

Washington State Register

June 16, 2004

OLYMPIA, WASHINGTON

ISSUE 04-12



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CITATION

Cite all material in the Washington State Register by its issue number and sequence within that issue, preceded by the acronym WSR. Example: the 37th item in the August 5, 1981, Register would be cited as WSR 81-15-037.

PUBLIC INSPECTION OF DOCUMENTS

A copy of each document filed with the code reviser's office, pursuant to chapter 34.05 RCW, is available for public inspection during normal office hours. The code reviser's office is located on the ground floor of the Legislative Building in Olympia. Office hours are from 8 a.m. to 5 p.m., Monday through Friday, except legal holidays. Telephone inquiries concerning material in the Register or the Washington Administrative Code (WAC) may be made by calling (360) 786-6697.

REPUBLICATION OF OFFICIAL DOCUMENTS

All documents appearing in the Washington State Register are prepared and printed at public expense. There are no restrictions on the republication of official documents appearing in the Washington State Register. All news services are especially encouraged to give wide publicity to all documents printed in the Washington State Register.

CERTIFICATE

Pursuant to RCW 34.08.040, the publication of rules or other information in this issue of the Washington State Register is hereby certified to be a true and correct copy of such rules or other information, except that headings of public meeting notices have been edited for uniformity of style.

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

(Computed and filed by the State Treasurer under RCW 19.52.025)

The maximum allowable interest rate applicable for the month of June 2004 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

NOTICE: FEDERAL LAW PERMITS FEDERALLY INSURED FINANCIAL INSTITUTIONS IN THE STATE TO CHARGE THE HIGHEST RATE OF INTEREST THAT MAY BE CHARGED BY ANY FINANCIAL INSTITUTION IN THE STATE. THE MAXIMUM ALLOWABLE RATE OF INTEREST SET FORTH ABOVE MAY NOT APPLY TO A PARTICULAR TRANSACTION.

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The Washington State Register is an official publication of the state of Washington. It contains proposed, emergency, and permanently adopted administrative rules, as well as other documents filed with the code reviser's office pursuant to RCW 34.08.020 and 42.30.075. Publication of any material in the Washington State Register is deemed to be official notice of such information.

John G. Schultz
Chair, Statute Law Committee

Dennis W. Cooper
Code Reviser

Gary Reid
Chief Assistant Code Reviser

Kerry S. Radcliff
Editor

Joyce Matzen
Subscription Clerk

STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following eight sections:

- (a) **PREPROPOSAL**-includes the Preproposal Statement of Inquiry that will be used to solicit public comments on a general area of proposed rule making before the agency files a formal notice.
- (b) **PROPOSED**-includes the full text of formal proposals, continuances, supplemental notices, and withdrawals.
- (c) **EXPEDITED RULE MAKING**-includes the full text of the rule being proposed using the expedited rule-making process. Expedited rule makings are not consistently filed and may not appear in every issue of the register.
- (d) **PERMANENT**-includes the full text of permanently adopted rules.
- (e) **EMERGENCY**-includes the full text of emergency rules and rescissions.
- (f) **MISCELLANEOUS**-includes notice of public meetings of state agencies, rules coordinator notifications, summaries of attorney general opinions, executive orders and emergency declarations of the governor, rules of the state Supreme Court, and other miscellaneous documents filed with the code reviser's office under RCW 34.08.020 and 42.30.075.
- (g) **TABLE**-includes a cumulative table of the WAC sections that are affected in the current year.
- (h) **INDEX**-includes a cumulative index of Register Issues 01 through 24.

Documents are arranged within each section of the Register according to the order in which they are filed in the code reviser's office during the pertinent filing period. Each filing is listed under the agency name and then describes the subject matter, type of filing and the WSR number. The three part number in the heading distinctively identifies each document, and the last part of the number indicates the filing sequence with a section's material.

2. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

RCW 34.05.395 requires the use of certain marks to indicate amendments to existing agency rules. This style quickly and graphically portrays the current changes to existing rules as follows:

- (a) In amendatory sections—
 - (i) underlined material is new material;
 - (ii) ~~deleted material is ((lined out between double parentheses))~~;
- (b) Complete new sections are prefaced by the heading NEW SECTION;
- (c) The repeal of an entire section is shown by listing its WAC section number and caption under the heading REPEALER.

3. MISCELLANEOUS MATERIAL NOT FILED UNDER THE ADMINISTRATIVE PROCEDURE ACT

Material contained in the Register other than rule-making actions taken under the APA (chapter 34.05 RCW) does not necessarily conform to the style and format conventions described above. The headings of these other types of material have been edited for uniformity of style; otherwise the items are shown as nearly as possible in the form submitted to the code reviser's office.

4. EFFECTIVE DATE OF RULES

- (a) Permanently adopted agency rules normally take effect thirty-one days after the rules and the agency order adopting them are filed with the code reviser's office. This effective date may be delayed or advanced and such an effective date will be noted in the promulgation statement preceding the text of the rule.
- (b) Emergency rules take effect upon filing with the code reviser's office unless a later date is provided by the agency. They remain effective for a maximum of one hundred twenty days from the date of filing.
- (c) Rules of the state Supreme Court generally contain an effective date clause in the order adopting the rules.

5. EDITORIAL CORRECTIONS

Material inserted by the code reviser's office for purposes of clarification or correction or to show the source or history of a document is enclosed in [brackets].

2003-2004

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

| Issue Number | Closing Dates ¹ | | | Distribution Date | First Agency Hearing Date ³ | Expedited Adoption ⁴ |
|--------------------|---------------------------------|-------------------------|---|----------------------|--|---------------------------------|
| | Non-OTS and 30 p. or more | Non-OTS and 11 to 29 p. | OTS ² or 10 p. max. Non-OTS | Count 20 days from - | For hearing on or after | First Agency Adoption Date |
| For Inclusion in - | File no later than 12:00 noon - | | | | | |
| 03 - 17 | Jul 23, 03 | Aug 6, 03 | Aug 20, 03 | Sep 3, 03 | Sep 23, 03 | Oct 21, 03 |
| 03 - 18 | Aug 6, 03 | Aug 20, 03 | Sep 3, 03 | Sep 17, 03 | Oct 7, 03 | Nov 4, 03 |
| 03 - 19 | Aug 20, 03 | Sep 3, 03 | Sep 17, 03 | Oct 1, 03 | Oct 21, 03 | Nov 18, 03 |
| 03 - 20 | Sep 3, 03 | Sep 17, 03 | Oct 1, 03 | Oct 15, 03 | Nov 4, 03 | Dec 2, 03 |
| 03 - 21 | Sep 24, 03 | Oct 8, 03 | Oct 22, 03 | Nov 5, 03 | Nov 25, 03 | Dec 23, 03 |
| 03 - 22 | Oct 8, 03 | Oct 22, 03 | Nov 5, 03 | Nov 19, 03 | Dec 9, 03 | Jan 6, 04 |
| 03 - 23 | Oct 22, 03 | Nov 5, 03 | Nov 19, 03 | Dec 3, 03 | Dec 23, 03 | Jan 20, 04 |
| 03 - 24 | Nov 5, 03 | Nov 19, 03 | Dec 3, 03 | Dec 17, 03 | Jan 6, 04 | Feb 3, 04 |
| 04 - 01 | Nov 26, 03 | Dec 10, 03 | Dec 24, 03 | Jan 7, 04 | Jan 27, 04 | Feb 24, 04 |
| 04 - 02 | Dec 10, 03 | Dec 24, 03 | Jan 7, 04 | Jan 21, 04 | Feb 10, 04 | Mar 9, 04 |
| 04 - 03 | Dec 24, 03 | Jan 7, 04 | Jan 21, 04 | Feb 4, 04 | Feb 24, 04 | Mar 23, 04 |
| 04 - 04 | Jan 7, 04 | Jan 21, 04 | Feb 4, 04 | Feb 18, 04 | Mar 9, 04 | Apr 6, 04 |
| 04 - 05 | Jan 21, 04 | Feb 4, 04 | Feb 18, 04 | Mar 3, 04 | Mar 23, 04 | Apr 20, 04 |
| 04 - 06 | Feb 4, 04 | Feb 18, 04 | Mar 3, 04 | Mar 17, 04 | Apr 6, 04 | May 4, 04 |
| 04 - 07 | Feb 25, 04 | Mar 10, 04 | Mar 24, 04 | Apr 7, 04 | Apr 27, 04 | May 25, 04 |
| 04 - 08 | Mar 10, 04 | Mar 24, 04 | Apr 7, 04 | Apr 21, 04 | May 11, 04 | Jun 8, 04 |
| 04 - 09 | Mar 24, 04 | Apr 7, 04 | Apr 21, 04 | May 5, 04 | May 25, 04 | Jun 22, 04 |
| 04 - 10 | Apr 7, 04 | Apr 21, 04 | May 5, 04 | May 19, 04 | Jun 8, 04 | Jul 6, 04 |
| 04 - 11 | Apr 21, 04 | May 5, 04 | May 19, 04 | Jun 2, 04 | Jun 22, 04 | Jul 20, 04 |
| 04 - 12 | May 5, 04 | May 19, 04 | Jun 2, 04 | Jun 16, 04 | Jul 6, 04 | Aug 3, 04 |
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| 04 - 14 | Jun 9, 04 | Jun 23, 04 | Jul 7, 04 | Jul 21, 04 | Aug 10, 04 | Sep 7, 04 |
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| 04 - 17 | Jul 21, 04 | Aug 4, 04 | Aug 18, 04 | Sep 1, 04 | Sep 21, 04 | Oct 19, 04 |
| 04 - 18 | Aug 4, 04 | Aug 18, 04 | Sep 1, 04 | Sep 15, 04 | Oct 5, 04 | Nov 2, 04 |
| 04 - 19 | Aug 25, 04 | Sep 8, 04 | Sep 22, 04 | Oct 6, 04 | Oct 26, 04 | Nov 23, 04 |
| 04 - 20 | Sep 8, 04 | Sep 22, 04 | Oct 6, 04 | Oct 20, 04 | Nov 9, 04 | Dec 7, 04 |
| 04 - 21 | Sep 22, 04 | Oct 6, 04 | Oct 20, 04 | Nov 3, 04 | Nov 23, 04 | Dec 21, 04 |
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| 04 - 23 | Oct 20, 04 | Nov 3, 04 | Nov 17, 04 | Dec 1, 04 | Dec 21, 04 | Jan 18, 05 |
| 04 - 24 | Nov 3, 04 | Nov 17, 04 | Dec 1, 04 | Dec 15, 04 | Jan 4, 05 | Feb 1, 05 |

¹ All documents are due at the code reviser's office by 12:00 noon on or before the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-21-040.

² A filing of any length will be accepted on the closing dates of this column if it has been prepared and completed by the order typing service (OTS) of the code reviser's office; see WAC 1-21-040. Agency-typed material is subject to a ten page limit for these dates; longer agency-typed material is subject to the earlier non-OTS dates.

³ At least twenty days before the rule-making hearing, the agency shall cause notice of the hearing to be published in the Register; see RCW 34.05.320(1). These dates represent the twentieth day after the distribution date of the applicable Register.

⁴ A minimum of forty-five days is required between the distribution date of the Register giving notice of the expedited adoption and the agency adoption date. No hearing is required, but the public may file written objections. See RCW 34.05.230 and 1.12.040.

REGULATORY FAIRNESS ACT

The Regulatory Fairness Act, chapter 19.85 RCW, was enacted in 1982 to minimize the impact of state regulations on small business. Amended in 1994, the act requires a small business economic impact analysis of proposed rules that impose more than a minor cost on twenty percent of the businesses in all industries, or ten percent of the businesses in any one industry. The Regulatory Fairness Act defines industry as businesses within a four digit SIC classification, and for the purpose of this act, small business is defined by RCW 19.85.020 as "any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, that has the purpose of making a profit, and that has fifty or fewer employees."

Small Business Economic Impact Statements (SBEIS)

A small business economic impact statement (SBEIS) must be prepared by state agencies when a proposed rule meets the above criteria. Chapter 19.85 RCW requires the Washington State Business Assistance Center (BAC) to develop guidelines for agencies to use in determining whether the impact of a rule is more than minor and to provide technical assistance to agencies in developing a SBEIS. All permanent rules adopted under the Administrative Procedure Act, chapter 34.05 RCW, must be reviewed to determine if the requirements of the Regulatory Fairness Act apply; if an SBEIS is required it must be completed before permanent rules are filed with the Office of the Code Reviser.

Mitigation

In addition to completing the economic impact analysis for proposed rules, state agencies must take reasonable, legal, and feasible steps to reduce or mitigate the impact of rules on small businesses when there is a disproportionate impact on small versus large business. State agencies are encouraged to reduce the economic impact of rules on small businesses when possible and when such steps are in keeping with the stated intent of the statute(s) being implemented by proposed rules. Since 1994, small business economic impact statements must contain a list of the mitigation steps taken, or reasonable justification for not taking steps to reduce the impact of rules on small businesses.

When is an SBEIS Required?

When:

The proposed rule has more than a minor (as defined by the BAC) economic impact on businesses in more than twenty percent of all industries or more than ten percent of any one industry.

When is an SBEIS Not Required?

When:

The rule is proposed only to comply or conform with a federal law or regulation, and the state has no discretion in how the rule is implemented;

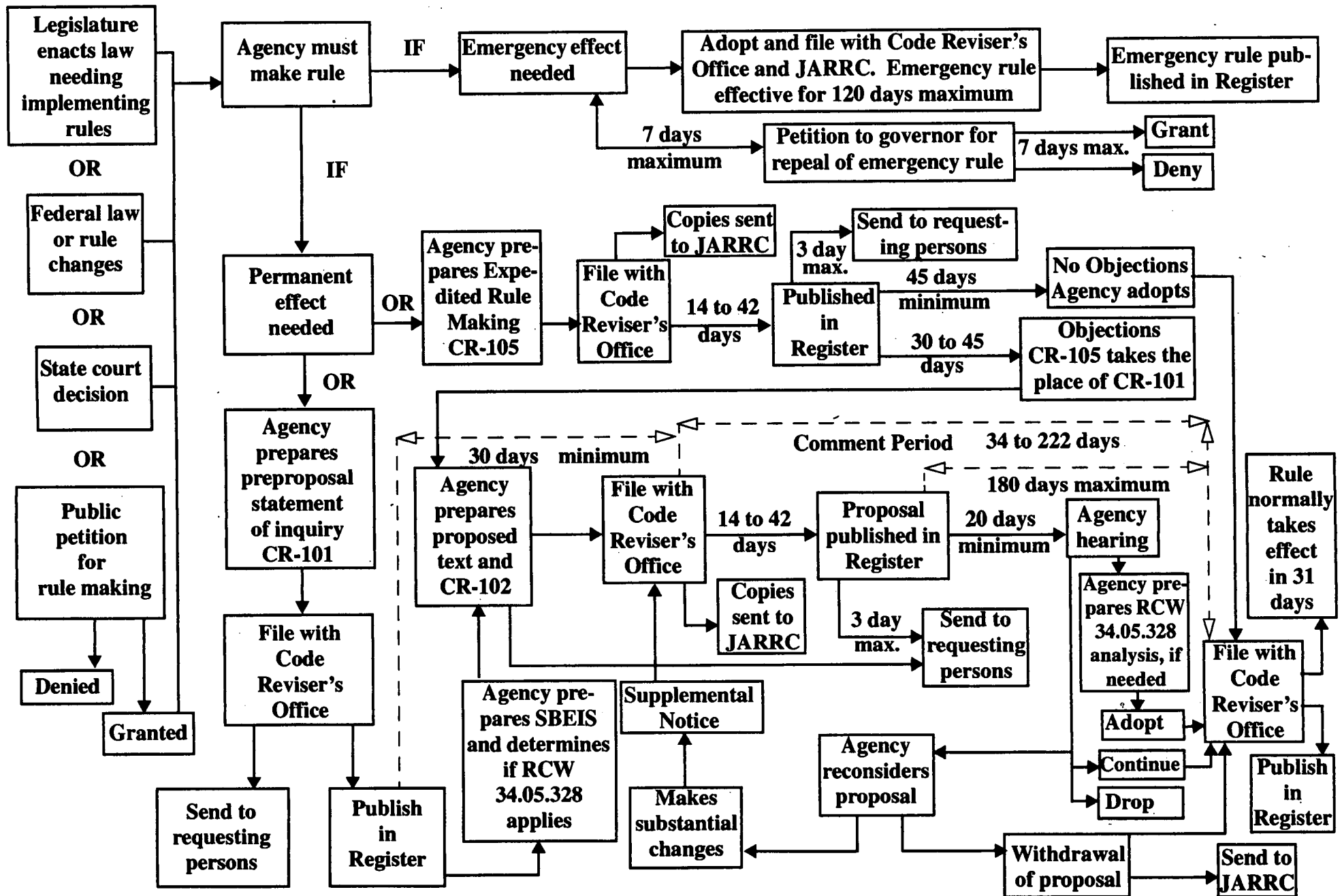
There is less than minor economic impact on business;

The rule REDUCES costs to business (although an SBEIS may be a useful tool for demonstrating this reduced impact);

The rule is adopted as an emergency rule, although an SBEIS may be required when an emergency rule is proposed for adoption as a permanent rule; or

The rule is pure restatement of state statute.

RULE-MAKING PROCESS



WSR 04-12-001**PREPROPOSAL STATEMENT OF INQUIRY
SHORELINE COMMUNITY COLLEGE**

[Filed May 19, 2004, 3:27 p.m.]

Subject of Possible Rule Making: WAC 132G-124-040.
Statutes Authorizing the Agency to Adopt Rules on this
Subject: RCW 28B.50.140 and 70.160.040.

Reasons Why Rules on this Subject may be Needed and
What They Might Accomplish: Revising current WAC to
comply with proposed rule changes. Current WAC was last
revised January 7, 1973.

Other Federal and State Agencies that Regulate this Sub-
ject and the Process Coordinating the Rule with These Agen-
cies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt
the new rule and formulation of the proposed rule before pub-
lication by contacting Beverly J. Brandt, Vice President,
Administrative Services, Shoreline Community College,
16101 Greenwood Avenue North, Shoreline, WA 98133,
phone (206) 546-4531, fax (206) 533-6695; or Paulette Flem-
ing, Vice President, Human Resources, Shoreline Commu-
nity College, 16101 Greenwood Avenue North, Shoreline,
WA 98100 [98133], phone (206) 546-4694, fax (206) 546-
5850.

May 17, 2004

Beverly J. Brandt

Vice President

Administrative Services

WSR 04-12-009**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed May 21, 2004, 8:46 a.m.]

Subject of Possible Rule Making: Chapter 308-63 WAC
Wreckers, to include but not limited to WAC 308-63-090
Wrecker—Records and procedures for monthly report.

Statutes Authorizing the Agency to Adopt Rules on this
Subject: RCW 46.01.110 and chapter 46.55 RCW.

Reasons Why Rules on this Subject may be Needed and
What They Might Accomplish: A rule change is required to
provide the vehicle wrecker industry, who request access, an
option to utilize the department's destroyed vehicle reporting
online system to submit their monthly wrecker reports that
update the vehicle record immediately. Wrecker businesses
that choose not to report online still have the option to submit
a written and notarized monthly report to the department.
This rule also seeks to clarify that the wrecker shall maintain
the original evidence of ownership documentation with a
copy of their electronically filed or written monthly report
within their files for three years.

Other Federal and State Agencies that Regulate this Sub-
ject and the Process Coordinating the Rule with These Agen-
cies: None.

Process for Developing New Rule: Negotiated rule
making.

Interested parties can participate in the decision to adopt
the new rule and formulation of the proposed rule before pub-
lication by contacting by mail Katherine Iyall Vasquez, Rules
Manager, Title and Registration Services, Vehicle Services,
Mailstop 48001, P.O. Box 2957, Olympia, WA 98507-2957,
or by phone (360) 902-3718, fax (360) 664-0831, TTY (360)
664-8885, e-mail kvasquez@dol.wa.gov.

May 20, 2004

Steve Boruchowitz, Manager

Policy and Projects Office

WSR 04-12-010**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed May 21, 2004, 8:47 a.m.]

Subject of Possible Rule Making: Chapter 308-61
WAC, Wreckers, to include but not limited to WAC 308-61-
135 Miscellaneous provisions.

Statutes Authorizing the Agency to Adopt Rules on this
Subject: RCW 46.01.110 and 46.55.190.

Reasons Why Rules on this Subject may be Needed and
What They Might Accomplish: A rule change is required to
clarify reporting requirements through the abandoned vehicle
online reporting system. The department was mandated to
create a system enabling the tow truck industry to file the
abandoned vehicle affidavit of sale documents electronically.
The department enhanced that reporting system with inquiry
capabilities. Many tow truck companies who have requested
access to utilize this online function are only using it to com-
plete the inquiry portion but not to submit the affidavit of
sale. This rule seeks to clarify that tow truck companies who
have requested access to the online system must also file the
affidavit of sale reports through the online system.

Other Federal and State Agencies that Regulate this Sub-
ject and the Process Coordinating the Rule with These Agen-
cies: None.

Process for Developing New Rule: Negotiated rule
making.

Interested parties can participate in the decision to adopt
the new rule and formulation of the proposed rule before pub-
lication by contacting by mail Katherine Iyall Vasquez, Rules
Manager, Title and Registration Services, Vehicle Services,
Mailstop 48001, P.O. Box 2957, Olympia, WA 98507-2957,
or by phone (360) 902-3718, fax (360) 664-0831, TTY (360)
664-8885, e-mail kvasquez@dol.wa.gov.

May 20, 2004

Steve Boruchowitz, Manager

Policy and Projects Office

PREPROPOSAL

WSR 04-12-019
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed May 25, 2004, 1:54 p.m.]

Subject of Possible Rule Making: Chapter 415-501 WAC, Deferred compensation plan.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050(5), 41.50.030(2), 41.50.088(2), 41.50.770 and 41.50.780; 26 U.S.C. (Internal Revenue Code) and related tax regulations.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In addition to implementing changes required by section 457 of the Internal Revenue Service (IRS) Code, the department is updating and rewriting chapter 415-501 WAC to conform with current policy and clear writing standards.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The IRS Code in 26 U.S.C., and a variety of regulations and procedures also regulate this subject. If necessary, the Department of Retirement Systems (DRS) will work with the IRS, as well as with many national professional associations, in ensuring that any rule changes are accurate and timely.

Process for Developing New Rule: Department staff will work on the project, with the assistance of the Office of the Attorney General. The public is invited and encouraged to participate, as described below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. DRS encourages your active participation in the rule-making process. Anyone interested in participating should contact the rules coordinator below. After the rule(s) is drafted, DRS will file a copy with the Office of the Code Reviser with a notice of proposed rule making, and send a copy to everyone currently on the mailing list and anyone else who requests a copy. For more information on how to participate, please contact Leslie L. Saeger, Rules Coordinator, Department of Retirement Systems, Mailstop 48380, P.O. Box 48380, Olympia, WA 98504-8380, voice (360) 664-7291, TTY (360) 586-5450, e-mail LeslieS@drs.wa.gov, fax (360) 753-3166.

May 25, 2004
 Leslie Saeger
 Rules Coordinator

WSR 04-12-039
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed May 28, 2004, 8:25 a.m.]

The Medical Assistance Administration (MAA) requests the withdrawal of preproposal statement of inquiry WSR 02-24-010, filed on November 22, 2002.

Brian Lindgren, Manager
 Rules and Policies Assistance Unit

WSR 04-12-050
PREPROPOSAL STATEMENT OF INQUIRY
WASHINGTON STATE TOXICOLOGIST

[Filed May 28, 2004, 12:37 p.m.]

Subject of Possible Rule Making: Administration of breath alcohol test.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.61.506.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Changes to RCW 46.61.506 have made sections of the current chapter 448-13 WAC redundant. The state toxicologist is contemplating significant amendments to the rules, repealing many obsolete and redundant provisions, and moving others from the Washington Administrative Code to agency policy and procedures.

Process for Developing New Rule: Pilot rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Barry K. Logan, Ph.D., DABFT, Washington State Toxicologist, 2203 Airport Way South, Suite 360, Seattle, WA 98134, (206) 262-6000.

May 27, 2004
 Barry K. Logan
 Washington State Toxicologist

WSR 04-12-064
PREPROPOSAL STATEMENT OF INQUIRY
TRANSPORTATION IMPROVEMENT BOARD

[Filed May 28, 2004, 3:45 p.m.]

Subject of Possible Rule Making: Modify the methodology used when allocating funds in the arterial improvement program (WAC 479-12-130), pedestrian safety and mobility program (WAC 479-12-430), and the transportation partnership program (WAC 479-14-130).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 47.26.80 [47.26.080], 47.26.84 [47.26.084].

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Through surveys and comments, the Transportation Improvement Board (TIB) has identified several changes to the management of its programs. Streamlining the allocation methodology allows local agency customers to better understand how TIB funds are allocated. The new methodology was developed in consultation with local agency representatives and does not significantly change the net distributions to the regions.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by submitting written comments to Stevan Gorcester, Executive Director, Washington State Transportation Improvement Board, P.O. Box 40901, Olympia, WA 98504-0901, fax (360) 586-1155, by September 1, 2004.

A public hearing is scheduled at the board's September 17, 2004, meeting. Additional information, including the location, will be posted at TIB's website (www.tib.wa.gov).

May 28, 2004

R. Struna
Chief Financial Officer

WSR 04-12-067

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed June 1, 2004, 9:33 a.m.]

Subject of Possible Rule Making: Crime victims compensation program fee schedule.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 7.68.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current appropriation is insufficient to fund the existing fee schedule.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Parties interested in participating in the development of these rules may contact the person listed below. The public may also participate by providing written comments during the comment period or giving oral testimony at public hearings.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Cletus Nnanabu, Program Manager, Crime Victims Compensation Program, P.O. Box 44520, Olympia, WA 98504-4520, phone (360) 902-5340, fax (360) 902-5333, TDD (360) 902-4974, e-mail nnan235@lni.wa.gov.

June 1, 2004

Paul Trause
Director

children being assessed or reassessed for Medicaid personal care (MPC) requires that rules governing family support services be revised to be consistent with MPC and CARE rules in chapters 388-71 and 388-72A WAC. These revisions must be in place by the September 1, 2004, implementation date of CARE rules governing children to prevent duplication of services between MPC and family support and ensure compliance with first use of Medicaid and misuse of respite care and MPC for childcare.

Many children receiving personal care services through MPC also receive services through the family support program. Revised rules governing MPC and CARE will clearly differentiate personal care from respite care and childcare. It is necessary that the department clarify the family support program rules to differentiate between personal care from respite care; delete Medicaid personal care and CAP (community alternatives program) waiver as family support services; clarify the purpose of family support, definitions of services, and limitations of services consistent with rules governing personal care.

Process for Developing New Rule: At a later date, the department will file a proposed rule and proposed rule-making notice for publication in the state register, invite public comments and hold a public hearing. The proposal will be sent to everyone on the mailing list to receive rule-making notices on this subject, and to anyone who requests the proposal.

If you want to be added to the mailing list, or want information about the development of this rule, please contact the persons listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Shirley Everard, Division of Developmental Disabilities, P.O. Box 45310, Olympia, WA 98505-5310, phone (360) 902-8448, fax (360) 902-8482, e-mail everash@dshs.wa.gov; or Linda Gil, Division of Developmental Disabilities, P.O. Box 45310, Olympia, WA 98505-5310, phone (360) 902-8440, fax (360) 902-8482, e-mail gill@dshs.wa.gov.

June 1, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 04-12-091

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Aging and Disability Services Administration)

[Filed June 2, 2004, 11:03 a.m.]

Subject of Possible Rule Making: WAC 388-825-210, 388-825-228, 388-825-230, 388-825-232, 388-825-234, 388-825-236, 388-825-238, 388-825-242, 388-825-248, 388-825-252, 388-825-253 (new) and 388-825-254; and related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030, 71A.12.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Implementation of CARE (comprehensive assessment reporting evaluation) for chil-

WSR 04-12-092

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed June 2, 2004, 11:04 a.m.]

Subject of Possible Rule Making: The department will amend all necessary sections in Title 388 WAC to implement annual adjustments to standards for WASHCAP (Washington combined application program) and the Washington Basic Food program. Changes include updates to the following standards for federal fiscal year 2005: Income standard, maximum allotment, maximum shelter deduction standard,

standard deduction, standard utility allowances, WASHCAP shelter cost standard, and WASHCAP opt-out standard.

These changes will include but are not limited to amendments to WAC 388-450-0185 Does the department count all of my income to determine my eligibility and benefits for Basic Food?, 388-450-0190 How does the department figure my shelter cost income deduction for Basic Food?, 388-450-0195 Utility allowances for Basic Food programs, 388-478-0060 What are the income limits and maximum benefit amounts for Basic Food?, 388-492-0040 Can I choose whether I get WASHCAP food benefits or Basic Food benefits?, and 388-492-0070 How are my WASHCAP benefits calculated?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.500, 74.04.510 and 74.08-090; 7 C.F.R. 273.9 (d)(6).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These standards are required by federal regulations and approved department waivers. These standards must be adjusted annually in order to determine a client's eligibility and benefit level for WASHCAP or the Washington Basic Food program.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture, Food and Nutrition Service (FNS) annually adjusts income and payment standards, the standard deduction, and maximum shelter deductions for the upcoming federal fiscal year. FNS also requires that the department adjust the food stamp utility allowance and WASHCAP standards on an annual basis. DSHS adopts the new FNS standards into administrative rule. The department adjusts WASHCAP standards as required under the department's approved waiver based on changes to the consumer price index. The department determines the basic food standard utility allowance by applying the consumer price index to a utility market basket survey and adopting the new amounts under administrative rule.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file proposed rules with the Office of the Code Reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting John Camp, Policy Analyst, Division of Employment and Assistance Programs, Lacey Government Center, P.O. Box 45470, Olympia, WA 98504-4570, phone (360) 413-3232, fax (360) 413-3493, e-mail CAMPJX@DSHS.WA.GOV.

May 27, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 04-12-093

PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)

[Filed June 2, 2004, 11:05 a.m.]

Subject of Possible Rule Making: Reimbursement of bariatric surgery, chapters 388-531 and 388-550 WAC and other related sections of WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090 and 74.09.520.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Recent studies of gastric bypass surgeries in Washington show an increased likelihood of complications. Specifically for Medical Assistance Administration (MAA) clients following gastric bypass surgery, recent statistics show a 2.1% in-hospital mortality rate (compared to 0.9% for all other patients in Washington state) and a 3.6% thirty day mortality rate following the surgery (compared to 1.7% in all other Washington state patients). The mortality rates for MAA clients in both instances are more than double that of other patients. The national mortality rate from peer-reviewed literature for gastric bypass surgery is between 0% and 1%.

Because evidence shows that surgeon experience and competence is one of the most important factors in predicting the likelihood of complications, rules are needed to establish standards for selection of surgeons and hospitals performing gastric bypass surgery for MAA clients. Rules are also needed to establish criteria and pre- and post-operative requirements for clients that would further prevent the likelihood of complications.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Department of Health will be involved in the rule-making process through external review.

Process for Developing New Rule: The department invites the interested public to review and provide input on the draft language of the rule. Draft material and information about how to participate may be obtained from the department representative listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Wendy Boedigheimer, MAA Rules Program Manager, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1306, fax (360) 586-9727, e-mail boediwl@dshs.wa.gov, TDD 1-800-848-5429.

May 27, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 04-12-094
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Medical Assistance Administration)

[Filed June 2, 2004, 11:06 a.m.]

Subject of Possible Rule Making: Chapter 388-532 WAC, Family planning/family planning only/TAKE CHARGE.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.520, and 74.09.800.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revisions to current rule are needed to clarify the language regarding reproductive health and to clarify the differences between family planning, family planning only, and the TAKE CHARGE program to assure they are congruent, clear, and concise.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: The department invites the interested public to review and provide input on the draft language of this rule. Draft material and information about how to participate may be obtained from the department representative listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Wendy Boedigheimer, MAA Rules Program Manager, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1306, fax (360) 586-9727, e-mail boediwl@dshs.wa.gov, TDD 1-800-848-5429.

May 27, 2004

Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

WSR 04-12-095
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Aging and Disability Services Administration)

[Filed June 2, 2004, 11:07 a.m.]

Subject of Possible Rule Making: Amending WAC 388-97-017 Nursing homes—Discrimination prohibited, and other related sections.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.51.070 and 74.42.620.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of amending this rule is to be consistent with recently passed legislation SSB 6466 (chapter 34, Laws of 2004) - an act regarding the admission of residents to nursing facilities.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested in participating should contact the staff person indicated below. At a later date, DSHS will file the proposed rule with the Office of the Code Reviser with a notice of proposed rule

making, and send the proposal to everyone currently on the mailing list and anyone else who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lisa NH Yanagida, Program Manager, 640 Woodland Square Loop S.E., P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2589, 1-800-422-3263, fax (360) 438-7903, TTY (360) 493-2637, e-mail yanagin2@dshs.wa.gov.

May 27, 2004

Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

WSR 04-12-096
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)

[Filed June 2, 2004, 11:08 a.m.]

Subject of Possible Rule Making: The Division of Employment and Assistance Programs will amend WAC 388-400-0005 Who is eligible for temporary assistance for needy families (TANF)?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08-090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Current WAC does not make clear that every TANF assistance unit must contain either an "eligible child" or a pregnant woman, although such a rule informally governs current practice. As a result, the department is losing fair hearings in which this practice is challenged. In addition, there is need for clarification regarding eligibility for state versus tribal TANF.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file [the] proposed [rule] with the Office of the Code Reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tom Berry, Division of Employment and Assistance Programs, Lacey Government Center, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 413-3102, fax (360) 413-3493, e-mail berrytj@dshs.wa.gov.

May 27, 2004

Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

PREPROPOSAL

WSR 04-12-097
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed June 2, 2004, 11:09 a.m.]

Subject of Possible Rule Making: The Division of Employment and Assistance programs will amend WAC 388-473-0010 General provisions for ongoing additional requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.09.530 and 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The change is needed to extend the eligibility period for ongoing additional requirements for SSI recipients to up to twenty-four months.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file the proposed rule with the Office of the Code Reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lorri Gagnon, Program Manager, Division of Employment and Assistance Programs, Lacey Government Center, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 413-3072, fax (360) 413-3493, e-mail gagnola@dshs.wa.gov.

May 27, 2004
Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 04-12-098
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)
[Filed June 2, 2004, 11:10 a.m.]

Subject of Possible Rule Making: WAC 388-416-0035 Medicare savings program certification periods, amends the rule to meet the department's clear and concise rule-writing requirement and to reflect a name change for one of the Medicare savings program (MSP) eligibility categories.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.057, 74.08.090 and 74.09.530; 42 U.S.C. 1396a (a) (Section 1902 (n)(2) of the Social Security Act).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This WAC needs to be revised to reflect a name change for the expanded specified low-income Medicare beneficiary (ESLMB to qualified indi-

vidual (QI-1) and to present certification periods for MSP in a clear and concise manner.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Department of Health and Human Services (DHHS). The department coordinates with DHHS to make rules consistent with requirements in the state plan for Medical Assistance.

Process for Developing New Rule: The department invites the interest public to review and provide input on the draft language of this rule. Draft material and information about how to participate may be obtained from the department representative listed below. The department will distribute draft material for an internal and external review process. All comments are taken into consideration before issuance of the proposed and final rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Carole McRae, Program Manager, P.O. Box 45534, Olympia, WA 98504-5534, phone (360) 725-1250, fax (360) 664-0910, e-mail mcraca@dshs.wa.gov, TDD 1-800-848-5429.

May 27, 2004
Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 04-12-104
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION
[Filed June 2, 2004, 11:16 a.m.]

Subject of Possible Rule Making: Chapter 180-97 WAC, Excellence in teacher preparation award.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.625.380.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

Process for Developing New Rule: Negotiated rule making; and early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

May 28, 2004
Larry Davis
Executive Director

WSR 04-12-105
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION

[Filed June 2, 2004, 11:17 a.m.]

