

Annual Fee  
Per Facility

or concessions that do not prepare potentially hazardous foods.

- (c) The health and sanitation survey fee referenced in subsection (a) and (b) of this section may be waived provided there is an agreement between the department of social and health services and the local jurisdictional health agency for the local health agency to conduct the food service establishments surveys.

(2) State institutions or facilities.

- (a) Institutions or facilities operating a food service: The annual fee shall be three dollars and fifty cents times the rated capacity plus two hundred dollars. Rated bed capacity shall mean the recommended maximum number of beds in an institution or facility.
- (b) Institutions or facilities that do not operate a food service: The annual fee shall be three dollars and fifty cents times the rated bed capacity.

[Statutory Authority: RCW 43.20A.055. 87-14-066 (Order 2493), § 440-44-076, filed 7/1/87; 85-13-007 (Order 2238), § 440-44-076, filed 6/7/85.]

**WAC 440-44-095 Vital records fees.** The department shall collect fees to cover program costs as follows:

- (1) To prepare a sealed file following amendment of the original vital record \$15.00
- (2) To review a sealed file \$15.00
- (3) The director of the division of health may enter into agreements with state and local government agencies to establish alternate fee schedules and payment arrangements for reimbursement of these program costs.

[Statutory Authority: RCW 26.33.330. 88-15-011 (Order 2650), § 440-44-095, filed 7/8/88; 85-04-023 (Order 2199), § 440-44-095, filed 1/30/85.]

**WAC 440-44-100 Labor camp health and sanitation permit and survey fees.** Starting December 1, 1987, owners or operators of labor camps, as defined in chapter 248-63 WAC, shall pay fees to the department as follows:

- (1) A state health and sanitation permit of fifty dollars plus one dollar and fifty cents for each dwelling unit intended for occupancy by temporary workers.
- (2) A labor camp survey charge of:
  - (a) Five dollars per dwelling unit up to and including twenty-nine units intended for occupancy by temporary workers, or

(b) One hundred fifty dollars for each camp with thirty or more dwelling units intended for occupancy by temporary workers.

(3) Owners or operators of labor camps shall submit the health and sanitation fee with initial application for permit or upon receipt of a renewal notice.

(4) Owners or operators of labor camps shall submit the labor camp survey fee:

- (a) With initial application for new labor camps, or
- (b) Within thirty days after the department completes each survey for existing labor camps.

(5) The department shall:

- (a) Issue the health and sanitation permit for two calendar years, and
- (b) Collect no more than one survey fee from each labor camp annually.

(6) Labor camps regulated by local health officers in accordance with WAC 248-63-020 are excluded from the requirements in this section.

[Statutory Authority: RCW 43.20A.055. 87-24-074 (Order 2564), § 440-44-100, filed 12/2/87; 86-05-029 (Order 2342), § 440-44-100, filed 2/19/86.]

**Title 446 WAC  
STATE PATROL**

**Chapters**

- 446-20** Employment--Conviction records.
- 446-55** Private carrier regulations--Qualifications of drivers.
- 446-60** Private carrier regulations--Hours of service of drivers.
- 446-70** Affirmative action.

**Chapter 446-20 WAC**

**EMPLOYMENT--CONVICTION RECORDS**

WAC	
446-20-020	Definitions.
446-20-285	Employment--Conviction records--Child and adult abuse information.
446-20-290	Fees.
446-20-300	Privacy--Security.
446-20-310	Audits.

**WAC 446-20-020 Definitions.** (1) The definitions in RCW 10.97.030 shall apply to these regulations.

(2) "Nonconviction data" has the meaning set forth in RCW 10.97.030(2), but shall not include dismissals following a period of probation, or suspension, or deferral of sentence.

(3) "The administration of criminal justice" has the meaning set forth in RCW 10.97.030(6), but does not include crime prevention activities (if that is the sole function of the program or agency) or criminal defense activities.

(4) The definitions as enumerated in chapter 486, Laws of 1987, "AN ACT Relating to child and adult abuse information," shall apply whenever applicable in these regulations.

[Statutory Authority: RCW 43.43.838 and 1987 c 486 § 5. 88-07-066 (Order 88-03-A), § 446-20-020, filed 3/17/88. Statutory Authority: RCW 10.97.080 and 10.97.090. 80-08-057 (Order 80-2), § 446-20-020, filed 7/1/80.]

**WAC 446-20-285 Employment--Conviction records--Child and adult abuse information.** After January 1, 1988, certain child and adult abuse conviction information will be furnished by the state patrol upon the submission of a written request of any applicant, business or organization, the state board of education, or the department of social and health services. This information will consist of the following:

(1) Convictions of crimes against persons as defined in RCW 43.43.830(6);

(2) Department of licensing disciplinary board final decisions of specific findings of physical or sexual abuse or exploitation of a child; and

(3) Civil adjudications of child abuse.

This information will be furnished, consistent with the provisions of chapter 486, Laws of 1987, on an approved request for criminal history information form available from the Washington State Patrol, P.O. Box 2527, Olympia, Washington, 98507-2527.

The state patrol shall also furnish any similar records maintained by the Federal Bureau of Investigation or records in custody of the National Crime Information Center, if available, subject to their policies and procedures regarding such dissemination.

(a) The business or organization making such request shall not make an inquiry to the Washington state patrol or an equivalent inquiry to a federal law enforcement agency unless the business or organization has notified the applicant who has been offered a position as an employee or volunteer that an inquiry may be made.

(b) For positive identification, the request for criminal history information form may be accompanied by fingerprint cards of a type specified by the Washington state patrol identification section, and shall contain a certification by the business or organization; the state board of education; or the department of social and health services, that the information is being requested and will be used only for the purposes as enumerated in chapter 486, Laws of 1987.

(c) In the absence of fingerprint cards, the applicant may provide a right thumb fingerprint impression in the area provided on the request for criminal history information form. In the event of a possible match, where the applicant's name and date of birth as submitted varies from that of the record contained by the identification section, the right thumb fingerprint impression will be used for identification verification purposes only. An **exact name and date of birth match** will be required for dissemination of conviction information in the absence of a fingerprint card or thumbprint impression for positive identification or verification of record.

(d) After processing a properly completed request for criminal history information form, if the conviction record, disciplinary board final decision, adjudication record, or equivalent response from a federal law enforcement agency shows no evidence of crimes against persons, an identification declaring the showing of no

evidence shall be issued to the applicant by the state patrol within fourteen calendar days of receipt of the request. Possession of such identification shall satisfy future background check requirements for the applicant.

(e) The business or organization shall notify the applicant of the state patrol's response within ten calendar days after receipt by the business or organization. The employer shall provide a copy of the response to the applicant and shall notify the applicant of such availability.

(f) The business or organization shall be immune from civil liability for failure to request background information on a prospective employee or volunteer unless the failure to do so constitutes gross negligence.

[Statutory Authority: RCW 43.43.838 and 1987 c 486 § 5. 88-07-066 (Order 88-03-A), § 446-20-285, filed 3/17/88.]

