

Range	Client Service Hours	Annual Fee
1	0- 3,999	\$ 281.00
2	4,000-14,999	422.00
3	15,000-29,999	562.00
4	30,000-49,999	842.00
5	50,000 and over	1,030.00

(2) Fee ranges shall be determined from provider information reported to the department's community mental health information system. Providers applying for a license or certification not reporting to the department's community mental health information system shall submit as part of their application the number of annual client service hours.

(3) Fee for an applicant not licensed and/or certified shall be equal to the fees for licensure and/or certification of licensed and certified providers with similar annual client service hours.

(4) Certified short-term inpatient component, or new applicants seeking certification for a short-term inpatient component, shall be assessed an annual fee of thirty-two dollars per bed. [Statutory Authority: RCW 43.20A.055. 85-20-031 (Order 2287), § 440-44-090, filed 9/24/85.]

**WAC 440-44-095 Vital records fees.** The fee for opening a sealed adoption file by court order shall be fifteen dollars per file pursuant to RCW 26.33.330. [Statutory Authority: RCW 26.33.330. 85-04-023 (Order 2199), § 440-44-095, filed 1/30/85.]

**Title 446 WAC  
STATE PATROL**

**Chapter 446-50 Transportation of hazardous materials.**

**Chapter 446-50 WAC  
TRANSPORTATION OF HAZARDOUS MATERIALS**

WAC 446-50-080 Transportation requirements.

**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 committee created by RCW 46.48.190 hereby adopts the following parts of Title 49 Code of Federal Regulations, as they exist during 1985, subject to any appendices and amendments in the future: 170 (Reserved), 171 General information, regulations, and definitions, 172 Hazardous materials table and hazardous materials communications regulations, 173 Shippers—General requirements for shipments and packaging, 177 Carriage on public highway, 178 Shipping container specifications, 180-189 (Reserved). Title 49 CFR, 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.

(2) Copies of Title 49 CFR, parts 100 through 199, now in force are on file at the code reviser's office, Olympia[,] and at the Washington state patrol headquarters, commercial vehicle enforcement section, Olympia. Additional copies may be available for review at Washington state patrol district headquarters offices, public libraries, Washington utilities and transportation [(commission offices and at the United States Department of Transportation)], bureau of motor carrier safety office, Olympia. Copies of the CFR may be purchased through the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402. [Statutory Authority: RCW 46.48.170 - 46.48-.190. 85-20-070 (Order 85-1), § 446-50-080, filed 9/30/85. Statutory Authority: RCW 46.48.170. 84-05-010 (Order 82-3), § 446-50-080, filed 2/7/84; 83-03-008 (Order 82-3), § 446-50-080, filed 1/11/83; 82-07-100 (Order 82-2), § 446-50-080, filed 3/24/82. Statutory Authority: RCW 46.48.190. 81-03-008 (Order 80-2), § 446-50-080, filed 1/8/81; 80-01-009 (Order 79-4), § 446-50-080, filed 12/11/79.]

**Reviser's note:** RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

**Title 448 WAC  
STATE TOXICOLOGIST**

**Chapter 448-12 Administration of breathalyzer test.**

**Chapter 448-12 WAC  
ADMINISTRATION OF BREATHALYZER TEST**

WAC 448-12-210 BAC Verifier Data Master, infrared breath test instrument approved.  
 448-12-220 Test defined.  
 448-12-230 Administration of breath test on BAC Verifier Data Master instrument.  
 448-12-240 Instructors.  
 448-12-250 Operators.  
 448-12-260 Review of qualifications.  
 448-12-270 Permit cards.  
 448-12-280 Course approval.  
 448-12-290 Minimum course requirements.  
 448-12-300 Instruction.  
 448-12-310 Operators and instructors.  
 448-12-320 Address for correspondence.  
 448-12-330 Names of instructors.  
 448-12-340 Effective date.

**WAC 448-12-210 BAC Verifier Data Master, infrared breath test instrument approved.** The BAC Verifier Data Master infrared breath test instrument is

approved by the state toxicologist as a device for the measurement of a person's breath for alcohol concentration. A simulator will be attached to each instrument and will provide a known external standard for each test. This simulator test will be run automatically between the two breath measurements. The simulator test will ensure the correct operation and calibration of the instrument and thus will certify the instrument with each test. [Statutory Authority: RCW 46.61.506. 85-08-012 (Order 85-01), § 448-12-210, filed 3/27/85.]

**WAC 448-12-220 Test defined.** The test of a person's breath for alcohol concentration by infrared test method shall consist of the person to insufflate deep lung (alveolar) air sample into the instrument no less than two separate times. There will be sufficient time between the provision of each sample by the person to permit the instrument to evaluate each sample individually. The two breath samples supplied by the individual shall constitute one test. This shall be effective March 1, 1985. [Statutory Authority: RCW 46.61.506. 85-08-012 (Order 85-01), § 448-12-220, filed 3/27/85.]

