EXPEDITED RULES

## DEPARTMENT OF HEALTH

[Filed August 31, 2021, 2:22 p.m.]

Title of Rule and Other Identifying Information: Chapter 246-826 WAC, Health care assistants, the department of health (department) is proposing repealing this chapter of rules in support of ESSB 6237 (chapter 153, Laws of 2012), which created a career pathway for medical assistants and eliminated the health care assistant profession.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: In support of ESSB 6237, the department is proposing repealing chapter 246-826 WAC, Health care assistants. ESSB 6237 created the medical assistant professions under chapter 18.360 RCW and repealed chapter 18.135 RCW, Health care assistants. Without the statute, the health care assistants profession rules are not enforceable and chapter 246-826 WAC must be repealed.

Reasons Supporting Proposal: ESSB 6237 established medical assistants as a profession to consolidate certification requirements and provide more comprehensive, versatile medical services to the public. To prevent statutory redundancy, the legislature repealed the health care assistants laws and eliminated the profession. Repealing chapter 246-826 WAC is necessary because the profession no longer exists under statutory authority meaning the rules cannot be enforced.

Statutory Authority for Adoption: RCW 43.70.040.

Statute Being Implemented: ESSB 6237 (chapter 153, Laws of 2012).

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Washington state department of health, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Davis Hylkema, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-4633.

This notice meets the following criteria to use the expedited repeal process for these rules:

The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: ESSB 6237 passed in the 2012 legislative session repealing chapter 18.135 RCW, Health care assistants, effectively removing the statutory authority for chapter 246-826 WAC, Health care assistants.

## NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Davis Hylkema, Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4633, fax 360-236-2901, email <https://fortress.wa.gov/doh/policyreview>, AND RECEIVED BY November 22, 2021.

August 31, 2021  
Kristin Peterson, JD  
Deputy Secretary

Policy and Planning  
for Umair A. Shah, MD, MPH  
Secretary

**OTS-3140.1**REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 246-826-020	Delegation of functions to health care assistants.
WAC 246-826-030	Supervision of health care assistants.
WAC 246-826-040	Certification of health care assistants.
WAC 246-826-050	Renewal of health care assistants.
WAC 246-826-060	Department of health responsibilities.
WAC 246-826-070	Maintenance of listing of drugs and functions authorized.
WAC 246-826-080	Medication, diagnostic agent, and vaccine list.
WAC 246-826-100	Health care assistant classification.
WAC 246-826-110	Qualified trainer.
WAC 246-826-120	Provision of health care assistants training.
WAC 246-826-130	Category A minimum requirements.
WAC 246-826-140	Category B minimum requirements.
WAC 246-826-150	Category C minimum requirements.
WAC 246-826-160	Category D minimum requirements.
WAC 246-826-170	Category E minimum requirements.
WAC 246-826-180	Category F minimum requirements.
WAC 246-826-200	Hospital or nursing home drug injection.
WAC 246-826-210	Intravenous medications flow restrictions.
WAC 246-826-230	AIDS prevention and information education requirements—Health care assistants.
WAC 246-826-300	Definitions.
WAC 246-826-301	Hemodialysis technician, category G minimum requirements to perform hemodialysis.
WAC 246-826-302	Minimum training standards for mandatory hemodialysis technician training programs.



- WAC 246-826-303 Minimum standards of practice and core competencies of hemodialysis technicians.
- WAC 246-826-990 Health care assistant fees and renewal cycle.

## WSR 21-18-114

## EXPEDITED RULES

## WASHINGTON STATE PATROL

[Filed September 1, 2021, 8:22 a.m.]

Title of Rule and Other Identifying Information: WAC 446-50-080 Transportation of hazardous materials—Authority and 446-65-010 Commercial motor vehicle regulations—Transportation requirements.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This rule making amends WAC 446-65-010(1) and 446-50-080(1) to bring current to October 1, 2020, all of the parts of the Code of Federal Regulations (CFRs) relating to regulation of interstate and intrastate drivers and carriers that are incorporated by reference.

Reasons Supporting Proposal: A recent regulatory review performed by the Federal Motor Carrier Safety Administration noted that many of the CFRs adopted in WAC 446-65-010(1) and 446-50-080(1) were out of date. Since the rule adoption in 2017, many of the CFRs adopted by reference in the rule have been amended, some to a significant degree.