**WAC 446-20-290 Fees.** (1) A nonrefundable fee of ten dollars shall accompany each request for conviction records submitted pursuant to RCW 43.43.815 and chapter 486, Laws of 1987, unless through prior arrangement an account is authorized and established. Fees are to be made payable to the "Washington state patrol," and are to be remitted only by cashier's check, money order or check written on a commercial business account. The Washington state patrol identification section shall adjust the fee schedule as may be practicable to ensure that direct and indirect costs associated with the provisions of these chapters are recovered.

(2) Pursuant to provisions of chapter 486, Laws of 1987, no fees will be charged to a nonprofit organization, including school districts and educational service districts, for the request for conviction records.

[Statutory Authority: RCW 43.43.838 and 1987 c 486 § 5. 88-07-066 (Order 88-03-A), § 446-20-290, filed 3/17/88. Statutory Authority: 1982 c 202 § 1(7). 82-22-006 (Order 82-5), § 446-20-290, filed 10/22/82.]

**WAC 446-20-300 Privacy--Security.** (1) All employers or prospective employers receiving conviction records pursuant to RCW 43.43.815, shall comply with the provisions of WAC 446-20-210 through 446-20-250 relating to privacy and security of the records.

(2) Businesses or organizations, the state board of education, and the department of social and health services receiving conviction records of crimes against persons, disciplinary board final decision information, or a civil adjudication record pursuant to chapter 486, Laws of 1987, shall comply with the provisions of WAC 446-20-220 (1) and (3) relating to privacy and security of the records.

(a) The business or organization shall use this record only in making the initial employment or engagement decision. Further dissemination or use of the record is prohibited. A business or organization violating this prohibition is subject to a civil action for damages.

(b) No employee of the state, employee of a business or organization, or the organization is liable for defamation, invasion of privacy, negligence, or any other claim in connection with any lawful dissemination of information under RCW 43.43.830 through 43.43.840 or 43.43.760.

[Statutory Authority: RCW 43.43.838 and 1987 c 486 § 5. 88-07-066 (Order 88-03-A), § 446-20-300, filed 3/17/88. Statutory Authority: 1982 c 202 § 1(7). 82-22-006 (Order 82-5), § 446-20-300, filed 10/22/82.]

**WAC 446-20-310 Audits.** (1) All employers or prospective employers receiving conviction records pursuant to RCW 43.43.815, shall comply with the provisions of WAC 446-20-260 through 446-20-270 relating to audit of the record keeping system.

(2) Businesses or organizations, the state board of education and the department of social and health services receiving conviction records of crimes against persons, disciplinary board final decision information or civil adjudication records pursuant to chapter 486, Laws of 1987, may be subject to periodic audits by Washington state patrol personnel to determine compliance with the provisions of WAC 446-20-300(2).

[Statutory Authority: RCW 43.43.838 and 1987 c 486 § 5. 88-07-066 (Order 88-03-A), § 446-20-310, filed 3/17/88. Statutory Authority: 1982 c 202 § 1(7). 82-22-006 (Order 82-5), § 446-20-310, filed 10/22/82.]

### Chapter 446-55 WAC PRIVATE CARRIER REGULATIONS-- QUALIFICATIONS OF DRIVERS

WAC	
446-55-005	Promulgation.
446-55-020	General exemptions.
446-55-030	Definitions.
446-55-060	Qualifications of drivers.
446-55-170	Physical qualifications for drivers.
446-55-180	Medical examination--Certificate of physical examination.
446-55-200	Repealed.
446-55-210	Repealed.
446-55-220	Driver qualification files.
446-55-240	Repealed.

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

446-55-200	Resolution of conflicts of medical evaluation. [Statutory Authority: RCW 46.73.010 and 46.73.020. 86-08-067 (Order 446-86-1), § 446-55-200, filed 4/1/86.] Repealed by 87-05-012 (Order 446-87-1), filed 2/11/87. Statutory Authority: RCW 46.73.010 and 46.73.020.
446-55-210	Waiver of certain physical defects. [Statutory Authority: RCW 46.73.010 and 46.73.020. 86-08-067 (Order 446-86-1), § 446-55-210, filed 4/1/86.] Repealed by 87-05-012 (Order 446-87-1), filed 2/11/87. Statutory Authority: RCW 46.73.010 and 46.73.020.
446-55-240	Drivers of lightweight vehicles. [Statutory Authority: RCW 46.73.010 and 46.73.020. 86-08-067 (Order 446-86-1), § 446-55-240, filed 4/1/86.] Repealed by 87-05-012 (Order 446-87-1), filed 2/11/87. Statutory Authority: RCW 46.73.010 and 46.73.020.

**WAC 446-55-005 Promulgation.** By authority of RCW 46.73.010 and 46.73.020, the Washington state patrol hereby adopts the following rules establishing standards for qualifications of drivers for private carriers as defined by RCW 81.80.010(6).

[Statutory Authority: RCW 46.73.010 and 46.73.020. 87-05-012 (Order 446-87-1), § 446-55-005, filed 2/11/87.]

**WAC 446-55-020 General exemptions.** (1) Passenger car operations. The rules in this chapter do not apply to a driver who drives only a motor vehicle that:

- Is a passenger-carrying vehicle with a seating capacity of 10 or less persons, including the driver;
- Is not transporting passengers for hire; and
- Is not transporting hazardous materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with part 177.823 of the Code of Federal Regulations.

(2) Certain farm vehicle drivers. The rules in this chapter do not apply to a farm vehicle driver operating equipment that meets the requirements of RCW 46.16.090, except a farm vehicle driver who drives an articulated (combination) motor vehicle that has a gross weight, including its load of more than 26,000 pounds. (For limited exemptions for farm vehicle drivers of heavier articulated vehicles see WAC 446-55-270.)

(3) Farm custom operations. The rules in this chapter do not apply to a driver who drives a motor vehicle that meets the requirements of RCW 46.16.090 controlled and operated by a person engaged in custom-harvesting operations, if the vehicle is used to:

- Transport farm machinery, supplies, or both, to or from a farm for custom-harvesting operations on a farm; or
- Transport custom-harvested crops to storage or market.

(4) Apiarian industries. The rules in this chapter do not apply to a driver who is operating a motor vehicle controlled and operated by a beekeeper engaged in the seasonal transportation of bees.

(5) Lightweight vehicle drivers. The rules in this chapter do not apply to a driver who drives only a lightweight vehicle as defined in WAC 446-55-030(5).

(6) Exempt carriers as defined in WAC 446-55-030(8).

(7) Licensed tow truck drivers. The rules in this chapter do not apply to a driver who drives a tow truck for a towing firm that possesses a valid business and tow truck registration(s) as per the requirements of chapter 46.55 RCW.

[Statutory Authority: RCW 46.73.010 and 46.73.020. 87-05-012 (Order 446-87-1), § 446-55-020, filed 2/11/87; 86-08-067 (Order 446-86-1), § 446-55-020, filed 4/1/86.]