Subject of Possible Rule Making: Chapter 180-96 WAC, General educational development (GED) test.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.305.190.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

Process for Developing New Rule: Negotiated rule making; and early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

May 28, 2004

Larry Davis
 Executive Director

WSR 04-12-106
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION

[Filed June 2, 2004, 11:18 a.m.]

Subject of Possible Rule Making: Chapter 180-95 WAC, Education centers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.205.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

Process for Developing New Rule: Negotiated rule making; and early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax

(360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

May 28, 2004

Larry Davis
 Executive Director

WSR 04-12-107
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION

[Filed June 2, 2004, 11:19 a.m.]

Subject of Possible Rule Making: Chapter 180-90 WAC, Private schools.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.195.040 and 28A.225.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

Process for Developing New Rule: Negotiated rule making; and early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

May 28, 2004

Larry Davis
 Executive Director

WSR 04-12-108
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION

[Filed June 2, 2004, 11:20 a.m.]

Subject of Possible Rule Making: Chapters 180-50, 180-52, 180-55, and 180-56 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.305.130 (5), (6), (8), and (9).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

Process for Developing New Rule: Negotiated rule making; and early solicitation of public comments and rec-

ommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

May 28, 2004
Larry Davis
Executive Director

WSR 04-12-109

PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF EDUCATION

[Filed June 2, 2004, 11:21 a.m.]

Subject of Possible Rule Making: Chapter 180-44 WAC, Teachers' responsibilities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.305.130 and 28A.600.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

Process for Developing New Rule: Negotiated rule making; and early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

May 28, 2004
Larry Davis
Executive Director

WSR 04-12-110

PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF EDUCATION

[Filed June 2, 2004, 11:22 a.m.]

Subject of Possible Rule Making: Chapters 180-37, 180-38, 180-39, 180-40, 180-41, and 180-43 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.155.060, [28A.]210.160, [28A.]225.160, 28A.305.160, 28A.600.200, 28A.305.130(11).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

Process for Developing New Rule: Negotiated rule making; and early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

May 28, 2004
Larry Davis
Executive Director

WSR 04-12-111

PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF EDUCATION

[Filed June 2, 2004, 11:23 a.m.]

Subject of Possible Rule Making: Chapters 180-25, 180-26, 180-27, 180-29, 180-31, 180-32, 180-33, 180-34, and 180-36 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.525.020, 28A.335.120, and 28A.335.-100.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

Process for Developing New Rule: Negotiated rule making; and early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

May 28, 2004
Larry Davis
Executive Director

WSR 04-12-112**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed June 2, 2004, 11:24 a.m.]

Subject of Possible Rule Making: Chapters 180-22 and 180-24 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.310.020, 28A.310.080, 28A.305.130 (10), 28A.315.015 (2)(e), 28A.315.175, and 28A.315.195(4).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

Process for Developing New Rule: Negotiated rule making; and early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

May 28, 2004

Larry Davis

Executive Director

WSR 04-12-113**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed June 2, 2004, 11:25 a.m.]

Subject of Possible Rule Making: Chapter 180-20 WAC, School bus driver qualifications.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.160.210.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

Process for Developing New Rule: Negotiated rule making; and early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax

(360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

May 28, 2004

Larry Davis

Executive Director

WSR 04-12-114**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed June 2, 2004, 11:26 a.m.]

Subject of Possible Rule Making: Chapters 180-16 and 180-18 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.220(4), 28A.304.140, and 28A.655.180(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

Process for Developing New Rule: Negotiated rule making; and early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

May 28, 2004

Larry Davis

Executive Director

WSR 04-12-115**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed June 2, 2004, 11:27 a.m.]

Subject of Possible Rule Making: Chapters 180-08 and 180-10 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 34.05.220, 28A.305.120, 28A.04.120 recodified as RCW 28A.305.130, 42.17.010, 42.17.020, and 42.17.250 through [42.17.]340.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or

provide greater flexibility or discretion to persons or entities subject to the rules.

Process for Developing New Rule: Negotiated rule making; and early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

May 28, 2004
 Larry Davis
 Executive Director

WSR 04-12-116

**PREPROPOSAL STATEMENT OF INQUIRY
 STATE BOARD OF EDUCATION**

[Filed June 2, 2004, 11:28 a.m.]

Subject of Possible Rule Making: WAC 180-27-120 Costs to be financed entirely with school district funds.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.525.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

Process for Developing New Rule: Negotiated rule making; and early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 586-2357, TTY (360) 664-3631. For telephone assistance contact Larry Davis at (360) 725-6024.

May 28, 2004
 Larry Davis
 Executive Director

WSR 04-12-119

**PREPROPOSAL STATEMENT OF INQUIRY
 STATE BOARD OF HEALTH**

[Filed June 2, 2004, 11:32 a.m.]

Subject of Possible Rule Making: WAC 246-101-015, 246-101-101, 246-101-201, and 246-101-301, notifiable conditions. The board is considering moving conditions that have been notifiable for a limited time to permanently notifiable status.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.20.050 and 70.28.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amending these rules will allow the continued collection of data on conditions for which reporting requirements are currently scheduled to expire in August 2004. The information gathered through the notifiable conditions system enables health departments to identify trends, and target prevention and intervention efforts for individuals diagnosed with the conditions.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Department of Health is responsible for collecting data from health care providers, facilities, and local health jurisdictions. The department and board will work together in drafting the rule.

Process for Developing New Rule: Agency study; and collaborative rule development.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Michelle Davis, Regulatory Affairs Manager, Department of Health, P.O. Box 47890, Olympia, WA 98504-7890, michelle.davis@doh.wa.gov; or Candi Wines, Health Policy Advisor, State Board of Health, P.O. Box 47990, Olympia, WA 98504-7990, candi.wines@doh.wa.gov.

June 2, 2004
 Craig McLaughlin
 Acting Executive Director

WSR 04-12-120

**PREPROPOSAL STATEMENT OF INQUIRY
 DEPARTMENT OF HEALTH**

(Board of Denturists)

[Filed June 2, 2004, 11:33 a.m.]

Subject of Possible Rule Making: The Board of Denturists is considering developing continuing competency standards for denturists, WAC 246-812-XXX Continued competency.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.30.065(4).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current statute requires the adoption of rules implementing a continuing competency program. The rules are to be adopted in agreement with the secretary. The objectives will be to deliver the highest possible quality professional care and keep the professional abreast of current developments in the field of denturism.

The proposed rules will help the dentist stay current with technology and improve the practice of the dentist.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Vicki Brown, Department of Health, Board of Denturists, P.O. Box 47868, Olympia, WA 98504-7868, phone (360) 236-4865, fax (360) 664-9077.

April 27, 2004

Michael Gillispie, Chair
Board of Denturists

WSR 04-12-121

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed June 2, 2004, 11:35 a.m.]

Subject of Possible Rule Making: Retired provider malpractice program, identify practice settings providers may work and set minimum hours a provider must work in order to obtain malpractice insurance. A new chapter in Title 246 WAC will be created for the retired provider malpractice program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.70.460 and [43.70.]470.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In the 2004 legislative session, the retired provider malpractice program was expanded and additional resources were allotted to triple the number of providers in the program. The law states that the department may establish other practice settings and conditions of participation. In order to maximize resources and place as many providers in the community as possible, rules need to be established.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Collaborative process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Public meetings will be held. Interested individuals may contact Diana Ehri at (360) 236-2813. Written questions or comments can be sent to P.O. Box 47834, Olympia, WA 98504-7834, or fax (360) 664-9273.

May 27, 2004

M. C. Selecky
Secretary

WSR 04-12-128

PREPROPOSAL STATEMENT OF INQUIRY LIQUOR CONTROL BOARD

[Filed June 2, 2004, 11:45 a.m.]

Subject of Possible Rule Making: Chapter 314-19 WAC, Beer and wine tax reporting and payment requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030, 66.24.210, 66.24.230, 66.24.290, 66.24.305, 66.24.270, 66.24.215, 66.24.580, 66.24.206.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Changes to chapter 314-19 WAC are needed to:

- Clarify language in the rules, and in some places add more detail, for issues that cause confusion for customers.
- Implement SSB 6655, passed during the 2004 legislative session, which will take effect on January 1, 2005. The law change will allow an authorized representative of an out-of-state brewery or winery to ship beer and wine into Washington state for resale. Currently only the actual brewery or winery may ship beer or wine into Washington for resale. The law will require persons who ship foreign-produced beer or wine into Washington for resale to get a certificate of approval license, just like suppliers of United States product.

Process for Developing New Rule: Input from retail licensees, local governments, and other interested parties will be obtained through series of notices and at least one public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Teresa Berntsen, Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1648, fax (360) 704-4921, e-mail teb@liq.wa.gov.

June 2, 2004

Merritt D. Long
Chairman



WSR 04-10-114

PROPOSED RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed May 5, 2004, 11:42 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-14-140.

Title of Rule: Unemployment insurance rules related to an individual's eligibility for benefits, job search requirements, job search monitoring provisions, penalties, overpayments, and the calculation of maximum benefits payable.

Purpose: Chapter 4, Laws of 2003 2nd sp.s. (2ESB 6097) made substantive revisions to the unemployment insurance program. The proposed rules are intended to clarify the requirements of that legislation, define terms, and revise existing rules consistent with the amended statutes.

Statutory Authority for Adoption: RCW 50.12.010, 50.12.040, and 50.12.042.

Statute Being Implemented: Chapter 4, Laws of 2003 2nd sp.s. (2ESB 6097).

Summary: Amends rules to clarify eligibility requirements for individuals with unemployment claims effective prior to January 4, 2004, or January 4, 2004, and later. Rules amended and adopted pertain to appeals, job separations, definitions of terms, notices to employers and claimants, reporting requirements, job search requirements, assessment and collection of overpayments, claimant penalties, and calculation of benefit amounts.

Reasons Supporting Proposal: To provide clarity for employers, claimants, and staff regarding how the changes in the unemployment insurance benefits program will be administered, and to replace obsolete rules with language consistent with the amended statutes.

Name of Agency Personnel Responsible for Drafting: Juanita Myers, 212 Maple Park, Olympia, (360) 902-9665; Implementation and Enforcement: Annette Copeland, 212 Maple Park, Olympia, (360) 902-9303.

Name of Proponent: Employment Security Department, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Rules in Title 192 WAC are amended or adopted to conform to 2ESB 6097, passed by the 2003 legislature. The legislation made substantive changes in the laws governing eligibility for unemployment benefits, the calculation of benefits, job search requirements, and penalties and requalification requirements for claimants. The rules clarify that the maximum benefits payable on a claim will be permanently reduced to twenty-six times the weekly benefit (from thirty) when the unemployment rate reaches 6.8% or below. The rules further clarify the conditions under which an individual will be determined to have left work voluntarily without good cause or have been discharged for work-related misconduct, and the disqualification periods for such individuals. Rules regarding gross misconduct are adopted.

The job search requirements under the new law are clarified. Policies regarding excused absences from job search review interviews are established, as well as the penalties for

failure to participate in a job search review interview when directed.

Overpayment regulations are updated to be consistent with the new law, and the provision that benefits paid to an individual discharged for misconduct are recoverable and repayment cannot be waived.

The changes to the law and regulations will result in fewer individuals qualifying for unemployment benefits, and those who do qualify will be eligible for fewer benefits. This should result in reduced costs to employers.

Proposal Changes the Following Existing Rules: Existing job separation and job search rules are revised to clarify that certain requirements apply only to individuals whose claim is effective prior to January 4, 2004. Certain job separation rules are revised to comply with the new voluntary quit and misconduct sections of 2ESB 6097. Other sections amended simply revise statutory or regulatory citations or references.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rules will not impose more than minor costs on businesses in an industry or on small businesses in particular. Any costs associated with the changes to the unemployment insurance benefits program result from the legislation, not from the regulations implementing the legislative changes.

RCW 34.05.328 applies to this rule adoption. The rules substantively change existing rules and, as provided in 2ESB 6097, establish qualifications and requirements related to the receipt of unemployment benefits. A copy of the preliminary cost benefit analysis is available from Juanita Myers, Unemployment Insurance Rules Coordinator, at (360) 902-9665 or jmyers@esd.wa.gov.

Hearing Location: Employment Security Department, Maple Leaf Conference Room, 2nd Floor, 212 Maple Park Drive, Olympia, WA, on July 14, 2004, at 2:30 p.m.

Assistance for Persons with Disabilities: Contact Mary Mendoza by July 13, 2004, TDD (360) 902-9589 or (360) 902-9281.

Submit Written Comments to: Larry Oline, Acting Rules Coordinator, Employment Security Department, P.O. Box 9046, Olympia, WA 98506, fax (360) 438-3226, by July 13, 2004.

Date of Intended Adoption: July 23, 2004.

May 5, 2004

Annette Copeland
for Dr. Sylvia P. Mundy
Commissioner

AMENDATORY SECTION (Amending WSR 89-20-064, filed 10/4/89, effective 10/9/89)

WAC 192-04-040 Interested parties. In all cases adjudicated under Title 50 RCW the employment security department is an interested party. Other interested parties are

(1) Benefit appeals. The claimant and any employer entitled to notice under WAC 192-~~130-060~~~~((42-320))~~ or defined as an interested employer in WAC 192-28-125, in cases involving the payment or recovery of benefits, including but not limited to the entitlement to, eligibility for or qualification for waiting period credit or benefits.

PROPOSED

(2) Tax appeals. Employers whose contributions, experience rating, benefit charges, or rate of contribution are affected by:

- (a) An assessment for contributions;
- (b) A denial of a claim for refund of contributions, interest, penalties;
- (c) A denial of a request for relief of benefit charges made to their account; or
- (d) Their determined or redetermined rate of contribution.

AMENDATORY SECTION (Amending WSR 89-24-030, filed 11/30/89, effective 1/1/90)

WAC 192-04-050 Appeals—Petitions for hearing—Right to notice. Notice of appeal or petition for hearing rights shall be set forth on the face of, or as an attachment to, each of the following:

- (1) Redetermination of an initial monetary determination.
- (2) Determination of allowance or denial of waiting period credit or benefits.
- (3) Redetermination of allowance or denial of waiting period credit or benefits.
- (4) An overpayment assessment or a denial of a request for waiver of an overpayment.
- (5) Order and notice of assessment of contributions, interest, or penalties.
- (6) Denial of a claim for refund of contributions, interest, or penalties.
- (7) Denial of a request for relief of benefit charges made to an employer's account.
- (8) Denial of a redetermination or adjustment of an employer's determined or redetermined rate of contribution.
- (9) Denial of approval or extension of standby status.
- (10) Denial of a request for commissioner approved training or training benefits.
- (11) Notice to separating employer of liability for all benefits paid on a claim as provided in RCW 50.29.021 (2)(c).

AMENDATORY SECTION (Amending WSR 82-17-052, filed 8/17/82)

WAC 192-16-009 (~~Interpretative regulations~~) Disqualification for leaving work voluntarily—Meaning of good cause for claims with an effective date prior to January 4, 2004—RCW 50.20.050 (1) (~~and (3)~~). (1) **General rule.** Except as provided in WAC 192-((16-014))150-050 and 192-((16-013))150-055, in order for an individual to establish good cause within the meaning of RCW 50.20.050(1) for leaving work voluntarily it must be satisfactorily demonstrated:

- (a) That he or she left work primarily because of a work connected factor(s); and
- (b) That said work connected factor(s) was (were) of such a compelling nature as to cause a reasonably prudent person to leave his or her employment; and
- (c) That he or she first exhausted all reasonable alternatives prior to termination: Provided, That the individual asserting "good cause" may establish in certain instances that

pursuit of the otherwise reasonable alternatives would have been a futile act, thereby excusing the failure to exhaust such reasonable alternatives.

(2) **Exceptions.** Notwithstanding the provisions of subsection (1) above, neither the distance of the work from the individual's residence, if known at the time of hire nor any other work factor which was generally known and present at the time of hire will provide good cause for voluntarily leaving work unless the individual demonstrates to the satisfaction of the department:

(a) That the distance from the individual's residence at time of hire is substantially greater than the distance customarily traveled by workers in the individual's job classification and labor market; or,

(b) That the related work connected circumstances have so changed as to amount to a substantial involuntary deterioration of the work factor; or

(c) That other work related circumstances would work an unreasonable hardship on the individual if he or she were required to continue in the employment.

(3) **Definitions.** For purposes of subsection (2) above:

(a) "Distance customarily traveled" means a distance normally traveled by a significant portion of the work force in the individual's job classification in the labor market area;

(b) "Generally known" means commonly known without reference to specific cases or individuals; and

(c) "Individual's job classification" means the job classification in which the individual was working when the individual voluntarily left work; and

(d) A "labor market" is the geographic area in which those workers in the individual's job classification, living in the vicinity of his or her residence, customarily work; and

(e) "Substantial involuntary deterioration" means an actual and considerable worsening of the work factor outside the control of the individual; and

(f) "Unreasonable hardship" means a result, not due to the individual's voluntary action, that would cause a reasonable person to leave that employment.

AMENDATORY SECTION (Amending WSR 80-10-052, filed 8/6/80)

WAC 192-16-015 (~~Interpretative regulations~~) Leaving work for marital or domestic reasons—RCW 50.20.050(((4))1)(d). This regulation applies only to claims with an effective date prior to January 4, 2004. (1) General rule. An individual whose marital status or domestic responsibilities are the primary cause of his or her voluntarily leaving employment shall be disqualified from benefits pursuant to the terms of RCW 50.20.050(((4)) (1)(d)). This rule applies whether or not the individual took reasonable precautions to preserve his or her employment. Domestic responsibilities mean obligations or duties relating to the individual's immediate family, and include the illness, disability, or death of a member of the claimant's "immediate family" as defined in WAC 192-((16-013))150-055.

(2) Exception. Notwithstanding the provisions of subsection (1) above, an individual who leaves employment because of the illness, disability, or death of a member of his or her immediate family as defined in WAC 192-((16-013))

150-055 and who establishes good cause under RCW 50.20.050 ~~((2)(b))~~ (1)(b)(ii), will not be subject to disqualification under RCW 50.20.050 ~~((4))~~ (1)(d): Provided, That if such individual fails to establish good cause under RCW 50.20.050 ~~((2)(b))~~ (1)(b)(ii), disqualification will be imposed under RCW 50.20.050 ~~((4))~~ (1)(d) rather than under RCW 50.20.050(1).

AMENDATORY SECTION (Amending WSR 82-17-052, filed 8/17/82)

WAC 192-16-016 ~~((Interpretive regulations—))~~ **Satisfying disqualification under RCW 50.20.050 ~~((4))~~ (1)(d) when separation is for reasons of marital status and marriage occurs after date of separation. This regulation applies only to claims with an effective date prior to January 4, 2004.**

In *Yamauchi v. Department of Employment Security*, 96 Wn.2d 773 (1982), the Washington state supreme court held that an individual who leaves work to be married and relocate to a place outside of reasonable commuting distance and who is not married at the time of the leaving does so for reasons of marital status and should be disqualified from benefits pursuant to RCW 50.20.050 ~~((4))~~ (1)(d) if there is a causal nexus between the marital status and leaving work. However, the court also ruled that an individual who so leaves work shall not benefit from the lesser disqualification of RCW 50.20.050 ~~((4))~~ (1)(d) prior to the date of the marriage and move.

(1) An individual who voluntarily leaves work to marry and relocate to a place outside of reasonable commuting distance has left work for reasons of marital status pursuant to RCW 50.20.050 ~~((4))~~ (1)(d) if there is a causal nexus between the marriage and leaving work.

(2) Any individual who leaves work for reasons of marital status as described in subsection (1) above shall be granted no credit toward satisfying the disqualification of benefits under RCW 50.20.050 ~~((4))~~ (1)(d) described as the alternate method of satisfying the disqualification in WAC ~~((192-16-017(2))~~ 192-150-090, for any week ending prior to marriage or relocation, whichever is the latter.

NEW SECTION

WAC 192-100-010 Reasonably prudent person defined. A reasonably prudent person is an individual who uses good judgment or common sense in handling practical matters. The actions of a person exercising common sense in a similar situation are the guide in determining whether an individual's actions were reasonable.

NEW SECTION

WAC 192-100-020 Continued claim defined. (1) You are a continued claim recipient if you:

- (a) Are monetarily entitled to benefits; and
- (b) Are nonmonetarily eligible for benefits; and
- (c) Have received credit for your waiting week or payment of benefits for one or more weeks in your benefit year and in the current continued claim series.

(2) Continued claim status will end following any combination of four or more consecutive weeks for which you do

not file a claim or during which you are not an unemployed individual as defined in RCW 50.04.310.

NEW SECTION

WAC 192-100-030 Week defined. The term "week" means a period of seven consecutive calendar days beginning on Sunday at 12:01 a.m. and ending at midnight the following Saturday.

NEW SECTION

WAC 192-100-035 Effective date of claim defined. As provided in RCW 50.04.030, an unemployment claim will be effective on the Sunday of the calendar week in which the application for benefits is filed. This Sunday date is referred to as the "effective date of claim" or "claim effective date."

NEW SECTION

WAC 192-110-200 Maximum benefits payable—RCW 50.20.120 (1)(b). When the three-month seasonally adjusted total unemployment rate reaches six and eight-tenths percent or less, the maximum benefits payable on a claim will be permanently reduced to 26 times an individual's weekly benefit amount or one-third of the individual's base year wages, whichever is less.

NEW SECTION

WAC 192-110-210 Claim cancellation. If you choose to cancel a claim in order to refile with a new effective date, any nonmonetary eligibility decision issued under the canceled claim will be null and void. A new decision will be issued which addresses your eligibility for benefits based on the effective date of your new claim.

NEW SECTION

WAC 192-120-050 Conditional payment of benefits. (1) If you are a continued claim recipient and your eligibility for benefits is questioned by the department, you will be conditionally paid benefits without delay for any week(s) for which you file a claim for benefits, until and unless you have been provided adequate notice and an opportunity to be heard.

(2) Conditional payments will not be made under the conditions described in WAC 192-140-200 and 192-140-210.

NEW SECTION

WAC 192-130-060 Notice to employer. (1) Whenever an individual files an initial application for unemployment benefits, a notice will be mailed to:

- (a) The claimant's last employer, and
- (b) Any prior employer from whom the claimant has a potentially disqualifying separation where there is insufficient subsequent employment to purge a separation disqualification. An individual will be presumed to have a potentially disqualifying separation when:

(i) For claims with an effective date prior to January 4, 2004, it has been less than seven weeks or the individual has not earned at least seven times his or her weekly benefit amount since the job separation; or

(ii) For claims with an effective date January 4, 2004, and later, it has been less than ten weeks or the individual has not earned at least ten times his or her weekly benefit amount since the job separation.

(2) Whenever an individual files an initial application for unemployment benefits and a benefit year is established, a notice will be mailed to all base year employers. This notice to base year employers will include information on wages reported and benefit charging related information and will request an employer response if the wage information is incorrect or if the employer wishes to request relief of benefit charging.

(3) Whenever an individual files an initial application for unemployment benefits, a notice will be mailed to any separating employer as provided in WAC 192-320-075. This notice will include information that the employer may be liable for all benefits paid on the claim as provided in RCW 50.29.021 (2)(c).

(4) Whenever an individual files an additional claim for benefits (reopens an existing claim after subsequent employment), a notice will be mailed to the last employer reported by the claimant and to any prior employer from whom the claimant has a potentially disqualifying separation who has not previously been notified.

NEW SECTION

WAC 192-130-065 Mailing addresses for notice to employer. Notices to employers required by RCW 50.20.150 and WAC 192-130-060 will be mailed as follows:

(1) The notice to the last employer of the claimant will be mailed to the address provided by the claimant. However, an alternative mailing address may be used in the following circumstances:

(a) If the department has been notified that the employer is represented for unemployment insurance purposes by an employer representative or cost control firm, the notice to the last employer may be mailed directly to that firm; or

(b) If an employer has notified the department that unemployment claim notices should be mailed to a specified address, the notice to the last employer may be mailed directly to that address.

(2) The notice to any base year employer who has reported wages to the department will be mailed to the employer's mailing address of record provided by the employer for tax purposes.

(3) The notice to any other employer from whom the claimant has a potentially disqualifying separation (without sufficient subsequent employment to purge a separation disqualification) will be mailed to the address provided by the claimant.

NEW SECTION

WAC 192-130-070 Mailing of eligibility determinations—RCW 50.20.180. (1) An eligibility determination

based on a job separation issue will be mailed to the following:

(a) The last employer, if the claimant was separated from employment for reasons other than lack of work;

(b) A previous employer from whom the claimant has a potentially disqualifying separation as provided in WAC 192-130-060 if the claimant was separated from employment for reasons other than lack of work;

(c) For claims with an effective date prior to January 4, 2004, to any employer since the beginning of the claimant's base year who provides information that the claimant was discharged for a felony or gross misdemeanor connected with the work;

(d) For claims with an effective date of January 4, 2004 or later, to any employer since the beginning of the claimant's base year who provides information that the claimant was discharged for gross misconduct connected with the work, or whose wage credits are deleted from the claimant's record as a result of the claimant's gross misconduct.

(2) An eligibility determination based on an issue other than a separation from employment will be mailed to an employer if the employer provides relevant information relating to eligibility for a specific week.

NEW SECTION

WAC 192-130-080 Procedure—Separation issues.

(1) No decision on a separation issue (RCW 50.20.050, 50.20.060, RCW 50.20.066) will be issued until both parties to the separation have had an opportunity to present information and rebuttal, if necessary and appropriate, on the matters at issue.

(2) If an employer does not respond within ten days to the notice required by WAC 192-130-060, the department may make a decision at that time based on available information.

(3) If the department receives information from the employer after the end of the ten day response period, but before the decision has been made, the information provided by the employer will be considered before making the decision if the information was mailed to the unemployment claims telecenter identified on the notice.

(4) If the department receives information from the employer after the end of the ten day period and within thirty days following the mailing of a decision, the department will consider that information for the purposes of a redetermination under RCW 50.20.160 or as an appeal of the decision.

(5) Any information received within thirty days of the mailing of the notice required by WAC 192-130-060 may be considered a request for relief of benefit charges under RCW 50.29.020 or RCW 50.29.021.

NEW SECTION

WAC 192-140-070 What happens if I do not establish that I am able to or available for work? (1) If you report that you were not able to work or not available for work in any week or do not report whether you were able to work or were available for work, and do not provide details regarding your ability to or availability for work as requested, the department will presume you are not able or not available for

work and benefits will be denied under RCW 50.20.010 (1)(c).

This denial is for a definite period of time, which is the week or weeks in which information on your ability to work or availability for work is incomplete.

(2) If you provide information that indicates you are not able to work or not available for work because of a circumstance that is expected to continue beyond the immediate week or weeks claimed, and you do not provide information regarding your ability to or availability for work, benefits will be denied under RCW 50.20.010 (1)(c).

This denial is for an indefinite period of time. It will begin with the first week claimed in which the circumstance applies and continue until the circumstance no longer exists.

NEW SECTION

WAC 192-140-075 What happens if I do not demonstrate that I am actively looking for work? (1) If you report that you were not actively seeking work in any week or do not report whether you made an active search for work and subsequently fail to report complete job search details and other information when requested, the department will presume you are not actively seeking work and your benefits will be denied under RCW 50.20.010 (1)(c).

(2) For the purpose of this section, "complete job search details" includes those elements required under WAC 192-180-015.

(3) This denial is for a definite period of time, which is the week or weeks in which your job search information is incomplete.

NEW SECTION

WAC 192-140-080 What happens if I do not comply with a job search directive? (1) If you have been issued a job search directive as provided in WAC 192-180-010, do not report a job search that meets the requirements outlined in the directive, and you do not provide additional job search information as requested or you respond with information that does not meet these requirements, the department will presume you are not actively seeking work as directed and benefits will be denied under RCW 50.20.010 (1)(c).

(2) This denial is for a definite period of time, which is the week or weeks in which your job search information does not meet the specific requirements of the directive.

NEW SECTION

WAC 192-140-085 What happens if I do not respond to a request for information regarding late claim(s)? (1) If you file a claim late as defined in WAC 192-140-005 and do not respond to a request for an explanation of why the claim was filed late, the department will presume that the claim was filed late without good cause and benefits will be denied under RCW 50.20.010 (1)(b) and WAC 192-140-005.

(2) This denial is for a definite period of time, which is the week or weeks that were filed late.

NEW SECTION

WAC 192-140-090 What happens if I do not report for reemployment services as provided in RCW 50.20.010 (1)(e)? The commissioner may direct you in writing to report in person for reemployment services.

(1) **Exceptions.** You will not be required to participate in reemployment services if you:

(a) Are a member in good standing of a full referral union;

(b) Are attached to an employer as provided in WAC 192-180-005; or

(c) Within the previous year have completed, or are currently scheduled for or participating in, similar services.

(2) **Minimum services.** The services will consist of one or more sessions which include, but are not limited to:

(a) Local labor market information;

(b) Available reemployment and training services;

(c) Successful job search attitudes;

(d) Self assessment of job skills and interests;

(e) Job interview techniques;

(f) The development of a resume or fact sheet; and

(g) The development of a plan for reemployment.

(3) **Sanctions.** If you have received a directive, and fail to participate in reemployment services during a week, you will be disqualified from benefits for that week unless justifiable cause is demonstrated.

(4) **Justifiable cause.** Justifiable cause for failure to participate in reemployment services as directed will include factors specific to you which would cause a reasonably prudent person in similar circumstances to fail to participate. Justifiable cause includes, but is not limited to:

(a) Your illness or disability or that of a member of your immediate family;

(b) Your presence at a job interview scheduled with an employer; or

(c) Severe weather conditions precluding safe travel.

Reasons for absence may be verified. In all such cases, your ability to or availability for work is in question.

NEW SECTION

WAC 192-140-100 What happens if I do not respond to a request for information regarding a discharge from work? (1) If you do not respond to a request for information regarding a discharge from work or have not provided sufficient information to identify or contact the employer, the department will presume you were discharged for misconduct connected with the work. For claims with an effective date prior to January 4, 2004, benefits will be denied under RCW 50.20.060. For claims with an effective date of January 4, 2004, and later, benefits will be denied under RCW 50.20.066. If you have provided the department with sufficient information to contact the employer, benefits will not be denied unless the employer establishes by a preponderance of evidence that you were discharged for misconduct connected with your work.

(2) This denial is for an indefinite period of time and will continue until you meet the requalification provisions of RCW 50.20.060 or RCW 50.20.066, as applicable.

NEW SECTION

WAC 192-140-120 What happens if I do not provide information regarding attendance at school? (1) If you or another party notifies the department that you are in school and you do not respond to a request for information regarding school attendance, the department will presume that you are registered for academic instruction of 12 or more credit hours and have a limited attachment to the labor market, and are not available for work. Benefits will be denied under RCW 50.20.095 and RCW 50.20.010 (1)(c).

(2) This denial of benefits is indefinite in nature and will continue until you establish that you are eligible under RCW 50.20.095 and RCW 50.20.010 (1)(c).

NEW SECTION

WAC 192-140-200 What happens if I certify that I am not able to or available for work? (1) Benefits will be reduced under RCW 50.20.010 (1)(c) and RCW 50.20.130 without requiring additional information or interview if you file a weekly claim that:

(a) States you were not available for work or were not able to work on one or two days of a week or weeks being claimed; and

(b) The day or days to which this condition applies are normal working days in your regular occupation; and

(c) The information supplied clearly supports this finding.

This denial is for a definite period of time and applies only to the day or days for which you specifically indicate you are ineligible for benefits.

(2) Benefits will be denied under RCW 50.20.010 (1)(c) without requiring additional information or interview if you file a weekly claim that:

(a) States you were not available for work or were not able to work for three or more days of a week or weeks being claimed; and

(b) The days to which this condition applies are normal working days in your regular occupation; and

(c) The information supplied clearly supports this finding.

This denial for a definite period of time and applies only to the week or weeks for which you specifically indicate you are ineligible for benefits.

(3) Benefits will be denied under RCW 50.20.010 (1)(c) without requiring additional information or interview if you file a weekly claim that indicates you are not able to work or not available for work because of a circumstance that is expected to continue beyond the immediate week or weeks claimed.

This denial is for an indefinite period of time. It will begin with the first week claimed in which the circumstance applies and continue until the circumstance no longer exists.

(4) If you file a weekly claim with information clearly stating that you do not intend to claim benefits for the week or weeks, benefits will be denied under RCW 50.20.010 (1)(c) without requiring additional information or interview.

This denial is for a specific period of time, which is the week or weeks for which you specifically indicate you do not intend to claim benefits.

(5) Any denial of benefits under this section will be issued without delay.

NEW SECTION

WAC 192-140-210 What happens if I return to full-time work or report hours worked consistent with full-time work? If you report that you have returned to full-time work or report hours worked that are consistent with full-time work for that occupation, this information is sufficient to find that you are no longer an unemployed individual as defined in RCW 50.04.310. This denial is for a specific period of time, which is the week or weeks for which you report full-time work or hours consistent with full-time work.

AMENDATORY SECTION (Amending WSR 01-11-085, filed 5/16/01, effective 6/16/01)

WAC 192-150-050 Leaving work to accept bona fide job offer—RCW 50.20.050 ((2)(a)) (1)(b)(i) and (2)(b)(i). If you leave work to accept a bona fide offer of employment, you will have good cause within the meaning of RCW 50.20.050((2)) if you satisfactorily demonstrate that:

(1) Prior to leaving work, you received a definite offer of employment; and

(2) You had a reasonable basis for believing that the person making the offer had the authority to do so; and

(3) A specific starting date and the terms and conditions of the employment were mutually agreed upon; and

(4) You continued in your previous employment for as long as was reasonably consistent with whatever arrangements were necessary to start working at the new job; and

(5) The new job is in employment covered by Title 50 RCW or the comparable laws of another state or the federal government.

AMENDATORY SECTION (Amending WSR 02-14-035, filed 6/25/02, effective 7/26/02)

WAC 192-150-055 Leaving work because of illness or disability—General rules and definitions—RCW 50.20.050 (1)(b)(ii) and (2)(b)(ii). (1) **General rule.** To establish good cause for leaving work voluntarily because of your illness or disability or the illness, disability, or death of a member of your immediate family, you must demonstrate that:

(a) You left work primarily because of such illness, disability, or death; and

(b) The illness, disability, or death ~~((necessitated your leaving))~~ made it necessary for you to leave work; and

(c) You first exhausted all reasonable alternatives prior to leaving work, including:

(i) Notifying your employer of the reason(s) for the absence as provided in WAC 192-150-060; and

(ii) Asking ((that you)) to be reemployed when you are able to return to work. (You are not required to request reemployment after the job separation has occurred to establish good cause.)

((2)) (2) For claims with an effective date of January 4, 2004, or later, you are not eligible for unemployment benefits unless, in addition to the requirements of subsections (1)(a)-

(c) above, you terminate your employment and are not entitled to be reinstated in the same or similar position.

~~((2))3~~ **Exception.** You may be excused from failure to exhaust reasonable alternatives prior to leaving work as required by subsection (1)(c) if you can show that doing so would have been a futile act.

~~((3))4~~ **Definitions.** For purposes of this chapter:

(a) "Disability" means a sensory, mental, or physical condition that:

- (i) Is medically recognizable or diagnosable;
- (ii) Exists as a record or history; and
- (iii) Substantially limits the proper performance of your job;

(b) "Immediate family" means your spouse, children (including unborn children), step-children, foster children, or parents of either spouse, whether living with you or not, and other relatives who temporarily or permanently reside in your household;

(c) "Necessary" means the conditions are of such degree or severity in relation to your particular circumstances that they would cause a reasonably prudent person acting under similar circumstances to quit work.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 02-08-072, filed 4/2/02, effective 5/3/02)

WAC 192-150-060 Leaving work because of disability—Notice to employer—RCW 50.20.050 (1)(b)(ii) and (2)(b)(ii). (1) If you leave work because of a disability you must notify your employer about your disabling condition before the date you leave work or begin a leave of absence. Notice to the employer shall include any known restrictions on the type or hours of work you may perform.

(2) Any restrictions on the type or hours of work you may perform must be supported by a physician's statement or by the terms of a collective bargaining agreement or individual hiring contract.