Failure to update WAC 446-65-010(1) and 446-50-080(1) to incorporate all of the recent amendments to the CFRs adopted by reference therein could jeopardize grant funding to the state. Therefore, the adoption of this rule change, which brings all of the CFRs incorporated by reference current to October 1, 2020, will allow enforcement of all of the federal regulations contained in the WAC and will enable the uninterrupted receipt of grant funds to Washington.

Statutory Authority for Adoption: RCW 46.32.020 and 46.48.170.

Rule is necessary because of federal law, [no information supplied by agency].

Name of Proponent: Chief John R. Batiste, Washington State Patrol, governmental.

Name of Agency Personnel Responsible for Drafting: Kimberly Mathis, 106 11th Avenue S.W., Olympia, WA 98504, 360-596-4017; Implementation and Enforcement: Washington State Patrol, 106 11th Avenue S.W., Olympia, WA 98504, 360-596-4000.

This notice meets the following criteria to use the expedited adoption process for these rules:

Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: The proposed rule will allow the permanent adoption of the CFRs identified in WAC 446-65-010(1) and 446-50-080(1) and will allow the continued enforcement of all of the current federal regulations contained in the WAC and will enable the uninterrupted receipt of grant funds to Washington.

## NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE

RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Ms. Kimberly Mathis, Washington State Patrol, 106 11th Avenue S.W., Olympia, WA 98504, phone 360-596-4017, email wsprules@wsp.wa.gov, AND RECEIVED BY August 30, 2021.

August 31, 2021  
John R. Batiste  
Chief

## OTS-3291.1

AMENDATORY SECTION (Amending WSR 13-18-068, filed 9/3/13, effective 10/4/13)

**WAC 446-50-080 Transportation requirements.** (1) The Washington state patrol acting by and through the chief of the Washington state patrol after conferring with the emergency management council under RCW 38.52.040 hereby adopts the following parts of Title 49 Code of Federal Regulations, ((in effect on the effective date of this section)) as they exist on October 1, 2020, for motor carriers used in intrastate or interstate commerce in their entirety:

(a) The following sections of part 107 Hazardous materials program procedures:

(i) Subpart F - Registration of cargo tank and cargo tank motor vehicle manufacturers, assemblers, repairers, inspectors, testers, and design certifying engineers; and

(ii) Subpart G - Registration of persons who offer or transport hazardous materials.

(b) Part 170 (Reserved).

(c) Part 171 General information, regulations, and definitions.

(d) Part 172 Hazardous materials table, special provisions, hazardous materials communications, emergency response information and training requirements.

(e) Part 173 Shippers—General requirements for shipments and packaging.

(f) Part 177 Carriage by public highway.

(g) Part 178 Specifications for packagings.

(h) Part 180 Continuing qualification and maintenance of packagings.

(i) Part 189 (Reserved).

(2) Title 49 C.F.R., parts 100 through 199, relates to safety in the transportation of hazardous materials upon the public highways. This regulation is intended to apply only to the transportation of hazardous materials by highway in Washington, to the handling and storage operations incident to such transportation, and to the highway portion of an intermodal shipment of hazardous materials.

(3) Copies of Title 49 C.F.R., parts 100 through 199, now in force are on file at the Washington state patrol headquarters, commercial vehicle enforcement section, Olympia. Copies of the C.F.R. may be purchased through the Superintendent of Documents, United States Gov-

ernment Printing Office, 732 N. Capitol Street N.W., Washington, D.C. 20402.

[Statutory Authority: RCW 46.48.170. WSR 13-18-068, § 446-50-080, filed 9/3/13, effective 10/4/13. Statutory Authority: RCW 46.48.170 - 46.48.190. WSR 85-20-070 (Order 85-1), § 446-50-080, filed 9/30/85. Statutory Authority: RCW 46.48.170. WSR 84-05-010 (Order 82-3), § 446-50-080, filed 2/7/84; WSR 83-03-008 (Order 82-3), § 446-50-080, filed 1/11/83; WSR 82-07-100 (Order 82-2), § 446-50-080, filed 3/24/82. Statutory Authority: RCW 46.48.190. WSR 81-03-008 (Order 80-2), § 446-50-080, filed 1/8/81; WSR 80-01-009 (Order 79-4), § 446-50-080, filed 12/11/79.]