**WAC 446-55-030 Definitions.** (1) A "private carrier" is a person who transports by his own motor vehicle, with or without compensation therefor, property which is owned or is being bought or sold by such person, or property of which such person is the seller, purchaser, lessee, or bailee where such transportation is incidental to and in furtherance of some other primary business conducted by such person in good faith. The term "private carrier" includes a private carrier and the agents, officers, representatives, and employees of a private carrier who are responsible for the hiring, supervision, training, assignment, or dispatching of drivers.

(2) The term "chief" means the chief of the Washington state patrol.

(3) A private carrier "employs" a person as a driver within the meaning of this chapter whenever it requires or permits that person to drive a motor vehicle (whether or not the vehicle is owned by the private carrier) in furtherance of the business of the private carrier.

(4) The term "farm vehicle driver" means a person who drives only a motor vehicle that is:

- (a) Controlled and operated by a farmer;
- (b) Being used to transport either:
  - (i) Agricultural products; or
  - (ii) Farm machinery, farm supplies, or both, to or from a farm;

(c) Not being used in the operations of a common or contract carrier;

(d) Not carrying hazardous materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with part 177.823 of the Code of Federal Regulations; and

(e) Either:

- (i) A vehicle having a gross weight, including its load, of twenty-six thousand pounds or less; or
- (ii) A vehicle being used within 150 miles of the farmer's farm.

(5) The term "lightweight vehicle" as used in this chapter or used in rules adopted by reference, shall mean a motor vehicle that:

(a) Was manufactured on or after January 1, 1972, and has a gross vehicle weight rating including its load of twenty-six thousand pounds or less, in the case of a single vehicle, or a gross combination weight rating including its load of twenty-six thousand pounds or less, in the case of an articulated vehicle; or

(b) Was manufactured before January 1, 1972, and has a gross weight, including its load and the gross weight of any vehicle being towed by the motor vehicle, of twenty-six thousand pounds or less, except:

(c) The term "lightweight vehicle" does not include a vehicle that is being used to transport hazardous materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with WAC 480-12-195.

(d) The term "lightweight vehicle" does not include private carrier buses as defined in RCW 46.04.416.

(6) "Common carrier" means any person who undertakes to transport property for the general public by motor vehicle for compensation, whether over regular or irregular routes, or regular or irregular schedules, including motor vehicle operations of other carriers by rail or water and of express or forwarding companies.

(7) "Contract carrier" shall include all motor vehicle operators not included under the terms "common carrier" and "private carrier" as herein defined in subsections (1) and (6) of this section, and further shall include any person who under special and individual contracts or agreements transports property by motor vehicle for compensation.

(8) "Exempt carrier" means any person operating a vehicle exempted from certain provisions of this chapter under RCW 81.80.040.

(9) "Motor carrier" means and includes "common carrier," "contract carrier," "private carrier," and "exempt carrier" as herein defined.

(10) "Motor vehicle" means any truck, trailer, semi-trailer, tractor, dump truck which uses a hydraulic or mechanical device to dump or discharge its load or any self-propelled or motor driven vehicle used upon any public highway of this state for the purpose of transporting property, but not including baggage, mail and express transported on the vehicles of auto transportation companies carrying passengers.

[Statutory Authority: RCW 46.73.010 and 46.73.020. 87-05-012 (Order 446-87-1), § 446-55-030, filed 2/11/87; 86-08-067 (Order 446-86-1), § 446-55-030, filed 4/1/86.]

**WAC 446-55-060 Qualifications of drivers.** (1) A person shall not drive a motor vehicle unless he is qualified to drive a motor vehicle. Except as provided in chapter 46.20 RCW and WAC 446-55-250, a private carrier shall not require or permit a person to drive a motor vehicle unless that person is qualified to drive a motor vehicle.

(2) Except as provided in WAC 446-55-220 through 446-55-280, a person is qualified to drive a motor vehicle if he is qualified according to chapter 46.20 RCW and:

(a) Is at least 18 years old;

(b) Can read and speak the English language sufficiently to converse with the general public, to understand highway traffic signs and signals in the English language, to respond to official inquiries, and to make entries on reports and records;

(c) Can, by reason of experience, training, or both, safely operate the type of motor vehicle he drives;

(d) Can, by reason of experience, training, or both, determine whether the cargo he transports has been properly located, distributed, and secured in or on the motor vehicle he drives;

(e) Is familiar with methods and procedures for securing cargo in or on the motor vehicle he drives;

(f) Is physically qualified to drive a motor vehicle in accordance with WAC 446-55-170 through 446-55-190;

(g) Has been issued a currently valid motor vehicle operator's license or permit;

(h) Has prepared and furnished the private carrier that employs him with the list of violations or the certificate as required by WAC 446-55-110;

(i) Is not disqualified to drive a motor vehicle under chapter 46.20 RCW and the rules in WAC 446-55-070;

(j) Has successfully completed a driver's road test and has been issued a certificate of driver's road test in accordance with WAC 446-55-120, or has presented an operator's license or a certificate of road test which the private carrier that employs him has accepted as equivalent to a road test in accordance with WAC 446-55-130;

(k) Has taken a written examination and has been issued a certificate of written examination in accordance with WAC 446-55-140, or has presented a certificate of

written examination which the private carrier that employs him has accepted as equivalent to a written examination in accordance with WAC 446-55-160; and

(l) Has completed and furnished the private carrier that employs him with an application for employment in accordance with WAC 446-55-080.

[Statutory Authority: RCW 46.73.010 and 46.73.020. 87-05-012 (Order 446-87-1), § 446-55-060, filed 2/11/87; 86-08-067 (Order 446-86-1), § 446-55-060, filed 4/1/86.]

**WAC 446-55-170 Physical qualifications for drivers.** (1) A person shall not drive a motor vehicle unless he is physically qualified to do so and, except as provided in WAC 446-55-270, has on his person the original, or a photographic copy, of a medical examiner's certificate that he is physically qualified to drive a motor vehicle.

(2) A person is physically qualified to drive a motor vehicle if that person:

(a) Has no loss of a foot, a leg, a hand, or an arm, or has obtained from the department of licensing the proper drivers license, endorsement, and restrictions (if any) for the operation of the class of motor vehicle the person is driving;

(b) Has no impairment of:

(i) A hand or finger which interferes with prehension or power grasping; or

(ii) An arm, foot, or leg which interferes with the ability to perform normal tasks associated with operating a motor vehicle; or any other significant limb defect or limitation which interferes with the ability to perform normal tasks associated with operating a motor vehicle; or has obtained from the department of licensing the proper license, endorsement, and restrictions (if any) for the class of motor vehicle the person is driving;

(c) Has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control, or if diagnosed as having diabetes mellitus requiring insulin for control, has been cleared by the department of licensing for the operation of the class of motor vehicle the person is driving;

(d) Has no current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse, or congestive cardiac failure, or if diagnosed as having any of these medical complications, has been cleared by the department of licensing for the operation of the class of motor vehicle the person is driving;

(e) Has no established medical history or clinical diagnosis of a respiratory dysfunction likely to interfere with his ability to control and drive a motor vehicle safely, or if diagnosed as having a respiratory dysfunction which could interfere with his ability to control and drive a motor vehicle safely, has been cleared by the department of licensing for the operation of the class of motor vehicle the person is driving;

