

WSR 22-01-194
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed December 21, 2021, 8:30 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-21-086.

Title of Rule and Other Identifying Information: Proposed fee increase for contractor registration under WAC 296-200A-900 What fees does the department charge contractors for issuance, renewal, reregistration, and reinstatement of certificates of registration?

Hearing Location(s): On January 26, 2022, at 9:00 a.m., virtual and telephonic hearing only. Please join on your computer or mobile app (Microsoft Teams) by [Click here to join the meeting](#) [contact agency for link]; or visiting [https://teams.microsoft.com/l/meetup-join/19%3ameeting_YWU50GFkNzItYzE3Yy00OWY1LTlmM2ItMTYwOTU5MzI2OThl%40thread.v2/0?](https://teams.microsoft.com/l/meetup-join/19%3ameeting_YWU50GFkNzItYzE3Yy00OWY1LTlmM2ItMTYwOTU5MzI2OThl%40thread.v2/0?context=%7b%22Tid%22%3a%2211d0e217-264e-400a-8ba0-57dcc127d72d%22%2c%220id%22%3a%22acb1df6f-3588-43aa-b503-63aebce21ddc%22%7d)

[context=%7b%22Tid%22%3a%2211d0e217-264e-400a-8ba0-57dcc127d72d%22%2c%220id%22%3a%22acb1df6f-3588-43aa-b503-63aebce21ddc%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_YWU50GFkNzItYzE3Yy00OWY1LTlmM2ItMTYwOTU5MzI2OThl%40thread.v2/0?context=%7b%22Tid%22%3a%2211d0e217-264e-400a-8ba0-57dcc127d72d%22%2c%220id%22%3a%22acb1df6f-3588-43aa-b503-63aebce21ddc%22%7d); or calling (audio only) 1-253-372-2181, Phone Conference ID 101 347 770# (pound sign must be entered). The virtual/telephonic hearing starts at 9:00 a.m. and will continue until all oral comments are received.

Date of Intended Adoption: March 22, 2022.

Submit Written Comments to: Alicia Curry, Department of Labor and Industries (L&I), P.O. Box 44400, Olympia, WA 98504-4400, email Alicia.Curry@Lni.wa.gov, fax 360-902-5292, by 5 p.m., on January 26, 2022.

Assistance for Persons with Disabilities: Contact Alicia Curry, phone 360-902-6244, fax 360-902-5292, email Alicia.Curry@Lni.wa.gov, by January 12, 2022.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this rule making is to propose a 5.79 percent fee increase for L&I's contractor registration program. This is the office of financial management's maximum allowable fiscal growth factor rate for fiscal year 2022. A fee increase is needed to ensure the program remains consistent with fee increases as required by statute and to help improve the program's fund balance.

Reasons Supporting Proposal: The contractor registration program registers contractors to ensure that all general and specialty contractors operating in Washington state have appropriate bonding and insurance. RCW 18.27.075 requires L&I to charge a fee for issuing or renewing a certificate of registration and to revise the fee at least once every two years for the purposes of recognizing economic changes as reflected by the fiscal growth factor under chapter 43.135 RCW.

Statutory Authority for Adoption: Chapter 18.27 RCW.

Statute Being Implemented: Chapter 18.27 RCW.

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

Name of Proponent: L&I, governmental.

Name of Agency Personnel Responsible for Drafting: Melissa McBride, acting program manager, Tumwater, Washington, 360-902-5731; Implementation and Enforcement: Steve Reinmuth, assistant director, Tumwater, Washington, 360-902-6348.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. The rule is exempt from the cost-benefit analysis requirement under the Administrative Procedure Act, RCW 34.05.328 (5)(b)(vi), rules that set or adjust fees under the authority of RCW 19.02.075 or that set or adjust fees or rates pursuant to legislative standards, including fees set or adjusted under the authority of RCW 19.80.045.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules set or adjust fees under the authority of RCW 19.02.075 or that set or adjust fees or rates pursuant to legislative standards, including fees set or adjusted under the authority of RCW 19.80.045.

December 21, 2021

Joel Sacks

Director

OTS-2920.1

AMENDATORY SECTION (Amending WSR 18-24-102, filed 12/4/18, effective 1/4/19)

WAC 296-200A-900 What fees does the department charge contractors for issuance, renewal, reregistration, and reinstatement of certificates of registration? The department charges the following fees:

(1) (~~(\$117.90)~~) \$124.70 for each issuance, renewal or reregistration of a certificate of registration for contractors. This registration is valid for two years from date of issuance, renewal or reregistration or until it is suspended or revoked.

(2) (~~(\$55.70)~~) \$58.90 for the reinstatement of a certificate of registration.

(3) (~~(\$13.10)~~) \$13.80 for providing a duplicate certificate of registration.

(4) (~~(\$26.60)~~) \$28.10 for each requested certified letter prepared by the department.

(5) (~~(\$168.40)~~) \$178.10 for the construction and electrical contractor listing publication on CD ROM per year, prorated according to the number of issues left in the subscription year, which runs from November 1 through October 31. Each issue costs (~~(\$14.00)~~) \$14.80.

(6) (~~(\$2.00)~~) \$2.10 per copy for documents copied from a contractor's file. The maximum copy charge for copies from one contractor's file will be (~~(\$29.20)~~) \$30.80.

(7) (~~(\$52.00)~~) \$55.00 is required to cover the costs for the service of process in an action against a contractor, the contractor's bond, or the deposit under RCW 18.27.040.

(8) (~~(\$26.00)~~) \$27.50 is required to cover the costs for the service of processing refunds.

[Statutory Authority: Chapters 18.27, 70.87, 43.22, and 43.22A RCW. WSR 18-24-102, § 296-200A-900, filed 12/4/18, effective 1/4/19. Statutory Authority: Chapter 18.27 RCW and c 2007 c 436. WSR 08-16-091, § 296-200A-900, filed 8/4/08, effective 9/4/08. Statutory Authority: Chapters 18.27, 18.106, 43.22, and 70.87 RCW. WSR 07-11-128, §

296-200A-900, filed 5/22/07, effective 6/30/07. Statutory Authority: Chapters 18.27, 43.22, and 70.87 RCW. WSR 05-12-032, § 296-200A-900, filed 5/24/05, effective 6/30/05. Statutory Authority: Chapters 18.27 and 43.22 RCW. WSR 04-12-048, § 296-200A-900, filed 5/28/04, effective 6/30/04. Statutory Authority: RCW 18.27.040, 18.27.070, 18.27.075, 18.27.125 and 2001 c 159, and chapter 18.27 RCW. WSR 03-20-097, § 296-200A-900, filed 9/30/03, effective 11/17/03. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.040, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 7, 2002 c 249, and chapters 19.28, 43.22, 18.27, and 70.87 RCW. WSR 02-12-022, § 296-200A-900, filed 5/28/02, effective 6/28/02. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 159, and chapters 43.22, 19.28, 18.27, and 70.87 RCW. WSR 01-12-035, § 296-200A-900, filed 5/29/01, effective 6/29/01. Statutory Authority: Chapters 43.22, 18.27, 70.87 and 19.28 RCW. WSR 99-12-080, § 296-200A-900, filed 5/28/99, effective 6/28/99. Statutory Authority: Chapters 18.106, 18.27 and 43.22 RCW. WSR 98-12-041, § 296-200A-900, filed 5/29/98, effective 6/30/98. Statutory Authority: Chapter 18.27 RCW. WSR 97-24-071, § 296-200A-900, filed 12/2/97, effective 1/5/98.]