### OTS-3292.1

AMENDATORY SECTION (Amending WSR 21-08-002, filed 3/24/21, effective 4/24/21)

**WAC 446-65-010 Transportation requirements.** (1) The Washington state patrol hereby adopts the following parts of Title 49 Code of Federal Regulations (C.F.R.), as they exist on October 1, ((2017)) 2020, for motor carriers used in intrastate or interstate commerce in their entirety:

- (a) Part 40 Procedures for transportation workplace drug and alcohol testing programs.
- (b) Part 325 Compliance with interstate motor carrier noise emission standards.
- (c) Part 350 Commercial motor carrier safety assistance program.
- (d) Part 355 Compatibility of state laws and regulations affecting interstate motor carrier operations.
- (e) Part 365 Rules governing applications for operating authority.
- (f) Part 367 Standards for registration with states.
- (g) Part 372 Exemptions, commercial zones and terminal areas.
- (h) Part 373 Receipts and bills.
- (i) Part 376 Lease and interchange of vehicles.
- (j) Part 379 Preservation of records.
- (k) Part 380 Special training requirements.
- (l) Part 381 Waivers, exemptions, and pilot programs.
- (m) Part 382 Controlled substances and alcohol use and testing.
- (n) Part 383 Compliance with commercial driver's license program.
- (o) Part 385 Safety fitness procedures.
- (p) Part 387 Minimum levels of financial responsibility for motor carriers.
- (q) Part 390 General.
- (r) Part 391 Qualification of drivers. Provided that 49 C.F.R. 391 subpart D (Tests), and E (Physical Qualifications and Examinations) do not apply to motor carriers operating vehicles with gross vehicle weight rating between 10,001 lbs. and 26,000 lbs. operating intrastate, and not used to transport hazardous materials in a quantity requiring placarding.
- (s) Part 392 Driving of motor vehicles.
- (t) Part 393 Parts and accessories necessary for safe operation.

(u) Part 395 Hours of service of drivers: Except if a company has drivers of commercial motor vehicle of any size, hauling logs from the point of production or driving in dump truck operations in intrastate commerce provided that:

(i) The driver must:

(A) Operate within a one hundred air-mile radius of the location where the driver reports to work and the driver must return to the work reporting location at the end of each duty tour;

(B) Have at least ten consecutive hours off duty separating each on-duty period;

(C) Not drive:

- More than twelve hours following at least ten hours off duty;

or

- After the fourteenth hour after coming on duty on at least five days of any period of seven consecutive days; and

- After the sixteenth hour after coming on duty on no more than two days of any period of seven consecutive days; and

- After having been on duty for eighty hours in seven consecutive days if the employing motor carrier does not operate commercial motor vehicle every day of the week; or

- After having been on duty for ninety hours in eight consecutive days if the employing motor carrier operates commercial motor vehicle every day of the week; in any period of seven or eight consecutive days may end with the beginning of any off-duty period of twenty-four or more consecutive hours.

(ii) The motor carrier that employs the driver must maintain and retain for a period of twelve months accurate and true time recordings showing:

(A) The time the driver reports for duty each day;

(B) The total number of hours the driver is on duty each day;

(C) The total number of hours the driver drives each day;

(D) The time the driver is released from duty each day; and

(E) The total time the driver is driving and on duty for the preceding seven days.

(v) Part 396 Inspection, repair, and maintenance.

(w) Part 397 Transportation of hazardous materials; driving and parking rules.

(2) As provided in Part 395, exemption for agricultural transporters, the harvest dates are defined in RCW 46.32.130.

(3) Links to the C.F.Rs. are available on the Washington state patrol website at [www.wsp.wa.gov](http://www.wsp.wa.gov). Copies of the C.F.Rs. may also be ordered through the United States Government Printing Office, 732 N. Capitol Street N.W., Washington, D.C. 20401.

[Statutory Authority: RCW 46.32.020 and 46.48.170. WSR 21-08-002, § 446-65-010, filed 3/24/21, effective 4/24/21; WSR 18-06-029, § 446-65-010, filed 2/28/18, effective 3/1/18. Statutory Authority: RCW 46.32.020. WSR 13-18-069, § 446-65-010, filed 9/3/13, effective 10/4/13; WSR 12-03-080, § 446-65-010, filed 1/13/12, effective 2/13/12; WSR 09-01-016, § 446-65-010, filed 12/5/08, effective 1/5/09; WSR 06-08-082, § 446-65-010, filed 4/4/06, effective 5/5/06; WSR 05-20-090, § 446-65-010, filed 10/5/05, effective 11/5/05; WSR 05-04-002, § 446-65-010, filed 1/19/05, effective 2/19/05. Statutory Authority: RCW 46.48.170. WSR 98-19-043, § 446-65-010, filed 9/11/98, effective 10/12/98. Statutory Authority: RCW 46.33.020. WSR 96-22-035, § 446-65-010, filed 10/31/96, effective 12/1/96. Statutory Authority: RCW 46.32.020. WSR 95-13-080, § 446-65-010, filed 6/20/95, effective