(f) Has no current clinical diagnosis of high blood pressure likely to interfere with his ability to operate a motor vehicle safely, or if diagnosed as having high

blood pressure likely to interfere with his ability to operate a motor vehicle safely, has been cleared by the department of licensing for the operation of the class of motor vehicle the person is driving;

(g) Has no established medical history or clinical diagnosis of rheumatic, arthritic, orthopedic, muscular, neuromuscular, or vascular disease which interferes with his ability to control and operate a motor vehicle safely, or if diagnosed as having any of these medical complications which might interfere with his ability to control and operate a motor vehicle safely, has been cleared by the department of licensing for the operation of the class of motor vehicle the person is driving;

(h) Has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a motor vehicle, or if diagnosed as having epilepsy or any other condition likely to cause loss of consciousness or any loss of ability to control a motor vehicle, has been cleared by the department of licensing for the operation of the class of motor vehicle the person is driving;

(i) Has no mental, nervous, organic, or functional disease or psychiatric disorder likely to interfere with his ability to drive a motor vehicle safely, or if diagnosed as having any of these complications likely to interfere with his ability to drive a motor vehicle safely, has been cleared by the department of licensing for the operation of the class of motor vehicle the person is driving;

(j) Has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal Meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber, or if not meeting these standards, has been cleared by the department of licensing for the operation of the class of motor vehicle the person is driving;

(k) First perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5-1951, or if not meeting these standards, has been cleared by the department of licensing for the operation of the class of motor vehicle the person is driving;

(l) Does not use any unprescribed amphetamine, narcotic, or habit-forming drug and if using a prescribed amphetamine, narcotic, or habit-forming drug, it must be used according to the directions regarding dosage and the operation of motor vehicles or heavy equipment; and

(m) Has no current clinical diagnosis of untreated alcoholism.

[Statutory Authority: RCW 46.73.010 and 46.73.020. 87-05-012 (Order 446-87-1), § 446-55-170, filed 2/11/87; 86-08-067 (Order 446-86-1), § 446-55-170, filed 4/1/86.]

**WAC 446-55-180 Medical examination—Certificate of physical examination.** (1) Except as provided in subsection (2) of this section, the medical examination shall be performed by a licensed doctor of medicine or osteopathy.

(2) A licensed optometrist may perform so much of the medical examination as pertains to visual acuity, field of vision, and the ability to recognize colors as specified in WAC 446-55-170 (2)(j).

(3) The medical examination shall be performed, and its results shall be recorded, substantially in accordance with the following instructions and examination form:

INSTRUCTIONS FOR PERFORMING AND RECORDING  
PHYSICAL EXAMINATIONS

The examining physician should review these instructions before performing the physical examination. Answer each question yes or no where appropriate.

The examining physician should be aware of the rigorous physical demands and mental and emotional responsibilities placed on the driver of a private motor vehicle. In the interest of public safety the examining physician is required to certify that the driver does not have any physical, mental, or organic defect of such a nature as to affect the driver's ability to operate safely a private motor vehicle.

General information. The purpose of this history and physical examination is to detect the presence of physical, mental, or organic defects of such a character and extent as to affect the applicant's ability to operate a motor vehicle safely. The examination should be made carefully and at least as complete as indicated by the attached form. History of certain defects may be cause for rejection or indicate the need for making certain laboratory tests or a further, and more stringent, examination. Defects may be recorded which do not, because of their character or degree, indicate that certification of physical fitness should be denied. However, these defects should be discussed with the applicant and he should be advised to take the necessary steps to insure correction, particularly of those which, if neglected, might lead to a condition likely to affect his ability to drive safely.

General appearance and development. Note marked overweight. Note any posture defect, perceptible limp, tremor, or other defects that might be caused by alcoholism, thyroid intoxication, or other illnesses.

Head—eyes. When other than the Snellen chart is used, the results of such test must be expressed in values comparable to the standard Snellen test. If the applicant wears corrective lenses, these should be worn while applicant's visual acuity is being tested. If appropriate, indicate on the Medical Examiner's Certificate by checking the box, "Qualified only when wearing corrective lenses." In recording distance vision use 20 feet as normal. Report all vision as a fraction with 20 as numerator and the smallest type read at 20 feet as denominator. Note ptosis, discharge, visual fields, ocular

muscle imbalance, color blindness, corneal scar, exophthalmos, or strabismus, uncorrected by corrective lenses. If the driver habitually wears contact lenses, or intends to do so while driving, there should be sufficient evidence to indicate that he has good tolerance and is well adapted to their use. The use of contact lenses should be noted on the record.

Ears. Note evidence of mastoid or middle ear disease, discharge, symptoms of aural vertigo, or Meniere's Syndrome. When recording hearing, record distance from patient at which a forced whispered voice can first be heard. If audiometer is used to test hearing, record decibel loss at 500 Hz, 1,000 Hz, and 2,000 Hz.

Throat. Note evidence of disease, irremediable deformities of the throat likely to interfere with eating or breathing, or any laryngeal condition which could interfere with the safe operation of a motor vehicle.

Thorax—heart. Stethoscopic examination is required. Note murmurs and arrhythmias, and any past or present history of cardiovascular disease, of a variety known to be accompanied by syncope, dyspnea, collapse, enlarged heart, or congestive heart failures. Electrocardiogram is required when findings so indicate.

Blood pressure. Record with either spring or mercury column type of sphygmomanometer. If the blood pressure is consistently above 160/90 mm. Hg., further tests may be necessary to determine whether the driver is qualified to operate a motor vehicle.

Lungs. If any lung disease is detected, state whether active or arrested; if arrested, your opinion as to how long it has been quiescent.

Gastrointestinal system. Note any diseases of the gastrointestinal system.

Abdomen. Note wounds, injuries, scars, or weakness of muscles of abdominal walls sufficient to interfere with normal function. Any hernia should be noted if present. State how long and if adequately contained by truss.

Abnormal masses. If present, note location, if tender, and whether or nor applicant knows how long they have been present. If the diagnosis suggests that the condition might interfere with the control and safe operation of a motor vehicle, more stringent tests must be made before the applicant can be certified.

Tenderness. When noted, state where most pronounced, and suspected cause. If the diagnosis suggests that the condition might interfere with the control and safe operation of a motor vehicle, more stringent tests must be made before the applicant can be certified.

Genito-urinary. Urinalysis is required. Acute infections of the genito-urinary tract, as defined by local and state public health laws, indications from urinalysis of uncontrolled diabetes, symptomatic albumin-urea in the urine, or other findings indicative of health conditions likely to interfere with the control and safe operation of a motor vehicle, will disqualify an applicant from operating a motor vehicle.

Neurological. If positive Romberg is reported, indicate degrees of impairment. Pupillary reflexes should be reported for both light and accommodation. Knee jerks are to be reported absent only when not obtainable upon reinforcement and as increased when foot is actually

lifted from the floor following a light blow on the patella, sensory vibratory and positional abnormalities should be noted.