(3) Nothing in unemployment insurance law requires your employer to offer you alternative suitable work when you have a disability, or modify your duties so that you can perform your current job. However, any offer from your employer of other suitable work must be made prior to the date you leave work or begin a leave of absence. You are not required to request alternative work from your employer to be found available for work.

(4) If your employer offers you alternative work or otherwise offers to accommodate your disability, you must demonstrate good cause to refuse the offer. This may include, but is not limited to, information from your physician that the accommodation offered by your employer was inadequate to reasonably accommodate your medical condition, or information demonstrating that the alternative work offered you by your employer was not suitable.

(5) If you refuse an offer of work from any employer after your job separation or after beginning a leave of absence, the department will determine whether you refused an offer of suitable work as provided in RCW 50.20.080.

(6) If you are on a leave of absence due to your disability, you must promptly request reemployment from your employer when you are again able to return to work.

(7) This section also applies to individuals on a leave of absence because of a pregnancy-related disability.

(8) For claims with an effective date of January 4, 2004, or later, in addition to the requirements of this section, you are not eligible for unemployment benefits unless you terminate your employment and are not entitled to be reinstated to the same or similar position.

AMENDATORY SECTION (Amending WSR 01-11-85 [01-11-085], filed 5/16/01, effective 6/16/01)

WAC 192-150-065 What constitutes an employer-initiated mandatory transfer under RCW 50.20.050 ~~((2)(e)) (1)(b)(iii)~~? (1) This section applies only to claims with an effective date prior to January 4, 2004.

(2) If your spouse's employer requires your spouse to relocate to another labor market area to retain a current job or to accept another job with that employer, the relocation will be considered an employer-initiated mandatory transfer. Examples of employer-initiated mandatory transfers include, but are not limited to:

(a) A plant closure where employees must move to another labor market area to continue employment with that employer;

(b) A change in job responsibilities, such as a promotion, with that same employer where the employer requires a move to another labor market area; or

(c) A restructuring of business operations by the employer requiring employees to move to another labor market area if they want to continue in their customary occupation.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

AMENDATORY SECTION (Amending WSR 01-11-085, filed 5/16/01, effective 6/16/01)

WAC 192-150-085 How to qualify after benefits have been denied. (1) Benefits may be denied under RCW 50.20.050(~~((1))~~) for voluntarily leaving work, RCW 50.20.060 for being discharged for misconduct, and RCW 50.20.080 for refusing an offer of suitable work or job referral. The denial of benefits will continue indefinitely until you show that:

~~((1))a~~ At least seven calendar weeks have elapsed following the week the act occurred that resulted in the denial of benefits; and

~~((2))b~~ You have obtained bona fide work and earned wages of at least seven times your suspended weekly benefit amount. The wages earned must be in employment that is covered by Title 50 RCW or the comparable laws of another state or the federal government.

(2) For claims with an effective date of January 4, 2004, or later, benefits may be denied under RCW 50.20.066 for being discharged for misconduct or gross misconduct. The denial of benefits will continue indefinitely until you show that:

(a) At least ten calendar weeks have elapsed following the week the act occurred that resulted in the denial of benefits; and

(b) You have obtained bona fide work and earned wages of at least ten times your suspended weekly benefit amount. The wages earned must be in employment that is covered by Title 50 RCW or the comparable laws of another state or the federal government.

AMENDATORY SECTION (Amending WSR 99-08-073, filed 4/5/99, effective 5/6/99)

WAC 192-150-090 How to qualify for benefits after leaving work for marital or domestic reasons. This section applies only to claims with an effective date prior to January 4, 2004. RCW 50.20.050(1((4)))(d) says that benefits will be denied if you quit your job for family reasons. In such cases, the law provides an alternative means for qualifying for benefits other than through work and earnings. Under this alternative method, you must report in person to your Work-Source Office or local employment center in ten different weeks and establish that you are able to work, available for work, and actively seeking work each week.

If you are an interstate claimant or living in a remote area, you can qualify for benefits under this alternative method by calling the unemployment information and weekly claims line in each of ten different weeks and certifying that you are able to work, available for work, and actively seeking work each week. For purposes of this section, you are living in a remote area if a round trip of more than two hours by reasonably available public or private transportation is required to reach the nearest local employment center and return.

NEW SECTION

WAC 192-150-110 Mandatory military transfers—RCW 50.20.050 (2)(b)(iii). (1) Any military transfer will be considered mandatory if your spouse receives orders from the military to relocate to a new duty station, regardless of whether the transfer is temporary or permanent.

(2) You may establish good cause to quit work if you relocate for your spouse's employment that was due to a mandatory military transfer if:

(a) Your spouse's new duty station is outside your existing labor market and in Washington or another state (including the District of Columbia, Puerto Rico, and the U.S. Virgin Islands) that allows benefits to individuals who quit work to accompany their military spouse; and

(b) You continued in your previous employment for as long as was reasonable prior to the move.

(3) For purposes of this section, the term "military" includes the following: U.S. Navy, U.S. Army, U.S. Air Force, U.S. Marine Corps, U.S. Coast Guard, activated reserve members of any of these service branches, activated members of the National Guard, commissioned officers of the National Oceanographic and Atmospheric Administration, and commissioned officers of the regular or reserve corps of the U.S. Public Health Service.

(4) The department will maintain a list of states that allow unemployment benefits to an individual who quits to

accompany a military spouse. This list will be updated at least annually.

(5) Good cause for quitting work is not established under this section if:

(a) You quit work to return to your home of record or to another location rather than accompanying your spouse to a new duty location; or

(b) Your spouse leaves military service and you elect to relocate to your home of record or elsewhere.

NEW SECTION

WAC 192-150-115 Reduction in compensation of 25% or more—RCW 50.20.050 (2)(b)(v). (1) "Compensation" means remuneration as defined in RCW 50.04.320.

(2) "Usual" includes amounts actually paid to you by your employer or, if payment has not yet been made, the compensation agreed upon by you and your employer as part of your hiring agreement.

(3) To constitute good cause for quitting work under this section, employer action must have caused the reduction in your usual compensation.

(4) All reductions in compensation occurring since the beginning of your base period to the date of separation will be included in the determination as to whether your compensation was reduced by 25% or more.

(5) The percentage of reduction will be based on your most recent pay grade, salary, or other benefits you received or have accepted on a permanent basis. It does not include any temporary raises or other compensation for performing temporary duties.

NEW SECTION

WAC 192-150-120 Reduction in hours of 25% or more—RCW 50.20.050 (2)(b)(vi). (1) Your "usual hours" will be determined based on:

(a) The hours of work agreed on by you and your employer as part of your individual hiring agreement;

(b) For seasonal jobs, the number of hours you customarily work during the season; or

(c) For piecework, the number of hours you customarily work to complete a fixed volume of work.

(2) To constitute good cause for quitting under this section, employer action must have caused the reduction in your usual hours.

(3) All reductions in hours occurring since the beginning of your base period through the date of separation will be included in the determination as to whether your hours were reduced by 25% or more.

(4) In determining the percentage of reduction, the department will not consider any temporary overtime or additional hours performed on a temporary basis.

NEW SECTION

WAC 192-150-125 Change in worksite—RCW 50.20.050 (2)(b)(vii). (1) The location of your employment must have changed due to employer action. The change must have:

(a) Substantially increased the distance you travel to the new worksite or increased the difficulty or inconvenience of travel; and

(b) Resulted in a commute distance or time that is greater than is customary for workers in your job classification and labor market area.

(2) For purposes of this section:

(a) "Job classification" means your occupation at the time you quit work;

(b) "Labor market area" means the geographic area in which workers in your location and occupation customarily work. In determining whether a labor union's jurisdictional area is consistent with an individual member's labor market, the department will determine where the majority of union members in that member's location and occupation customarily work.

(3) Good cause for quitting work cannot be established under this section if the worksite location and distance to work was known at the time of hire.

NEW SECTION

WAC 192-150-130 Worksite safety—RCW 50.22.050

(2)(b)(viii). (1) At the time of hire, you can reasonably expect that your worksite complies with applicable federal and state health and safety regulations. If, after beginning work or accepting the job offer, you become aware of a safety issue that was not previously disclosed by your employer, the department will consider the safety of the worksite to have deteriorated.

(2) To establish good cause for quitting work under this section, you must notify your employer of the safety issue and give your employer a reasonable period of time to correct the situation. For purposes of this section:

(a) "Employer" means your supervisor, manager, or other individual who could reasonably be expected to have authority to correct the safety condition at issue;

(b) "Reasonable period of time" means the amount of time a reasonably prudent person would have remained at the worksite or continued working in the presence of the condition at issue. In addition:

(i) For health or safety issues that present imminent danger of serious bodily injury or death to any person, your employer must take immediate steps to correct the situation;

(ii) If your employer has been issued a citation by a regulatory agency charged with monitoring health or safety conditions, the employer must correct the condition within the time period specified in the citation.

(c) "Serious bodily injury" means bodily injury which creates a probability of death, or which causes serious permanent disfigurement, or which causes a significant loss or impairment of the function of any bodily part or organ whether permanent or temporary.

NEW SECTION

WAC 192-150-135 Illegal activities at the worksite—RCW 50.20.050 (2)(b)(ix). (1) Illegal activities include violations of both civil and criminal law.

(2) To establish good cause for quitting work under this section, you must notify your employer of the illegal activity

and give your employer a reasonable period of time to correct the situation. You are not required to notify your employer before quitting when your employer is conducting the illegal activity and notifying your employer could jeopardize your safety or is contrary to other federal and state laws (for example, whistleblower protection laws).

(3) "Employer" means your supervisor, manager, or other individual who could reasonably be expected to have authority to correct the illegal activity at issue;

(4) A "reasonable period of time" is the period a reasonably prudent person would be expected to continue working in the presence of the activity at issue.

NEW SECTION

WAC 192-150-140 Change in usual work that violates religion or sincere moral beliefs—RCW 50.20.050 (2)(b)(x). (1) For purposes of this section, "usual work" means job duties or conditions:

(a) Originally agreed upon by you and your employer in your hiring agreement; or

(b) Customary for workers in your job classification; or

(c) You consistently performed during your base period;

or

(d) Mutually agreed to by you and your employer prior to the employer action changing your job duties.

(2) The following criteria will be used to determine whether you had good cause for quitting work under this section:

(a) The change in your usual work must be the result of action taken by your employer;

(b) The work must require you to violate your religious beliefs or sincere moral convictions; mere disapproval of the employer's method of conducting business is not good cause for leaving work under this section;

(c) You must notify your employer that the work violates your religion or sincere moral beliefs, unless doing so would be futile;

(d) The work or activity must directly, rather than indirectly, affect your religious or moral beliefs; and

(e) The objectionable condition must exist in fact, rather than be a matter of speculation.

(3) You will not have good cause for quitting work under this section if:

(a) You are inconsistent or insincere in your objections;

(b) The objection is raised as a sham or a means of avoiding work; or

(c) You knew of the objectionable aspects of the work at the time of hire, or you continued working under the objectionable conditions.

NEW SECTION

WAC 192-150-150 When is a separation considered a refusal of new work? (1) Section 3304 (a)(5) of the Federal Unemployment Tax Act and RCW 50.20.110 prohibit the denial of benefits to individuals who refuse to accept new work when the wages, hours, or other conditions of work are substantially less favorable to the individual than those prevailing for similar work in the locality.

(2) For purposes of this chapter, "new work" includes an offer by your present employer of:

(a) Different duties than those you agreed to perform in your current employment contract or agreement; or

(b) Different terms or conditions of employment from those in the existing contract or agreement.

(3) When your employer changes your pay, hours, or conditions of work in a manner that does not constitute good cause under RCW 50.20.050(2), the department will determine whether the change constitutes an offer of new work. If it does, the department will also determine if the new work is substantially less favorable than similar work in your labor market area.

(a) If the department determines the change constitutes an offer of new work, and the new work is substantially less favorable, the separation will be treated as a layoff due to lack of work and the issue of the refusal of new work adjudicated under RCW 50.20.080.

(i) The refusal of new work will be adjudicated even if you have not claimed benefits for the week in which the refusal occurred; and

(ii) The employer offering the new work is an interested party to the work refusal decision.

(b) If the department determines the change does not constitute an offer of new work, or the new work is not substantially less favorable, the separation from work will be adjudicated as a voluntary quit under RCW 50.20.050(2).

(4) If the reduction in your pay or hours is ten percent or less, the department will presume that it is not substantially less favorable and adjudicate the separation under RCW 50.20.050(2). You can overcome this presumption by providing additional information to the department to support a finding that the job was not suitable as provided in RCW 50.20.110.

(5) If you continue working for your employer after being notified of the change(s) in working conditions, the department will consider that you have agreed to the new terms and conditions of employment and have accepted the offer of new work. If you subsequently quit work because of these changes, the department will consider that you have voluntarily left work for personal reasons. This provision does not apply when you give notice of your intent to quit work upon being notified of the change(s) in working conditions and simply continue to work during an agreed upon notice period.

(6) For purposes of this section, the following definitions apply:

(a) "Conditions of work" includes fringe benefits such as life and health insurance; paid sick, vacation, and annual leave; provisions for leaves of absence and holiday leave; pensions, annuities and retirement provisions; and severance pay. It also includes job security and reemployment rights; training and promotion policies; wage guarantees; unionization; grievance procedures; work rules, including health and safety rules; medical and welfare programs; physical conditions such as heat, light and ventilation; shifts of employment; and permanency of work.

(b) "Prevailing" means the most typical or customary in a particular occupation for a given area. Whether a wage rate is prevailing for your labor market area will be determined

based on information provided by the department's labor market and economic analysis branch.

(c) "Similar work" means similarity of the operations performed, the skill, ability and knowledge required, and the responsibilities involved.

(d) "Substantially less favorable" means the work is materially reduced below the standard under which the greatest number of individuals in your occupation and labor market area customarily work, or the work would have a significantly unfavorable impact on you.

NEW SECTION

WAC 192-150-200 General provisions—Misconduct and gross misconduct—RCW 50.04.294 and RCW 50.20.066. (1) The action or behavior that resulted in your discharge or suspension from employment must be connected with your work to constitute misconduct or gross misconduct.

(2) The action or behavior must result in harm or create the potential for harm to your employer's interests. This harm may be tangible, such as damage to equipment or property, or intangible, such as damage to your employer's reputation or a negative impact on staff morale.

(3) RCW 50.04.294, subsections (1)(c) and (3)(b), will be distinguished as follows:

(a) Subsection (1)(c) "Carelessness or negligence that causes or would likely cause serious bodily harm to your employer or fellow employee" means that your action results in serious bodily injury or a reasonably prudent person would know it is likely to result in serious bodily injury.

(b) Subsection (3)(b) "Inadvertence or ordinary negligence in isolated instances" means that your action is an accident or mistake and is not likely to result in serious bodily injury.

NEW SECTION

WAC 192-150-205 Definitions—Misconduct and gross misconduct—RCW 50.04.294 and RCW 50.20.066. For purposes of this chapter, the following definitions will apply:

(1) "Willful" means intentional behavior done deliberately or knowingly, where you are aware that you are violating or disregarding the rights of your employer or a co-worker.

(2) "Wanton" means malicious behavior showing extreme indifference to a risk, injury, or harm to another that is known or should have been known to you. It includes a failure to act when there is a duty to do so, knowing that injury could result.

(3) "Carelessness" and "negligence" mean failure to exercise the care that a reasonably prudent person usually exercises.

(4) "Serious bodily harm" means bodily injury which creates a probability of death, or which causes significant permanent disfigurement, or which causes a significant loss or impairment of the function of any bodily part or organ.

(5) "Criminal act" means any act classified as a felony, gross misdemeanor, or misdemeanor under state or federal law.

(6) "Flagrant" means conspicuously bad or offensive behavior showing contemptuous disregard for the law, morality, or the rights of others. This blatant behavior must be so obviously inconsistent with what is right or proper that it can neither escape notice nor be condoned.

NEW SECTION

WAC 192-150-210 Willful or wanton disregard—RCW 50.04.294 (1)(a) and (2). (1) "Repeated inexcusable tardiness" means repeated instances of tardiness that are unjustified or that would not cause a reasonably prudent person in the same circumstances to be tardy. Your employer must have warned you at least twice, either verbally or in writing, about your tardiness, and violation of such warnings must have been the immediate cause of your discharge.

(2) "Dishonesty related to employment" means the intent to deceive the employer on a material fact. It includes, but is not limited to, making a false statement on an employment application and falsifying the employer's records.

(3) "Repeated and inexcusable absences" means repeated absences that are unjustified or that would not cause a reasonably prudent person in the same circumstances to be absent. Previous warnings from your employer are not required, but your repeated absences must have been the immediate cause of your discharge.

(4) A company rule is reasonable if it is related to your job duties, is a normal business requirement or practice for your occupation or industry, or is required by law or regulation.

(5) The department will find that you knew or should have known about a company rule if you were provided an employee orientation on company rules, you were provided a copy or summary of the rule in writing, or the rule is posted in an area that is normally frequented by you and your co-workers, and the rule is conveyed or posted in a language that can be understood by you.

(6) You are considered to be acting within your "scope of employment" if you are:

- (a) Representing your employer in an official capacity;
- (b) On your employer's property whether on duty or not;
- (c) Operating equipment under your employer's ownership or control;
- (d) Delivering products or goods on behalf of your employer; or
- (e) Acting in any other capacity at the direction of your employer.

NEW SECTION

WAC 192-150-215 Discharges for felony or gross misdemeanor or for gross misconduct—Responsibility for providing information. In any job separation where there is a potential disqualification under RCW 50.20.065 or RCW 50.20.066, the employer is responsible for notifying the department in a timely manner of any resolution of issues.

If an employer notifies the department of a potential disqualification under RCW 50.20.065 or RCW 50.20.066 within ten days of receiving the notice required by WAC 192-130-060, the department will review the claimant's eligibility for benefits.

NEW SECTION

WAC 192-150-220 Discharges for gross misconduct or for felony or gross misdemeanor. (1) **Effective dates.** The provisions of RCW 50.20.065 will apply to claims with an effective date prior to January 4, 2004. The provisions of RCW 50.20.066 will apply to claims with an effective date of January 4, 2004, and thereafter.

(2) **Definitions.**

(a) "Criminal act" means every action defined as a crime by the applicable state or federal statutes, including felonies and gross misdemeanors.

(b) "Felony" means every crime that is defined as such by the applicable state or federal statutes.

(c) "Gross misdemeanor" means every crime which is defined as such by the applicable state or federal statutes.

(d) A "competent authority" is:

(i) A court (including magistrate or court commissioner), prosecuting attorney, or law enforcement agency; or

(ii) An administrative law judge; or

(iii) A regulatory agency or professional association charged by law with maintaining professional standards or codes of conduct; or

(iv) Any other person or body, other than your employer, with authority to administer disciplinary action against you.

(e) An admission to your employer or to an employee of the department that you have committed a criminal act is not considered an admission to a competent authority for the purposes of RCW 50.20.065 and RCW 50.20.066.

(3) **Canceling wage credits.**

(a) For claims with an effective date prior to January 4, 2004: If you have been discharged because of a felony or gross misdemeanor connected with your work of which you have been convicted or have admitted committing, all your hourly wage credits based on that employment since the beginning of your base period will be canceled.

(b) For claims with an effective date of January 4, 2004, and later: If you have been discharged for gross misconduct connected with your work:

(i) All your hourly wage credits based on that employment since the beginning of your base period will be canceled;

(ii) If your wage credits with this employer are fewer than 680 hours, the balance of wage credits up to 680 hours will be canceled proportionately among your base period employers according to each employer's share of your base period wages. Wages from each employer will be removed from the most recent quarter in which wages were reported.

(c) Wage credits may only be canceled based upon an admission of a criminal act if:

(i) You admit to each and every element of a criminal act which caused you to be discharged; and

(ii) The admission is made to a competent authority.

AMENDATORY SECTION (Amending WSR 99-13-002, filed 6/3/99, effective 7/4/99)

WAC 192-180-010 Job search requirements—Directives—RCW 50.20.010 (1)(c)((3)) and 50.20.240. (1) **Do I have to look for work?** You must be actively seeking work unless you are:

- (a) Attached to an employer; ~~((or))~~
 (b) Participating in a training program approved by the commissioner; ~~or~~
 (c) Unemployed due to strike or lockout as provided in RCW 50.20.090(2).

(2) **When should I start my job search?** You must look for work every week that you file a claim for benefits, unless you are exempt under subsection (1).

(3) **What are my weekly job search requirements?**

- (a) At a minimum, you must:
 (i) Make job search contacts with at least three employers each week; or
 (ii) If your claim is effective prior to January 4, 2004, participate in an approved ~~((documented))~~ in-person job search activity at the WorkSource Office or local employment center; or
 (iii) If your claim is effective January 4, 2004 or later, participate in three approved in-person job search activities at the WorkSource Office or local employment center, or any combination of employer contacts or in-person job search activities for a total of three.

(b) Based on your individual circumstances, such as your occupation, experience, or labor market area, the department may issue you a directive requiring more than three employer contacts or job search activities ~~((a))~~ each week.

(c) ~~((This subsection does not apply.))~~ If you are a member of a full referral union ~~((:))~~ you must be in good standing with your union, eligible for dispatch, and comply with your union's dispatch or referral requirements. Your benefits may be denied for any weeks in which you fail to meet these requirements and you may be directed to seek work outside of your union.

(4) **What is a "job search contact"?** ~~((Usually a))~~ A job search contact is a contact with an employer ~~((in-person or by telephone))~~ to inquire about or apply for a job. You may use ~~((other))~~ job search methods that are customary for your occupation and labor market area, including in-person, telephone, internet, or telefax contacts. The work applied for must be suitable (see RCW 50.20.100) unless you choose to look for work in a lower skill area. A contact does not count if it is made with an employer whom you know is not hiring, or if the department determines the contact is designed in whole or in part to avoid meeting the job search requirements.

(5) **What is an "in-person job search activity"?** This is an activity provided through the WorkSource Office or local employment center that will assist you in your reemployment efforts. It includes, but is not limited to, ~~((resume development,))~~ job search workshops, training classes, ~~((and computer tutorials))~~ or other facilitated services provided by WorkSource staff and approved by the local WorkSource administrator. For claimants residing in Washington State, an in-person job search activity must be documented in the department's Services, Knowledge and Information Exchange System (SKIES) to qualify. For interstate claimants, the activity must be documented in the one-stop system in the state in which you reside.

(6) **What is a directive?** A directive is a written notice from the department telling you that specific methods of job search are required in order to meet the job search require-

ments. A written directive need not have been issued to deny benefits for failure to meet the job search requirements in subsection (3).

(7) **When is a directive issued?** The department can issue a directive to clarify or to increase the job search requirements you must meet. Examples include, but are not limited to, cases in which you need to:

- (a) Increase the number of employer contacts each week;
 (b) Change your method of seeking work (such as from resumes to in-person contacts);
 (c) Expand the geographic area in which your job search is conducted; or
 (d) Seek work in a secondary occupation.

(8) **When is the directive effective?** The directive is effective when it is given in writing by the department. It stays in effect until a new written directive is given, or it is rescinded in writing.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 99-13-002, filed 6/3/99, effective 7/4/99)

WAC 192-180-015 Tracking job search activities—RCW 50.20.240. (1) **Do I need to keep track of my job search activities?** You must keep a record or log of your job search contacts and the ~~((services))~~ in-person job search activities you receive through the WorkSource Office or local employment center unless you are:

- (a) A member of a full referral union; ~~((or))~~
 (b) Allowed benefits because you left work to protect yourself or a member of your immediate family from domestic violence or stalking as provided in RCW 50.20.050 (1)(b)(iv) or (2)(b)(iv); or
 (c) Exempt from job search requirements under WAC 192-180-010(1).

(2) **What information do I need to keep in the log?** Your job search log must contain at least the following information:

(a) For job search contacts, record the date contact was made; the employer's name, address and telephone number; the type of contact (in-person, telephone, etc.); the name of the person you contacted; the type of work you applied for; and the results of your contact;

(b) For in-person job search activities at the local reemployment center, record the date contact was made; a description of the services you received or the activities in which you participated; and the results of your contact.

(3) **Is there a specific form I must use?** The department will supply you with a form (EMS 10313) to use in tracking your job search activities. You may use your own form or tracking method as long as all information required by this subsection is recorded.

(4) **How long should I keep my log?** Keep your log for at least sixty days after the end of your benefit year or sixty days after receiving your final payment on any extension of benefits, whichever is later.

AMENDATORY SECTION (Amending WSR 99-13-002, filed 6/3/99, effective 7/4/99)

WAC 192-180-020 Monitoring job search activities—RCW 50.20.240. (1) Will my job search activities be monitored? Every week that you file a claim for benefits, you must certify that you meet the job search requirements. The department may review your job search activities at any time. If you have been paid benefits for five or more weeks in any benefit year, you must provide the department with a copy of your job search log upon request. You must bring a copy of your job search log to any ~~((eligibility))~~ job search review interview (see WAC 192-180-025) for which you have been scheduled.

(2) Will the department verify the information on my job search log? Employer contacts and other job search activities on your log will be verified whenever the department has a question about the information reported. In addition, when you are scheduled for a ~~((eligibility))~~ job search review interview, your log will be verified with the listed employers on a random basis.

AMENDATORY SECTION (Amending WSR 99-13-002, filed 6/3/99, effective 7/4/99)

WAC 192-180-025 ~~((Eligibility))~~ Job search review interviews. (1) What is a ~~((eligibility))~~ job search review (JSR) interview ~~((ERI))~~? The ~~((ERI))~~ JSR is an interview between you and a representative of the WorkSource Office or local employment center. Its purpose is to review your job search documentation, identify any barriers to your reemployment, develop a plan for resolving barriers that may be identified, and provide advice on how to improve your job search efforts. For interstate claimants, this interview may be conducted by telephone or by the local employment center in a contracted state.

(2) Will my job search activities be reviewed? Yes, you must bring your job search log to the interview. The interviewer will review your log with you and discuss areas in which your job search can be improved. The employer contacts and job search activities included in your log will be verified at random. The interviewer may further verify any reported contacts at his or her discretion.

(3) How many weeks will be reviewed? (a) The interviewer will review at least one week of your job search documentation. If the job search documentation is unsatisfactory, or you fail to appear for the JSR interview without being excused, you will be scheduled for a second interview in which all weeks claimed will be reviewed.

(b) If you are excused from attending the initial JSR interview, you will be rescheduled for a review of one week of your job search documentation.

(c) You may be excused from attending the initial JSR interview as scheduled only for the following reasons:

- (i) Jury duty;
 - (ii) National Guard duty;
 - (iii) Natural disaster or acts of nature; or
 - (iv) Verifiable employment or a job interview.
- (d) For purposes of this section, "all weeks" means the latest of the following:

- (i) Weeks claimed since January 4, 2004;

(ii) Weeks claimed since you filed your application for benefits; or

(iii) Weeks claimed since your last JSR interview, if applicable.

(4) Do I need to bring anything else to the JSR interview? You must be prepared to present proof of your identity during the JSR interview. This includes:

- (a) State or government issued photo identification; or
- (b) Two of the following government-issued documents:
 - (i) Voter's registration card;
 - (ii) U.S. Military identification card or draft record;
 - (iii) Military dependent's identification card;
 - (iv) U.S. Coast Guard Merchant Mariner Card;
 - (v) Native American tribal document;
 - (vi) U.S. social security card;
 - (vii) Certification of Birth Abroad issued by the U.S. Department of State;

(vii) Original or certified copy of a birth certificate;

(ix) U.S. Citizen ID Card;

(x) ID Card for use of Resident Citizen in the United States; or

(xi) Unexpired employment authorization document issued by the United States Citizenship and Immigration Services (formerly the Immigration and Naturalization Service).

AMENDATORY SECTION (Amending WSR 99-13-002, filed 6/3/99, effective 7/4/99)

WAC 192-180-030 Penalties. (1) Is there a penalty if I don't look for work or fail to report for the JSR interview as directed? Benefits will be denied if you fail to:

- (a) Meet the minimum job search requirements;
- (b) Provide information about your job search activities and, once you have been paid five weeks of benefits, provide a copy of your job search log upon request;
- (c) Comply with any job search directive issued by the department; or

(d) Report to a scheduled ~~((eligibility))~~ job search review interview.

(2) How long will my benefits be denied? Benefits will be denied for the specific week or week(s) in which you fail to act as described in subsection (1).

(3) What is the penalty if I don't attend a JSR that has been scheduled to review all weeks claimed? If you fail to appear for a review of your job search logs for all weeks claimed, fail to produce your job search logs for those weeks, or your logs fail to establish that you have met the minimum job search requirements, such failure will be treated as non-disclosure under RCW 50.20.160(3) and your benefits may be denied for any weeks at issue.

NEW SECTION

WAC 192-180-040 Directive to attend job search workshop or training course—RCW 50.20.044. (1) The department may direct you, in writing, to attend a job search workshop or training course when it finds that your chances of finding employment will be improved by enrollment in such activity.

(2) You will not be directed to attend a job search workshop or training course if:

(a) You have an offer of bona fide work that begins within two weeks; or

(b) The workshop or training location is outside your labor market or would require you to travel further than the nearest WorkSource office or local employment center; or

(c) You are a member in good standing of a full referral union, unless you are also being required to begin an independent search for work or have been identified as a dislocated worker as defined in RCW 50.04.075.

(3) If you receive a directive and fail without good cause to attend a substantial portion of the workshop or training course during a week, you will be ineligible for benefits for the entire week. Good cause includes your illness or disability or that of a member of your immediate family, or your presence at a job interview scheduled with an employer. Reasons for absence may be verified and may result in a denial of benefits under RCW 50.20.010.

(4) Participation in a job search workshop when directed meets the definition of an "in-person job search activity" as defined in WAC 192-180-010.

(5) When attending a job search workshop or training course as directed, you will not be ineligible for benefits for failure to be available for work or to actively seek work under the provisions of:

- (a) RCW 50.20.010 (1)(c);
- (b) RCW 50.20.240; or
- (c) RCW 50.22.020(1).

NEW SECTION

WAC 192-200-005 Disqualification of students—RCW 50.20.095. (1) **General rule.** If you are registered in a course of study that provides scholastic instruction of 12 or more credit hours per week, you are disqualified from receiving benefits or credit for your waiting week.

(2) **Period of disqualification.** The disqualification starts with the week the instruction begins or the week you left employment to return to school, whichever is earlier. The disqualification ends at midnight on Saturday of the week prior to the first full week in which you are no longer registered for 12 or more hours of instruction. You will be required to certify to the department that you are not currently registered for 12 or more credit hours and will not be registered for 12 or more credit hours for at least 60 days. If you begin classes within 60 days, all benefits paid since the date of your certification will be considered an overpayment. This overpayment is subject to recovery under RCW 50.20.190. If you are registered for classes that begin more than 60 days in the future, you will not be disqualified under this subsection.

(3) **Disqualification not applicable.** The disqualification does not apply if you:

(a) Are in approved training as provided by RCW 50.20.043; or

(b) When you apply, you demonstrate by a preponderance of the evidence that your student status does not significantly interfere with your actual availability for work.

(4) **Definitions.** As used in this section:

(a) "School" includes primary schools, secondary schools, and institutions of higher education as defined in RCW 50.44.037;

(b) "Scholastic instruction" includes all teaching or opportunity for learning subjects other than those of a strictly vocational nature. Subjects of a vocational nature are those embraced in the definition of "training" contained in WAC 192-200-005.

(c) "Twelve or more hours per week" means 12 or more credit hours per week or its equivalent;

(d) "Preponderance of evidence" means evidence sufficient to persuade a reasonable person considering all the evidence that the proposal is more probably true than not true.

(5) **Students.** Students who claim benefits are subject to all of the provisions of Title 50 RCW including:

(a) RCW 50.20.050 dealing with those who leave work voluntarily without good cause;

(b) RCW 50.20.010 (1)(c) requiring claimants to be able and available for and actively seeking work; and

(c) RCW 50.20.240 requiring claimants to provide evidence of their job search activities as requested by the department.

NEW SECTION

WAC 192-200-010 Training defined—RCW 50.20.043. (1) The term "training" means a course of education with the primary purpose of training in skills that will allow you to obtain employment.

(2) The term "training" does not include beginning a course of education primarily intended to meet the requirements of a baccalaureate or higher degree.

NEW SECTION

WAC 192-200-030 Unemployment benefits while in training. (1) To be eligible for unemployment benefits while in training, the following criteria must be met:

(a) The training must be full-time as defined by the training facility; and

(b) You must be making satisfactory progress in training as defined in WAC 192-270-065.

(2) You must notify the department if you discontinue or suspend training, change your course of study, or reduce enrollment to less than full-time.

(3) If your enrollment drops below full-time or you are not making satisfactory progress, you may be required to show that you are meeting the availability for work and job search requirements of RCW 50.20.010 (1)(c) and RCW 50.20.240, and the provisions of RCW 50.20.080 regarding failure to apply for, or refusal to accept suitable work.

CHAPTER 192-220 WAC OVERPAYMENT NOTICE AND ASSESSMENT

NEW SECTION

WAC 192-220-010 Overpayments—Notification to individual. (1) If a potential overpayment exists, the department will provide you with an overpayment advice of rights, in writing, explaining the following:

(a) The reasons you may have been overpaid;

(b) The amount of the possible overpayment as of the date the notice is mailed;

(c) The fact that the department will collect overpayments as provided in WAC 192-230-100;

(d) The fact that final overpayments are legally enforceable debts which must be repaid whether or not you are claiming unemployment benefits;

(e) The fact that these debts can be the basis for warrants which can result in liens, notices to withhold and deliver personal properties, garnishment of salaries, and possible sale of real and personal properties;

(f) An explanation that if you are not at fault, you may request a waiver of the overpayment. Waiver means the overpayment does not have to be repaid; and

(g) A statement that you have 10 days to submit information about the possible overpayment and whether you are at fault. Failure to do so means the department will make a decision based on available information about the overpayment and your eligibility for waiver.

NEW SECTION

WAC 192-220-020 Overpayments—Fault provisions. (1) When an overpayment occurs, the department will make a finding of fault or nonfault based on information provided by you and your employer and from information contained in the department's records. After reviewing all such information, you will be considered to be at fault when the overpayment is:

(a) The result of fraud, misrepresentation, or willful non-disclosure;

(b) The result of a discharge for a felony or gross misdemeanor under RCW 50.20.065;

(c) The result of a discharge for gross misconduct under RCW 50.04.294; or

(d) Based on the presence of all of the following three elements:

(i) You were paid benefits in an amount greater than you were entitled to receive and you accepted and retained those benefits; and

(ii) The payment of these benefits was based on incorrect information or a failure to furnish information which you should have provided as outlined in the information for claimants booklet, claimant directives and other reasonable written communications issued by the department; or information which you caused another person to fail to disclose; and

(iii) You had notice that the information should have been reported.

(2) You may be considered at fault, even though you provided the department with all relevant information before the benefit eligibility decision was issued, if the overpayment is the result of payment that you should reasonably have known was improper. The following are some, but not all, examples where you should reasonably have known that a payment was improper and as a result are at fault. These are intended as examples only and do not mean that the department would rule in this manner in every such situation.

(a) You correctly reported earnings but the department paid benefits at the full amount or incorrectly deducted the earnings.

(b) You reported that you were unavailable for one or more customary work days, but the department paid at the full amount and the payment was not a conditional payment.

(c) You received a retroactive pension payment that you had applied for and were reasonably sure would be awarded.

(d) You did not inform the department that you were eligible for benefits on an unexpired claim against another state.

(e) A lower level decision was reversed by the office of administrative hearings, the commissioner or a court because of new information that you did not disclose to the department.

(f) Other circumstances in which department fact finding indicates that you knew the payment was improper.

(3) In deciding whether or not you are at fault, the department will also consider education, mental abilities, emotional state, your experience with claiming unemployment benefits, and other elements of your personal situation which affect your knowledge and ability to comply with reporting all relevant information. This includes information contained in the information for claimants booklet, claimant directives and other reasonable written communications issued by the department.

(4) You will be considered to be without fault when you provided the department with all relevant information before the benefit eligibility decision is issued and the overpayment is the result of payment that you would not reasonably have known was improper. The following are some, but not all, examples of instances in which you may not reasonably have known that a payment was improper and as a result are not at fault. These are intended as examples only and do not mean that the department would rule in this manner in every such situation.