**WAC 448-12-230 Administration of breath test on BAC Verifier Data Master instrument.** Pursuant to RCW 46.61.506, the state toxicologist approves the following method for performing the breath test on the BAC Verifier Data Master infrared breath testing instrument. To obtain a valid breath test, it must be determined (a) that the subject has had nothing to eat or drink for at least fifteen minutes prior to the administration of the test, and (b) that the subject does not have any foreign substances, not to include dental work, fixed or removable, in his/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 subject that he/she has any foreign substances in his/her mouth.

In conducting the test, the operator must be sure the temperature of the solution in the simulator is 34° Centigrade, plus or minus .2° Centigrade, prior to the time the test is given. The reading from the simulator test must be between .090 and .110 inclusive. The operator must follow the instructions displayed by the instrument or the instrument will not complete the test. [Statutory Authority: RCW 46.61.506. 85-08-012 (Order 85-01), § 448-12-230, filed 3/27/85.]

**WAC 448-12-240 Instructors.** The state toxicologist shall certify persons found by him to be competent and qualified as instructors and those persons are authorized to administer breath tests using the BAC Verifier Data Master infrared breath testing instrument, and to train and certify as operators, on behalf of the toxicologist, those persons the instructor finds qualified to administer the breath test utilizing the BAC Verifier Data Master breath test instrument. [Statutory Authority: RCW 46.61.506. 85-08-012 (Order 85-01), § 448-12-240, filed 3/27/85.]

**WAC 448-12-250 Operators.** The state toxicologist or instructors on his behalf shall certify as "operators" persons found by them to be competent and qualified to administer breath tests for alcohol concentration, utilizing the BAC Verifier Data Master infrared breath test instrument. A list of persons so certified shall be maintained in the office of the state toxicologist. [Statutory Authority: RCW 46.61.506. 85-08-012 (Order 85-01), § 448-12-250, filed 3/27/85.]

**WAC 448-12-260 Review of qualifications.** The qualifications of operators shall be subject to review by field representatives of the state toxicologist, who shall also have the authority to evaluate periodically the operational condition of any breath testing equipment in the state of Washington. If an operator fails or refuses to demonstrate that he or she has the ability to adequately perform his or her responsibilities as an operator, then the field representative shall have the ability to suspend or revoke the permit on behalf of the state toxicologist. [Statutory Authority: RCW 46.61.506. 85-08-012 (Order 85-01), § 448-12-260, filed 3/27/85.]

**WAC 448-12-270 Permit cards.** The state toxicologist shall authorize the issuance to persons deemed qualified for the respective designation "operator" or "instructor" of a wallet-sized card bearing his or her name and designation. Permit cards shall bear the signature or facsimile signature of the state toxicologist and be dated and may bear the instructor's signature. Such permits shall expire three years after the date on the card or June 30, 1986, whichever date is later in time. [Statutory Authority: RCW 46.61.506. 85-08-012 (Order 85-01), § 448-12-270, filed 3/27/85.]

**WAC 448-12-280 Course approval.** Instructors prior to the conducting of a course for the training or retraining of operators for use of the infrared BAC Verifier Data Master breath test instrument shall submit to the state toxicologist for his approval the curriculum to be used in the course. If the curriculum is approved, subsequent courses embodying the same curriculum may be conducted without individual approval of each course. [Statutory Authority: RCW 46.61.506. 85-08-012 (Order 85-01), § 448-12-280, filed 3/27/85.]

**WAC 448-12-290 Minimum course requirements.** A minimum course of training for an operator shall include the following: (a) Theory of operation; (b) detailed procedure of operation; (c) practical experience; (d) written examination; and (e) practical examination. [Statutory Authority: RCW 46.61.506. 85-08-012 (Order 85-01), § 448-12-290, filed 3/27/85.]

**WAC 448-12-300 Instruction.** Individuals who have attended courses in the operation of the BAC Verifier Data Master infrared breath testing instrument as an operator, provided that such courses were instructed by an instructor qualified by the state toxicologist, shall, upon certification of attendance and qualification, be

deemed for the designation "operator." [Statutory Authority: RCW 46.61.506. 85-08-012 (Order 85-01), § 448-12-300, filed 3/27/85.]

**WAC 448-12-310 Operators and instructors.** The operators and instructors certified by the state toxicologist on the BAC Verifier Data Master infrared breath test instrument are not to be considered in any manner medically trained personnel. These persons so certified by the state toxicologist are certified in only the operation and/or theory of operation of the BAC Verifier infrared breath testing instrument. [Statutory Authority: RCW 46.61.506. 85-08-012 (Order 85-01), § 448-12-310, filed 3/27/85.]