**Extremities.** Carefully examine upper and lower extremities. Record the loss of impairment of a leg, foot, toe, arm, hand, or fingers. Note any and all deformities, the presence of atrophy, semiparalysis or paralysis, or varicose veins. If a hand or finger deformity exists, determine whether sufficient grasp is present to enable the driver to secure and maintain a grip on the steering wheel. If a leg deformity exists, determine whether sufficient mobility and strength exist to enable the driver to operate pedals properly. Particular attention should be given to and a record should be made of, any impairment or structural defect which may interfere with the driver's ability to operate a motor vehicle safely.

**Spine.** Note deformities, limitation of motion, or any history of pain, injuries, or disease, past or presently experienced in the cervical or lumbar spine region. If findings so dictate, radiologic and other examinations should be used to diagnose congenital or acquired defects; or spondylolisthesis and scoliosis.

**Recto-genital studies.** Diseases or conditions causing discomfort should be evaluated carefully to determine the extent to which the condition might be handicapping while lifting, pulling, or during periods of prolonged driving that might be necessary as part of the driver's duties.

**Laboratory and other special findings.** Urinalysis is required, as well as such other tests as the medical history or findings upon physical examination may indicate are necessary. A serological test is required if the applicant has a history of luetic infection or present physical findings indicate the possibility of latent syphilis. Other studies deemed advisable may be ordered by the examining physician.

**Diabetes.** If mild diabetes is noted at the time of examination and it is stabilized by use of a hypoglycemic drug and a diet that can be obtained while the driver is on duty, it should not be considered disqualifying. However, the driver must remain under adequate medical supervision.

The physician must date and sign his findings upon completion of the examination.

EXAMINATION TO DETERMINE PHYSICAL CONDITION OF DRIVERS

Driver's name \_\_\_\_\_  New Certification  
 Address \_\_\_\_\_  Recertification  
 Social Security No. \_\_\_\_\_  
 Date of birth \_\_\_\_\_ Age \_\_\_\_\_

Yes	No	Health History
<input type="checkbox"/>	<input type="checkbox"/>	Head or spinal injuries.
<input type="checkbox"/>	<input type="checkbox"/>	Seizures, fits, convulsions, or fainting.
<input type="checkbox"/>	<input type="checkbox"/>	Extensive confinement by illness or injury.
<input type="checkbox"/>	<input type="checkbox"/>	Cardiovascular disease.

Yes	No	Health History
<input type="checkbox"/>	<input type="checkbox"/>	Tuberculosis.
<input type="checkbox"/>	<input type="checkbox"/>	Syphilis.
<input type="checkbox"/>	<input type="checkbox"/>	Gonorrhoea.
<input type="checkbox"/>	<input type="checkbox"/>	Diabetes.
<input type="checkbox"/>	<input type="checkbox"/>	Gastrointestinal ulcer.
<input type="checkbox"/>	<input type="checkbox"/>	Nervous stomach.
<input type="checkbox"/>	<input type="checkbox"/>	Rheumatic fever.
<input type="checkbox"/>	<input type="checkbox"/>	Asthma.
<input type="checkbox"/>	<input type="checkbox"/>	Kidney disease.
<input type="checkbox"/>	<input type="checkbox"/>	Muscular disease.
<input type="checkbox"/>	<input type="checkbox"/>	Suffering from any other disease.
<input type="checkbox"/>	<input type="checkbox"/>	Permanent defect from illness, disease or injury.
<input type="checkbox"/>	<input type="checkbox"/>	Psychiatric disorder.
<input type="checkbox"/>	<input type="checkbox"/>	Any other nervous disorder.

If answer to any of the above is yes, explain:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

PHYSICAL EXAMINATION

General appearance and development:

Good \_\_\_ Fair \_\_\_ Poor \_\_\_

Vision: For distance:

Right 20/ \_\_\_ Left 20/ \_\_\_

Without corrective lenses.

With corrective lenses if worn.

Evidence of disease or injury:

Right \_\_\_ Left \_\_\_

Color test \_\_\_\_\_

Horizontal field of vision:

Right \_\_\_° Left \_\_\_°

Hearing:

Right ear \_\_\_ Left ear \_\_\_

Disease or injury \_\_\_\_\_

Audiometric test (complete only if audiometer is used to test hearing) decibel loss as 500 Hz \_\_\_, at 1,000 Hz \_\_\_,

at 2,000 Hz \_\_\_

Throat \_\_\_\_\_

Thorax:

Heart \_\_\_\_\_

If organic disease is present, is it fully compensated? \_\_\_\_\_

Blood pressure:

Systolic \_\_\_ Diastolic \_\_\_

Pulse: Before exercise \_\_\_\_\_

Immediately after exercise \_\_\_\_\_

Lungs \_\_\_\_\_

Abdomen:

Scars \_\_\_ Abnormal masses \_\_\_

Tenderness \_\_\_

Hernia: Yes \_\_\_ No \_\_\_

If so, where? \_\_\_\_\_

Is truss worn? \_\_\_\_\_

Gastrointestinal:

Ulceration or other disease:

Yes \_\_\_ No \_\_\_

Genito-urinary:

Scars \_\_\_\_\_

Urethral discharge \_\_\_\_\_

Reflexes:

Romberg \_\_\_\_\_

Pupillary \_\_\_ Light R \_\_\_ L \_\_\_

Accommodation Right \_\_\_ Left \_\_\_



Knee jerks:  
 Right:  
 Normal \_\_\_ Increased \_\_\_ Absent \_\_\_  
 Left:  
 Normal \_\_\_ Increased \_\_\_ Absent \_\_\_  
 Remarks \_\_\_\_\_  
 Extremities:  
 Upper \_\_\_\_\_  
 Lower \_\_\_\_\_  
 Spine \_\_\_\_\_  
 Laboratory and other special findings:  
 Urine: Spec. Gr. \_\_\_ Alb. \_\_\_  
 Sugar \_\_\_  
 Other laboratory data (Serology, etc.) \_\_\_\_\_

Radiological data \_\_\_\_\_  
 Electrocardiograph \_\_\_\_\_  
 General comments \_\_\_\_\_

\_\_\_\_\_  
(Date of examination)

\_\_\_\_\_  
(Address of examining doctor)

\_\_\_\_\_  
(Name of examining doctor (Print))

\_\_\_\_\_  
(Signature of examining doctor)

Note: This section to be completed only when visual test is conducted by a licensed ophthalmologist or optometrist.

\_\_\_\_\_  
(Date of examination)

\_\_\_\_\_  
(Address of ophthalmologist or optometrist)

\_\_\_\_\_  
(Name of ophthalmologist or optometrist (Print))

\_\_\_\_\_  
(Signature of ophthalmologist or optometrist)

If the medical examiner finds any physical condition listed in WAC 446-55-170 (2)(a) through (m) that is likely to interfere with my ability to operate a motor vehicle safely, I consent to the department of licensing using information on this medical examination to arrive at a decision regarding my ability to safely operate a motor vehicle.