(a) The department erroneously removed a payment stop, resulting in improper payment.

(b) You received a retroactive pension which was backdated by the pension source, not at your request.

(c) A combined wage or federal claim was filed against Washington that should have been filed against another state.

(d) Extended benefits were paid by the department when you would have been eligible for a new claim against Washington or another state.

(e) A lower level decision, in which you had provided all information, was reversed by the office of administrative hearings, the commissioner or a court.

(f) Other circumstances in which department fact finding indicates you did not know the payment was improper.

NEW SECTION

WAC 192-220-030 Overpayments—Equity and good conscience provisions. (1) The department will not consider or grant waiver of an overpayment and will not consider or accept an offer in compromise of an overpayment that is:

(a) Based on an overpayment decision written by a state other than Washington;

(b) The result of a conditional payment as provided in WAC 192-23-900; or

(c) For claims with an effective date of January 4, 2004, and later, the result of being discharged for misconduct or gross misconduct as provided in RCW 50.20.066(5).

PROPOSED

(2) Except as provided in subsection (1), the department will grant waiver of an overpayment when it is found that you were without fault in the overpayment and when it is determined that to require repayment would be against equity and good conscience. It will be against equity and good conscience to deny waiver when repayment of the overpayment would deprive you of income required for necessary living expenses unless there are unusual circumstances which would argue against waiver.

(3) You will be required to provide financial information to the department to determine if the overpayment will be waived. Your failure to provide such information within 10 days from the request date will result in the department making a decision, based on available information, regarding your eligibility for waiver. The department may verify any financial information you provide. Any amount waived based on information that is later found to be fraudulent or misrepresented will be restored to the overpayment balance.

(4) The financial information requested includes:

(a) Your income and, to the extent available to you, other financially contributing members of the household for the previous month, the current month and the month following the date the financial information is requested.

(b) Your current and readily available liquid assets. Liquid assets may include, but are not limited to, checking and savings account balances, stocks, bonds and cash on hand.

(c) Your expenses for the previous month, the current month and the month following the date the financial information is requested.

(5) If your average monthly expenses equal or exceed your average monthly income and there are no substantial liquid assets available, waiver of the overpayment will be considered. The presence of unusual circumstances may justify waiver on other than a financial basis when not to waive would be unconscionable.

(6) When you have been denied waiver or waiver was not considered, you may enter into a payment agreement with the department.

(7) Except as provided in subsection (1), when you have been denied waiver or have been unable to reach a payment agreement with the department you may make an offer in compromise as provided in RCW 50.24.020. The basis for allowing or denying an offer in compromise will be the same criteria used by the department for allowing or denying waiver of an overpayment. Any overpayment amount compromised based on information that is later found to be fraudulent or misrepresented will be restored to the overpayment balance.

CHAPTER 192-240 WAC RECOVERY OF OVERPAYMENTS

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 192-230-100 Recovery of benefit overpayment—By repayment or offset against past or future benefits. (1) If you do not repay an overpayment in full or make the minimum monthly payments provided for in WAC 192-

28-130, the overpayment will be deducted from benefits payable for any week(s) you claim.

(2) For overpayments assessed under RCW 50.20.010 because you asked to have your unemployment insurance claim cancelled, the amount deducted will be one hundred percent of benefits payable for each week(s) you claim. The department will ensure you are informed of the advantages and/or disadvantages of cancelling an existing claim to file a new claim.

(3) If you are currently claiming benefits, the overpayment will not be offset from future weeks payable unless you have missed two or more payments as provided in WAC 192-28-130. If you have missed two or more payments, the overpayment will be offset as described in (a) and (b) below:

(a) If the overpayment was caused by a denial for fraud, misrepresentation, or willful nondisclosure as provided in RCW 50.20.070, the amount deducted will be one hundred percent of benefits payable for each week(s) you claim. These overpayments will be collected first.

(b) For all other overpayments, the amount deducted will be fifty percent of benefits payable for each week you claim. However, you may request the overpayment be repaid at one hundred percent of benefits payable for each week you claim.

(4) If the overpayment has been assessed by another state, the amount deducted will be as follows:

(a) For overpayments caused by a denial for fraud, misrepresentation, or willful nondisclosure, the amount deducted will be one hundred percent of benefits payable for each week(s) you claim. These overpayments will be collected first.

(b) For all other overpayments, the amount deducted will be fifty percent of benefits payable for each week you claim. However, you may request the overpayment be repaid at one hundred percent of benefits payable for each week you claim.

(5) If you have been denied waiver, or if waiver was not considered, you will be notified in writing of your right to enter into a payment agreement with the department or to make an offer in compromise. An offer in compromise will not be approved if the overpayment was caused by a denial under RCW 50.20.065 or RCW 50.20.070 unless there are unusual circumstances which would justify a compromise. An offer in compromise will not be approved if the overpayment was caused by a denial under RCW 50.20.066.

AMENDATORY SECTION (Amending WSR 03-06-038, filed 2/26/03, effective 3/29/03)

WAC 192-240-035 How to qualify for regular shareable or extended benefits after leaving work for marital or domestic reasons—RCW 50.22.020(7). This section applies only to claims with an effective date prior to January 4, 2004. If you were denied benefits because you left work for family reasons as provided in RCW 50.20.050((4)) (1)(d), you could qualify for regular benefits either through work and earnings or by reporting in person to your local employment center for each of ten weeks. However, you are not eligible for regular shareable or extended benefits unless, after leaving work, you obtained work and earned wages of seven times your weekly benefit amount. The wages earned must be in employment that is covered by Title 50 RCW or

the comparable laws of another state or the federal government.

AMENDATORY SECTION (Amending WSR 03-06-038, filed 2/26/03, effective 3/29/03)

WAC 192-240-040 Penalties. (1) If you claim regular shareable or extended benefits during a week in which you failed to accept any offer of work, or failed to accept a referral or apply for any work as directed by the department:

(a) Benefits will be denied under RCW 50.20.080 if the work was suitable as defined by RCW 50.20.100 and 50.20.110, and you did not have good cause for failing to apply for or accept work;

(b) If benefits are denied as provided in subsection (1)(a), you will also be denied benefits as provided in RCW 50.22.020;

(c) Benefits will be denied under only RCW 50.22.020 if the work was suitable as provided in that statute and WAC 192-240-020, but did not meet the provisions of RCW 50.20.100 and 50.20.080.

(2) If you claim regular shareable or extended benefits during a week in which you failed to meet the job search requirements of WAC 192-240-030, benefits will be denied under RCW 50.22.020, except as provided in subsection (4).

(3) A denial of benefits under RCW 50.22.020 starts the week in which the failure occurs, and continues indefinitely until you show that:

(a) You have worked in at least four weeks; and

(b) You have earned at least four times your weekly benefit amount. The employment does not need to be covered by Title 50 RCW.

(4) If you fail to meet the job search requirements of WAC 192-240-030 because you are hospitalized for treatment of an emergency or life-threatening condition, benefits will be denied under RCW 50.20.010(~~(3)~~) (1)(c). The denial period is only for the week or weeks in which the hospitalization occurred.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 192-12-011 Continued claim definitions.
- WAC 192-12-012 Conditional payment of continued claim recipients when eligibility is questioned.
- WAC 192-12-020 Week defined.
- WAC 192-12-180 Training defined.
- WAC 192-12-184 Training—Unemployment benefits while pursuing training.
- WAC 192-12-190 Directive to attend job search workshop or training or retraining course according to RCW 50.20.044.

- WAC 192-12-300 Mailing addresses for notice to employer.
- WAC 192-12-310 Notice to employer.
- WAC 192-12-320 Mailing of determination notices under RCW 50.20.180.
- WAC 192-12-330 Predetermination procedure—Separation issue.
- WAC 192-12-340 Discharges for misconduct for felony or gross misdemeanor—Responsibility for providing information.
- WAC 192-16-019 Interpretative regulations—Effective date of RCW 50.20.065—Discharges for felony or gross misdemeanor.
- WAC 192-16-023 Interpretative regulations—Disqualification of students—RCW 50.20.095.
- WAC 192-23-014 Failure to establish ability to or availability for work.
- WAC 192-23-015 Failure to establish active search for work.
- WAC 192-23-016 Failure to meet work search requirements.
- WAC 192-23-017 Failure to respond to a request for information regarding late filing of claims.
- WAC 192-23-019 Directive to report for reemployment services.
- WAC 192-23-061 Failure to respond to a request for information regarding a discharge from work.
- WAC 192-23-096 Failure to provide information regarding attendance at school.
- WAC 192-23-800 Certification of ineligibility.
- WAC 192-23-810 Certification of return to full-time work or report of hours worked consistent with full-time work.
- WAC 192-28-105 Recovery of benefit overpayment—Notification to individual.
- WAC 192-28-110 Recovery of benefit overpayment—Fault provisions.
- WAC 192-28-115 Recovery of benefit overpayment—Equity and good conscience provisions.

PROPOSED

WAC 192-28-120 Recovery of benefit overpayment—By repayment or offset against past or future benefits.

WSR 04-11-114

PROPOSED RULES

PERSONNEL RESOURCES BOARD

[Filed May 19, 2004, 11:25 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 356-05-178 Higher education system or higher education rules, 356-05-210 Law enforcement personnel, 356-05-220 Noncompetitive positions, 356-05-305 Premium payment, 356-05-370 Salary range, 356-05-375 Scheduling plan, 356-05-477 Washington general service, 356-05-479 Washington management service, 356-06-003 Scope, 356-06-040 Classified service, 356-06-065 Incumbent status for position converted by the board from exempt to classified, 356-06-100 Director—Powers—Duties, 356-06-110 Federal preemption—Fair Labor Standards Act, 356-06-120 Americans with Disabilities Act of 1990—Federal and state preemption, 356-07-040 General method of operation, 356-09-040 Affirmative action program—Responsibilities—Department of personnel, 356-10-020 Classification plan—Revision, 356-10-045 Employee appointment status—Lateral reallocation, 356-14-010 Compensation plan—General provision, 356-14-031 Compensation plan—Adoption, 356-14-045 Salaries—Comparable worth, 356-14-062 Compensation plan—Fiscal impact, 356-15-010 Compensation plan appendix—Preparation—Provision, 356-15-020 Work period designations, 356-15-060 Shift premium provisions and compensation, 356-15-125 Assignment pay provisions, 356-15-130 Special pay ranges, 356-22-036 College recruitment program—General provisions, 356-22-230 Examinations—Noncompetitive, 356-30-143 Intergovernmental mobility, 356-30-260 Probationary period—Provisions—Status of employee, 356-39-010 Chapter purpose, 356-39-020 Human resource development—State-wide philosophy/definition, 356-46-070 Agencies—Reports on employee status changes—Requirements, 356-46-090 Personnel department—Reciprocity with other jurisdictions, 356-46-100 Rules—Amendments—Notice, 356-46-125 Drug testing—Limitations—Uses, 356-56-010 Application of rules, 356-56-035 Definitions, and 356-56-070 Incumbent status for positions converted by the board from exempt to classified.

Repealing WAC 356-06-080 Powers—Duties of the board.

Purpose: See above.

Statutory Authority for Adoption: Chapter 41.06 RCW.
Statute Being Implemented: RCW 41.06.150.

Summary: These modifications will support the director of the Department of Personnel being granted authority for rule making and the adoption of the classification and compensation plan.

Reasons Supporting Proposal: These modifications are necessary for implementation of SHB 1268 which passed in 2003.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Title of Rule above.

SHB 1268, which passed during the 2003 legislative session, removed rule-making authority on most topics, classification plan adoption and compensation plan adoption from the Washington Personnel Resources Board. As of July 1, 2004, under the provisions of the bill, the director of the Department of Personnel has authority to adopt rules, the classification plan and the compensation plan. The proposed modifications are necessary to implement this change.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on July 8, 2004, at 2:00.

Assistance for Persons with Disabilities: Contact Department of Personnel by July 2, 2004, TDD (360) 753-4107 or (360) 586-8260.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by July 2, 2004.

Date of Intended Adoption: July 8, 2004.

May 19, 2004

E. C. Matt

Director

AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-05-178 Higher education system or higher education rules. The system of personnel administration that applies to classified employees or positions under the jurisdiction of chapter 41.06 RCW and (~~exclusively under these chapters of~~) Title 251 WAC (~~that are adopted by the board~~).

AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-05-210 Law enforcement personnel. Employees who meet the Fair Labor Standards Act requirements for the section 7(K) special exemption as described and limited by chapter 29, Code of Federal Regulations, sections 553.211 and 553.212, and who are designated as law enforcement work period designation by the (~~board~~) director.

AMENDATORY SECTION (Amending WSR 84-17-042, filed 8/10/84)

WAC 356-05-220 Noncompetitive positions. Positions designated by the ((board)) director as not requiring a competitive examination.

AMENDATORY SECTION (Amending WSR 84-17-042, filed 8/10/84)

WAC 356-05-305 Premium payment. Wage payment over and above the basic salary rate authorized by the ((board)) director for extraordinary conditions of employment.

AMENDATORY SECTION (Amending WSR 92-20-024, filed 9/28/92, effective 11/1/92)

WAC 356-05-370 Salary range. A sequence of minimum, intervening, and maximum dollar amounts designated by the ((board)) director as the monthly compensation for a class. Salary ranges are identified in the compensation plan by number.

AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-05-375 Scheduling plan. A series of schedules, approved for specific positions by the director (~~of personnel or the board~~), through which schedules the incumbents move in an established pattern.

AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-05-477 Washington general service. The system of personnel administration that applies to classified employees or positions under the jurisdiction of chapter 41.06 RCW and exclusively under those chapters of Title 356 WAC that are adopted by the ((board)) director.

AMENDATORY SECTION (Amending WSR 94-04-011, filed 1/21/94, effective 3/1/94)

WAC 356-05-479 Washington management service. The system of personnel administration that applies to classified managerial employees or positions under the jurisdiction of RCW 41.06.022 and 41.06.500 (~~and these chapters of Title 356 WAC that are adopted by the director of personnel~~).

AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-06-003 Scope. The provisions of these rules shall apply to all personnel under the jurisdiction of chapter 41.06 RCW except those exempted under the provisions of WAC 356-06-020. These rules and the compensation and classification plans adopted hereunder shall continue to apply as before and shall not be used interchangeably with those adopted under the former higher education civil service law (chapter 28B.16 RCW). Further, these rules and compensa-

tion and classification plans shall continue to apply as before until such time as the ~~board~~ director has had adequate time to review and consider changes to the existing rules and plans.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-06-040 Classified service. Positions subject to these rules are in the classified service and will be designated by the ((board)) director as competitive or noncompetitive.

(1) The competitive service includes positions in classes for which a competitive examination is required prior to appointment.

(2) The noncompetitive service includes those unskilled, seasonal and temporary classes or positions for which the ((board)) director has determined ranked registers to be impracticable.

(3) The director of personnel may at any time review the duties and requirements of any class or position to determine the practicality of competitive examinations and after such studies, present to the ((board)) director for determination, the proper inclusion or exclusion from the noncompetitive service.

(4) No positions in agencies designated as grant-in-aid, will be included in the noncompetitive service except those positions that need not meet the federal merit system standards or positions which can be placed in the noncompetitive service according to the federal merit system standards.

AMENDATORY SECTION (Amending WSR 03-16-085, filed 8/5/03, effective 9/5/03)

WAC 356-06-065 Incumbent status for positions converted by the board from exempt to classified. (1) When the ((board)) director determines that a position that has been treated as exempt does not meet the exemption criteria in WAC 356-06-020 the incumbent's status within the classified Washington general service will be in accordance with subsections (2) through (10) of this section.

(2) The incumbent shall not be required to pass a qualifying examination or meet the minimum qualifications for the Washington general service classification to which their position is allocated.

(3) Incumbents who have been continuously employed for a period of time equivalent to or greater than the probationary period established for their Washington general service classification shall not be required to complete the probationary period. Incumbents who have not been continuously employed for a period of time equivalent to or greater than the probationary period shall be required to complete the remaining portion of their probationary period.

(4) Incumbents whose salary is higher than the salary range assigned to their Washington general service classification shall be Y-rated in accordance with WAC 356-14-075.

(5) The periodic increment date (PID) for incumbents placed in positions converted by the ((board)) director on or before the fifteenth of the month shall be set at the first day of

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that month. The PID for incumbents placed in positions converted by the ((board)) director after the fifteenth of the month shall be set the first day of the following month.

(6) Incumbents shall be credited with all unused sick leave credits, if any, that they had accrued up to the time of placement in a position converted by the ((board)) director and shall begin to accrue sick leave as provided in WAC 356-18-050.

(7) Incumbents shall be credited with all unused vacation leave credits, if any, that they had accrued up to the time of placement in a position converted by the ((board)) director and shall begin to accrue vacation leave as provided in WAC 356-18-090.

(8) With regard to calculation of unused sick and vacation leave credits upon conversion, the employing agency's leave records are presumed to be accurate and in accordance with Chapter 356-18 WAC. If the incumbent disagrees he or she bears the burden of proof, by a preponderance of the evidence, that a different leave amount is correct under Chapter 356-18 WAC.

(9) The ((board)) director will determine the methodology to be used for establishing the effective date for incumbent seniority. When feasible, the ~~board~~ director will apply the methodology as prescribed in WAC 356-05-390. The employing agency shall set the seniority date in accordance with the ((board's)) director's instruction. Thereafter, incumbents shall accrue seniority in accordance with WAC 356-05-390. As provided in WAC 356-30-130, seniority gained by seasonal career employees during seasonal layoff will be disregarded. If an incumbent believes the agency did not set the seniority date in accordance with the board's instructions, the incumbent may request a review with the director. The written request for review must be filed with the director and received within thirty calendar days from the date the agency informed the employee of their seniority date. The request must contain the reasons and basis for the review. Once the review is completed the director or designee shall issue a decision, which will be final and binding.

(10) Incumbents placed in a position converted under the provisions of this section have appeal rights as provided in Titles 356 and 358 WAC.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-06-100 Director—Powers—Duties. ~~((1)) The director of personnel shall direct and supervise all the department of personnel's administrative and technical activities in accordance with the provisions of the state civil service law and the rules and regulations approved and promulgated thereunder. The director shall prepare proposed rules and regulations for consideration by the board.~~

~~(2) The director shall establish a department completely separate from other state agencies and shall select a staff of assistants whose employment shall be subject to the provisions of these rules.~~

~~(3) The director shall serve as secretary to the board.~~

~~(4) The director may delegate authority to subordinates to act for him or her in carrying out duties duly assigned to the director in merit system rules. Such delegations of authority shall be in writing.~~

~~(5) The director of personnel may delegate to any agency the director's authority to perform administrative and technical personnel activities if such authority is requested. When an agency requests a delegation of the director's authority, the requesting agency shall concurrently send a copy of the request to any affected exclusive representative. After an authority has been delegated, if an employee or the employee's exclusive representative files a written complaint with the director regarding a delegated authority, the director shall conduct a timely investigation. If the director of personnel determines that an agency is not appropriately performing delegated activities, the director may withdraw from the agency the authority to perform such activities.)~~

The director of personnel is appointed by the governor under the provisions of RCW 41.06.130.

The director directs and supervises all the department of personnel's administrative and technical activities in accordance with the provisions of chapter 41.06 RCW and the civil service rules. The director is responsible to:

Adopt rules consistent with the purposes and provisions of the state civil service law and the best standards of personnel administration.

Audit and review the personnel administration and management at each agency, institution of higher education, and related higher education board periodically and at other such times as may be necessary.

Adopt and revise as necessary a comprehensive classification plan for all positions in the classified service. In adopting the revisions the director must comply with RCW 41.06.152, 41.06.150(4), and chapter 43.88 RCW.

Adopt and revise as necessary a state salary schedule in accordance with RCW 41.06.133(10).

AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-06-110 Federal preemption—Fair Labor Standards Act. Agencies shall comply with the ((board)) rules of the director (Title 356 WAC) unless doing so causes them to violate the Fair Labor Standards Act.

AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-06-120 Americans with Disabilities Act of 1990—Federal and state preemption. Agencies shall comply with the ((board)) rules of the director (Title 356 WAC) unless doing so would cause them to violate state laws, chapter 49.60 RCW, or the federal Americans with Disabilities Act of 1990.

AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-07-040 General method of operation. (1) The general conduct of agency business is pursuant to the

charter established in chapters 41.06 and 41.05 RCW, and Title 356 WAC.

(2) Provisions for all interested parties to participate in formulation of rules governing administration of the law is assured by a twenty-day notice requirement prerequisite to formal ~~((board))~~ action being taken by the board or the director on any jurisdictional matter, except appeals.

(3) Special meetings may be called by the board or the director subject to twenty-four hour notice, as required by law.

(4) Informal work sessions with interested parties are conducted by staff of the department of personnel as necessary to ensure representation from interested parties before proposals are made to the board or the director.

(5) All business of the department of personnel will be conducted in facilities which are accessible and/or in a manner which reasonably accommodates the needs of persons of disability.

AMENDATORY SECTION (Amending WSR 99-19-114, filed 9/21/99, effective 11/1/99)

WAC 356-09-040 Affirmative action program—Responsibilities—Department of personnel. The department of personnel is responsible for administering the state's affirmative action program and providing technical assistance to state agencies in the development and implementation of their affirmative action programs. In keeping with these responsibilities, the department of personnel will accomplish the following:

(1) Publish guidelines that will assist agencies in developing and implementing their affirmative action plan.

(2) Provide agencies with the data required to develop and implement affirmative action goals.

(3) Review agency affirmative action plans and equal employment opportunity policy statements for compliance with applicable merit system rules and established affirmative action guidelines, and recommend changes as appropriate.

(4) When plans and policy statements are in compliance, recommend them for approval to the governor's affirmative action policy committee.

(5) With the assistance of state agencies, initiate the recruitment of affected group members, including target recruitment when appropriate.

(6) Monitor items submitted to the ~~((board))~~ director for possible negative effect on affirmative action.

(7) Monitor affected group participation in agencies' human resource development activities.

(8) Monitor agencies' progress in meeting goals and addressing problems identified in their affirmative action program.

AMENDATORY SECTION (Amending WSR 02-15-050, filed 7/11/02, effective 9/1/02)

WAC 356-10-020 Classification plan—Revision. ~~((The director shall submit proposed))~~ Proposed revisions to the classification plan shall be submitted to the ~~((board))~~ director for review and approval.

(1) The ~~((board))~~ director shall hold open hearings on the proposals after 20 days' notice to employee organizations and agencies. The ~~((board))~~ director may modify the proposals.

(2) In adopting these revisions the ~~((board))~~ director shall comply with RCW 41.06.152, 41.06.150(12), and chapter 43.88 RCW.

AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-10-045 Employee appointment status—Lateral reallocation. Employees in positions that have been reallocated laterally (to a different classification with the same salary range) are affected as follows:

(1) The employee may elect to retain existing appointment status in a position that is reallocated laterally provided he/she meets the minimum or desirable qualifications as determined by the director of personnel or designee. No further qualifying examination will be required and the employee will retain existing appointment status.

(2) If it is determined the employee does not meet the minimum qualifications for the new classification as provided in subsection (1) of this section and he/she is not transferred, promoted, demoted, or otherwise retained in status within sixty days, the provisions governing reduction in force shall apply.

(3) The employee retains existing appointment status when a position is reallocated laterally based on a revision of a class series, a class series study, or an agency-wide or major subdivision-wide classification review planned, conducted, or authorized by the department of personnel in advance of ~~board~~ director action (if any), when the reallocation involves no change in duties or responsibilities.

(a) An employee in an underfill status will maintain that status.

(b) Subsection (1) of this section applies when a change in duties, responsibilities, or organization coincides with a revision of a class series.

(4) The director of personnel or designee may approve the retention of status for an incumbent in a laterally reallocated position when it is evident that the reallocation is, in effect, the correction of a long-term inequity. The application of this subsection shall not be denied in those cases where the employee has performed the duties of the lateral class for three continuous years or more.

(5) The effective date of an incumbent's appointment status as provided for in subsection (1) or (4) of this section shall be the date the director of personnel or designee approves the position reallocation.

(6) The salary and periodic increment date of an employee who continues in a position that is reallocated laterally shall remain unchanged.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 02-15-049, filed 7/11/02, effective 9/1/02)

WAC 356-14-010 Compensation plan—General provisions. The ~~((director))~~ department of personnel shall pre-

pare a compensation plan for all classifications. The plan shall provide for:

- (1) Full compensation to each employee for all work assigned and performed and consideration of all compensation to the employee in setting the employee's salary.
- (2) Salary range schedules including the first, intervening, and maximum steps of each range.
- (3) Assignment of each classification to a salary range giving full consideration to the prevailing rates in Washington state private industries, and other governmental units.
- (4) Work period designation of each classification, or individual positions within a classification.
- (5) Rates of premium pay, shift premium, and standby pay schedules determined by the ~~((board))~~ director in the same manner as are basic salaries.

AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-14-031 Compensation plan—Adoption.

- (1) The compensation plan as developed under this chapter shall be presented to the ~~((board))~~ director for review and adoption after consultation with and consideration of proposals from employee representatives and agencies affected.
- (2) Twenty calendar days prior to the open hearing on the plan, the director of personnel shall circulate notice of the hearing to enable employee representatives and agencies affected to present their views either orally or in writing. The notice shall state the date, time, and place of the hearing, and either the terms or a description of the proposed plan. The ~~((board))~~ director may amend and adopt the plan at the hearing.

AMENDATORY SECTION (Amending WSR 00-10-026, filed 4/24/00, effective 6/1/00)

WAC 356-14-045 Salaries—Comparable worth.

- (1) Salary changes necessary to achieve comparable worth shall be implemented during the 1983-85 biennium under a schedule developed by the department of personnel. Increases in salaries and compensation solely for the purpose of achieving comparable worth shall be made at least annually. Comparable worth for the jobs of all employees under chapter 41.06 RCW shall be fully achieved not later than June 30, 1993.
- (2) Comparable worth entitlements shall comply with the December 31, 1985 settlement agreement between the state of Washington and the American Federation of State, County and Municipal Employees (AFSCME), et al., as approved by federal district court and ratified by the Washington legislature.
- (3) Upon the establishment of new classes, or redefinition of existing classes, the following policy shall apply:
 - (a) When an existing class or class series that is covered by the settlement agreement is substantially revised, the comparable worth salary range involvement shall be determined by reevaluating the classes using the Willis methodology.
 - (b) The comparable worth salary range involvement for classes that were not covered by the settlement agreement and newly created classes or class series shall be determined based on internal indexing, or Willis evaluation, whichever is determined most appropriate by the director.

(c) Salary ranges for new or revised classes which are substantially common with higher education classes shall be equal, as applicable.

(4) Comparable worth evaluation committee:

(a) Comparable worth evaluations using the Willis methodology shall be conducted by an evaluation committee composed of at least eight member representatives from operating agencies, employee organizations, and department of personnel staff.

(b) Members shall be experienced in agency programs or personnel administration. Members must also attend meetings on a regular basis a majority of the time.

(c) The director shall process committee appointments, appoint officers, establish meeting agendas, call meetings, and schedule (or reschedule) evaluations as he/she deems appropriate. Affected agency or employee representatives must submit any requests for evaluations or reevaluations in writing to the director for disposition and written response.

(5) Other administrative requirements regarding comparable worth adjustments include, but are not limited to, the following:

(a) The process for determining comparable worth class salary range involvement, if any, will be made a part of the ~~((regular monthly board))~~ director's meeting agenda.

(b) Requesting agencies and organizations should submit new and revised class proposals in sufficient time to accommodate a possible two-month review and evaluation period requirement.

(c) Agency requests should include proposed salary survey indexing and proposed comparable worth involvement, if any, at time of item submission. Indexing and comparable worth information will be included in ~~((board))~~ director's meeting agenda ~~((publications))~~.

(d) For purposes of legal, fiscal, and legislative disclosure, comparable worth involvement salary ranges will be tracked and recorded by class.

AMENDATORY SECTION (Amending WSR 87-15-045, filed 7/13/87, effective 9/1/87)

WAC 356-14-062 Compensation plan—Fiscal impact. The ~~((board))~~ director will not consider fiscal impact in determining salaries. However, salary changes are subject to approval by the director of the office of financial management in accordance with provisions of chapter 43.88 RCW.

AMENDATORY SECTION (Amending Order 98, filed 1/13/77, effective 2/13/77)

WAC 356-15-010 Compensation plan appendix—Preparation—Provisions. The ~~((board))~~ director shall establish rules as an appendix to the compensation plan which shall provide for:

- (1) Definitions of work period designations.
- (2) Definitions of authorized overtime and the rate of overtime compensation for all work period groups.
- (3) Compensation rates and provisions for holidays, travel time, shift differential, split shift, standby, shift changes, call back, and work on scheduled days off or holidays.

(4) Definitions and provisions for special pay assignments and special pay ranges.

AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-15-020 Work period designations. (1) The ((board)) director shall assign a specific work period designation to each job class. In deciding which work period designation is appropriate, the ((board)) director shall consider the following factors:

(a) Whether the positions are exempt from the overtime provisions of the Fair Labor Standards Act as executive, administrative, professional, agricultural, outside sales, or recreational establishment personnel as summarized in chapter 356-05 WAC.

(b) Whether the positions have been historically paid overtime by the state.

(c) Whether the private sector or other governmental jurisdictions have a historical or prevailing overtime pay practice for direct counterpart positions.

(d) Other factors it may deem to be appropriate.

(2) The ((board)) director may authorize a work period designation for an individual position which differs from the class-wide designation when the position has atypical working conditions. When two or more designations are indicated for a job class, the first designation listed shall constitute the class-wide designation. Each position shall be assigned only one designation. The work period designation for persons on "in-training" and "underfill" appointments shall be the same as that of the position to which they are appointed, except that if the position is designated "exceptions," the employee's work period designation will be "nonscheduled."

(a) **Scheduled (S):**

(i) Standard: Full-time positions with conditions of employment which may be completed within five consecutive work days, each having the same starting time and lasting not more than eight working hours.

(ii) Alternate: Full-time positions with conditions of employment which may be completed within:

(A) Five work days lasting not more than eight working hours within the same workweek but which, because of operational necessity, cannot be scheduled with the same daily starting time or with consecutive days off; or

(B) Four work days lasting not more than ten working hours each within the same workweek; or

(C) Four nine-hour work days and one four-hour work day; or

(D) Ten consecutive work days with four consecutive days off; or

(E) Ten work days lasting not more than eight working hours and occurring within a scheduled fourteen consecutive day period. Positions are restricted to employees in the registered nurse class series who work in an institutional hospital primarily engaged in the care of residents.

(F) Continuous five work-days-per-week shifts which rotate each 28 days to a different schedule of regular days and hours per week. The rotation involves extended or shortened time off between the ending shift of one schedule and the beginning shift of the next, but does not require more than

eight hours work in any one 24-hour period within a schedule, nor more than fifty-two 40-hour workweeks per year. Positions are limited to communications officers and scheduled commercial vehicle enforcement officers of the state patrol.

After giving written notice to the employee and the certified exclusive representative, the employer may implement an alternate schedule provided the employer can document a program need for the alternate schedule or the alternate schedule is mutually agreeable to the employer and employee.

(iii) Unlisted: Full-time positions for which the director of personnel has approved a schedule or scheduling plan not allowed above. Such unlisted schedules may be approved by the director of personnel when both the agency and the affected employees are in agreement. Approval by the exclusive representative shall constitute approval of employees within a certified bargaining unit.

(b) **Nonscheduled (NS):** Full-time positions with conditions of employment which necessitate adjustment of hours by employees within forty working hours within the workweek. These positions may have preset schedules or task assignments which require their attendance at certain hours, but are generally responsible to adjust their hours to best accomplish their workload.

(c) **Law enforcement (1):** Full-time positions which meet the law enforcement criteria of section 7(k) of the Fair Labor Standards Act. (Defined as law enforcement personnel in WAC 356-05-210.)

(d) **Exceptions (e):** Full-time positions which are exempt from the overtime provisions of the Fair Labor Standards Act as executive, administrative, professional, agricultural, outside sales, or recreational establishment personnel as summarized in chapter 356-05 WAC.

AMENDATORY SECTION (Amending WSR 98-09-066, filed 4/20/98, effective 6/1/98)

WAC 356-15-060 Shift premium provisions and compensation. (1) Basic shift premium shall be paid in the amount specified in WAC 356-15-061. For purposes of this section, regularly scheduled means the permanently assigned work schedule/work shift, not including overtime hours, as determined by the agency.

(2) For purposes of this section, evening shift is defined as a work shift of eight or more hours which ends at or after 10:00 p.m. Night shift is defined as a work shift of eight or more hours which begins by 3:00 a.m.

(3) Full time employees shall be entitled to basic shift premium under the following circumstances:

(a) Regularly scheduled evening and night shift employees are entitled to shift premium for all hours worked.

(b) Regularly scheduled day shift employees are not entitled to shift premium unless:

(i) The employee's regular or temporary scheduled work-shift includes hours after 6:00 p.m. and before 6:00 a.m. where no overtime, schedule change pay, or call-back compensation is received. Shift premium is paid only for those hours actually worked after 6:00 p.m. and before 6:00 a.m.

(ii) The employee is temporarily assigned a full evening or night shift where no overtime, schedule change pay, or call-back compensation is received. Shift premium is paid only for all evening or night-shift hours worked in this circumstance.

(c) Employees regularly scheduled to work at least one, but not all, evening and/or night shifts are entitled to shift premium for those shifts. Additionally, these employees are entitled to shift premium for all hours adjoining that evening or night shift which are worked.

(4) Part-time and intermittent employees shall be entitled to basic shift premium under the following circumstances:

(a) For all assigned hours of work after 6:00 p.m. and before 6:00 a.m.

(b) For assigned full evening or night shifts, as defined in subsection (2) of this section.

(5) **Monthly shift premium rates:** In cases where shift premium hours are regularly scheduled over a year, agencies may pay shift premium at a monthly rate which is equal for all months of the year. Such monthly rates shall be calculated by dividing twelve into the amount of shift premium an employee would earn in a year if the hourly rules in subsection (2) of this section were applied. This option is granted to simplify bookkeeping and is not authorized to establish shift premium rates higher or lower than those set by the ((board)) director.

(6) **Shift premium and overtime:** When an employee is compensated for working overtime during hours for which shift premium is authorized in this section, the overtime rate shall be calculated using the "regular rate" as defined in WAC 356-05-353.

(7) **Payment during leave and for holidays not scheduled to work:** Employees eligible for shift premium for their regularly scheduled shifts will receive the same proportion of shift premium for respective periods of authorized paid leave and for holidays not worked which fall within their regularly scheduled shift.

AMENDATORY SECTION (Amending WSR 01-08-005, filed 3/22/01, effective 5/1/01)

WAC 356-15-125 Assignment pay provisions. The ((board)) director may grant additional pay to recognize assigned duties and/or conditions that exceed the ordinary. Hazards, equipment operations and other specialized skills are examples of areas for ((board)) director consideration. Out of the ordinary conditions include being in a position which is experiencing recruitment and/or retention problems and is located in an area where the cost of living impacts the agency's ability to recruit and/or retain employees. Approved classes will have the letters "AP" appearing after their class title in the compensation plan.

Details of the affected classes or positions within a class, with the additional amount granted, will appear in the salary schedule section of the compensation plan.

AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-15-130 Special pay ranges. The ((board)) director may allow for special pay ranges to equal or approx-

imate prevailing rate practices found in private industry or other governmental units. An affected class is identified either by a letter designation following the basic salary range number or by a letter designation preceding a number. In the latter case, a special salary schedule will be used for such classes.

Details of the affected classes with a special pay range will appear in the salary schedule section of the compensation plan.

AMENDATORY SECTION (Amending WSR 92-14-066, filed 6/26/92, effective 9/1/92)

WAC 356-22-036 College recruitment program—General provisions. (1) Positions included within the college recruitment program must meet the classification and minimum qualifications criteria established by the ((board)) director specifically for the college recruitment program job classes.

(2) State employees meeting the requirements of specifically established college recruitment program classifications shall be eligible for testing and placement on the appropriate college recruitment program register under this program.