**WAC 448-12-320 Address for correspondence.** Individuals seeking certification in accordance with these rules or approval of equipment to administer the breath test for alcohol concentration shall direct their request to the State Toxicologist, Department of Laboratory Medicine, Harborview Medical Center ZA-88, 325 - 9th Avenue, Seattle, Washington 98104. [Statutory Authority: RCW 46.61.506. 85-08-012 (Order 85-01), § 448-12-320, filed 3/27/85.]

**WAC 448-12-330 Names of instructors.** Pursuant to WAC 448-12-250, the state toxicologist will maintain a list of persons certified as BAC Verifier Data Master instructors. These names shall be made available to interested parties upon request to the state toxicologist at the address set forth in WAC 448-12-320. [Statutory Authority: RCW 46.61.506. 85-08-012 (Order 85-01), § 448-12-330, filed 3/27/85.]

**WAC 448-12-340 Effective date.** WAC 448-12-210 through 448-12-330 shall become effective as of May 1, 1985, and will remain in full force and effect until otherwise directed by the state toxicologist. The aforementioned WAC's will be in effect concurrently with WAC 448-12-010 through 448-12-100 until January 1, 1987. On January 1, 1987, WAC 448-12-010 through 448-12-100 shall be held to be replaced and of no force and effect after that date. [Statutory Authority: RCW 46.61.506. 85-08-012 (Order 85-01), § 448-12-340, filed 3/27/85.]

## Title 458 WAC REVENUE, DEPARTMENT OF

### Chapters

- 458-08 Uniform procedural rules for the conduct of contested cases.
- 458-12 Property tax division--Rules for assessors.
- 458-14 Reconvening county boards of equalization.
- 458-16 Property tax--Exemptions.
- 458-17 Assessment and taxation of motor vehicles, travel trailers, campers, motor homes, and watercraft.

- 458-18 Property tax--Abatements, credits, deferrals and refunds.
- 458-20 Excise tax rules.
- 458-24 Unfair Cigarette Sales Below Cost Act rules and regulations.
- 458-40 Taxation of timber and forest lands.
- 458-53 Property tax annual ratio study.
- 458-61 Real estate excise tax.

### Chapter 458-08 WAC

#### UNIFORM PROCEDURAL RULES FOR THE CONDUCT OF CONTESTED CASES

#### WAC

- 458-08-010 Application and scope of chapter 458-08 WAC.
- 458-08-020 Definitions.
- 458-08-030 Appearance and practice before agency--Who may appear.
- 458-08-040 Appearance and practice before agency--Standards of ethical conduct.
- 458-08-050 Appearance and practice before agency--Appearance by former employee of agency or former member of attorney general's staff.
- 458-08-060 Appearance and practice before agency--Former employee as expert witness.
- 458-08-070 Pleadings.
- 458-08-080 Discovery in contested cases--Scope.
- 458-08-090 Depositions and interrogatories in contested cases--Right to take.
- 458-08-100 Depositions and interrogatories in contested cases--Officer before whom taken.
- 458-08-110 Depositions and interrogatories in contested cases--Authorization.
- 458-08-120 Depositions and interrogatories in contested cases--Protection of parties and deponents.
- 458-08-130 Deposition and interrogatories in contested cases--Oral examination and cross-examination.
- 458-08-140 Depositions and interrogatories in contested cases--Recordation.
- 458-08-150 Depositions and interrogatories in contested cases--Signing attestation and return.
- 458-08-160 Depositions and interrogatories in contested cases--Use and effect.
- 458-08-170 Depositions and interrogatories in contested cases--Fees of officers and deponents.
- 458-08-180 Depositions upon interrogatories--Submission of interrogatories.
- 458-08-190 Depositions upon interrogatories--Interrogation.
- 458-08-200 Depositions upon interrogatories--Attestation and return.
- 458-08-210 Depositions upon interrogatories--Provisions of deposition rule.
- 458-08-220 Interrogatories to parties.
- 458-08-230 Requests for admission.
- 458-08-240 Subpoenas.
- 458-08-250 Settlement.
- 458-08-260 Decision procedure.
- 458-08-270 Review procedures.

**WAC 458-08-010 Application and scope of chapter 458-08 WAC.** (1) Rules adopted by the office of administrative hearings, chapter 10-08 WAC, apply to all stages of the conduct of a contested case hearing from issuance of the notice of hearing through issuance of a proposed decision, an initial decision, or the agency's final decision if no proposed or initial decision is required or issued. Such rules supersede or are in lieu of rules that have been or may be adopted by an agency for the