\_\_\_\_\_  
(Signature of driver)

\_\_\_\_\_  
(Date)

(4) If the medical examiner finds that the person he examined is physically qualified to drive a motor vehicle in accordance with WAC 446-55-170(2), he shall complete a certificate in the form prescribed in subsection (5) of this section and furnish one copy to the person who was examined and one copy to the private carrier that employs him.

(5) If the medical examiner finds any physical condition listed in WAC 446-55-170 (2)(a) through (m) that is likely to interfere with the drivers ability to operate or control a motor vehicle safely, it shall be the responsibility of the driver to immediately forward a copy of the

drivers medical examination to the Drivers Services Medical Section, Department of Licensing, Highways-Licensing Building, Olympia, WA 98504. Upon receipt of the medical examination, the department of licensing will review and evaluate the driver's physical qualifications to operate the class of motor vehicle the person intends to drive.

The department of licensing shall send a notice of determination to the driver. A department of licensing clearance notification shall be sufficient cause for the medical examiner to issue a medical examiner's certificate.

A failure by the driver to furnish a copy of the medical examination to the department of licensing as required above shall result in no clearance action being taken by the department of licensing.

(6) The medical examiner's certificate shall be in accordance with following form:

MEDICAL EXAMINER'S CERTIFICATE

I certify that I have examined \_\_\_\_\_ (driver's name (print)) in accordance with WAC 446-55-170 through 446-55-190 and with knowledge of his duties, I find him qualified under WAC 446-55-170(2).

Qualified only when wearing corrective lenses.

A completed examination form for this person is on file in my office at \_\_\_\_\_ (Address)

\_\_\_\_\_  
(Date of examination)

\_\_\_\_\_  
(Name of examining doctor (Print))

\_\_\_\_\_  
(Signature of examining doctor)

\_\_\_\_\_  
(Signature of driver)

\_\_\_\_\_  
(Address of driver)

If the driver is qualified only when wearing a hearing aid, the following statement must appear on the medical examiner's certificate: "Qualified only when wearing a hearing aid."

[Statutory Authority: RCW 46.73.010 and 46.73.020. 87-05-012 (Order 446-87-1), § 446-55-180, filed 2/11/87; 86-08-067 (Order 446-86-1), § 446-55-180, filed 4/1/86.]

**WAC 446-55-200 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 446-55-210 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 446-55-220 Driver qualification files.** (1) Each private carrier shall maintain a driver qualification file for each driver it employs. A driver's qualification file may be combined with his personnel file.

(2) The qualification file for a driver who has been a regularly employed driver of the private carrier for a continuous three-year period prior to the effective date of this rule, must include:



(a) The medical examiner's certificate of his physical qualification to drive a motor vehicle or a legible photographic copy of the certificate;

(b) The note relating to the annual review of his driving record required by WAC 446-55-100;

(c) The list or certificate relating to violations of motor vehicle laws and ordinances required by WAC 446-55-110; and

(d) Any other matter which relates to the driver's qualifications or ability to drive a motor vehicle safely.

(3) The qualification file for a regularly employed driver who has not been regularly employed by the private carrier for a continuous three-year period prior to the effective date of this rule, must include:

(a) The documents specified in subsection (2) of this section;

(b) The driver's application for employment completed in accordance with WAC 446-55-080;

(c) The responses of state agencies and past employers to the private carrier's inquiries concerning the driver's driving record and employment pursuant to WAC 446-55-090;

(d) The certificate of driver's road test issued to the driver pursuant to WAC 446-55-120(5), or a copy of the license or certificate which the private carrier accepted as equivalent to the driver's road test pursuant to WAC 446-55-130; and

(e) The questions asked, the answers the driver gave, and the certificate of written examination issued to him pursuant to WAC 446-55-140, or a copy of a certificate which the private carrier accepted as equivalent to a written examination pursuant to WAC 446-55-160.

(4) The qualification file for an intermittent, casual, or occasional driver employed under the rules in WAC 446-55-250 must include:

(a) The medical examiner's certificate of his physical qualification to drive a motor vehicle or a legible photographic copy of the certificate;

(b) The certificate of driver's road test issued to the driver pursuant to WAC 446-55-120(5), or a copy of the license or certificate which the private carrier accepted as equivalent to the driver's road test pursuant to WAC 446-55-120;

(c) The questions asked, the answers the driver gave, and the certificate of written examination issued to him pursuant to WAC 446-55-140, or a copy of a certificate which the private carrier accepted as equivalent to a written examination pursuant to WAC 446-55-160; and

(d) The driver's name, his social security number, and the identification number, type, and issuing state of his motor vehicle operator's license.

(5) A using carrier's qualification file for a driver who is regularly employed by another private carrier, and who is employed by the using carrier in accordance with WAC 446-55-260, shall include a copy of a certificate, as prescribed by WAC 446-55-260 (1)(b), by the regularly employing carrier that the driver is fully qualified to drive a motor vehicle.

(6) Except as provided in subsections (7) and (8) of this section, each driver's qualification file shall be kept at the private carrier's principal place of business for as

long as a driver is employed by that private carrier and for 3 years thereafter.

(7) Upon a written request to and with the approval of the chief of the Washington state patrol or his designee, the carrier may retain one or more of its drivers' qualification files at a regional or terminal office.

(8) The following records may be removed from a driver's qualification file after 3 years from date of execution:

(a) The medical examiner's certificate of his physical qualification to drive a motor vehicle or the photographic copy of the certificate as required by WAC 446-55-180(4);

(b) The note relating to the annual review of his driving record as required by WAC 446-55-100;

(c) The list or certificate relating to violations of motor vehicle laws and ordinance as required by WAC 446-55-110.

[Statutory Authority: RCW 46.73.010 and 46.73.020. 87-05-012 (Order 446-87-1), § 446-55-220, filed 2/11/87; 86-08-067 (Order 446-86-1), § 446-55-220, filed 4/1/86.]

**WAC 446-55-240 Repealed.** See Disposition Table at beginning of this chapter.

#### Chapter 446-60 WAC

#### PRIVATE CARRIER REGULATIONS—HOURS OF SERVICE OF DRIVERS

##### WAC

446-60-005	Promulgation.
446-60-015	General exemptions.
446-60-020	Definitions.
446-60-080	Relief from regulations.

**WAC 446-60-005 Promulgation.** By authority of RCW 46.73.010 and 46.73.020, the Washington state patrol adopts the following rules establishing standards for hours of service of drivers for private carriers as defined by RCW 81.80.010(6).

[Statutory Authority: RCW 46.73.010 and 46.73.020. 87-05-012 (Order 446-87-1), § 446-60-005, filed 2/11/87.]

**WAC 446-60-015 General exemptions.** (1) Passenger car operations. The rules in this chapter do not apply to a driver who drives only a motor vehicle that:

(a) Is a passenger-carrying vehicle with a seating capacity of 10 or less persons, including the driver;

(b) Is not transporting passengers for hire; and

(c) Is not transporting hazardous materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with part 177.823 of the Code of Federal Regulations.