(3) All positions participating in this program shall be included under the combined register and referral program unless requested differently by a participating agency.

(4) Selective skill certifications for completion of specific internships, work study, or fellowship assignments or for specific bachelor's or master's degree fields are permitted as required by a participating position and authorized by the director of the department of personnel or designee.

(5) College recruitment program position advertisement may be targeted or limited by design and distribution to meet specific recruitment needs. Participating agencies may develop specific recruiting strategies and notices to support the filling of program positions.

(6) Eligible applicants may apply at any time and may be placed on the appropriate college recruitment program register without further testing if a previous passing score for the same college recruitment program classification and test was attained.

(7) College recruitment program registers shall be maintained by the director of the department of personnel and may be purged as required to ensure register viability.

(8) Emphasis shall be given to support agency training requests in accordance with WAC 356-30-135 in support of training, career tracks, affirmative action programs, and retention goals of the college recruitment program.

(9) Salary ranges for the college recruitment program job classifications shall be established by the board director to ensure that salaries fairly represent positions embodied in the college recruitment program classifications.

(10) Specific college recruitment program merit system rules established herein shall take precedence in the administration of this program. All other merit system rules apply in the absence of specific rules established herein.

AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-22-230 Examinations—Noncompetitive.

(1) The noncompetitive service comprises those unskilled, seasonal and temporary classes or positions for which the ((board)) director has determined ranked registers to be impracticable. Although exactly the same selection procedures may be used as in the competitive service, they need not be applied beyond the point of determining that a given applicant achieves a passing score.

(2) The director of personnel may designate agency personnel officers to act in the director's behalf, as agents of the department of personnel, for purposes of establishing and maintaining unranked registers within the noncompetitive service for those positions approved by the ((board)) director. The director of personnel shall be responsible for developing necessary procedures which include yearly audit provisions. Applicants shall have appeal rights to the director of personnel in accordance with other provisions of these rules.

AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-30-143 Intergovernmental mobility.

In accordance with the intent of the Intergovernmental Personnel Act (P.L. 91-648) regarding mobility assignments and/or notwithstanding any other provisions of these rules, the ((board)) director or designee may authorize appointments into the classified service from other governmental units when such appointments are for purposes of cross-training or sharing of expertise across governmental boundaries. Such appointments shall be time limited.

AMENDATORY SECTION (Amending WSR 02-15-053, filed 7/11/02, effective 9/1/02)

WAC 356-30-260 Probationary period—Provisions—Status of employee.

(1) Employees who receive appointments to permanent positions from the open competitive register and the reemployment register shall serve a probationary period of six to twelve months as determined by the ((board)) director. Employees appointed from the open competitive or promotional register prior to completing their probationary period shall start a new probationary period, except as provided in WAC 356-30-280. The ((board)) director shall designate a probationary period of six months for all positions in a class unless they determine that job requirements of the class require a longer period (up to twelve months) to provide adequate training and/or evaluation. The ((board)) director shall apply the following criteria for approving probationary periods of longer than six months:

(a) The work of the majority of the positions in the class is of such a nature that performance of the full range of duties cannot be properly evaluated within six months after an appointment.

or

(b) Work of the class is cyclical in nature and the workload cycle cannot be completed within six months after an appointment.

or

(c) Work is of such a nature that extended formalized training is required prior to the full assumption of duties.

All positions in a class shall have the same probationary period.

(2) All persons at time of appointment shall be notified in writing by the agency of the length of their probationary period. When the probationary period for a class is increased beyond six months, the increased probationary period shall apply only to persons appointed after the effective date of the change.

(3) The probationary period will provide the appointing authority with the opportunity to observe a new employee's work, to train and aid the new employee in adjustment to the position, and to terminate any employee whose work performance fails to meet the required standards.

(4) Employees who, during their probationary period, go on leave without pay or shared leave shall have their probationary period extended by the number of calendar days they are on leave without pay or shared leave including any intervening nonworking days.

(5) Employees shall have their probationary period extended by the number of calendar days in excess of thirty in which the employee is not at work including any intervening nonwork days if:

(a) Work is missed due to sick leave, vacation leave, military training leave, or miscellaneous leave; or

(b) Work is missed by employees of the departments of social and health services, corrections, veterans affairs, or natural resources due to an assault that occurred on the job and who are receiving compensation in an amount equal to full pay, as provided in chapters 72.01 and 72.09 RCW; or

(c) Work is missed due to any combination of leave identified in (5)(a) and (b) of this section which when added together exceeds thirty calendar days.

(6) Work missed during the probationary period due to holidays shall be counted as part of the required probationary period.

(7) When an employee accepts a temporary appointment to a higher class in the same series in the same work unit while serving in a probationary period, the probationary period shall continue for the lower class.

(8) Permanent appointment of a probationary employee shall be automatic unless the person is dismissed under provision of WAC 356-30-270.

(9) Veterans and their widows who have not remarried and are in probationary status will be granted seniority preference only within ranks of probationary employees and will not be granted preference within the ranks of the permanent employees until they acquire permanent status.

AMENDATORY SECTION (Amending WSR 78-02-049, filed 1/19/78)

WAC 356-39-010 Chapter purpose. This chapter sets forth the ((board's)) philosophy of the board and the director on elements of human resource development. Further, this chapter establishes regulatory policies on and assigns specific responsibilities for those elements of human resource devel-

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opment to the department of personnel, the agencies and individual employees.

AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-39-020 Human resource development—State-wide philosophy/definition. Optimum utilization of its human resources aids state government in providing effective and economic services. Therefore, it is the ((board's)) philosophy of the board and the director that a highly productive, motivated workforce be achieved and maintained through a state-wide program of human resource development.

AMENDATORY SECTION (Amending Order 75, filed 3/24/75)

WAC 356-46-070 Agencies—Reports on employee status changes—Requirements. The director shall provide appropriate forms for reporting of appointment, transfer, promotion, demotion, salary change, and any other temporary or permanent change in status of any employee. Utilizing such forms, appointing authorities shall report each status change to the director. Except as provided below, the director will indicate approval or disapproval on the forms and return a copy to the agency. The director shall also maintain a copy of the completed forms in department of personnel files, or in lieu thereof, may maintain in the files copies of listings of transactions accomplished by automated data processing equipment: *Provided*, That periodic salary increment increases, as defined by WAC 356-14-110 through 356-14-120, shall not be individually approved by the director. Each agency head shall be responsible for approval of such increases and shall assure that such are made in accordance with the rules and the approved compensation plan of the ((board)) director.

AMENDATORY SECTION (Amending Order 36, filed 7/1/71, effective 8/1/71)

WAC 356-46-090 Personnel department—Reciprocity with other jurisdictions. The ((board)) director may cooperate with other state departments or with federal or local departments whose merit systems operate in conformity with standards comparable to those contained in these rules. The ((board)) director may announce and administer joint examinations in conformity with the provisions of these rules, and the ((board)) director may, in the absence of an appropriate register for a particular class of positions, recognize an appropriate register for such class of position established under another merit system operating in conformity with these standards and may accept regular certification from such registers under the rules governing certification.

AMENDATORY SECTION (Amending WSR 78-07-008, filed 6/12/78)

WAC 356-46-100 Rules—Amendments—Notice. Whenever necessary or desirable, the director shall consult with agencies and employee representatives affected to

receive recommended amendments to the merit system rules. After 20 calendar days' notice to the above affected groups, the ((board)) director shall hold hearings to approve, modify or reject the recommendation. Copies of approved amendments shall be sent to all agencies and made available for public distribution.

AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-46-125 Drug testing—Limitations—Uses. Except as required by federal or state laws or as provided in subsection (1) of this section, no agency may perform or cause to be performed a drug test of any employee or prospective employee.

(1) An agency may require a specific employee to submit to drug testing designed to identify the presence in the body of controlled substances referenced under chapter 69.50 RCW, other than drugs prescribed by a physician, if:

(a) The agency has specific, objective grounds stated in writing to believe the employee's work performance is impaired due to the presence of such substances in the body; and

(b) The employee is in a position where such impairment presents a danger to the physical safety of the employee or another; and

(c) The agency has a specific written policy authorizing such test, establishing procedures under which they may be conducted, and protecting the confidentiality of the results, provided the results may be disclosed in an action or proceeding challenging any disciplinary action arising from the incident which led to the test. The agency's proposed policy must be submitted to the affected exclusive bargaining representative or representatives and approved by the director of the department of personnel before implementation.

(2) An employee who is found to be impaired on the job due to the use of controlled substances may be subject to disciplinary action in accordance with existing laws and regulations, but the results of such drug test shall provide no independent basis for disciplinary action. However, the agency may use the results of a drug test to require an employee to successfully complete a rehabilitation plan. The rehabilitation plan terms may require the employee to pass all subsequent drug tests. In this situation, the independent use of a subsequent drug test may be the basis for disciplinary action.

(3) In the event an employee is found to have used controlled substances, the agency shall inform the employee of available assistance through the employee advisory service or other similar program.

(4) Nothing herein shall prevent an agency from conducting medical screening to monitor exposure to toxic or other unhealthy substances in the work place, provided such screenings are limited to the specific substances reasonably believed to be present.

(5) Except as expressly set forth above, nothing herein shall add to or detract from any agency authority under chapter 41.06 RCW or regulations of the ((board)) director to establish job performance standards, or conditions of employment, or to base continued employment on satisfactory job performance.

AMENDATORY SECTION (Amending WSR 94-01-126, filed 12/17/93, effective 1/18/94)

WAC 356-56-010 Application of rules. (1) These rules shall be separate from rules adopted by the Washington personnel resources board or the director for ~~((other))~~ classified employees in the Washington general service, and to the extent that the rules adopted apply only to managers ~~((, shall take precedence over rules adopted by the board, and are not subject to review by the board))~~.

(2) The intent of the director of personnel in adopting the rules in this chapter is to comprehensively cover the personnel matters relating to Washington management service positions. Therefore, if a Washington management service issue is identified that the director has not specifically addressed by adopting rules, the ~~((Washington personnel resources board))~~ rules governing Washington general service shall not be effective or take precedence in addressing the issue.

(3) Except where specifically stated otherwise, the following WAC chapters do not apply to positions or employees included in the Washington management service:

| | |
|------------|-----------------------------|
| WAC 356-05 | Definitions |
| WAC 356-10 | Classification |
| WAC 356-14 | Compensation |
| WAC 356-15 | Compensation plan appendix |
| WAC 356-22 | Recruitment—Examination |
| WAC 356-26 | Registers—Certification |
| WAC 356-30 | Appointments—Separation |
| WAC 356-34 | Disciplinary action—Appeals |
| WAC 356-37 | Hearings |
| WAC 356-39 | Human resource development |
| WAC 356-49 | Intersystem employment |

(4) Except where specifically stated otherwise, the following WAC chapters do apply to positions or employees included in the Washington management service:

| | |
|------------|--|
| WAC 356-06 | General provisions |
| WAC 356-07 | Operations and public records |
| WAC 356-09 | Affirmative action program |
| WAC 356-18 | Leave |
| WAC 356-35 | Disability—Separation—Appeals—Procedures |
| WAC 356-42 | Labor relations |
| WAC 356-46 | Miscellaneous |
| WAC 356-48 | State internship program |

AMENDATORY SECTION (Amending WSR 97-23-001, filed 11/5/97, effective 12/8/97)

WAC 356-56-035 Definitions. (1) **Anchor positions.** Generic anchor positions are those which are found in many agencies; they are commonly understood and similarly used from agency to agency. Agency-specific anchor positions are those anchor positions in each agency which are commonly understood and similarly used throughout the agency.

(2) **Appointing authority.** A person or group of persons designated by the agency head to make appointments, impose formal discipline or otherwise regulate personnel matters.

(3) **Evaluation points.** The points resulting from an evaluation of a position using the managerial job value assessment chart.

(4) **Management bands.** A series of management levels included in the Washington management service. Placement in a band reflects the nature of management, decision-making environment and policy impact, and scope of management accountability and control assigned to the position.

(5) **Salary standard.** The maximum dollar amount assigned to a position in those agencies that use a salary standard in addition to, or in place of, evaluation points.

(6) **Transfer.** Movement from one position to a different position with the same evaluation points.

(7) **Washington general service.** The system of personnel administration that applies to classified employees or positions under the jurisdiction of chapter 41.06 RCW ~~((and exclusively under those chapters of Title 356 WAC that are adopted by the Washington personnel resources board))~~ which do not meet the definition of manager found in RCW 41.06.020.

(8) **Washington management service.** The system of personnel administration that applies to classified managerial employees or positions under the jurisdiction of RCW 41.06.022 and 41.06.500 ~~((and those chapters of Title 356 WAC that are adopted by the director of personnel)).~~

AMENDATORY SECTION (Amending WSR 02-15-043, filed 7/11/02, effective 9/1/02)

WAC 356-56-070 Incumbent status for positions converted by the board from exempt to classified. (1) When the ~~((board))~~ director determines that a position that has been treated as exempt does not meet the exemption criteria in WAC 356-06-020 the incumbent's status within the classified Washington management service will be in accordance with subsections (2) through (9) of this section.

(2) The incumbent shall not be required to meet any additional agency selection requirements in order to be placed into the converted position.

(3) Incumbents who have been continuously employed for a period of time equivalent to or greater than the Washington management review period that the agency requires to obtain permanent status shall not be required to complete a review period. Incumbents who have not been continuously employed for a period of time equivalent to or greater than the established review period shall be required to complete the remaining portion of the Washington management service review period.

(4) Incumbents whose salary is higher than the range of consideration or band assigned to the Washington management service shall retain their current salary, which will be administered as a Y-rate in accordance with WAC 356-14-075.

(5) Incumbents shall be credited with all unused sick leave credits, if any, that they had accrued up to the time of placement in a position converted by the ~~((board))~~ director

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and shall begin to accrue sick leave as provided in WAC 356-18-050.

(6) Incumbents shall be credited with all unused vacation leave credits, if any, that they had accrued up to the time of placement in a position converted by the ~~(board)~~ director and shall begin to accrue vacation leave as provided in WAC 356-18-090.

(7) With regard to calculation of unused sick and vacation leave credits upon conversion, the employing agency is entitled to a presumption that its calculations are accurate and in accordance with Chapter 356-18 WAC. If the incumbent disagrees he or she bears the burden of proof, by a preponderance of the evidence, that a different leave amount is correct under Chapter 356-18 WAC.

(8) The director will determine the methodology to be used for establishing the effective date for incumbent seniority. When feasible, the director will apply the methodology as prescribed in WAC 356-05-390. The employing agency shall set the seniority date in accordance with the director's instruction. Thereafter, incumbents shall accrue seniority in accordance with WAC 356-05-390. As provided in WAC 356-30-130, seniority gained by seasonal career employees during seasonal layoff will be disregarded. If an incumbent believes the agency did not set the seniority date in accordance with the director's instructions, the incumbent may request a review with the director. The written request for review must be filed with the director and received within thirty calendar days from the date the agency informed the employee of their seniority date. The request must contain the reasons and basis for the review. Once the review is completed the director or designee shall issue a decision, which will be final and binding.

(9) Incumbents placed in a position converted under the provisions of this section have appeal rights as provided in Titles 356 and 358 WAC.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 356-06-080 Powers—Duties of the board.

WSR 04-11-115

PROPOSED RULES

PERSONNEL RESOURCES BOARD

[Filed May 19, 2004, 11:26 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: Amending WAC 251-01-160 Executive head exemption, 251-01-201 Higher education system or higher education rules, 251-01-305 Principal assistant exemption, 251-01-310 probationary period, 251-01-382 Salary range, 251-04-030 Scope, 251-04-060 Director, 251-04-070 Personnel officers, 251-04-160 Federal preemption—Fair Labor Standards Act, 251-04-170 Americans with Disabilities Act of 1990—Federal and state preemption [preemp-

tion], 251-05-040 Method of operation, 251-06-010 Classification plan—Preparation, 251-06-020 Classification plan—Adoption, 251-06-090 Probationary period—Duration, 251-07-100 Temporary appointment records, 251-08-005 Compensation plans—General, 251-08-007 Compensation plans—Content, 251-08-031 Compensation plans—Adoption, 251-08-070 Salary—Limits, 251-08-112 Salary—Reallocation, 251-08-160 Payroll certification, 251-09-080 Standby pay, 251-09-090 Special pay—Purpose, 251-09-094 Special pay—Requirements, 251-09-100 Hazardous conditions pay, 251-19-070 Appointment—Alternate, 251-19-140 Apprenticeship programs, 251-22-165 Workers' compensation—Leave, 251-22-240 Suspended operation, 251-23-010 Affirmative action—Authority and 251-24-010 Employee development—Authority, purpose objective; and repealing WAC 251-04-050 Powers—Duties of the board.

Purpose: See above.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

Summary: These modifications will support the director of the Department of Personnel being granted authority for rule making and the adoption of the classification and compensation plan.

Reasons Supporting Proposal: These modifications are necessary for implementation of SHB 1268 which passed in 2003.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Title of Rule above. SHB 1268, which passed during the 2003 legislative session, removed rule-making authority on most topics, classification plan adoption and compensation plan adoption from the Washington Personnel Resources Board. As of July 1, 2004, under the provisions of the bill, the director of the Department of Personnel has authority to adopt rules, the classification plan and the compensation plan. The proposed modifications are necessary to implement this change.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on July 8, 2004, at 2:00.

Assistance for Persons with Disabilities: Contact Department of Personnel by July 2, 2004, TDD (360) 753-4107 or (360) 586-8260.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by July 2, 2004.

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Date of Intended Adoption: July 8, 2004.

May 19, 2004

E. C. Matt
Director

AMENDATORY SECTION (Amending WSR 98-19-035, filed 9/10/98, effective 10/12/98)

WAC 251-01-160 Executive head exemption. Executive heads of major academic or administrative divisions are analogous in the hierarchy to vice-presidents, deans and chairmen. Directors may be executive heads as determined by the ((board)) director. An executive head is in charge of a separate budget unit and directs subordinates.

AMENDATORY SECTION (Amending WSR 98-19-035, filed 9/10/98, effective 10/12/98)

WAC 251-01-201 Higher education system or higher education rules. The system of personnel administration that applies to classified employees or positions under the jurisdiction of chapter 41.06 RCW and ((exclusively under those chapters of)) Title 251 WAC ((that are adopted by the board)).

AMENDATORY SECTION (Amending WSR 98-19-035, filed 9/10/98, effective 10/12/98)

WAC 251-01-305 Principal assistant exemption. Individuals qualifying for exemption under this category function as second-in-command in importance levels. The individual may perform many of the functions of his/her superior in the superior's absence, or alternatively may have major administrative or program responsibilities. Reporting relationships will not be below that of the executive head. In some institutions an executive head may have more than one principal assistant as determined by the ((board)) director.

AMENDATORY SECTION (Amending WSR 86-09-078, filed 4/22/86)

WAC 251-01-310 Probationary period. The initial six-month period of employment in a class following appointment from an eligible list of a nonpermanent employee. However, upon prior approval by the ((board)) director, the probationary period for selected classes may be established for a period in excess of six months but not to exceed twelve months.

AMENDATORY SECTION (Amending WSR 87-20-024, filed 9/30/87)

WAC 251-01-382 Salary range. A sequence of minimum, intervening, and maximum dollar amounts designated by the ((board)) director as the monthly compensation for a class. Salary ranges are identified in the classification/compensation plan by either a whole number (standard range) or a whole number with a decimal suffix (comparable worth adjustment indicator).

AMENDATORY SECTION (Amending WSR 98-19-035, filed 9/10/98, effective 10/12/98)

WAC 251-04-030 Scope. The provisions of these rules shall apply to all personnel of the higher education institutions/related boards except those exempted under the provisions of WAC 251-04-040. These rules and the compensation and classification plans adopted hereunder shall continue to apply as before and shall not be used interchangeably with Title 356 WAC. Further, these rules and compensation and classification plans shall continue to apply as before until such time as the ((board)) director has had adequate time to review and consider changes to the existing rules and plans.

AMENDATORY SECTION (Amending WSR 98-19-035, filed 9/10/98, effective 10/12/98)

WAC 251-04-060 Director. ~~((1) The director shall periodically and at such other times as may be necessary, audit and review the personnel administration and management at each institution and related board.~~

~~All relevant files and records of appointing authorities and personnel officers shall be made available to the director at any time.~~

~~((2) The director shall take any action necessary to ensure and enforce compliance with chapter 41.06 RCW and these rules.~~

~~((3) The director of personnel may delegate to the personnel officer of any higher education institution or related board the director's authority to perform administrative and technical activities if such authority is requested. When an institution or related board requests a delegation of the director's authority, the requesting person shall concurrently send a copy of the request to any affected exclusive representative. After an authority has been delegated, if an employee or the employee's exclusive representative files a written complaint with the director regarding a delegated authority, the director shall conduct a timely investigation. If the director of personnel determines that an institution or related board is not appropriately performing delegated activities, the director may withdraw the authority to perform such activities. Delegation of the director's authority is separate from the statutory local administration in RCW 41.06.520.))~~

The director of personnel is appointed by the governor under the provisions of WAC 41.06.130.

The director directs and supervises all the department of personnel's administrative and technical activities in accordance with the provisions of chapter 41.06 RCW and the civil service rules. The director is responsible to:

Adopt rules consistent with the purposes and provisions of the state civil service law and the best standards of personnel administration.

Audit and review the personnel administration and management at each agency, institution of higher education, and related higher education board periodically and at other such times as may be necessary.

Adopt and revise as necessary a comprehensive classification plan for all positions in the classified service. In adopting the revisions the director must comply with RCW 41.06.152, 41.06.150(4), and chapter 43.88 RCW.

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Adopt and revise as necessary a state salary schedule in accordance with RCW 41.06.133(10).

AMENDATORY SECTION (Amending WSR 98-19-035, filed 9/10/98, effective 10/12/98)

WAC 251-04-070 Personnel officers. (1) Each higher education institution/related board shall designate an officer who shall perform duties as personnel officer. The personnel officer shall direct, supervise, and manage administrative and technical personnel activities for the classified service consistent with policies established by the institution/related board and in accordance with the provisions of chapter 41.06 RCW and the rules and regulations approved and promulgated thereunder. Institutions may undertake jointly with one another to appoint a person qualified to perform the duties of personnel officer, provide staff and financial support and may engage consultants to assist in the performance of specific projects.

(2) The state board for community and technical colleges shall have general supervision and control over activities undertaken by the various state community colleges.

(3) Rules adopted by the ((~~board~~)) director shall provide for local administration and management by the higher education institutions/related boards, subject to periodic audit and review by the ((~~board~~)) director, of the following:

- (a) Appointment, promotion, and transfer of employees.
- (b) Dismissal, suspension, or demotion of employees.
- (c) Examinations for all positions in the competitive and noncompetitive service.
- (d) Probationary periods of six to twelve months and retention and rejections therein.
- (e) Sick leaves and vacations.
- (f) Hours of work.
- (g) Layoffs when necessary and subsequent reemployment.
- (h) Allocation and reallocation of positions within the classification plans.
- (i) Training programs.
- (j) Maintenance of personnel records.

AMENDATORY SECTION (Amending WSR 98-19-035, filed 9/10/98, effective 10/12/98)

WAC 251-04-160 Federal preemption—Fair Labor Standards Act. Institutions shall comply with the ((~~board~~)) rules of the director (Title 251 WAC) unless doing so would cause them to violate the Fair Labor Standards Act (29 U.S.C. 201 et seq.).

AMENDATORY SECTION (Amending WSR 98-19-035, filed 9/10/98, effective 10/12/98)

WAC 251-04-170 Americans with Disabilities Act of 1990—Federal and state preemption. Institutions shall comply with the ((~~board~~)) rules of the director (Title 251 WAC) unless doing so would cause them to violate state laws, chapter 49.60 RCW, or the federal Americans with Disabilities Act of 1990.

AMENDATORY SECTION (Amending WSR 98-19-035, filed 9/10/98, effective 10/12/98)

WAC 251-05-040 Method of operation. (1) The general conduct of the department of personnel's business is pursuant to the charter established in chapter 41.06 RCW and Title 251 WAC.

(2) Provisions for all interested parties to participate in formulation of rules governing administration of the law is assured by a twenty-day notice requirement prerequisite to formal ((~~board~~)) adoption by the board or the director of any jurisdictional matter, except appeals.

(3) Special meetings may be called by the board or the director subject to twenty-four hour notice, as required by law.

(4) Informal work sessions with interested parties are conducted by staff as necessary to insure maximum representation from employee organizations and institutions before proposals are made to the board or the director.

AMENDATORY SECTION (Amending WSR 82-16-002, filed 7/22/82, effective 9/1/82)

WAC 251-06-010 Classification plan—Preparation. The director shall prepare and may revise ((~~for board approval~~)) a comprehensive classification plan for all positions after investigation and in consultation with personnel officers, employee representatives, and other interested parties, and after analysis of the duties and responsibilities of positions within each class including relevant supporting data. When complete, the plan will include, for each class, a specification including an appropriate title, a description of duties and responsibilities, and the minimum requirements of training, experience and other qualifications, and identification of the classes which require a probationary period of more than six months.

AMENDATORY SECTION (Amending WSR 98-19-035, filed 9/10/98, effective 10/12/98)

WAC 251-06-020 Classification plan—Adoption. (1) The proposed classification plan and any subsequent proposed revisions thereto shall be submitted to the ((~~board by the~~)) director for adoption, revision or rejection. After twenty calendar days' notice to and consideration of proposals from employee representatives, institutions, and related boards, the ((~~board~~)) director shall hold open hearings on the plan. The plan shall become effective as determined by the ((~~board~~)) director.

(2) In adopting these revisions the ((~~board~~)) director shall comply with RCW 41.06.152, 41.06.150(15), and chapter 43.88 RCW. Thereafter, class titles so established shall be used in all personnel and financial records of an institution and in all recruitment and examination procedures.

AMENDATORY SECTION (Amending WSR 02-15-051, filed 7/11/02, effective 9/1/02)

WAC 251-06-090 Probationary period—Duration. (1) Except as provided in WAC 251-06-091, the probationary period for all classes in the classification plan will be six

months, unless the ((board)) director approves a longer probationary period for the class.

(2) ~~((The director will prepare and revise for board adoption on a class by class basis any probationary periods which exceed six months.))~~ Procedures for requesting extended probationary periods will be developed by the director.

(3) Classes with longer probationary periods will be identified in the classification plan.

(4) When the probationary period for a class is approved for longer than six months, the longer period shall apply only to eligibles appointed after the effective date of the board's action.

AMENDATORY SECTION (Amending WSR 98-19-035, filed 9/10/98, effective 10/12/98)

WAC 251-07-100 Temporary appointment records. Each institution shall maintain information for temporary employees as specified in WAC 251-19-122. At least quarterly each institution shall produce a record which shows the cumulative hours worked for each temporary employee. This record shall be kept on file in the personnel office and shall be made available to the ((board-staff)) director upon request.

AMENDATORY SECTION (Amending WSR 02-15-049, filed 7/11/02, effective 9/1/02).

WAC 251-08-005 Compensation plans—General. The ((director)) department of personnel shall prepare, and subject to ((board)) director approval shall periodically revise in a manner consistent with the development of the original plan, compensation plans for all classes. The plans shall provide for:

(1) Full compensation to each employee for all work assigned and performed.

(2) Regular salary increment increases based upon length of service for all employees whose performance is such as to permit them to retain job status in the classified service.

(3) Assignment of each class to a salary range reflecting prevailing rates in other public employment and in private employment in this state or in the locality in which the institution is located, provided funds are available as defined in WAC 251-08-051.

(4) The rates in the salary schedules or plans to be increased if necessary to attain comparable worth.

(5) Such other provisions as are appropriate in the establishment and maintenance of compensation equity in relation to prevailing practices found in Washington state private industries and other governmental units.

AMENDATORY SECTION (Amending Order 63, filed 11/22/77)

WAC 251-08-007 Compensation plans—Content. The compensation plan shall apply to all approved classes, and shall include:

(1) Salary schedules (grids) including regular increment step increases within salary ranges.

(2) Classification schemas assigning each class to a salary range of an approved salary schedule.

(3) Such supplemental compensation plans and provisions as are necessary to implement approved compensation practices as provided in chapter 251-09 WAC and/or such area wage variances as may be approved by the ((board)) director for each member institution.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-08-031 Compensation plans—Adoption.

(1) The proposed compensation plans shall be submitted ((by)) to the director ((to the board)) for adoption, revision, or rejection.

(2) Twenty calendar days prior to open hearings on the plans, the director shall circulate notice of the hearing to enable affected employees, employee representatives, institutions, and related boards to present their views either orally or in writing. The notice shall state the date, time, and place of the hearing, and shall include a copy of the proposed plans or revisions or reference thereto.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-08-070 Salary—Limits. The basic compensation rate for all employees shall be within the salary range assigned to the class, unless a different rate is permitted by these rules or by the ((board)) director because of special circumstances.

AMENDATORY SECTION (Amending WSR 91-13-011, filed 6/7/91, effective 6/7/91)

WAC 251-08-112 Salary—Reallocation. (1) An employee occupying a position that is reallocated to an existing class with a higher salary range maximum shall receive an increase in the same manner as is provided for promotion in WAC 251-08-110. The periodic increment date shall be established as provided in WAC 251-08-100.

(2) An employee occupying a position that is reallocated to an existing class with a lower salary maximum shall be placed in the salary step in the new range which is closest to the current salary, provided such salary does not exceed the top step of the new salary range.

(3) When reallocation is necessary because the board or the director has created, abolished, or modified a class, the incumbent will remain in the position and therefore will not be afforded layoff rights. Employees will be affected as follows:

(a) An employee occupying a position reallocated to a class with a lower salary range maximum will retain his/her salary as of the date preceding the effective date of the board's action and will be allowed to achieve the salary maximum of the former class. The employee will lose the right to such salary maintenance if he/she subsequently voluntarily demotes, promotes, or moves to another class;

(b) An employee occupying a position reallocated to a class with a higher salary range maximum will have his/her salary adjusted to the same step in the new range as was held in the previous range. The periodic increment date of the affected employee will remain unchanged;

(c) Reallocations due to the board's or the director's creation, abolishment, or modification of a class become effective on the effective date of the board's action.

AMENDATORY SECTION (Amending WSR 98-19-035, filed 9/10/98, effective 10/12/98)

WAC 251-08-160 Payroll certification. A disbursing officer shall not pay any employee holding a position covered by chapter 41.06 RCW unless the employment is in accordance with chapter 41.06 RCW and the provisions of these rules. The ~~((board))~~ director and the institutions of higher education, including the state board for community and technical colleges which shall act for the various community colleges, and the director of the office of financial management shall jointly establish procedures for the certification of pay-rolls.

AMENDATORY SECTION (Amending WSR 00-10-026, filed 4/24/00, effective 6/1/00)

WAC 251-09-080 Standby pay. Compensation for a scheduled or nonscheduled work period employee required to restrict off-duty activities to be available for duty will be approved by the ~~((board))~~ director and will be included in the individual institution compensation plan.

AMENDATORY SECTION (Amending WSR 90-10-044, filed 4/27/90, effective 6/1/90)

WAC 251-09-090 Special pay—Purpose. (1) The ~~((board or the))~~ director may adopt special pay salaries and/or compensation practices which are locally competitive to alleviate or prevent recruitment and/or retention problems, to maintain effective operations of an institution, or to address other unique working conditions.

~~((2) Actions approved by the director are subject to confirmation by the board.))~~

~~((3))~~ (2) Requests may be initiated by institutions, employees, or employee representatives.

~~((4))~~ (3) Except when the ~~((board))~~ director specifies otherwise, special pay ranges will remain in effect until the system-wide pay range for the class equals or exceeds the special pay range.

AMENDATORY SECTION (Amending WSR 90-10-044, filed 4/27/90, effective 6/1/90)

WAC 251-09-094 Special pay—Requirements. It is the responsibility of the requesting party to provide ~~((board))~~ department of personnel staff with information necessary to make recommendation to the ~~((board))~~ director. Information to be provided shall include:

(1) Data supporting the pay practice in the locality of the institution for which the request is being made; and

(2) Rationale supporting the request; and

(3) When applicable, data showing recruitment/retention difficulty.

AMENDATORY SECTION (Amending Order 62, filed 8/30/77, effective 10/1/77)

WAC 251-09-100 Hazardous conditions pay. The ~~((board))~~ director may approve special pay provisions to the institution compensation plan to reflect hazardous/dangerous working conditions when:

(1) Such conditions are not normally expected of those positions assigned to the respective classes; and

(2) Such provisions are found to be in accordance with prevailing practices in the industry and/or local community in which the institution is located.

AMENDATORY SECTION (Amending WSR 95-19-099, filed 9/20/95, effective 11/1/95)

WAC 251-19-070 Appointment—Alternate. Application of the alternate appointment rule shall apply only to unique research classes pre-approved by the board or the director. An alternate appointment for research positions shall consist of the six month period following appointment from a layoff list or an option taken in lieu of layoff. This provides the employing official an opportunity to observe the employee's work and determine whether or not he/she can perform in that specific position. If it is determined that the employee cannot perform, as documented by a written performance review, the employee shall be placed on the appropriate layoff list or provided other transfer options as available.

Application of this rule shall be appealable under the same provisions as WAC 251-12-080 et seq.

AMENDATORY SECTION (Amending WSR 98-19-035, filed 9/10/98, effective 10/12/98)

WAC 251-19-140 Apprenticeship programs. (1) Apprentices shall be employed and compensated under conditions appropriate for the particular apprenticeable class which have been recommended by the joint apprenticeship committee as approved by the state apprenticeship council and the board or the director. Each apprentice shall enter into a training contract with the joint apprenticeship committee and shall abide by its term and conditions.

(2) When an apprenticeship agreement is cancelled, the employee shall have the same reversionary employment rights he/she had available at the time of entering the apprenticeship program.

(3) When an employee moves into an apprenticeship program and he/she has a higher salary than is provided by the apprenticeship program, his/her salary shall be continued at the existing level until the employee has been in the apprenticeship program long enough to move onto the apprenticeship salary schedule without a reduction in salary.

(4) Incremental salary step increases shall be in accordance with the appropriate salary schedule but are not solely dependent upon time in grade. Objective evaluation of performance in on-the-job and related training may be justification to delay an incremental salary increase until training requirements for that step have been fulfilled. Conversely, objective evaluation of performance may be justification to

advance incremental salary steps to the level equal to ability and training.

(5) Graduates from the apprenticeship program will be assigned to the mid-step of the journey scale and will remain until twelve months elapse before moving to the top step. Movement from the apprenticeship program into the journey class does not require competition and a trial service appointment is not required.

AMENDATORY SECTION (Amending WSR 98-19-035, filed 9/10/98, effective 10/12/98)

WAC 251-22-165 Workers' compensation—Leave.

(1) Employees who suffer a work related injury or illness that is compensable under the state workers' compensation law may select time loss compensation exclusively, leave payment exclusively or a combination of time loss compensation and accrued paid leave.

(2) Employees taking sick leave during a period in which they receive workers' compensation under the industrial insurance provisions for a work related illness or injury shall receive full sick leave pay, less any industrial insurance payments for time loss during the sick leave period.

(a) Until eligibility for workers' compensation is determined by the department of labor and industries, the institution may pay full sick leave, provided that the employee shall return any overpayment to the institution when the salary adjustment is determined.

(b) Sick leave hours charged to an employee who receives workers' compensation, as a result of the time loss shall be proportionate to that portion of the employee's salary paid by the institution during the claim period.

(3) During a period when an employee receives pay for vacation leave, compensatory time off or holidays and also receives workers' compensation for time loss, he/she is entitled to both payments without any deduction for the industrial insurance payment.

(4) When an employee receives workers' compensation payment for time loss and is on leave without pay, no deductions will be made for the industrial insurance payment.

(5) An employee who sustains an industrial injury, accident or illness, arising from employment by an institution under the jurisdiction of ~~((the board))~~ chapter 41.06 RCW shall, upon written request and proof of continuing disability, be granted leave of absence without pay for up to six months without loss of layoff seniority or change in annual increment date. Leave without pay exceeding six months without loss of layoff seniority or change in annual increment date may be granted at the option of the employing institution.