7/21/95; WSR 94-01-178, § 446-65-010, filed 12/22/93, effective  
1/22/94; WSR 91-06-066 (Order 90-005), § 446-65-010, filed 3/1/91, ef-  
fective 4/1/91.]

## WSR 21-18-116

## EXPEDITED RULES

## WASHINGTON STATE UNIVERSITY

[Filed September 1, 2021, 8:47 a.m.]

Title of Rule and Other Identifying Information: Amending WAC 504-31-020 conduct on campus rules regarding prohibited conduct.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed change clarifies the term "explosives" in subsection (5) of WAC 504-31-020. The purpose of the change is to bring this WAC section into conformance with the standards of conduct for students prohibited conduct rules regarding fire-arms and dangerous weapons (WAC 504-26-213).

Reasons Supporting Proposal: This is a housekeeping revision.

Statutory Authority for Adoption: RCW 28B.30.150.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Washington State University (WSU), public.

Name of Agency Personnel Responsible for Drafting: Darren Jones, Fire and Safety Compliance Officer, Public Safety, Public Safety Building, 2201 East Grimes Way, Room 144, Pullman, WA 99164-1072, 509-335-4310; Implementation: Stacy Pearson, Vice President, Finance and Administration, French Administration 442, Pullman, WA 99164-1048, 509-335-4484; and Enforcement: Bill Gardner, Associate Vice President, WSU Police, Public Safety, Public Safety Building, 2201 East Grimes Way, Room 104, Pullman, WA 99164-1072, 509-335-4484.

This notice meets the following criteria to use the expedited adoption process for these rules:

Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule.

Is being amended after a review under RCW 34.05.328.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: The proposed change brings the section into conformance with another agency WAC rule already adopted and implemented.

## NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Deborah Bartlett, Washington State University, P.O. Box 641225, Pullman, WA 99164-1225, phone 509-335-2004, fax 509-335-3969, email prf.forms@wsu.edu, AND RECEIVED BY October 30, 2021.

September 1, 2021  
Deborah L. Bartlett, Director  
Procedures, Records, and Forms,  
and University Rules Coordinator

OTS-3265.1

AMENDATORY SECTION (Amending WSR 13-08-033, filed 3/27/13, effective 4/27/13)

**WAC 504-31-020 Prohibited conduct.** In order to assure the above rights to all members of the university community and to maintain a peaceful atmosphere in which the university may continue to make its unique contribution to society, the following types of conduct are hereby prohibited on or in property either owned, controlled, or operated by the university which is used or set aside for university purposes, hereinafter referred to as the university campus:

(1) Conduct that intentionally and substantially obstructs or disrupts teaching or freedom of movement or other lawful activities on the university campus;

(2) Physical abuse of any person or conduct that unlawfully threatens imminent bodily harm or endangers the health or safety of any person on the university campus;

(3) Malicious damage to or malicious misuse of university property, or the property of any person where such property is located on the university campus;

(4) Refusal to comply with any lawful order to leave the university campus or any portion thereof;

(5) Possession or use of firearms, explosives (including fireworks), dangerous chemicals or other dangerous weapons or instrumentalities on the university campus. This prohibition does not apply to possession of such items for authorized university purposes; possession of such items by authorized law enforcement officers; individuals who have obtained prior written approval from the university chief of police, president, or designee; or lawful possession of firearms by persons other than students in privately owned vehicles while on any university campus( (-) );

(6) Unlawful possession, use, distribution, or manufacture of alcohol or controlled substances on the university campus or during university-sponsored activities;

(7) Intentionally inciting others to engage immediately in any of the conduct prohibited herein, which incitement leads directly to such conduct. (Inciting is advocacy that prepares the group addressed for imminent action and steels it to the conduct prohibited herein.)

[Statutory Authority: RCW 28B.30.150. WSR 13-08-033, § 504-31-020, filed 3/27/13, effective 4/27/13.]