(2) Certain farm vehicle drivers. The rules in this chapter do not apply to a farm vehicle driver operating equipment that meets the requirements of RCW 46.16-.090, except a farm vehicle driver who drives an articulated (combination) motor vehicle that has a gross weight, including its load of more than 26,000 pounds. (For limited exemptions for farm vehicle drivers of heavier articulated vehicles see WAC 446-55-270.)

(3) Farm custom operations. The rules in this chapter do not apply to a driver who drives a motor vehicle that meets the requirements of RCW 46.16.090 controlled and operated by a person engaged in custom-harvesting operations, if the vehicle is used to:

(a) Transport farm machinery, supplies, or both, to or from a farm for custom-harvesting operations on a farm; or

(b) Transport custom-harvested crops to storage or market.

(4) Apiarian industries. The rules in this chapter do not apply to a driver who is operating a motor vehicle controlled and operated by a beekeeper engaged in the seasonal transportation of bees.

(5) Lightweight vehicle drivers. The rules in this chapter do not apply to a driver who drives only a lightweight vehicle as defined in WAC 446-55-030(5).

(6) Exempt carriers as defined in WAC 446-55-030(8).

(7) Licensed tow truck drivers. The rules in this chapter do not apply to a driver who drives a tow truck for a towing firm that possesses a valid business and tow truck registration(s) as per the requirements of chapter 46.55 RCW.

[Statutory Authority: RCW 46.73.010 and 46.73.020. 87-05-012 (Order 446-87-1), § 446-60-015, filed 2/11/87.]

**WAC 446-60-020 Definitions.** As used in this chapter, the following words and terms are construed to mean:

(1) A "private carrier" is a person who transports by his own motor vehicle, with or without compensation therefor, property which is owned or is being bought or sold by such person, or property of which such person is the seller, purchaser, lessee, or bailee where such transportation is incidental to and in furtherance of some other primary business conducted by such person in good faith. The term "private carrier" includes a private carrier and the agents, officers, representatives, and employees of a private carrier who are responsible for the hiring, supervision, training, assignment, or dispatching of drivers.

(2) A private carrier "employs" a person as a driver within the meaning of this chapter whenever it requires or permits that person to drive a motor vehicle (whether or not the vehicle is owned by the private carrier) in furtherance of the business of the private carrier.

(3) "Common carrier" means any person who undertakes to transport property for the general public by motor vehicle for compensation, whether over regular or irregular routes, or regular or irregular schedules, including motor vehicle operations of other carriers by rail or water and of express or forwarding companies.

(4) "Contract carrier" shall include all motor vehicle operators not included under the terms "common carrier" and "private carrier" as herein defined in subsections (1) and (3) of this section, and further shall include any person who under special and individual contracts or agreements transports property by motor vehicle for compensation.

(5) "Exempt carrier" means any person operating a vehicle exempted from certain provisions of this chapter under RCW 81.80.040.

(6) "Motor carrier" means and includes "common carrier," "contract carrier," "private carrier," and "exempt carrier" as herein defined.

(7) The term "chief" means the chief of the Washington state patrol.

(8) On-duty time. All time from the time a driver begins to work or is required to be in readiness to work until the time he is relieved from work and all responsibility for performing work. The term "on-duty" time shall include:

(a) All time at a carrier or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the private carrier;

(b) All time inspecting, servicing, or conditioning any motor vehicle at any time;

(c) All driving time as defined in subsection (9) of this section;

(d) All time, other than driving time, in or upon any motor vehicle except time spent resting in a sleeper berth as defined in subsection (14) of this section;

(e) All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded;

(f) All time spent performing the driver requirements relating to accidents;

(g) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle;

(h) Performing any other work in the capacity of, or in the employ or service of, a private motor carrier.

(9) Driving time. The terms "drive" and "driving time" shall include all time spent at the driving controls of a motor vehicle in operation.

(10) Seven consecutive days. The term "7 consecutive days" means the period of 7 consecutive days beginning on any day at the time designated by the private carrier for a 24-hour period.

(11) Eight consecutive days. The term "8 consecutive days" means the period of 8 consecutive days beginning on any day at the time designated by the private carrier for a 24-hour period.

(12) Twenty-four hour period. The term "24-hour period" means any 24 consecutive hour period beginning at the time designated by the private carrier for the terminal from which the driver is normally dispatched.

(13) Regularly employed driver. The term "regularly employed driver" means a driver who in any period of 7 consecutive days is employed or used as a driver solely by a single motor carrier.

(14) Sleeper berth. The term "sleeper berth" means a berth conforming to the requirements of 49 CFR part 393.76.

(15) Driver-salesman. The term "driver-salesman" means any employee who is employed solely as such by a private carrier of property by motor vehicle, who is engaged both in selling goods, services, or the use of goods,

and in delivering by motor vehicle the goods sold or provided or upon which the services are performed, who does so entirely within a radius of 100 miles of the point at which he reports for duty, who devotes not more than 50 percent of his hours on duty to driving time. The term "selling goods" for purposes of this subsection shall include in all cases solicitation or obtaining of reorders or new accounts, and may also include other selling or merchandising activities designed to retain the customer or to increase the sale of goods or services, in addition to solicitation or obtaining of reorders or new accounts.

(16) Multiple stops. All stops made in any one village, town, or city may be computed as one.

(17) Principal place of business or main office address. The principal place of business or main office address is the geographic location designated by the private carrier where the records required to be maintained by this chapter will be made available for inspection.

(18) Providers of essential services shall include fire protection services, medical assistance services, sewer services, and public/private service companies regulated under Title 80 RCW.

[Statutory Authority: RCW 46.73.010 and 46.73.020. 87-05-012 (Order 446-87-1), § 446-60-020, filed 2/11/87; 86-08-067 (Order 446-86-1), § 446-60-020, filed 4/1/86.]

**WAC 446-60-080 Relief from regulations.** These regulations shall not apply to any private carrier subject thereto when transporting passengers or property to or from any section of the country with the object of providing relief in case of earthquake, flood, fire, famine, drought, epidemic, pestilence, or other calamitous visitation or disaster, or providers of essential services while providing or restoring those services during an emergency or outage condition.

[Statutory Authority: RCW 46.73.010 and 46.73.020. 87-05-012 (Order 446-87-1), § 446-60-080, filed 2/11/87; 86-08-067 (Order 446-86-1), § 446-60-080, filed 4/1/86.]

## Chapter 446-70 WAC AFFIRMATIVE ACTION

### WAC

446-70-010	Purpose.
446-70-020	Authority.
446-70-030	Goals and timetables regarding officer promotion to the ranks of RCW sergeant and lieutenant.
446-70-040	Definitions.
446-70-050	Affirmative action plan and requirements.
446-70-060	Affirmative action plan progress reporting.
446-70-070	Affirmative action plan use.
446-70-080	RCW 43.43.340 supplemental (plus 3) referrals.

**WAC 446-70-010 Purpose.** These rules are proposed by the Washington state patrol as a result of the passage of Engrossed Substitute Senate Bill 3446, revising RCW 43.43.340, which mandates that the Washington state patrol develop rules pertaining to affirmative action. The purpose of these rules is to specify the development and implementation of affirmative action plan goals and timetables in promoting protected

group members to the ranks of RCW sergeant and lieutenant.