AMENDATORY SECTION (Amending WSR 83-20-020, filed 9/23/83, effective 10/24/83)

WAC 251-22-240 Suspended operation. (1) Notwithstanding the provisions of WAC 251-10-030, if the chief executive officer of the institution determines that the public health or property or safety is jeopardized and it is advisable due to emergency conditions to suspend the operation of all or any portion of the institution, the following will govern classified employees:

(a) When prior notification has not been given, employees released until further notice after reporting to work, shall receive a minimum of four hours pay for the first day. The following options shall be made available to affected employees not required to work for the balance of the closure:

(i) Vacation leave, personal holiday; or

(ii) Accrued compensatory time (where applicable); or

(iii) Leave without pay; or

(iv) Reasonable opportunity to make up work time lost as a result of the suspended operation as provided in subsection (1)(c).

(b) Employees required to work shall receive their regular rate of pay for work performed during the period of suspended operation. Overtime worked during the closure will be compensated as provided in chapter 251-09 WAC. The personnel officer may petition the director for approval of a special premium pay allowance due to hazardous working conditions encountered by employees required to work during the period of suspended operation.

(c) Employees who lose regular work time as a result of suspended operation may request to work additional hours during the ninety-day period immediately following the suspended operation. Compensation for such additional work shall be granted on a compensatory time basis at not less than straight time nor more than time and one-half, and shall be part of the institution's suspended operations procedures. The amount of compensation earned under this section should not exceed the amount of salary lost by the employee due to suspended operation. Management directed overtime shall be compensated as provided in chapter 251-09 WAC.

(2) Each institution/related board, together with the appropriate exclusive representative(s), shall develop and file with the director, subject to approval, a procedure to provide for staffing during periods of suspended operation. The procedure shall include identification of the manner in which employees will be notified of suspended operation by the chief executive officer.

(3) The provisions of this rule may be utilized only when an institutional procedure has been approved by the director and an official declaration of suspended operation has been made by the chief executive officer of the institution.

(4) The provisions of this section and institutional procedures adopted hereunder may not be in effect in excess of fifteen calendar days unless within the fifteen days the personnel officer requests the director's or designee's approval of an extension. ~~((Such approval is subject to confirmation by the board.))~~

AMENDATORY SECTION (Amending WSR 99-05-042, filed 2/12/99, effective 4/1/99)

WAC 251-23-010 Affirmative action—Authority. ~~((The rules contained in this chapter follow from the authority of RCW 41.06.150, which provides in part, "The board shall adopt rules, consistent with the purposes and provisions of this chapter regarding the basis and procedures to be followed for"; RCW 41.06.150, which provides in part, "Affirmative action in appointment, promotion, transfer, recruitment, training, and career development; development and~~

~~implementation of affirmative action goals; and monitoring of progress against those goals")) The purpose of this chapter is to ensure compliance by each institution/related board with the provisions of chapter 41.06 RCW and executive orders, which provide for affirmative action and equal employment opportunity in appointment, promotion, transfer, recruitment and career development; development and implementation of affirmative action goals, and monitoring progress toward achieving those goals.~~

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending WSR 98-19-035, filed 9/10/98, effective 10/12/98)

WAC 251-24-010 Employee development—Authority, purpose, objective. (1) ~~((The rules contained in this chapter follow from the authority of RCW 41.06.150, which provides in part, "the board shall adopt and promulgate rules and regulations consistent with the purposes and provisions of this chapter regarding the basis for, and the procedures to be followed for training and career development")) This chapter sets forth the requirements for institutions and related boards to provide training and career development.~~

(2) It is the ~~((board's))~~ director's intent that institutions will establish, conduct and report employee training and development programs. The rules in this chapter provide the guidelines for such programs.

(3) The objective of these rules is to provide opportunity for the development of the potential occupational or professional ability of each employee to make the most effective and economic use of employee resources in accomplishing institution's goals.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 251-04-050 Powers—Duties of the board.

WSR 04-11-116
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Disability Services Administration)
[Filed May 19, 2004, 11:28 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-07-189.

Title of Rule: Chapter 388-78A WAC, Boarding home licensing rules (entire chapter).

Purpose: The purpose of revising the boarding home licensing rules is to assure that chapter 388-78A WAC complies with chapter 18.20 RCW as amended by SSB 6225, SSB 6160 and SSB 5733 by the 2004 legislature, and to be responsive to the needs of department clients.

Other Identifying Information: The department is proposing to repeal all rules in chapter 388-78A WAC adopted under WSR 03-16-047 scheduled to take effect September 1, 2004, and replace them with the proposed rules contained in this notice.

Statutory Authority for Adoption: RCW 18.20.090, chapter 142, Laws of 2004.

Statute Being Implemented: Chapter 18.20 RCW, chapter 142, 144, and 140, Laws of 2004.

Summary: The proposed amendments:

- Repeal all existing sections in chapter 388-78A WAC adopted under WSR 03-16-047, and replace them with new sections.
- Clarify and strengthen the assessment and care planning requirements for residents in boarding homes.
- Outline the minimum level of support all boarding homes must provide to the residents.
- Clarify and strengthen the nursing, medication and other health support services available to residents in boarding homes.
- Identify when specialized training for developmental disabilities, mental illness, and dementia is required in boarding homes in accordance with chapter 18.20 RCW and chapter 388-112 WAC.
- Improve the requirements for boarding home administrators.
- Revise all sections to make the requirements easier to understand.

Reasons Supporting Proposal: See Explanation of Rule below.

Name of Agency Personnel Responsible for Drafting: Denny McKee, P.O. Box 45600, Olympia, WA 98504-5600, (360) 725-2590; **Implementation and Enforcement:** Patricia K. Lashway, P.O. Box 45600, Olympia, WA 98504-5600, (360) 725-2401.

Name of Proponent: Department of Social and Health Services, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: DSHS intends to adopt proposed rules as permanent by July 30, 2004, and make them effective as of September 1, 2004.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 388-78A WAC contains the licensing standards for boarding homes. It is being revised in part to comply with directions provided by the 2004 legislature contained in SSB 6225, SSB 6160, and SSB 5733. The department is also revising the chapter to be responsive to the needs of department clients. The anticipated effects of this rule are that residents will receive more appropriate and individualized care and services in a boarding home.

Proposal Changes the Following Existing Rules: The entire licensing chapter 388-78A WAC has been revised to

make it consistent with recent legislation and to be responsive to the needs of department clients. The proposed changes include:

- Repealing all sections in chapter 388-78A WAC adopted under WSR 03-16-047, and replacing them with new sections.
- Specifying when a boarding home license is and is not required.
- Specifying the characteristics of persons that boarding homes may accept and retain in the boarding home.
- Specifying the content and timing of preadmission resident assessments and full reassessments.
- Specifying who is qualified to complete the preadmission assessment.
- Specifying the process of developing negotiated service agreements for residents, including the timing and content of these agreements.
- Specifying the requirements for implementing negotiated service agreements and monitoring residents' well-being.
- Specifying the required services a boarding home must provide.
- Identifying the optional domiciliary care services a boarding home may provide, and the minimum level of assistance with activities of daily living a boarding home must provide if it chooses to provide assistance with activities of daily living.
- Specifying the requirements for medication assistance and medication administration, and storing and accounting for medications.
- Specifying the requirements for families providing medication assistance to residents.
- Specifying the requirements for food services and therapeutic diets.
- Specifying the requirements associated with providing nursing services.
- Specifying the requirements concerning resident-arranged services with providers external to the boarding home.
- Specifying the requirements for coordinating services with providers external to the boarding home.
- Specifying the requirements for providing adult day care and dementia care, and the requirements for operating a unit with restricted egress.
- Specifying the requirements associated with documenting resident care, and maintaining records regarding residents' care.
- Specifying the requirements for hiring and training sufficient staff for the boarding home, including requirements for criminal history background checks and testing for tuberculosis.
- Specifying the training requirements for staff.
- Specifying the qualifications and training requirements for boarding home administrators.
- Specifying the administrative requirements of operating a boarding home, including use of management agreements, development of policies and procedures, infection control practices, and reporting requirements.

- Specifying resident rights in boarding homes.
- Specifying requirements for disaster preparedness and disclosing available services.
- Specifying the requirements for obtaining a boarding home license and the procedures for application.
- Specifying the licensee's responsibilities in a boarding home.
- Specifying the requirements for the building to be used as a boarding home.
- Specifying the rights and responsibilities of the boarding home during the inspection process.
- Specifying the enforcement actions the department may take in response to a boarding home's noncompliance with rules, and the boarding home's appeal rights.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement

SUMMARY OF PROPOSED RULES: Chapter 388-78A WAC, Boarding home licensing rules, contains the requirements that boarding homes must meet in order to be licensed in Washington. The statutory authority for chapter 388-78A WAC is RCW 18.20.090. The purpose of chapter 388-78A WAC is to implement chapter 18.20 RCW, as directed by the statute, to promote the safe and adequate care of individuals in boarding homes, and to promote sanitary, hygienic and safe conditions in boarding homes.

Residential care services (RCS) in Aging and Disability Services Administration (ADSA), Department of Social and Health Services' is proposing amendments to chapter 388-78A WAC, Boarding home licensing rules.

The purpose of these amendments is to:

- Repeal all sections in chapter 388-78A WAC filed under WSR 03-16-047 (effective September 1, 2004) in response to the needs of department clients.
- Adopt revised sections in chapter 388-78A WAC that are consistent with chapter 18.20 RCW as amended by SSB 5733, 6160 and 6225 passed by the 2004 legislature, which address the following issues:
 - Revised assessment requirements;
 - Revised requirements for initial resident service plans, and negotiated service agreements;
 - Required basic services;
 - Assuming general responsibility for the safety and well-being of residents;
 - Optional domiciliary care services including:
 - Assistance with activities of daily living;
 - Health support services; and
 - Intermittent nursing services;
 - Disclosing available services to residents and their representatives;
 - Family assistance with medications;
 - Resident-arranged services with health care practitioners, home health and home care agencies, and hospice agencies; and
 - When a boarding home license is and is not required.
- Make editorial changes for additional clarity.

The proposed amendments include:

- Repealing all sections in chapter 388-78A WAC adopted under WSR 03-16-047, and replacing them with new sections.
- Specifying when a boarding home license is and is not required.
- Specifying the characteristics of persons that boarding homes may accept and retain in the boarding home.
- Specifying the content and timing of preadmission resident assessments and full reassessments.
- Specifying who is qualified to complete the preadmission assessment.
- Specifying the process of developing negotiated service agreements for residents, including the timing and content of these agreements.
- Specifying the requirements for implementing negotiated service agreements and monitoring residents' well-being.
- Specifying the required services a boarding home must provide.
- Identifying the optional domiciliary care services a boarding home may provide, and the minimum level of assistance with activities of daily living a boarding home must provide if it chooses to provide assistance with activities of daily living.
- Specifying the requirements for medication assistance and medication administration, and storing and accounting for medications.
- Specifying the requirements for families providing medication assistance to residents.
- Specifying the requirements for food services and therapeutic diets.
- Specifying the requirements associated with providing nursing services.
- Specifying the requirements concerning resident-arranged services with providers external to the boarding home.
- Specifying the requirements for coordinating services with providers external to the boarding home.
- Specifying the requirements for providing adult day care and dementia care, and the requirements for operating a unit with restricted egress.
- Specifying the requirements associated with documenting resident care, and maintaining records regarding residents' care.
- Specifying the requirements for hiring and training sufficient staff for the boarding home, including requirements for criminal history background checks and testing for tuberculosis.
- Specifying the training requirements for staff.
- Specifying the qualifications and training requirements for boarding home administrators.
- Specifying the administrative requirements of operating a boarding home, including use of management agreements, development of policies and procedures, infection control practices, and reporting requirements.
- Specifying resident rights in boarding homes.
- Specifying requirements for disaster preparedness and disclosing available services.
- Specifying the requirements for obtaining a boarding home license and the procedures for application.
- Specifying the licensee's responsibilities in a boarding home.
- Specifying the requirements for the building to be used as a boarding home.
- Specifying the rights and responsibilities of the boarding home during the inspection process.
- Specifying the enforcement actions the department may take in response to a boarding home's noncompliance with rules, and the boarding home's appeal rights.

SMALL BUSINESS ECONOMIC IMPACT STATEMENT:

Chapter 19.85 RCW, the Regulatory Fairness Act, requires that the economic impact of proposed regulations be analyzed in relation to small businesses. "Small business" means any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, and that has fifty or fewer employees. There are approximately five hundred twenty-seven licensed boarding homes in Washington state. Of these five hundred twenty-seven, approximately three hundred seventy-six boarding homes, or 71%, are considered small businesses as defined above. In the North American Industry Classification System, boarding homes and their services are considered under codes 6233 and 7213.

The statute outlines information that must be included in a small business economic impact statement (SBEIS). Preparation of an SBEIS is required when a proposed rule has the potential of placing a disproportionate economic impact on small businesses. This chapter impacts all licensed boarding homes in Washington.

Residential care services (RCS), Aging and Disability Services Administration, has analyzed our proposed rule amendments and concludes a comprehensive SBEIS is required.

INDUSTRY ANALYSIS: RCS is responsible for licensing boarding homes in Washington and investigating complaints regarding their operation. As part of their monitoring, RCS keeps a current internal database that identifies all licensed boarding homes. Since internal industry information can be obtained at a more accurate level than is required by chapter 19.85 RCW, it is unnecessary to conduct an industry analysis using the four-digit standard industrial classification (SIC) codes.

The costs of complying with a new requirement could have a large variation across the industry because of the unique factors associated with each boarding home. The department determined the on-going costs associated with complying with the revised rules should be expressed in terms of dollars per resident day. Further, the department determined that the "average" "small business" is best represented by a boarding home licensed for thirty-two beds, and that the "average" "large business" is best represented by a boarding home licensed for eighty-two beds.

The department arrived at these two representative numbers by analyzing its own data available in the Home and Community Rates section of ADSA. This data suggested that

on an average, a boarding home licensed for sixty beds employed approximately fifty employees. Therefore, the department considered boarding homes with sixty or fewer licensed beds as "small businesses." The department then arrayed five hundred twenty-seven licensed boarding homes into two groups by number of licensed beds: Those with sixty or fewer licensed beds (small businesses); and those with more than sixty licensed beds (large businesses). The median number of licensed beds in "small businesses" is thirty-two beds, and the median number of licensed beds in "large businesses" is eighty-two beds. The department's methodology of determining the "average" small business and "average" large business had been previously reviewed with the boarding home industry, which concurred with the department's methodology.

INVOLVEMENT OF SMALL BUSINESSES: ADSA began the process of obtaining public input on the development of this rule revision around March 2000 by holding meetings with a wide variety of stakeholders. The initial meetings were designed to identify the general problems that existed in rules and the major topics that needed to be addressed. As a result of these first discussions, eight different work groups, composed of a variety of stakeholders, were created around the topics of:

- Provision of nursing services and health care supports;
- The process of assessing residents' needs;
- Boarding homes disclosing to the public the services they provide;
- Administrative issues in the boarding home;
- Provision of care to persons with dementia;
- Enforcement issues;
- The building and physical environment; and
- Miscellaneous issues including the basic services that should be required in a boarding home.

These eight work groups met a total of fifty-eight times and developed two hundred six advisory recommendations to ADSA. These advisory recommendations served as recommended general concepts or guiding principles for inclusion in the revision of chapter 388-78A WAC. Further, these recommendations were posted on a publicized website with e-mail links to the department for other members of the public to provide input. ADSA management team reviewed each of these recommendations and accepted the vast majority of them.

Additionally, the 2003 legislature enacted SSB 5579, which amended chapter 18.20 RCW and also impacted chapter 388-78A WAC.

Based on the department's analysis of these recommendations and SSB 5579, proposed rules were then filed under WSR 03-03-018, further comments were accepted in writing and during testimony in a formal hearing, and final rules were filed and adopted under WSR 03-16-047 with an effective date of September 1, 2004.

Subsequently, the 2004 legislature enacted SSB 5733, 6160 and 6225, which further impacted several sections of the rule. Consequently, the department decided to propose repealing the rules filed under WSR 03-16-047 and adopting a revised chapter that will assure that chapter 388-78A WAC

complies with recent changes in statute and is responsive to concerns of various stakeholders.

The department filed a preproposal statement of inquiry in WSR 04-07-189, and notified interested persons that it intended to amend the rules. The department then drafted amendments to chapter 388-78A WAC and provided to representatives of three boarding home trade associations (Northwest Assisted Living Facilities Association, Washington Association of Housing and Services for the Aging, and Washington Center for Assisted Living/Washington Health Care Association), the Long Term Care Ombudsman, and the Residents Councils of Washington, a copy of draft amendments and requested their feedback. The department considered the feedback provided, made appropriate changes to the draft, and is now proposing an amended chapter 388-78A WAC.

Western Health Care Corporation of Boise, Idaho, was hired to review the draft rules and develop an assessment of the costs of implementing the revised rules. (A copy of the report from Western Health Care Corporation is available by contacting Denny McKee at mckeedd@dshs.wa.gov or (360) 725-2590.) The department then distributed Western Health Care Corporation's cost analysis to the three boarding home trade associations, the Long Term Care Ombudsman, the Residents Councils of Washington and select boarding home operators. These stakeholders and select legislative members and staff were invited to a committee meeting to review this analysis and provide additional information in response to it. The committee meeting was held on May 6, 2004, during which the invited stakeholders discussed and responded to the analysis with department representatives, Western Health Care Corporation and invited legislative staff. The industry representatives were then given additional time to May 10, 2004, to submit additional information to the department.

COST OF COMPLIANCE: To fairly consider costs of compliance, RCS has elected to look at costs per licensed bed for the one-time costs associated with achieving compliance with the new rules, and costs per resident day for on-going expenses associated with maintaining compliance. This is due to these facts:

Boarding homes' revenues are based on the numbers of residents being served in the boarding home. Boarding homes generally prorate expenses over the average number of residents served.

In order to fairly compare expenses between large and small businesses, the cost per resident day provides a measure of the impact any change would have on each resident.

COST ANALYSIS: Western Health Care Corporation identified the costs listed in the first column. The boarding home industry representatives responded during the May 6, 2004, meeting and with additional information provided on May 10, 2004, and noted the on-going costs listed in the second column. The department's analysis of this information and conclusions are identified in the third column.

PROPOSED

| WESTERN HEALTH CARE CORPORATION COST ANALYSIS | STAKEHOLDER INPUT FROM COMMITTEE MEETING (May 6, 2004) | DEPARTMENT COST ANALYSIS |
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| <p>WAC 388-78A-2010 Purpose and 388-78A-2020 Definitions. Cost Impact: None. ANALYSIS: This section includes definitions of terms used throughout the draft rules. There are no tasks associated with the definitions, therefore there are no costs associated with this section.</p> | <p>Industry comments include the following regarding WAC 388-78A-2020.</p> <p>Cost of additional training for volunteers who are not directly supervised by boarding home staff is a result of the definition of "resident care staff person."</p> <p>Volunteers will be required to take the same level of training as boarding home staff: Twenty-eight hours basic training and twenty-two through twenty-four hours for mental health training.</p> <p>Cost increase for independent living due to "nonresident" definition.</p> <p>There will be increased cost for providing low sodium and diabetic diets.</p> | <p>The definition "resident care staff person" does not expand the requirements for training of volunteers so there is no cost imposed by this definition. Volunteers who provide hands-on personal care and are not directly supervised are considered "caregivers" as defined in WAC 388-112-0005, effective August 11, 2002.</p> <p>By law, since 2002, boarding homes have been required to train volunteers who meet the "caregiver" definition as they would other caregivers in accordance with RCW 18.20.270.</p> <p>To mitigate any confusion by the definition, the department has replaced the draft definition of "resident care staff person" with the definition of "caregiver" consistent with chapter 388-112 WAC.</p> <p>The definition of boarding home specifically excludes independent living from the definition and application of these requirements; therefore, there is no cost based on these rules. Further, the definition of "nonresident individual" is based on the statutory definition found in SSB 6225. SSB 6225 reduces the scope of diets currently required. Current requirements in WAC 388-78A-170 (3)(a) require the licensee to provide therapeutic diets without limitation when prescribed by a health care practitioner. Chapter 18.20 RCW as amended by SSB 6225 requires the provision of prescribed general low sodium, diabetic, and mechanical soft foods diets. There is no increased cost associated with this rule.</p> |
| <p>WAC 388-78A-2080 Qualified assessor. Cost Impact: \$0.08 to \$0.16 per resident day, average of \$0.12 per resident day. ANALYSIS: This section is a new requirement under the draft rules. There are many examples of people who will be considered qualified to perform the preadmission assessment, including social workers, nurses, physicians, and people who have three years of experience assessing boarding home residents</p> | <p>The industry comments include:</p> <p>Requires assessment to be done by a higher qualified employee or as a purchased service.</p> <p>A private case manager may cost \$45 to \$90 per hour.</p> <p>One provider agreed with the consultants estimate of twelve cents per day to implement the rules. This facility is doing their own assessments.</p> | <p>Current WAC 388-78A-265 (1)(b) already requires an RN or physician to assess or supervise an LPN's assessment of each resident requiring limited nursing services.</p> <p>A nursing assessment is not required under the proposed rules unless the boarding home chooses to provide services to an individual needing nursing services. Any nursing assessments that are completed must be completed by a nurse acting within his/her scope of practice described in chapter 246-840 WAC, Practical and registered nursing.</p> |

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| <p>prior to September 1, 2004. Although most facilities already have staff who meet this requirement, some may not.</p> <p>If a facility needs to hire a person to complete the assessments, additional costs to the facility may be incurred due to this rule. Facilities with fifteen patients can be expected to have between one and two admissions per month. If the assessor is paid \$20 per hour, and each preadmission assessment takes two hours, the facility will incur costs of \$20 per hour times two to four hours per month. This equals \$40-80 per month, divided by 450 patient days per month results in approximate costs of \$0.08 to \$0.16 per resident day. This cost is a variable cost, and should be the same regardless of facility size.</p> | <p>Cost of doing assessments will be reduced if an RN is no longer required and an LPN can do the assessments.</p> <p>Rural facilities are located two hours from a pool of nurses to complete assessments. This will cost two to three times more per assessment. Cost is \$50/hour to drive to their location to do an assessment. Cost of assessments is not only large vs. small facilities, but also rural vs. urban.</p> <p>To reduce cost, the consultants suggested the resident or their representative fill out an inquiry form that has most of the information needed and review at preadmission assessment.</p> <p>In terms of a small business vs. larger facility, the larger facility has qualified assessors on staff. It takes an average of two hours to complete an assessment. There are additional costs of time to go to the applicant to obtain information and discuss with staff. A qualified assessor at \$20 per hour is not enough for a good RN. The cost will be two to three times higher for small business.</p> <p>Average cost for a private case manager to complete an assessment for an adult family home is \$285. If required to have qualified assessors the costs would be more.</p> | <p>Therefore there are no new costs associated with the proposed rule related to nursing assessments.</p> <p>In information provided by the industry via e-mail May 10, 2004, they estimated that a resident assessment potentially takes three hours to complete, and that one could expect an average of two new admissions per month for boarding homes licensed for fifteen to forty beds.</p> <p>Discussion during the May 6, 2004, meeting revealed that many boarding homes already have assessors on staff who meet the requirements of the proposed rule. Other boarding homes, especially small rural boarding homes, may need to hire contracted individuals. The department mitigated these potential costs by "grandfathering" in persons with three years of experience, by expanding the settings in which qualifying experience may be gained, and by including travel time in the time allotted for conducting assessments.</p> <p>Information provided by the industry via e-mail May 10, 2004, states contracted assessors may cost from \$35 to \$90 per hour (no supporting documentation provided). The same e-mail indicates current wages for assessors are \$10 per hour. Information obtained from Employment Security data indicates the average hourly wage (50th percentile) for a MSW social worker in King County is \$16.99 (SOC Code 21-1022, June, 2002). A department case manager who is qualified to conduct resident assessments currently (2004) may receive a maximum salary of a "Social Worker 3" at an hourly wage of \$23.06. Given that some boarding homes will have qualified assessors on staff, while others may need to contract with professionals in the community, the department considers the wages paid to the department's social worker 3's to be a reasonable average wage, especially when the boarding home industry indicated in 2002 that a qualified assessor would cost \$20 per hour. This is equivalent to a 15% increase in wages in two years.</p> |

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| | | Based upon the above information, the department has determined boarding homes (fifteen to forty licensed beds) would experience additional costs of \$.08 per resident day related to the increased qualifications of an assessor. (2 assessments x 3 hours per assessment x (\$23.06-\$10.00) /30 days per month/ average thirty-two residents). Proportional increases in the number of licensed beds would result in proportional numbers of new admissions divided by a proportional increase in the number of resident days, resulting in the same cost of \$.08 per resident day for large boarding homes. |
| <p>WAC 388-78A-2090 Full reassessment topics. Cost Impact: None. ANALYSIS: The "Full reassessment topics" section lists items that must be included on a full assessment to be completed within fourteen days of a resident's move in. The reason we find there to be no cost impact for this draft rule is because the topics are listed in SB 6225 section 8(1), therefore they are now required by law to be completed. Staff qualifications to complete the full and on-going reassessments are currently found in the Nurse Practice Act (chapter 18.79 RCW).</p> | <p>The industry comments include: Current rule does not require RN to complete assessments. Strike out registered nurse for potential reduced cost.</p> | <p>Current WAC 388-78A-265 (1)(b) requires an RN or physician to assess or supervise an LPN's assessment of each resident requiring limited nursing services. The proposed rule does not require a registered nurse to do an assessment. A nurse is needed in accordance with chapter 18.79 RCW and the rules promulgated thereunder only if the resident has nursing issues. There is no cost related to this requirement.</p> |
| <p>WAC 388-78A-2160 Implementation of negotiated service agreement and 388-78A-2120 Monitoring residents well-being. Cost Impact: None. ANALYSIS: No substantial change in these sections from the existing rules (WAC 388-78A-260).</p> | <p>Industry comments are as follows: Will require spending time talking and negotiating services to be provided to the resident. This is a change in requirement that could be a cost. It is a new expectation to spend time with the resident representative regarding care and will add to costs. May be required in chapter 388-110 WAC for Medicaid residents. RCW 70.129.140 (2)(e) says the resident has a right to participate in plan and treatment. Now there is no choice, must participate. Not currently a common practice in addition to assessment.</p> | <p>This is not a new requirement. RCW 70.129.140 (1) and (2)(e) and (f) requires the boarding home to involve the resident and the resident representative in the assessment and planning process. Additionally RCW 70.129.030(3) requires the resident participation in care and services including preferences important to the resident such as food and daily routine. Although the term negotiated service agreement has not been in rule, the requirement to involve the resident and the resident representative has been in statute since 1994. Consequently, there is no cost to implementing this rule.</p> |

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| <p>WAC 388-78A-2180 Activities. Cost Impact: None. ANALYSIS: This section is substantially already present in current rules (WAC 388-78A-260(3)).</p> | <p>Minimal cost associated with supplies and equipment by resident activities on individual basis.</p> <p>The word "reasonable" might be used here to clarify minimal cost.</p> <p>Not substantively different from current WAC.</p> | <p>The department recognizes the concern that there could be an expense for an extraordinary activity requested by a resident. To mitigate the potential cost impact to small business the department added language to clarify the expectation that the boarding home must make available for resident activities only "routine" supplies and equipment.</p> |
| <p>WAC 388-78A-2220 Prescribed medication authorization, 388-78A-2230 Medication refusal, 388-78A-2240 Nonavailability of medications, 388-78A-2250 Alteration of medication, 388-78A-2260 Storing, securing, and accounting for medication, 388-78A-2270 Resident controlled medication, 388-78A-2280 Medication organizers, and 388-78A-2290 Family assistance with medication. Cost Impact: None. ANALYSIS: The only section in the above draft rules that changed from existing rule and not incorporated in SB 6225 is WAC 388-78A-2260. In WAC 388-78A-2260, there is an added requirement to have a second staff person present during a daily inventory of Schedule II and III drugs. This added rule assists in tracking these medications should any medications turn up missing during a daily count. We believe this requirement is an industry standard, especially with regard to narcotics. WAC 388-78A-2270 is already present in WAC 388-78A-300(2). WAC 388-78A-2290 is part of SB 6225, section 6.</p> | <p>Industry comments to WAC 388-78A-2260 are as follows: Boarding homes will experience significant increases in costs if additional staff and/or training is required to conduct a two-person inventory of Schedule II and III drugs.</p> <p>Comments regarding WAC 388-78A-2290: Increased oversight for family assistance with medications and treatments is a new expectation.</p> | <p>In response to cost concerns raised by the boarding home industry, the department mitigated the cost by eliminating from the proposed rule the requirement to have a daily two-person inventory of Schedule II and III drugs. Boarding homes must meet the requirements of medication services outlined in chapter 69.41 RCW per SSB 6225. Therefore there will be no additional costs associated with inventorying drugs due to the proposed rule.</p> <p>Current WAC 388-78A-300 (7)(e) requires boarding homes to have documentation of prescribers' orders for medications. The proposed rule allows medication assistance and administration to be provided with an expanded range of recognized authorizations beyond a prescriber's order, such as the label on a prescription bottle. Therefore there are no costs associated with medication authorizations in the proposed rule. Requirements associated with family assistance with medications are based upon SSB 6225 and do not result from this proposed rule.</p> <p>Therefore there are no new costs associated with medication requirements contained in the proposed rule.</p> |
| <p>WAC 388-78A-2300 Food and nutrition services. Cost Impact: None. ANALYSIS: Western Health Care reviewed this section with a registered dietitian who consults</p> | <p>Consultants suggested keeping cost down yet provide residents choice. Yesterday's leftovers, or soup and sandwich are common practice.</p> | <p>The department concurs with the consultants' analyses that safely handled and stored food could be used to provide an alternate for lunch and dinner.</p> <p>Therefore there would be no cost associated with this requirement.</p> |

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| <p>for a variety of skilled and assisted living facilities in several states including Washington. It was her opinion that requiring alternate meal choices of comparable quality and nutritional value would not significantly increase costs if facilities employed proper food handling and storage techniques with prior day's entrees. However, it should also be noted that the draft rules limit, not expand, the number of different diets required to be available to residents.</p> <p>Rather than stating that the facility must provide "resident specific, modified or therapeutic" diets, the draft regulations only mention a low sodium, a general-diabetic, and a mechanical soft food diet. These changes are consistent with section 1, part 6 and 8 in SB 6225. Much of this section is also currently included in WAC 388-78A-170, with the exception that new dishwasher installations after September 1, 2004, must have a final rinse temperature of 180°. Installing a temperature boost system for new or replacement systems after September 1, 2004, will cost an estimated \$500 (\$200 for the water heater plus \$300 for installation). However, it is unknown how many facilities may incur this cost.</p> | <p>Costs associated with alternate lunch and dinner.</p> <p>Commercial dishwasher is a cost for small facilities.</p> <p>Cost of new dishwasher or booster may vary depending on location of dishwasher and wiring to install. May be \$700 to \$1000 if rewiring required.</p> <p>One time cost. Cost of doing business. Dishwasher lasts eight to ten years and cost can be depreciated.</p> <p>Disproportionate cost for small businesses.</p> <p>This requirement is for anyone licensed after September 1, 2004, or if the dishwasher needs to be replaced.</p> | <p>The commercial dishwasher could impact facilities with sixteen or fewer residents when the dishwasher is replaced some time in the future. However, this requirement can be met by installing a water temperature booster system at minimal cost. A facility with seventeen or more residents currently needs a commercial dishwasher.</p> <p>Therefore there are no additional costs associated with food service requirements because of the proposed rule.</p> |
| <p>WAC 388-78A-2310 Intermittent nursing services, 388-78A-2320 Intermittent nursing services systems, 388-78A-2330 Tube feeding, 388-78A-2340 Resident arranged services, and 388-78A-2350 Coordination of health care services.</p> <p>Cost Impact: None.</p> <p>ANALYSIS: WAC 388-78A-2330 lists a service that boarding homes are not required to provide. WAC 388-78A-2310 and 388-78A-2320 are currently in chapter 18.79 RCW, Nurse Practice Act and chapter 246-840</p> | <p>Industry comments includes the following:</p> <p>Nursing services are optional. This is a higher standard with regard to practice and a cost to those choosing to provide the service.</p> <p>It looks like an RN would have to provide oversight to another RN. Nursing supervision is not part of SB 6225. Additional cost for RN. Nurse Practice Act in RCW 18.79.-260 says what an RN can do.</p> | <p>The department has revised the draft sections related to intermittent nursing services in order to add the intermittent nursing services language from SSB 6225 and to clarify the related requirements.</p> <p>Intermittent nursing services is an optional boarding home service. The boarding home has the choice whether or not to provide this service.</p> <p>Any cost to provide intermittent nursing services is one the boarding home imposes on itself with the decision to provide this service.</p> |

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| <p>WAC. WAC 388-78A- 2310 regarding the availability of a nursing supervisor by pager or telephone is already in existing rules, WAC 388-78A-265 (1)(d). WAC 388-78A-2340 is recreated in section 10 of SB 6225, therefore is a state law not subject to modification or interpretation by the draft rules. Finally, WAC 388-78A- 2350 was modified only to the extent that it meet the requirements of several sections of SB 6225, including but not limited to, sections 8 and 10.</p> | | |
| <p>WAC 388-78A-2370 Dementia care and 388-78A-2380 Restricted egress. Cost Impact: None. ANALYSIS: WAC 388-78A-2370 lists several items to be included as part of an assessment in order to develop a negotiated service agreement that better meets the needs of residents who have symptoms of dementia. This information is especially needed to appropriately address and redirect inappropriate behavior and actions. Facilities that care for residents with moderate to advanced dementia are likely already collecting the information listed in WAC 388-78A-2370. WAC 388-78A-2380 discusses egress requirements that are not significantly different than current rules (WAC 388-78A-335).</p> | <p>Industry comments are as follows concerning WAC 388-78A-2370. This is a new requirement. Information has to be included as part of their assessment process. Will drive the time needed for assessment.</p> <p>New and additional assessment for those already serving residents with dementia. Cost is thirty-three cents per resident day and \$300 start-up costs. When there is a change in a resident it will take more time.</p> <p>Change of condition requires a limited assessment. Assessment of person with dementia requires more detail. 40% of residents in boarding homes have some form of dementia.</p> <p>Issue between required or not required. No choice now it is required and there will be cost involved.</p> <p>Will require facilities to redo their assessment forms and train staff and document.</p> <p>What takes more time costs more money.</p> | <p>SSB 6225 includes several assessment requirements that could be specifically related to dementia. Those requirements include assessing significant known behaviors or symptoms of the individual causing concern or requiring special care; the individual's special needs by evaluating available information or selecting and using an appropriate tool to determine the presence of symptoms consistent with, and implications for care and services for several conditions, including dementia; and the individual's personal identity and lifestyle. It is reasonable to assume that most of the information required by the dementia care assessment would be provided without additional activity required on the part of the boarding home.</p> <p>With the assessment requirements of SSB 6225 the department estimates minimal costs associated with the dementia care assessment requirements. The boarding home could provide family members, if any, with a questionnaire to obtain some specific personal identity and lifestyle information. There are a number of personal and social history questionnaires available.</p> |

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| <p>WAC 388-78A-2450 Staff, 388-78A-2470 Criminal history background checks, and 388-78A-2480 TB tests. Cost Impact: Minimal. ANALYSIS: The facility will now be required to complete criminal background checks on every staff member every two years. The requirement to have background checks completed on all newly hired staff is already part of the existing regulations (WAC 388-78A-045). Further, tuberculosis tests will be required every year. The actual cost of completing background checks is zero, as the state does not charge for these checks. Facility staff will be required to mail in criminal background requests on all staff that have worked at the facility for more than two years. For a facility with fifty residents, we estimate it will take one staff person approximately one half hour per month to review staff records to determine who has been employed at the facility for more than two years and collect staff signatures to initiate the background check process. If the staff member is paid \$15 per hour, this translates to approximately \$7.50 per month divided by 1,500 resident days is approximately \$0.005 per resident day.</p> | <p>Industry comments to WAC 388-78A-2470 are as follows: Because of the administrative time to check with the state regarding background check, three to six months, prefer to pay \$10 and check on-line with state patrol.</p> <p>Pay private firm \$15-\$20 to provide background checks. More applicants being disqualified. As the pool gets smaller, the costs go up. Prefer to know immediately.</p> <p>Cost to make a list of staff and fill out the form for every two year background checks. With 50% turnover this is an increased cost.</p> <p>Comments to WAC 388-78A-2480: Cost for TB tests is more than \$10. Possibly \$35 for TB tests. TB testing every year was free. Now King County charging \$10 to \$35, not sure.</p> <p>The feds are looking at using the Health Department for TB tests which may reduce cost.</p> | <p>WAC 388-89A- 2470: The rule requires boarding homes to submit all criminal history background check authorization forms to the department. The department does not charge for these background checks. If a boarding home chooses to obtain a limited background check in addition to the department requirement that is optional and not a cost of implementing this rule.</p> <p>The additional requirement of obtaining the background check every two years is a new requirement and will require tracking in order to submit the forms in a timely fashion. This requirement creates a minimal cost that is outweighed by the need to protect vulnerable residents.</p> <p>WAC 388-78A-2480: The department responded to industry concerns regarding the cost of annual TB testing and has mitigated the cost impact by deleting this from the proposed rule. Therefore there are no additional costs associated with TB testing attributed to the proposed rule.</p> |
| <p>WAC 388-78A-2490 Specialized training for developmental disabilities, 388-78A-2500 Specialized training for mental illness and 388-78A-2510 Specialized training for dementia. Cost Impact: None. ANALYSIS: These requirements are substantially included in WAC 388-112-0110. Additionally, we believe that most facilities with these types of residents already provide training for staff to meet the needs of these special populations.</p> | <p>Under WAC 388-78A-2510 there is a cost of training volunteers who provide hands-on care to residents now that they are included in the definition of "resident care staff person."</p> | <p>The boarding home is already required to ensure that volunteers who provide hands-on personal care and who are not directly supervised have the same training that WAC 388-112-0005 requires "caregivers" to have. Chapter 388-112 WAC, including this definition, was effective August 12, 2002. Therefore there is no new cost associated in implementing this portion of the rule.</p> |

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| <p>WAC 388-78A-2520 Administrator qualifications, 388-78A-2530 Qualifying administrator training program, 388-78A-2540 Administrator training requirements, 388-78A-2550 Administrator training documentation, 388-78A-2560 Administrator responsibilities, and 388-78A-2570 Notification of change in administrator.</p> <p>Cost Impact: None.</p> <p>ANALYSIS: The draft rules suggest changes to the existing rules in that they remove the requirement that an alternate administrator with equal credentials to the administrator be available when the administrator is not available. Many parts of the WAC listed immediately above are already included in WAC 388-78A-040.</p> | <p>Industry comments are as follows: WAC 388-78A-2520: Cost for increase in significant requirements for administrator. Increase the standards for people who run the buildings. With high qualifications and a higher standard, when there is turn over in administrator they will drive costs. WAC 388-78A-2530: There will be increased costs associated with providing a qualifying administrator training program. Department training will take administrator's time and will cost. WAC 388-78A-2560: Although the alternate administrator is no longer required the facilities still need someone with experience. It is common practice to have a nurse that is qualified to be the alternative administrator. There is cost savings because you don't have an additional administration. Two people are still required, cannot assume the expense is not there.</p> | <p>All persons employed as boarding home administrators on September 1, 2004, are "grandfathered" under the proposed rule and no new costs will be associated with this requirement for existing boarding homes regarding administrator wages/salaries. Any costs associated with obtaining the necessary training and experience to become qualified as a boarding home administrator in the future, such as taking the NAB examination or the WCAL course, would be the responsibility of the individual seeking that training unless a boarding home voluntarily chose to pay for that individual's training. The boarding home industry presented no basis to conclude that the additional minimal training requirements for new administrators would result in higher salaries for current administrators now or at any time in the immediate future.</p> <p>Boarding homes may choose to provide a qualifying administrator training program, but it is not required by the proposed rules. The qualifying administrator training program is one of several options open to individuals in order to obtain required experience and training to become an administrator. It is estimated that the average amount of time it will take an administrator to complete the department training on-line is four hours. Employment security data indicates the average administrator hourly wage (50th percentile for SOC Code 11-3011, June 2002) is \$23.33 for King County. Allowing for benefits and inflation, assuming an administrator's time is worth \$30 per hour and prorating the expense over one year (365 days) in a small business, the theoretical costs to the boarding home would be \$.01 per resident day (4 hours x \$30/32 residents/365 days). In a large boarding home, the cost would be insignificant (less than 1/2 cent per resident day—4 hours x \$30/82 residents/365 days). However, since most administrators are salaried employees, there would be no actual additional costs to the boarding home.</p> |

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| | | There are no new additional costs associated with having a person qualified by experience to assume duties in the administrator's absence since current WAC 388-78A-040 requires boarding homes to employ an alternate administrator. |
| <p>WAC 388-78A-2600 Policies and procedures. Cost Impact: None. ANALYSIS: The vast majority of the policies and procedures listed under this section are likely already in place in most if not all boarding care homes. The required policies and procedures are currently found in WAC 388-78A-055. There will be a need for all boarding care homes to review their policy and procedure manuals, but most facilities are likely reviewing their policies and procedures at least annually.</p> | <p>An association has reviewed the old WACs against the draft rules comparing policies and procedures. Took forty hours to critique and develop new policies. Then attorney will review.</p> <p>Associations reported one-time cost to determine current policies, craft new, train on handbooks; and for legal review to be \$8,580 start up per facility.</p> <p>The new requirements are much more detailed and will require training for staff on policies and procedures, to update the resident handbook and give thirty-day notice to residents of changes.</p> <p>There will be review at company level and then at the local level. Facilities may not be doing annual reviews now. Policies may not change from year to year. Upfront cost for critiquing policies and procedures.</p> <p>Cost to review policies is forty hours for a thirty-three bed facility is fourteen cents a day for an annual review</p> <p>Cost of training must be added, this is a big change.</p> | <p>Discussion at the May 6, 2004, meeting revealed boarding homes could review and develop policies required by the draft rule in forty hours.</p> <p>The department determined that the cost of reviewing and developing policies required by the proposed rules in a small boarding home is \$25 per licensed bed in the first year only (40 hours x \$20/32 beds). The department determined that the cost of reviewing and developing policies required by the proposed rules in a large boarding home is \$9.76 per licensed bed in the first year only (40 hours x \$20/82 beds).</p> <p>In order to mitigate some of the industry's concerns about the costs of reviewing and developing new policies required by the draft rules, in addition to no longer requiring a number of old policies, the department eliminated from the proposed rules some of the required new policies that were contained in the draft rule. The department has identified only six new policies that will be specifically required under the proposed rules, while it has also eliminated or significantly reduced the specificity of a large number of required policies.</p> <p>(Also see section on "mitigating expenses.")</p> |
| <p>WAC 388-78A-2620 Pets. Cost Impact: None. ANALYSIS: There is no requirement that pets be maintained at the facility. If residents are allowed to have pets in the facility, it should be their responsibility to provide for exam-</p> | <p>Cost of transferring responsibility from resident to facility. This is a new requirement with heightened expectations.</p> | <p>The cost of the examinations and immunization for pets belonging to residents would be the responsibility of the resident. The resident can then provide the paperwork to the boarding home staff. The department anticipates the cost to the facility to make sure that the resident provides the information would be minimal.</p> |

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| <p>inations and immunizations, therefore, we do not find any added costs associated with complying with this part of the draft rules.</p> | | <p>A pet belonging to the boarding home would be the boarding home's responsibility.</p> |
| <p>WAC 388-78A-2660 Resident rights, 388-78A-2670 Services by resident for boarding home, 388-78A-2680 Boarding home use of audio and video monitoring, and 388-78A-2690 Resident use of electronic monitoring. Cost Impact: None. ANALYSIS: WAC 388-78A-2660 is substantially present in existing law (chapter 70.129 RCW). Use of electronic and video monitoring is not required, but allowed by the draft rules under certain conditions. Finally, if a resident requests video or audio monitoring, the cost of this monitoring may be passed on to the resident.</p> | <p>Will require policies and procedures.</p> | <p>The proposed rules do not specifically require the boarding home to develop policies regarding these issues.</p> |
| <p>WAC 388-78A-2700 Safety and disaster preparedness. Cost Impact: None. ANALYSIS: The draft rules propose grandfathering all current boarding homes with regard to emergency lighting. Other components of this section are already included in current rule (WAC 388-78A-290).</p> | <p>Emergency lighting in "common" areas to reduce cost. Alternative flashlights no cost.</p> | <p>Emergency lighting or flashlights in all areas of the boarding home is in current rule, WAC 388-78A-290 (1)(f). Emergency lighting in all areas of the boarding home applies to new construction after September 1, 2004.</p> |
| <p>WAC 388-78A-2710 Disclosure of services and 388-78A-2720 Timing of disclosure. Cost Impact: None. ANALYSIS: WAC 388-78A-2710 is included in SB 6225 section 2. WAC 388-78A-2720 states that the boarding home must disclose various information regarding the operation of the home on department approved disclosure forms. We do not believe that time required to collect the information listed on the forms will be substantial.</p> | <p>Industry comments as follows: One time costs minimum and ongoing costs if requests are made including costs for reproduction and postage. Also cost for legal review. Will provide analysis for costs. Associations provided analysis of costs for disclosure of services. The new rule will require development, implementation, legal review, etc. Estimate nine cents per resident day and \$1,650 start-up costs.</p> | <p>The requirement to disclose to the residents and resident representatives the scope of care and services that it chooses to provide is in statute, SSB 6225 and not a cost of implementing this rule.</p> |

PROPOSED

PROPOSED

| WESTERN HEALTH CARE CORPORATION COST ANALYSIS | STAKEHOLDER INPUT FROM COMMITTEE MEETING (May 6, 2004) | DEPARTMENT COST ANALYSIS |
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| <p>WAC 388-78A-2740 Licensee qualifications through 388-78A-2890 Time frame for approval. Cost Impact: None. ANALYSIS: Licensing requirements are already included in some parts of the current rules (WAC 388-78A-020, 388-78A-030, RCW 18.20.220). However, the licensing requirements listed in these sections would be one time costs for changes in operations, therefore any cost associated with meeting the requirements listed under these sections of the draft rules would be amortized over several months or years.</p> | <p>Industry comments are as follows: WAC 388-78A-2780: Cost related to changing a license. Current boarding homeowner must ensure person who wants license submits application. Will send costs.</p> <p>Cost related to change in standard to bring on and off line. Currently it is immediate. Thirty days will increase cost of liability insurance. One day also assists the residents to be able to change bed status rather than move to another room.</p> <p>Thirty day notice, loss of net operating income, or maintain current practice to mitigate added costs of fifty-five cents per resident day.</p> <p>To make a change in one day increases revenue and offsets against insurance. Otherwise, liability insurance would be higher.</p> | <p>To mitigate the requirements on the current boarding home owner, the department has revised the language of the draft rule and given the responsibility to submit the application to the prospective licensee.</p> <p>Current WAC 388-78A-020 (6)(a) requires boarding home to provide thirty days notice prior to changing the licensed bed capacity, so there is no increased cost associated with the draft rule.</p> <p>However, to mitigate costs to small facilities, the department is changing the rule from thirty days to one day for the boarding home to submit a request to the department to change their licensed bed capacity.</p> |
| <p>WAC 388-78A-2900 Retention of approved construction documents through 388-78A-3130 Plant restrictions. Cost Impact: None. ANALYSIS: These sections are largely included in existing rule (WAC 388-78A-070 through 388-78A-160). Existing will be grandfathered; any added requirements apply to new construction only.</p> | <p>Association comment concerning WAC 388-78A-2930: Two way intercom applies to new construction but if it applies to all it will be a cost.</p> | <p>This requirement only applies to new construction and is not a cost of implementing these rules.</p> |
| <p>WAC 388-78A-3140 Responsibilities during inspections through 388-78A-3230 Fees. Cost Impact: None. ANALYSIS: These sections separate the components listed in current rule (WAC 388-78A-030) and clarify what a facility must and what it cannot do during a survey.</p> | <p>Association comment as follows: WAC 388-78A-3160: This is a different standard than in statute. \$100 per resident per day is an increased fine level. Statute says \$100 per violation. Anticipate increased costs for attorney fees.</p> | <p>Potential penalties are not a cost of implementing the rule.</p> <p>Summary: The department recognizes on-going costs to the average boarding home of implementing this proposed rule to be \$.08 per resident day for large boarding homes and \$.09 per resident day for small boarding homes.</p> |

| WESTERN HEALTH CARE CORPORATION COST ANALYSIS | STAKEHOLDER INPUT FROM COMMITTEE MEETING (May 6, 2004) | DEPARTMENT COST ANALYSIS |
|---|--|--|
| | | Additionally, the department recognizes one-time costs to the average small boarding home of implementing this proposed rule to be \$25.00 per licensed bed and \$9.76 per licensed bed in large boarding homes. |

PROPOSED

Disproportionate Economic Impact Analysis: When proposed rule changes cause more than minor costs to small businesses, the Regulatory Fairness Act requires an analysis that compares these costs between small businesses and 10% of the largest businesses. The on-going costs to small businesses is \$.09 per resident day and is \$.08 per resident day in large businesses.

The one-time costs associated with achieving compliance are disproportionate between small businesses and large businesses, since there are fewer licensed beds over which to spread the fixed costs in a small business. In the average small business boarding home, the first year cost of complying with the one-time expenses is estimated to be \$25.00 per licensed bed. In the average large business boarding home, the first year cost of complying with the one-time expenses is estimated to be \$9.76 per licensed bed.

While the estimated time required for boarding homes to achieve compliance may be worth the amounts described above, it is most likely that boarding homes will not have to bear all this expense as an additional expenditure. It is expected that providers will shift some of the costs associated with staff time from other priorities. For example, staff may develop new policies and procedures at times that were normally scheduled for other activities. While there is no debate about the value of staff time, there in fact may not be a significant additional expenditure required for developing policies.

Mitigating Expenses: RCS has plans for mitigating expenses for small businesses by presenting several training sessions around the state for providers to help them more quickly understand and implement the new rules. This will help keep the amount of time necessary to revise or develop new policies and procedures to a minimum.

Additionally, ADSA will not impose sanctions for a period of six months after the effective date of the rules, for a boarding home's failure to have written policies and procedures formally written and/or adopted regarding the following areas where new policies and procedures are required by WAC 388-78A-2600:

- Subsection (2)(a) regarding what to do when a resident is not capable of making necessary decisions;
- Subsection (2)(b) regarding what to do when a substitute decision maker is no longer appropriate;
- Subsection (2)(d) regarding what to do when a resident does not have a personal physician;
- Subsection (2)(n) regarding the safe operation of boarding home vehicles;
- Subsection (2)(o) regarding coordinating services and sharing resident information;
- Subsection (2)(q) regarding receiving and responding to resident grievances.

ADSA will continue to impose enforcement actions or sanctions for negative outcomes that a resident may experience beginning with the effective date of the rules. ADSA will withhold sanctions for six months only for the limited purposes of having such policies and procedures formally written or adopted by the boarding home. This will allow small businesses to concentrate their time and energies on meeting the requirements of the rule, and will provide an extended period to achieve compliance with the necessary documentation. The broader time frame for compliance will allow boarding home operators to further spread out the costs of complying with this rule.

Costs that apply only to new construction are considered minimal when amortized per resident over the useful life of the building. Other minimal costs associated with this rule are considered to be outweighed by their benefits as described in a cost-benefit analysis on file with the department.

CONCLUSION: RCS has given careful consideration to the impact of proposed rules in chapter 388-78A WAC on small businesses. In accordance with the Regulatory Fairness Act, chapter 19.85 RCW, RCS has analyzed impacts on small businesses and proposed ways to mitigate those costs associated with the one-time requirements of developing new policies and procedures and training staff on them. RCS will provide training, and suspend enforcement actions for specific violations for a period of six months following the effective date of the rules.

A copy of the statement may be obtained by writing to Denny McKee, Residential Care Services, ADSA, P.O. Box 45600, Olympia, WA 98504-5600, or by e-mailing mckeedd@dshs.wa.gov, phone (360) 725-2590, fax (360) 438-7903.

RCW 34.05.328 applies to this rule adoption. A preliminary cost-benefit analysis has been prepared regarding this proposed rule. A copy of the preliminary cost-benefit analysis may be obtained by contacting Denny McKee, Residential Care Services, ADSA, P.O. Box 45600, Olympia, WA 98504-5600, or by e-mailing mckeedd@dshs.wa.gov, phone (360) 725-2590, fax (360) 438-7903.

Hearing Location: Blake Office Park East (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on July 6, 2004, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by July 1, 2004, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaax@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, mail to P.O. Box 45850, Olympia, WA 98504-5850,

deliver to 4500 10th Avenue S.E., Lacey, WA, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., July 6, 2004.

Date of Intended Adoption: No later than July 30, 2004.

May 19, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

GENERAL

NEW SECTION

WAC 388-78A-2010 Purpose. This chapter is written to implement chapter 18.20 RCW, to promote the safety and well-being of boarding home residents, to specify standards for boarding home operators, and to further establish requirements for the operation of boarding homes.

NEW SECTION

WAC 388-78A-2020 Definitions. "Abandonment" means action or inaction by a person with a duty of care for a vulnerable adult that leaves the vulnerable person without the means or ability to obtain necessary food, clothing, shelter, or health care.

"Abuse" means the willful action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on a resident. In instances of abuse of a resident who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish. Abuse includes sexual abuse, mental abuse, physical abuse, and exploitation of a resident, which have the following meanings:

(1) **"Mental abuse"** means any willful action or inaction of mental or verbal abuse. Mental abuse includes, but is not limited to, coercion, harassment, inappropriately isolating a resident from family, friends, or regular activity, and verbal assault that includes ridiculing, intimidating, yelling, or swearing;

(2) **"Physical abuse"** means the willful action of inflicting bodily injury or physical mistreatment. Physical abuse includes, but is not limited to, striking with or without an object, slapping, pinching, choking, kicking, shoving, prodding, or the use of chemical restraints or physical restraints;

(3) **"Sexual abuse"** means any form of nonconsensual sexual contact, including, but not limited to, unwanted or inappropriate touching, rape, sodomy, sexual coercion, sexually explicit photographing, and sexual harassment. Sexual abuse includes any sexual contact between a staff person and a resident, whether or not it is consensual;

(4) **"Exploitation"** means an act of forcing, compelling, or exerting undue influence over a resident causing the resident to act in a way that is inconsistent with relevant past behavior, or causing the resident to perform services for the benefit of another;

(5) **"Financial exploitation"** means the illegal or improper use of the property, income, resources, or trust funds of the resident by any person for any person's profit or advantage.

"Activities of daily living" means the following tasks related to basic personal care: Bathing; toileting; dressing; personal hygiene; mobility; transferring; and eating.

"Adult day care" means care and services provided to individuals on the boarding home premises for a period of less than twenty-four continuous hours and does not involve an overnight stay.

"Ambulatory" means capable of walking or traversing a normal path to safety without the physical assistance of another individual:

(1) **"Nonambulatory"** means unable to walk or traverse a normal path to safety without the physical assistance of another individual;

(2) **"Semiambulatory"** means physically and mentally capable of traversing a normal path to safety with the use of mobility aids, but unable to ascend or descend stairs without the physical assistance of another individual.

"Applicant" means the person, as defined in this section, that has submitted, or is in the process of submitting, an application for a boarding home license.

"Basic services" means housekeeping services, meals, nutritious snacks, laundry, and activities.

"Bathing fixture" means a bathtub, shower or sit-down shower.

"Bathroom" means a room containing at least one bathing fixture.

"Boarding home" means any home or other institution, however named, which is advertised, announced, or maintained for the express or implied purpose of providing housing, basic services, and assuming general responsibility for the safety and well-being of the residents, and may also provide domiciliary care, consistent with this chapter to seven or more residents after July 1, 2000. However, a boarding home that is licensed for three to six residents prior to or on July 1, 2000, may maintain its boarding home license as long as it is continually licensed as a boarding home. "Boarding home" does not include facilities certified as group training homes pursuant to RCW 71A.22.040, nor any home, institution or section thereof which is otherwise licensed and regulated under the provisions of state law providing specifically for the licensing and regulation of such home, institution or section thereof. Nor shall it include any independent senior housing, independent living units in continuing care retirement communities, or other similar living situations including those subsidized by the Department of Housing and Urban Development.

"Building code" means the building codes and standards adopted by the Washington state building code council.

"Caregiver" means anyone providing hands-on personal care to another person including, but not limited to: Cuing, reminding or supervision of residents, on behalf of a boarding home, except volunteers who are directly supervised. Direct supervision means oversight by a person who has demonstrated competency in the basic training (and specialty training if required), or who has been exempted from the basic training requirements, and who is quickly and easily available to the caregiver, but not necessarily on-site.

"Construction review services" means the office of construction review services within the Washington state department of health.

"Continuing care contract" means, as stated in RCW 70.38.025, a contract providing a person, for the duration of that person's life or for a term in excess of one year, shelter along with nursing, medical, health-related, or personal care services, which is conditioned upon the transfer of property, the payment of an entrance fee to the provider of such services, or the payment of periodic charges for the care and services involved. A continuing care contract is not excluded from this definition because the contract is mutually terminable or because shelter and services are not provided at the same location.

"Continuing care retirement community" means, as stated in RCW 70.38.025, an entity which provides shelter and services under continuing care contracts with its members and which sponsors or includes a health care facility or a health service.

"Contractor" means an agency or person who contracts with a licensee to provide resident care, services or equipment.

"Department" means the Washington state department of social and health services.

"Dietitian" means an individual certified under chapter 18.138 RCW.

"Document" means to record, with signature, title, date and time:

(1) Information about medication administration, medication assistance or disposal, a nursing care procedure, accident, occurrence or change in resident condition that may impact the care or needs of a resident; and

(2) Processes, events or activities that are required by law, rule or policy.

"Domiciliary care" means:

(1) Assistance with activities of daily living provided by the boarding home either directly or indirectly; or

(2) Health support services, if provided directly or indirectly by the boarding home; or

(3) Intermittent nursing services, if provided directly or indirectly by the boarding home.

"Enforcement remedy" means one or more of the department's responses to a boarding home's noncompliance with chapter 18.20 RCW and this chapter, authorized by RCW 18.20.190.

"Food service worker" means according to chapter 246-217 WAC an individual who works (or intends to work) with or without pay in a food service establishment and handles unwrapped or unpackaged food or who may contribute to the transmission of infectious diseases through the nature of his/her contact with food products and/or equipment and facilities. This does not include persons who simply assist residents with meals.

"General responsibility for the safety and well-being of the resident" means the provision of the following:

(1) Prescribed general low sodium diets;

(2) Prescribed general diabetic diets;

(3) Prescribed mechanical soft foods;

(4) Emergency assistance;

(5) Monitoring of the resident;

(6) Arranging health care appointments with outside health care providers and reminding residents of such appointments as necessary;

(7) Coordinating health care services with outside health care providers consistent with WAC 388-78A-2350;

(8) Assisting the resident to obtain and maintain glasses, hearing aids, dentures, canes, crutches, walkers, wheelchairs, and assistive communication devices;

(9) Observation of the resident for changes in overall functioning;

(10) Blood pressure checks as scheduled;

(11) Responding appropriately when there are observable or reported changes in the resident's physical, mental, or emotional functioning; or

(12) Medication assistance as permitted under RCW 69.41.085 and as described in RCW 69.41.010 and chapter 246-888 WAC.

"Harm" means a physical or mental or emotional injury or damage to a resident including those resulting from neglect or violations of a resident's rights.

"Health support services" means any of the following optional services:

(1) Blood glucose testing;

(2) Puree diets;

(3) Calorie controlled diabetic diets;

(4) Dementia care;

(5) Mental health care; or

(6) Developmental disabilities care.

"Independent living unit" means:

(1) Independent senior housing;

(2) Independent living unit in a continuing care retirement community or other similar living environments;

(3) Boarding home unit where domiciliary services are not provided; or

(4) Boarding home unit where one or more items listed under "general responsibilities" are not provided.

"Independent senior housing" means an independent living unit occupied by an individual or individuals sixty or more years of age.

"Infectious" means capable of causing infection or disease by entrance of organisms into the body, which grow and multiply there, including, but not limited to, bacteria, viruses, protozoans, and fungi.

"Licensee" means the person, as defined in this chapter, to whom the department issues the boarding home license.

"Licensed resident bed capacity" means the resident occupancy level requested by the licensee and approved by the department. All residents receiving domiciliary care or the items or services listed under general responsibility for the safety and well-being of the resident as defined in this section, and their roommates count towards the licensed resident bed capacity. Adult day care clients do not count towards the licensed resident bed capacity.

"Majority owner" means any person or entity that owns:

(1) More than fifty percent interest; or

(2) If no one person or entity owns more than fifty percent interest, the largest interest portion; or

(3) If more than one person or entity owns equal largest interest portions, then all persons and entities owning those equal largest interest portions.

"Manager" means the person defined in this chapter, providing management services on behalf of the licensee.

"Management agreement" means a written, executed agreement between the licensee and the manager regarding the provision of certain services on behalf of the licensee.

"Maximum facility capacity" means the maximum number of individuals that the boarding home may serve at any one time, as determined by the department.

(1) The maximum facility capacity includes all residents and respite care residents and adult day care clients.

(2) The maximum facility capacity is equal to the lesser of:

(a) The sum of the number of approved bed spaces for all resident rooms; or

(b) Twice the seating capacity of the dining area(s) consistent with WAC 388-78A-2300 (1)(h); or

(c) The number of residents permitted by calculating the ratios of toilets, sinks, and bathing fixtures to residents consistent with WAC 388-78A-3030; or

(d) For boarding homes licensed on or before December 31, 1988, the total day room area in square feet divided by ten square feet, consistent with WAC 388-78A-3050; or

(e) For boarding homes licensed after December 31, 1988, the total day room area in square feet divided by twenty square feet, consistent with WAC 388-78A-3050.

"Medication administration" means the direct application of a prescribed medication whether by injection, inhalation, ingestion, or other means, to the body of the resident by a person legally authorized to do so.

"Medication assistance" means assistance with self-administration of medication rendered by a nonpractitioner to a resident of a boarding home in accordance with chapter 246-888 WAC.

"Medication organizer" means a container with separate compartments for storing oral medications organized in daily doses.

"Neglect" means:

(1) A pattern of conduct or inaction resulting in the failure to provide the goods and services that maintain physical or mental health of a resident, or that fails to avoid or prevent physical or mental harm or pain to a resident; or

(2) An act or omission that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the resident's health, welfare, or safety.

"Nonresident individual" means a person who resides in independent senior housing, independent living units in continuing care retirement communities, or in other similar living environments or in a boarding home and may receive one or more of the services listed in WAC 388-78A-2030 (2)(a) through (g), but may not receive domiciliary care as defined in this section, directly or indirectly by the facility, and may not receive the items or services listed under general responsibility for the safety and well-being of the resident as defined in this section.

"Nonpractitioner" means any individual who is not a practitioner as defined in WAC 388-78A-2020 and chapter 69.41 RCW.

"Nurse" means an individual currently licensed under chapter 18.79 RCW as either a:

(1) **"Licensed practical nurse"** (LPN); or

(2) **"Registered nurse"** (RN).

"Over-the-counter (OTC) medication" means any medication that may be legally purchased without a prescriptive order, including, but not limited to, vitamin, mineral, or herbal preparations.

"Person" means any individual, firm, partnership, corporation, company, association, or joint stock association.

"Physician" means an individual licensed under chapter 18.57 or 18.71 RCW.

"Practitioner" includes a licensed physician, osteopathic physician, podiatric physician, pharmacist, licensed practical nurse, registered nurse, advanced registered nurse practitioner, dentist, and physician assistant. Refer to chapter 69.41 RCW for a complete listing of practitioners.

"Prescribed medication" means any medication (legend drug, controlled substance, and over-the-counter) that is prescribed by an authorized practitioner.

"Prescriber" means a health care practitioner authorized by Washington state law to prescribe drugs.

"Problem" means a violation of any WAC or RCW applicable to the operation of a boarding home:

(1) **"Recurring problem"** means, for all purposes other than section 4, chapter 144, Laws of 2004, that the department has cited the boarding home for a violation of WAC or RCW and the circumstances of (a) or (b) of this subsection are present:

(a) The department previously imposed an enforcement remedy for a violation of the same section of WAC or RCW for substantially the same problem following any type of inspection within the preceding thirty-six months; or

(b) The department previously cited a violation under the same section of WAC or RCW for substantially the same problem following any type of inspection on two occasions within the preceding thirty-six months.

(c) If the previous violation in (a) or (b) of this subsection was pursuant to WAC or RCW that has changed at the time of the new violation, citation to the equivalent current WAC or RCW section is sufficient.

(d) When there is a change in licensees between the first and the second or third citations, the new licensee must accept, and the department will consider, the prior licensee's compliance and enforcement record as part of the new licensee's compliance record at that boarding home if any person affiliated with the new licensee was affiliated with the prior licensee at the same boarding home. A person is considered affiliated with the licensee if the person is an applicant for the boarding home license, or is listed on the license application as a partner, officer, director, or majority owner of the applying entity.

(2) **"Serious problem"** means:

(a) There has been a violation of a WAC or RCW; and

(b) Significant harm has actually occurred to a resident;

or

(c) It is likely that significant harm or death will occur to a resident.

(3) **"Uncorrected problem"** means the department has cited a violation of WAC or RCW following any type of inspection and the violation remains uncorrected at the time the department makes a subsequent inspection for the specific purpose of verifying whether such violation has been corrected. When a change in licensees occurs, the new lic-

ensee is responsible for correcting any remaining violations that may exist, including complying with any plan of correction in effect immediately prior to the change in licensees.

"Reasonable accommodation" and "reasonably accommodate" have the meaning given in federal and state antidiscrimination laws and regulations.

"RCW" means Revised Code of Washington.

"Records" means:

(1) "Active records" means the current, relevant documentation regarding residents necessary to provide care and services to residents; or

(2) "Inactive records" means historical documentation regarding the provision of care and services to residents that is no longer relevant to the current delivery of services and has been thinned from the active record.

"Resident" means an individual who:

(1) Chooses to reside in a boarding home, including those receiving respite care;

(2) Is not related by blood or marriage to the operator of the boarding home;

(3) Receives basic services;

(4) Receives one or more of the services listed under general responsibility for the safety and well-being of the resident, and may receive domiciliary care or respite care provided directly, or indirectly, by the boarding home; and

(5) Must be permitted to receive hospice care through an outside provider when arranged by the resident or the resident's legal representative.

"Resident applicant" means an individual who is seeking admission to a licensed boarding home and who has completed and signed an application for admission, or such application for admission has been completed and signed in their behalf by their legal representative if any, and if not, then the designated representative if any.

"Resident's representative" means:

(1) The legal representative who is the person or persons identified in RCW 7.70.065 and who may act on behalf of the resident pursuant to the scope of their legal authority. The legal representative shall not be affiliated with the licensee, boarding home, or management company, unless the affiliated person is a family member of the resident; or

(2) If there is no legal representative, a person designated voluntarily by a competent resident in writing, to act in the resident's behalf concerning the care and services provided by the boarding home and to receive information from the boarding home if there is no legal representative. The resident's competence shall be determined using the criteria in RCW 11.88.010 (1)(e). The resident's representative may not be affiliated with the licensee, boarding home, or management company, unless the affiliated person is a family member of the resident.

"Respite care" means short-term care for any period in excess of twenty-four continuous hours for a resident to temporarily relieve the family or other caregiver of providing that care.

"Restraint" means any method or device used to prevent or limit free body movement, including, but not limited to:

(1) Confinement, unless agreed to as provided in WAC 388-78A-2370;

(2) "Chemical restraint" means a psychopharmacologic drug that is used for discipline or convenience and not required to treat the resident's medical symptoms; and

(3) "Physical restraint" means a manual method, obstacle, or physical or mechanical device, material, or equipment attached or adjacent to the resident's body that restricts freedom of movement or access to his or her body, is used for discipline or convenience, and not required to treat the resident's medical symptoms.

"Room" means a space set apart by floor to ceiling partitions on all sides with all openings provided with doors or windows.

(1) "Sleeping room" means a room where a resident is customarily expected to sleep and contains a resident's bed.

(2) "Resident living room" means the common space in a resident unit that is not a sleeping room, bathroom or closet.

"Significant change" means a change in the resident's physical, mental, or psychosocial status that causes either life-threatening conditions or clinical complications.

"Special needs" means a developmental disability, mental illness, or dementia.

"Staff person" means any boarding home employee, temporary employee, volunteer, or contractor, whether employed or retained by the licensee or any management company.

"State fire marshal" means the chief of the Washington director of fire protection under the direction of the chief of the Washington state patrol.

"Toilet" means a disposal apparatus used for urination and defecation, fitted with a seat and flushing device.

"Volunteer" means an individual who interacts with residents without reimbursement.

"Vulnerable adult" means "vulnerable adult" as defined in chapter 74.34 RCW, except that for the purposes of requesting and receiving background checks pursuant to RCW 43.43.832, it shall also include adults of any age who lack the functional, mental, or physical ability to care for themselves.

"WAC" means Washington Administrative Code.

"WISHA" means the Washington Industrial Safety and Health Act, chapter 49.17 RCW administered by the Washington state department of labor and industries.

NEW SECTION

WAC 388-78A-2030 Applicability. (1) A person must have a boarding home license issued by the department under chapter 18.20 RCW and this chapter, except as otherwise exempted by RCW 18.20.170 and subsection (2) of this section, if the person advertises as, or operates, or maintains a facility that meets the definition of a "boarding home" in this chapter, within Washington state and provides housing, one or more basic services, and one or more of the following:

(a) Assumes general responsibility for the safety and well-being of the residents;

(b) Provides assistance with activities of daily living, either directly or indirectly;

(c) Provides health support services, either directly or indirectly; or

(d) Provides intermittent nursing services, either directly or indirectly.

(2) A boarding home license is not required for one or more of the following services that may be provided to a non-resident individual. These services may not include continual care or supervision of a nonresident individual without a boarding home license:

(a) Emergency assistance provided on an intermittent or nonroutine basis to any nonresident individual; or

(b) Systems employed by independent senior housing, or independent living units in continuing care retirement communities, to respond to the potential need for emergency services for nonresident individuals; or

(c) Infrequent, voluntary, and nonscheduled blood pressure checks for nonresident individuals; or

(d) Nurse referral services provided at the request of a nonresident individual to determine whether referral to an outside health care provider is recommended; or

(e) Making health care appointments at the request of nonresident individuals; or

(f) Preadmission assessment, at the request of the non-resident individual; or

(g) Services customarily provided under landlord tenant agreements governed by the Residential Landlord-Tenant Act, chapter 59.18 RCW.

(3) When housing nonresident individuals who, without ongoing assistance from the boarding home, initiate and arrange for services with a practitioner licensed under Title 18 RCW or a home health, hospice, or home care agency licensed under chapter 70.127 RCW, or other persons as permitted by the boarding home.

(4) This section does not prohibit a boarding home from furnishing written information concerning available community resources to nonresident individuals or the individual's family members or legal representatives. However, the boarding home may not require the use of any particular service provider.

NEW SECTION

WAC 388-78A-2040 Other requirements. (1) The boarding home must comply with all other applicable federal, state, county and municipal statutes, rules, codes and ordinances, including without limitations those that prohibit discrimination.

(2) The boarding home must have its building approved by the Washington state fire marshal, fire protection bureau in order to be licensed.

NEW SECTION

WAC 388-78A-2050 Resident characteristics. The boarding home may accept and retain an individual as a resident in a boarding home only if:

(1) The boarding home can safely and appropriately serve the resident with appropriate staff and through the reasonable accommodation required by state or federal law, and provide any specialized training to caregivers that may be required according to WAC 388-78A-2480 through 388-78A-2510;

(2) The person does not require the frequent presence and frequent evaluation of a registered nurse, excluding those persons who are receiving hospice care or persons who have short-term illness that is expected to be resolved within fourteen days as long as the boarding home has the capacity to meet the resident's identified needs;

(3) The individual is ambulatory, unless the boarding home is approved by the Washington state director of fire protection to care for semiambulatory or nonambulatory residents; and

(4) The individual meets the acceptance criteria the boarding home described in the boarding home's disclosure information.