[Statutory Authority: RCW 43.43.340. 87-09-049 (Order 87-RD-001), § 446-70-010, filed 4/16/87.]

**WAC 446-70-020 Authority.** The rules contained in this section are promulgated as a result of the authority granted the Washington state patrol by RCW 43.43.340 as amended by chapter 365, Laws of 1985. These laws provide that the Washington state patrol shall adopt rules consistent with the provisions of the chapter regarding the procedures to be followed in complying with affirmative action measures in promotion of Washington state patrol officers to the ranks of RCW sergeant and lieutenant. It further requires the development and implementation of state patrol affirmative action goals and timetables in this regard and that the patrol monitor and report the progress made in attaining the goals and timetables as outlined.

[Statutory Authority: RCW 43.43.340. 87-09-049 (Order 87-RD-001), § 446-70-020, filed 4/16/87.]

**WAC 446-70-030 Goals and timetables regarding officer promotion to the ranks of RCW sergeant and lieutenant.** The state patrol will develop and implement goals and timetables for promoting members of protected groups to the ranks of RCW sergeant and lieutenant where it has been determined that underutilization exists. Goals shall be established from the state patrol's qualified available work force for RCW sergeants and lieutenants. Timetables for achieving these goals will be calculated by measuring turnover rate, new positions, and other relevant factors.

[Statutory Authority: RCW 43.43.340. 87-09-049 (Order 87-RD-001), § 446-70-030, filed 4/16/87.]

**WAC 446-70-040 Definitions.** Unless the context clearly indicates otherwise, the words used in these rules shall have the meaning set forth in the definitions below.

**Affirmative action:** Procedures by which racial/ethnic minorities, women, persons in the protected age category, persons with disabilities, Vietnam-era veterans, and disabled veterans are provided with increased employment opportunities. It shall not mean any sort of quota system.

**Goal:** A target expressed as both a number and a percentage, for placing protected group members in a job category/group for which underutilization exists. It should normally be the maximum rate that can be achieved by making every good-faith effort.

**Protected groups:** Means Blacks, Asian/Pacific Islanders, Hispanics, Native Americans, women, persons in the protected age class, qualified persons with physical or mental handicaps meeting the established standards for law enforcement, Vietnam-era veterans, and disabled veterans.

**Supplemental (plus 3) referral:** A statutorily authorized process by which three qualified, eligible members of underutilized protected groups may be referred to the chief for consideration for promotion to RCW sergeant

or lieutenant in addition to the top five names appearing on the eligibility list as required by statute.

**Timetables:** Established time period by which specific areas of underutilization should be corrected.

[Statutory Authority: RCW 43.43.340. 87-09-049 (Order 87-RD-001), § 446-70-040, filed 4/16/87.]

**WAC 446-70-050 Affirmative action plan and requirements.** The Washington state patrol will develop and implement both an equal opportunity/affirmative action policy statement and an affirmative action plan. These shall include provisions for the promotion of protected group members to the ranks of RCW sergeant and lieutenant to comply with RCW 43.43.340 and other applicable state and federal laws, regulations, rules, and guidelines. It shall be updated annually.

[Statutory Authority: RCW 43.43.340. 87-09-049 (Order 87-RD-001), § 446-70-050, filed 4/16/87.]

**WAC 446-70-060 Affirmative action plan progress reporting.** The chief's designee shall monitor the state patrol's progress with respect to its affirmative action plan and submit a report to the chief of the Washington state patrol, at least annually, defining such progress and containing such other information as the chief may require. An annual report will be sent to the Washington state human rights commission regarding affirmative action progress within the Washington state patrol with respect to promotion of protected group members to the ranks of RCW sergeant and lieutenant.

[Statutory Authority: RCW 43.43.340. 87-09-049 (Order 87-RD-001), § 446-70-060, filed 4/16/87.]

**WAC 446-70-070 Affirmative action plan use.** The Washington state patrol may apply affirmative action plans and programs to increase the number of protected group members in the Washington state patrol and particularly in the ranks of RCW sergeant and lieutenant, when it has been determined that a particular protected group or groups are underutilized.

[Statutory Authority: RCW 43.43.340. 87-09-049 (Order 87-RD-001), § 446-70-070, filed 4/16/87.]

**WAC 446-70-080 RCW 43.43.340 supplemental (plus 3) referrals.** For each sergeant or lieutenant vacancy to be filled by promotion, the affirmative action plan will be reviewed. When it is determined under the approved formula established in the patrol's affirmative action plan that a protected group is underutilized, names of qualified protected group members will be referred to the chief for promotional consideration in accord with the plus 3 provision of RCW 43.43.340. Referrals shall be by:

(1) The top five names on the eligibility list will be referred regardless of their membership in a protected group.

(2) Only those protected group members who have qualified and have been placed on the eligibility promotional register for either RCW sergeant or lieutenant shall be considered for inclusion in the plus 3 referral.

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(3) As promotional opportunities occur, the protected group which is most underutilized in the particular rank shall be determined and members of this group shall be first to be considered for inclusion in the plus 3 referral.

(4) If there is no sufficient number of members of the most underutilized protected group on the eligibility list to refer three members thereof for promotional consideration in accord with the plus 3 referral, members of the next most underutilized group may be referred, and so on until three names have been obtained to fulfill the requirements of the plus 3 referrals.

(5) All persons of each group included in the plus 3 referral shall be chosen from the eligibility list in the rank order in which they appear on the register.

(6) In accordance with the plus 3 process, under no circumstances will more than three protected group members along with the top five names on the register be referred for any one promotional vacancy.

(7) The same person or persons may be referred under plus 3 for more than one vacancy.

(8) All officers selected for promotion must pass a medical examination and be certified as to physical fitness to perform the duties of the advanced position.

[Statutory Authority: RCW 43.43.340. 87-09-049 (Order 87-RD-001), § 446-70-080, filed 4/16/87.]

## Title 456 WAC

### TAX APPEALS, BOARD OF

#### Chapter

#### 456-08

#### Practice and procedure.

#### Chapter 456-08 WAC

#### PRACTICE AND PROCEDURE

#### WAC

456-08-006 Time for appeal.

456-08-705 Rules relating to pleadings—Type of hearing.

**WAC 456-08-006 Time for appeal.** (1) A notice of appeal for an appeal authorized under RCW 82.03.130 (1), (3) and (4), 84.36.850, and 84.34.065, shall be filed in the office of the board and a copy thereof served upon the department of revenue within thirty days of the date of the order or determination from which the appeal is taken. In appeals authorized by RCW 84.36.850 a copy of the notice of appeal shall also be served on the property owner when the assessor is the appellant and on the assessor when the property owner is the appellant. Proof of such service shall accompany notice of appeal filed with the board.

(2) Notice of appeal pursuant to RCW 84.33.091 shall be filed with the board and a copy served on the department of revenue on or before the sixtieth day after the final adoption by the department of revenue of any stumpage value tables.