ASSESSMENT AND MONITORING

NEW SECTION

WAC 388-78A-2060 Preadmission assessment. (1) The boarding home must conduct a preadmission assessment for each resident applicant that includes the following information, unless unavailable despite the best efforts of the boarding home:

(a) Medical history;

(b) Necessary and contraindicated medications;

(c) A licensed medical or health professional's diagnosis, unless the individual objects for religious reasons;

(d) Significant known behaviors or symptoms that may cause concern or require special care;

(e) Mental illness diagnosis, except where protected by confidentiality laws;

(f) Level of personal care needs;

(g) Activities and service preferences; and

(h) Preferences regarding other issues important to the applicant, such as food and daily routine.

(2) The boarding home must complete an initial resident service plan upon move in:

(a) To identify the resident's immediate needs; and

(b) To provide direction to staff and caregivers relating to the resident's immediate needs, capabilities, and preferences; and

(c) To include information obtained under subsection (1) of this section.

NEW SECTION

WAC 388-78A-2070 Timing of preadmission assessment. (1) The boarding home must complete the preadmission assessment of the resident applicant before each resident applicant moves into the boarding home.

(2) Unless there is an emergency, the boarding home must ensure the preadmission assessment is completed within five calendar days of the resident moving into the boarding home when the resident moves in under emergency conditions.

(3) For the purposes of this section, "emergency" includes, but is not limited to: Evening, weekend, or Friday afternoon admissions if the resident applicant would otherwise need to remain in an unsafe setting or be without adequate and safe housing.

NEW SECTION

WAC 388-78A-2080 Qualified assessor. The boarding home must ensure the person responsible for completing a preadmission assessment of a prospective resident:

(1) Has a master's degree in social services, human services, behavioral sciences or an allied field and two years social service experience working with adults who have functional or cognitive disabilities; or

(2) Has a bachelor's degree in social services, human services, behavioral sciences, or an allied field and three years social service experience working with adults who have functional or cognitive disabilities; or

(3) Has a valid Washington state license to practice nursing, in accordance with chapters 18.79 RCW and 246-840 WAC; or

(4) Is a physician with a valid state license to practice medicine; or

(5) Has three years of successful experience acquired prior to September 1, 2004, assessing prospective and current boarding home residents in a setting licensed by a state agency for the care of vulnerable adults, such as a nursing home, boarding home, or adult family home, or a setting having a contract with a recognized social service agency for the provision of care to vulnerable adults, such as supported living.

NEW SECTION

WAC 388-78A-2090 Full assessment topics. The boarding home must obtain sufficient information to be able to assess the capabilities, needs, and preferences for each prospective resident, and must complete a full reassessment addressing the following, within fourteen days of the resident's move-in date, unless extended by the department for good cause:

(1) Individual's recent medical history, including, but not limited to:

(a) A licensed medical or health professional's diagnosis, unless the resident objects for religious reasons;

(b) Chronic, current, and potential skin conditions; or

(c) Known allergies to foods or medications, or other considerations for providing care or services.

(2) Currently necessary and contraindicated medications and treatments for the individual, including:

(a) Any prescribed medications, and over-the-counter medications commonly taken by the individual, that the individual is able to independently self-administer, or safely and accurately direct others to administer to him/her;

(b) Any prescribed medications, and over-the-counter medications commonly taken by the individual, that the individual is able to self-administer when he/she has the assistance of a caregiver; and

(c) Any prescribed medications, and over-the-counter medications commonly taken by the individual, that the individual is not able to self-administer, and needs to have administered to him or her.

(3) The individual's nursing needs when the individual requires the services of a nurse on the boarding home premises.

(4) Individual's sensory abilities, including:

(a) Vision; and

(b) Hearing.

(5) Individual's communication abilities, including:

(a) Modes of expression;

(b) Ability to make self understood; and

(c) Ability to understand others.

(6) Significant known behaviors or symptoms of the individual causing concern or requiring special care, including:

(a) History of substance abuse;

(b) History of harming self, others, or property; or

(c) Other conditions that may require behavioral intervention strategies;

(d) Individual's ability to leave the boarding home unsupervised; and

(e) Other safety considerations that may pose a danger to the individual or others, such as use of medical devices or the individual's ability to smoke unsupervised, if smoking is permitted in the boarding home.

(7) Individual's special needs, by evaluating available information, or selecting and using an appropriate tool, to determine the presence of symptoms consistent with, and implications for care and services of:

(a) Mental illness, or needs for psychological or mental health services, except where protected by confidentiality laws;

(b) Developmental disability;

(c) Dementia, while screening a resident for dementia, the boarding home must base any determination that the resident has short-term memory loss upon objective evidence, and document the evidence in the resident's record; or

(d) Other conditions affecting cognition, such as traumatic brain injury.

(8) Individual's level of personal care needs, including:

(a) Ability to perform activities of daily living;

(b) Medication management ability, including:

(i) The individual's ability to obtain and appropriately use over-the-counter medications; and

(ii) How the individual will obtain prescribed medications for use in the boarding home.

(9) Individual's activities, typical daily routines, habits and service preferences.

(10) Individual's personal identity and lifestyle, to the extent the individual is willing to share the information, and the manner in which they are expressed, including preferences regarding food, community contacts, hobbies, spiritual preferences, or other sources of pleasure and comfort.

(11) Who has decision-making authority for the individual, including:

(a) The presence of any advance directive, or other legal document that will establish a substitute decision maker in the future;

(b) The presence of any legal document that establishes a current substitute decision maker; and

(c) The scope of decision-making authority of any substitute decision maker.

PROPOSED

NEW SECTION

WAC 388-78A-2100 On-going assessments. The boarding home must:

(1) Complete a full assessment addressing the elements set forth in WAC 388-78A-2080 for each resident at least annually;

(2) Complete a limited assessment of a resident's change of condition when the resident's negotiated service agreement no longer addresses the resident's current needs:

(a) Consistent with the resident's change of condition as specified in WAC 388-78A-2120; or

(b) When the resident's negotiated service agreement no longer addresses the resident's current needs and preferences.

(3) Ensure the staff person performing the on-going assessments is qualified to perform them.

NEW SECTION

WAC 388-78A-2110 Resident participation in assessments. The boarding home must directly involve each resident or resident applicant, to the extent possible, along with any appropriate resident representative approved by the resident, in the preadmission assessment and on-going assessment process in the boarding home.

NEW SECTION

WAC 388-78A-2120 Monitoring residents' well-being. The boarding home must:

(1) Observe each resident consistent with his or her assessed needs and negotiated service agreement;

(2) Identify any changes in the resident's physical, emotional, and mental functioning that are:

(a) Departure from the resident's customary range of functioning; or

(b) Recurring condition in a resident's physical, emotional, or mental functioning that has previously required intervention by others.

(3) Evaluate the change identified in the resident per subsection (2) of this section to determine if there is a need for further action, including, but not limited to, assessment;

(4) Ensure that changes that may require further action by the boarding home are documented in the resident's record, including dates, times, and facts;

(5) Assess a resident consistent with WAC 388-78A-2090 if assessment is identified as needed;

(6) Update the negotiated service as needed; and

(7) Take appropriate action in response to each resident's changing needs.

NEGOTIATED SERVICE AGREEMENT**NEW SECTION**

WAC 388-78A-2130 Service agreement planning. The boarding home must:

(1) Develop an initial negotiated service agreement, based upon discussions with the resident and the resident's representative if the resident has one, and the preadmission

assessment of a qualified assessor, upon admitting a resident into a boarding home;

(2) Complete the negotiated service agreement for each resident using the resident's preadmission assessment, initial resident service plan, and full assessment information, within thirty days of the resident moving in;

(3) Integrate the assessment information provided by the department's case manager into the initial negotiated service agreement for each resident whose care is partially or wholly funded by the department;

(4) Review and update each resident's negotiated service agreement consistent with WAC 388-78A-2120:

(a) Within a reasonable time consistent with the needs of the resident following any change in the resident's physical, mental, or emotional functioning; and

(b) Whenever the negotiated service agreement no longer adequately addresses the resident's current assessed needs and preferences.

(5) Review and update each resident's negotiated service agreement as necessary following an annual full assessment;

(6) Involve the following persons in the process of developing a negotiated service agreement:

(a) The resident or resident applicant;

(b) The resident's representative to the extent he or she is willing and capable, if the resident has one;

(c) Other individuals the resident wants included;

(d) The department's case manager, if the resident is a recipient of Medicaid assistance, or any private case manager, if available; and

(e) Staff designated by the boarding home.

(7) Ensure:

(a) Individuals participating in developing the resident's negotiated service agreement:

(i) Discuss the resident's assessed needs, capabilities, and preferences; and

(ii) Negotiate and agree upon the care and services to be provided to support the resident; and

(b) Staff persons document in the resident's record the agreed upon plan for services.

NEW SECTION

WAC 388-78A-2140 Negotiated service agreement contents. The boarding home must develop, and document in the resident's record, the agreed upon plan to address and support each resident's assessed capabilities, needs and preferences, including the following:

(1) The care and services necessary to meet the resident's needs, including:

(a) The plan to monitor the resident and address interventions for risks to the resident's health and safety that were identified in the resident's preadmission assessment or full assessment, and on-going assessments;

(b) The plan to provide assistance with activities of daily living, if provided by the boarding home;

(c) The plan to provide necessary intermittent nursing services, if provided by the boarding home;

(d) The plan to provide necessary health support services, if provided by the boarding home;

(e) The resident's preferences for how services will be provided, supported and accommodated by the boarding home.

(2) Clearly defined respective roles and responsibilities of the resident, the boarding home staff, and resident's family or other significant persons in meeting the resident's needs and preferences. Except as specified in WAC 388-78A-2290, if a person other than a caregiver is to be responsible for providing care or services to the resident in the boarding home, the boarding home must specify in the negotiated service agreement an alternate plan for providing care or service to the resident in the event the necessary services are not provided. The boarding home may develop an alternate plan:

(a) Exclusively for the individual resident; or

(b) Based on standard policies and procedures in the boarding home provided that they are consistent with the reasonable accommodation requirements of state and federal law.

(3) The times services will be delivered, including frequency and approximate time of day, as appropriate;

(4) The resident's preferences for activities and how those preferences will be supported;

(5) Appropriate behavioral interventions, if needed;

(6) A communication plan, if special communication needs are present;

(7) The resident's ability to leave the boarding home premises unsupervised; and

(8) The boarding home must not require or ask the resident or the resident's representative to sign any contract or agreement, including a negotiated service or risk agreement, that purports to waive any rights of the resident or that purports to place responsibility or liability for losses of personal property or injury on the resident.

NEW SECTION

WAC 388-78A-2150 Signing negotiated service agreement. The boarding home must ensure that the negotiated service agreement is agreed to and signed at least annually by:

(1) The resident, or the resident's representative if the resident has one and is unable to sign or chooses not to sign;

(2) A representative of the boarding home duly authorized by the boarding home to sign on its behalf; and

(3) Any public or private case manager for the resident, if available.

NEW SECTION

WAC 388-78A-2160 Implementation of negotiated service agreement. The boarding home must provide the care and services as agreed upon in the negotiated service agreement to each resident unless a deviation from the negotiated service agreement is mutually agreed upon between the boarding home and the resident or the resident's representative at the time the care or services are scheduled.

BOARDING HOME SERVICES

NEW SECTION

WAC 388-78A-2170 Required boarding home services. (1) The boarding home must provide housing and assume general responsibility for the safety and well-being of each resident, as defined in this chapter, consistent with the resident's assessed needs and negotiated service agreement.

(2) The boarding homes must provide each resident with the following basic services, consistent with the resident's assessed needs and negotiated service agreement:

(a) **Activities** — Arranging for activities in accordance with WAC 388-78A-2180;

(b) **Housekeeping** — Providing a safe, clean and comfortable environment for each resident, including personal living quarters and all other resident accessible areas of the building;

(c) **Laundry** — Keeping the resident's clothing clean and in good repair, and laundering towels, washcloths, bed linens on a weekly basis or more often as necessary to maintain cleanliness;

(d) **Meals** — Providing meals in accordance with WAC 388-78A-2300; and

(e) **Nutritious snacks** — Providing snack items of nutritive value on a scheduled and nonscheduled basis, and providing nutritious snacks in accordance with WAC 388-78A-2300.

(3) The boarding home must:

(a) Provide care and services to each resident by staff persons who are able to communicate with the resident in a language the resident understands; or

(b) Make provisions for communications between staff persons and residents to ensure an accurate exchange of information.

(4) The boarding home must ensure each resident is able to obtain individually preferred personal care items when:

(a) The preferred personal care items are reasonably available; and

(b) The resident is willing and able to pay for obtaining the preferred items.

NEW SECTION

WAC 388-78A-2180 Activities. The boarding home must:

(1) Provide space and staff support necessary for:

(a) Each resident to engage in independent or self-directed activities that are appropriate to the setting, consistent with the resident's assessed interests, functional abilities, preferences, and negotiated service agreement; and

(b) Group activities at least three times per week that may be planned and facilitated by caregivers consistent with the collective interests of a group of residents.

(2) Make available routine supplies and equipment necessary for activities described in subsection (1) of this section.

PROPOSED

NEW SECTION

WAC 388-78A-2190 Activities of daily living. Assistance with activities of daily living are an optional service that the boarding home may provide.

(1) If a boarding home chooses not to provide assistance with activities of daily living:

(a) The boarding home must admit or retain only those residents who are independent in activities of daily living; except that

(b) A resident, or the resident's representative, may independently arrange for outside services to assist with activities of daily living.

(2) When a boarding home chooses to provide assistance with activities of daily living, the boarding home must provide that assistance consistent with the reasonable accommodation requirements in state and federal laws.

(3) When a boarding home chooses to provide, either directly or indirectly, assistance with activities of daily living, the boarding home must provide to each resident, consistent with the resident's assessed needs, minimal assistance with the following activities of daily living:

(a) **Bathing:** Minimal assistance with bathing means the boarding home must provide the resident with occasional:

(i) Reminding or cuing to wash and dry all areas of the body as needed;

(ii) Stand-by assistance getting into and out of the tub or shower; and

(iii) Physical assistance limited to steadying the resident during the activity.

(b) **Dressing:** Minimal assistance with dressing means the boarding home must provide the resident with occasional:

(i) Reminding or cuing to put on, take off, or lay out clothing, including prostheses when the assistance of a licensed nurse is not required; and

(ii) Stand-by assistance during the activity.

(c) **Eating:** Minimal assistance with eating means the boarding home must provide the resident with occasional:

(i) Reminding or cuing to eat and drink; and

(ii) Physical assistance limited to cutting food up, preparing food and beverages, and bringing food and fluids to the resident.

(d) **Personal hygiene:** Minimal assistance with personal hygiene means the boarding home must provide the resident with occasional:

(i) Reminding and cuing to comb hair, perform oral care and brush teeth, shave, apply makeup, and wash and dry face, hands and other areas of the body;

(ii) Stand-by assistance during the activity; and

(iii) Physical assistance limited to steadying the resident during the activity.

(e) **Transferring:** Minimal assistance in transferring means the boarding home must provide the resident with occasional:

(i) Reminders or cuing to move between surfaces, for example to and from the bed, chair and standing;

(ii) Stand-by assistance during the activity; and

(iii) Physical assistance limited to steadying the resident during self-transfers.

(f) **Toileting:** Minimal assistance in toileting means the boarding home must provide the resident with occasional:

(i) Reminders and cuing to toilet, including resident self-care of ostomy or catheter, to wipe and cleanse, and to change and adjust clothing, protective garments and pads;

(ii) Stand-by assistance during the activity; and

(iii) Physical assistance limited to steadying the resident during the activity.

(g) **Mobility:** Minimal assistance in mobility means the boarding home must provide the resident with occasional:

(i) Reminding or cuing to move between locations on the boarding home premises;

(ii) Stand-by assistance during the activity; and

(iii) Physical assistance limited to steadying the resident during the activity.

(4) The boarding home may choose to provide more than minimal assistance with activities of daily living consistent with state and federal law.

NEW SECTION

WAC 388-78A-2200 Health support services. Health support services are an optional service that the boarding home may provide. The boarding home may choose to provide any of the following health support services; however, boarding home may or may not need to provide additional health support services to comply with the reasonable accommodation requirements in federal and state law.

(1) Blood glucose testing;

(2) Puree diets;

(3) Calorie controlled diabetic diets;

(4) Dementia care;

(5) Mental health care; and

(6) Developmental disabilities care.

MedicationsNEW SECTION

WAC 388-78A-2210 Medication services. (1) A boarding home providing medication service must meet the requirements of chapter 69.41 RCW Legend drugs—Prescription drugs, and the rules promulgated under the statute.

(2) The boarding home must ensure the following residents receive their medications as prescribed, except as provided for in WAC 388-78A-2250:

(a) Each resident who requires medication assistance and his or her negotiated service agreement indicates the boarding home will provide medication assistance; and

(b) If the boarding home provides medication administration services, each resident who requires medication administration and his or her negotiated service agreement indicates the boarding home will provide medication administration.

NEW SECTION

WAC 388-78A-2220 Prescribed medication authorizations. (1) Before the boarding home may provide medication assistance or medication administration to a resident for prescribed medications, the boarding home must have one of the following:

- (a) A prescription label completed by a licensed pharmacy;
 - (b) A written order from the prescriber;
 - (c) A facsimile or other electronic transmission of the order from the prescriber; or
 - (d) Written documentation by a nurse of a telephone order from the prescriber.
- (2) The documentation required above in subsection (1) of this section must include the following information:
- (a) The name of the resident;
 - (b) The name of the medication;
 - (c) The dosage and dosage frequency of the medication; and
 - (d) The name of the prescriber.

NEW SECTION

WAC 388-78A-2230 Medication refusal. (1) When a resident who is receiving medication assistance or medication administration services from the boarding home chooses to not take his or her medications, the boarding home must:

- (a) Respect the resident's right to choose not to take medication;
- (b) Document the time, date and medication the resident did not take;
- (c) Notify the physician of the refusal and follow any instructions provided, unless there is a staff person available who, acting within his or her scope of practice, is able to evaluate the significance of the resident not getting his or her medication, such staff person:
 - (i) Conducts an evaluation; and
 - (ii) Takes the appropriate action, including notifying the prescriber or primary care practitioner when there is a consistent pattern of the resident choosing to not take his or her medications.

(2) The boarding home must comply with subsection (1) of this section, unless the prescriber or primary care practitioner has provided the boarding home with:

- (a) Specific directions for addressing the refusal of the identified medication;
- (b) The boarding home documents such directions; and
- (c) The boarding home is able to fully comply with such directions.

NEW SECTION

WAC 388-78A-2240 Nonavailability of medications. When the boarding home has assumed responsibility for obtaining a resident's prescribed medications, the boarding home must obtain them in a correct and timely manner.

NEW SECTION

WAC 388-78A-2250 Alteration of medications. The boarding home must generally provide medications in the form they are prescribed when administering medications or providing medication assistance to a resident. The boarding home may provide medications in an altered form consistent with the following:

- (1) Alteration includes, but is not limited to, crushing tablets, cutting tablets in half, opening capsules, mixing pow-

dered medications with foods or liquids, or mixing tablets or capsules with foods or liquids.

(2) Residents must be aware that the medication is being altered or added to their food.

(3) A pharmacist or other practitioner practicing within their scope of practice must determine that it is safe to alter a medication.

(4) If the medication is altered, documentation of the appropriateness of the alteration must be on the prescription container, or in the resident's record.

(5) Alteration of medications for self-administration with assistance is provided in accordance with chapter 246-888 WAC.

NEW SECTION

WAC 388-78A-2260 Storing, securing, and accounting for medications. (1) The boarding home must secure medications for residents who are not capable of safely storing their own medications.

(2) The boarding home must ensure all medications under the boarding home's control are properly stored:

- (a) In containers with pharmacist-prepared label or original manufacturer's label;
- (b) Together for each resident and physically separated from other residents' medications;
- (c) Separate from food or toxic chemicals;
- (d) In a locked compartment that is accessible only to designated responsible staff persons or appropriate resident; and
- (e) In environments recommended on the medication label.

NEW SECTION

WAC 388-78A-2270 Resident controlled medications. (1) The boarding home must ensure all medications are stored in a manner that prevents each resident from gaining access to another resident's medications.

(2) The boarding home must allow residents who are assessed to be capable of self-administration or self-administration with assistance to control and secure the medications they self-administer or are self-administered with assistance.

NEW SECTION

WAC 388-78A-2280 Medication organizers. (1) The boarding home must ensure no staff person other than a nurse fills medication organizers for residents. A nurse may fill a medication organizer for a resident only when:

- (a) The resident understands the use of the medications that have been prescribed for him or her; and
- (b) The resident is totally independent with self-administration of medications when using a medication organizer, except for the physical assistance required to fill the medication organizer, or the resident can safely direct others to administer his or her medications; and
- (c) Staff persons have no further responsibility for:
 - (i) Storing the resident's medication; or
 - (ii) Providing any additional medication assistance to the resident beyond filling the medication organizer; or

(iii) Providing medication administration services to the resident.

(d) The medication organizer carries a label that clearly identifies:

- (i) The name of the resident;
- (ii) The name of the medications in the organizer; and
- (iii) The frequency of the dosage.

(2) Consistent with subsections (1) and (3) of this section, the boarding home must not use a medication organizer for a resident, filled by anyone other than a licensed pharmacy, any time the boarding home is:

- (a) Involved in storing the resident's medications;
- (b) Providing medication assistance to the resident; or
- (c) Providing medication administration services to the resident.

(3) A resident may use a medication organizer only when he or she stores and secures the medication organizer and is capable of either:

- (a) Independently self-administering his or her own medications contained in the medication organizer; or
- (b) Safely directing others to administer his or her medications contained in the medication organizer.

NEW SECTION

WAC 388-78A-2290 Family assistance with medications and treatments. (1) A boarding home may permit a resident's family member to administer medications or treatments or to provide medication or treatment assistance, including obtaining medications or treatment supplies, to the resident.

(2) The boarding home must disclose to the department, residents, the residents' legal representatives, if any, and if not the residents' representative if any, and to interested consumers upon request, information describing whether the boarding home permits such family administration or assistance and, if so, the extent of any limitations or conditions.

(3) If the boarding home allows family assistance with or administration of medications and treatments, and the resident and a family member(s) agree a family member will provide medication or treatment assistance, or medication or treatment administration to the resident, the boarding home must request that the family member submit to the boarding home a written plan for such assistance or administration that includes at a minimum:

- (a) By name, the family member who will provide the medication or treatment assistance or administration;
- (b) A description of the medication or treatment assistance or administration that the family member will provide, to be referred to as the primary plan;
- (c) An alternate plan if the family member is unable to fulfill his or her duties as specified in the primary plan;
- (d) An emergency contact person and telephone number if the boarding home observes changes in the resident's overall functioning or condition that may relate to the medication or treatment plan; and
- (e) Other information determined necessary by the boarding home.

(4) The plan for family assistance with medications or treatments must be signed and dated by:

- (a) The resident, if able;
- (b) The resident's representative, if any;
- (c) The resident's family member responsible for implementing the plan; and
- (d) A representative of the boarding home authorized by the boarding home to sign on its behalf.

(5) The boarding home may, through policy or procedure, require the resident's family member to immediately notify the boarding home of any changes in the medication or treatment plans for family assistance or administration.

(6) The boarding home must require that whenever a resident's family provides medication assistance or medication administration services, the resident's significant medications remain on the boarding home premises whenever the resident is on the boarding home premises.

(7) The boarding home's duty of care shall be limited to: Observation of the resident for changes in overall functioning consistent with RCW 18.20.280; notification to the person or persons identified in RCW 70.129.030 when there are observed changes in the resident's overall functioning or condition, or when the boarding home is aware that both the primary and alternate plan are not implemented; and appropriately responding to obtain needed assistance when there are observable or reported changes in the resident's physical or mental functioning.

Food

NEW SECTION

WAC 388-78A-2300 Food and nutrition services. (1) The boarding home must:

- (a) Provide a minimum of three meals a day:
 - (i) At regular intervals;
 - (ii) With no more than fourteen hours between the evening meal and breakfast, unless the boarding home provides a nutritious snack between the evening meal and breakfast.
- (b) Provide sufficient time and staff support for residents to consume meals;
- (c) Ensure all menus:
 - (i) Are written at least one week in advance and delivered to residents' rooms or posted where residents can see them, except as specified in (f) of this subsection;
 - (ii) Indicate the date, day of week, month and year;
 - (iii) Include all food and snacks served that contribute to nutritional requirements;
 - (iv) Are retained at least six months;
 - (v) Provide a variety of foods; and
 - (vi) Are not repeated for at least three weeks, except that breakfast menus in boarding homes that provide a variety of daily choices of hot and cold foods are not required to have a minimum three-week cycle.

(d) Prepare on-site, or provide through a contract with a food service establishment located in the vicinity and that meets the requirements of chapter 246-215 WAC, palatable, attractively served meals and nourishments that meet the current recommended dietary allowances established by the Food and Nutrition Board, National Research Council, adjusted for:

(i) Age, gender and activities, unless medically contraindicated; and

(ii) Individual preferences to the extent reasonably possible.

(e) Substitute foods, when changes in the current day's menu are necessary, of equal nutrient value and record changes on the original menu;

(f) Make available and known to residents alternate choices in entrees for midday and evening meals that are of comparable quality and nutritional value. The boarding home is not required to post alternate choices in entrees on the menu one week in advance, but must record on the menus the alternate choices in entrees that are served;

(g) Develop, make known to residents, and implement a process for residents to express their views and comment on the food services; and

(h) Maintain a dining area or areas approved by the department with a seating capacity for fifty percent or more of the residents per meal setting, or ten square feet times the licensed resident bed capacity, whichever is greater.

(2) The boarding home must plan in writing, prepare on-site or provide through a contract with a food service establishment located in the vicinity that meets the requirements of chapter 246-215 WAC, and serve to each resident as ordered:

(a) Prescribe general low sodium, general diabetic, and mechanical soft food diets according to a diet manual. The boarding home must ensure the diet manual is:

(i) Available to and used by staff persons responsible for food preparation;

(ii) Approved by a dietitian; and

(iii) Reviewed and updated as necessary or at least every five years.

(b) Prescribed nutrient concentrates and supplements when prescribed in writing by a health care practitioner.

(3) The boarding home may provide to a resident at his or her request and as agreed upon in the resident's negotiated service agreement, nonprescribed:

(a) Modified or therapeutic diets;

(b) Nutritional concentrates or supplements.

(4) The boarding home must manage food, and maintain any on-site food service facilities in compliance with chapter 246-215 WAC, Food service sanitation, except in boarding homes licensed for sixteen or fewer beds, may use domestic or home-type kitchen appliances, provided that:

(a) If a home-type mechanical dishwasher was installed before September 1, 2004, the boarding home must:

(i) Operate it according to manufacturer directions; and

(ii) Ensure the dishwasher is supplied with water heated to 155°F or more.

(b) If a home-type mechanical dishwasher is installed after September 1, 2004, the boarding home must ensure the dishwasher has:

(i) A high temperature final rinse water at a minimum of 180°F measured by the gauge;

(ii) A high temperature final rinse resulting in a minimum of 160°F measured at the surface of the utensil;

(iii) A continuous supply of water heated to 155°F throughout its operating cycle; or

(iv) An automatically dispensed approved concentration of chemical sanitizer as described in 21 C.F.R. Part 178.

(5) The boarding home must ensure employees working as food service workers obtain a food worker card according to chapter 246-217 WAC.

(6) The boarding home must ensure a resident obtains a food worker card according to chapter 246-217 WAC whenever:

(a) The resident is routinely or regularly involved in the preparation of food to be served to other residents;

(b) The resident is paid for helping to prepare food; or

(c) The resident is preparing food to be served to other residents as part of an employment-training program.

Intermittent Nursing Services and Resident-Arranged Services

NEW SECTION

WAC 388-78A-2310 Intermittent nursing services.

(1) The boarding home is not required to provide intermittent nursing services.

(2) The boarding home may choose to provide any of the following intermittent nursing services through appropriately licensed and credentialed staff; however, the facility may or may not need to provide additional intermittent nursing services to comply with the reasonable accommodation requirements in federal or state law:

(a) Medication administration;

(b) Administration of health treatments;

(c) Diabetic management;

(d) Nonroutine ostomy care;

(e) Tube feeding; and

(f) Nurse delegation consistent with chapter 18.79 RCW.

(3) The boarding home must clarify on the disclosure form any limitations, additional services, or conditions that may apply under this section.

(4) In providing intermittent nursing services, the boarding home must observe the resident for changes in overall functioning and respond appropriately when there are observable or reported changes in the resident's physical, mental or emotional functioning.

(5) The boarding home may provide intermittent nursing services to the extent permitted by RCW 18.20.160.

NEW SECTION

WAC 388-78A-2320 Intermittent nursing services systems.

(1) When a boarding home provides nursing services to any resident, either directly or indirectly, the boarding home must develop and implement systems that support and promote the safe practice of nursing in accordance with chapters 18.79 RCW and 246-840 WAC.

(2) The boarding home providing nursing services, either directly or indirectly, must ensure that the nursing services systems include:

(a) Nursing services supervision;

(b) Nurse delegation, if provided;

(c) Initial and on-going assessments of the nursing needs of each resident;

(d) Development and necessary amendments to the nursing component of the negotiated service agreement of each resident;

(e) Implementation of the nursing component of each resident's negotiated service agreement; and

(f) Availability of the supervisor, in person, by pager, or by telephone, to respond to residents' needs on the boarding home premises as necessary.

(3) The boarding home must ensure that all nursing services, including nursing supervision and nurse delegation, are provided in accordance with applicable statutes and rules, including, but not limited to:

(a) Chapter 18.79 RCW, Nursing care;

(b) Chapter 18.88A RCW, Nursing assistants;

(c) Chapter 246-840 WAC, Practical and registered nursing;

(d) Chapter 246-841 WAC, Nursing assistants; and

(e) Chapter 246-888 WAC, Medication assistance.

NEW SECTION

WAC 388-78A-2330 Tube feeding. (1) The boarding home must provide nursing services to develop and implement the nursing component of the negotiated service agreement, administer feedings and necessary medications, and provide routine care of the tube insertion site whenever any resident requiring tube feeding is not able to:

(a) Independently and safely manage:

(i) Maintenance of the tube insertion site;

(ii) Necessary medication administration through the tube; and

(iii) Feeding administration through the tube.

(b) Arrange for an outside resource to provide:

(i) Maintenance of the tube insertion site;

(ii) Necessary medication administration through the tube; and

(iii) Feeding administration through the tube.

(2) The boarding home is not required to provide nursing services to a resident simply because the resident requires tube feeding if the resident can either independently manage or arrange for an outside resource to perform the tasks specified in subsection (1)(a) and (b) of this section.

NEW SECTION

WAC 388-78A-2340 Resident-arranged services. (1) The boarding home must allow a resident to arrange to receive on-site care and services from:

(a) A practitioner, licensed under Title 18 RCW regulating health care professions; and

(b) A home health, hospice, or home care agency licensed under chapter 70.127 RCW.

(2) The boarding home may permit the resident or the resident's legal representative, if any, to independently arrange for other persons to provide on-site care and services to the resident.

(3) The boarding home is not required to supervise the activities of a person providing care or services to a resident when the resident or resident's representative has independently arranged for or contracted with the person.

(4) The boarding home may establish policies and procedures that describe reasonable limitations, conditions, or requirements that must be met prior to an outside service provider being allowed on-site.

(5) When the resident or the resident's representative, if any, independently arranges for outside services under subsection (1) of this section, the boarding home's duty of care, and any negligence that may be attributed thereto, shall be limited to: The responsibilities described under subsection (3) of this section, excluding supervising the activities of the outside service provider; observation of the resident for changes in overall functioning, consistent with RCW 18.20.-280; notification to the person or persons identified in RCW 70.129.030 when there are observed changes in the resident's overall functioning or condition; and appropriately responding to obtain needed assistance when there are observable or reported changes in the resident's physical or mental functioning.

(6) When information sharing is authorized by the resident or the resident's legal representative, the licensee shall request such information and integrate relevant information from the outside services provider into the resident's negotiated service agreement, only to the extent such information is actually shared with the licensee.

NEW SECTION

WAC 388-78A-2350 Coordination of health care services. (1) The boarding home must coordinate services with external health care providers to meet the residents' needs, consistent with the resident's negotiated service agreement.

(2) The boarding home must develop, implement and inform residents of the boarding home's policies regarding how the boarding home interacts with external health care providers, including:

(a) The conditions under which health care information regarding a resident will be shared with external health care providers, consistent with chapter 70.02 RCW; and

(b) How residents' rights to privacy will be protected, including provisions for residents to authorize the release of health care information.

(3) The boarding home may disclose health care information about a resident to external health care providers without the resident's authorization if the conditions in RCW 70.02.050 are met.

(4) If the conditions in RCW 70.02.050 are not met, the boarding home must request, but may not require, a resident to authorize the boarding home and the external health care provider to share the resident's health care information when:

(a) The boarding home becomes aware that a resident is receiving health care services from a source other than the boarding home; and

(b) The resident has not previously authorized the boarding home to release health care information to an external health care provider.

(5) When a resident authorizes the release of health care information or resident authorization is not required under RCW 70.02.050, the boarding home must contact the external health care provider and coordinate services.

(6) When authorizations to release health care information are not obtained, or when an external health care provider is unresponsive to the boarding home's efforts to coordinate services, the boarding home must:

(a) Document the boarding home's actions to coordinate services;

(b) Provide notice to the resident of the risks of not allowing the boarding home to coordinate care with the external provider; and

(c) Address known associated risks in the resident's negotiated service agreement.

(7) When coordinating care or services, the boarding home must:

(a) Integrate relevant information from the external provider into the resident's preadmission assessment and reassessment, and when appropriate, negotiated service agreement; and

(b) Respond appropriately when there are observable or reported changes in the resident's physical, mental, or emotional functioning.

Service Delivery and Monitoring

Adult Day Care

NEW SECTION

WAC 388-78A-2360 Adult day care. (1) The boarding home may, but is not required to, provide an adult day care program for nonresidents.

(2) If adult day care is provided, the boarding home must:

(a) Ensure each adult day care client receives appropriate supervision and agreed upon care and services during the time spent in the day care program;

(b) Ensure the care and services provided to adult day care clients do not compromise the care and services provided to boarding home residents;

(c) Ensure the total number of residents plus adult day care clients does not exceed the boarding home's maximum facility capacity;

(d) Only accept adult day care clients who are appropriate for boarding home care and services, consistent with WAC 388-78A-2050;

(e) Provide sufficient furniture for the comfort of day care adults, in addition to furniture provided for residents;

(f) Notify appropriate individuals specified in the client's record and consistent with WAC 388-78A-2660 when there is a significant change in the condition of an adult day care client;

(g) Investigate and document incidents and accidents involving adult day care clients consistent with WAC 388-78A-2720;

(h) Maintain a separate register of adult day care clients; and

(i) Maintain a resident record for each adult day care client.

Dementia Care

NEW SECTION

WAC 388-78A-2370 Dementia care. (1) The boarding home must, to the fullest extent reasonably possible, obtain for each resident who has symptoms consistent with dementia as assessed per WAC 388-78A-2090(7):

(a) Information regarding the resident's significant life experiences, including:

(i) Family members or other significant relationships;

(ii) Education and training;

(iii) Employment and career experiences;

(iv) Religious or spiritual preferences;

(v) Familiar roles or sources of pride and pleasure.

(b) Information regarding the resident's ability or inability to:

(i) Articulate his or her personal needs; and

(ii) Initiate activity.

(c) Information regarding any patterns of resident behavior that express the resident's needs or concerns that the resident is not able to verbalize. Examples of such behaviors include, but are not limited to:

(i) Agitation;

(ii) Wandering;

(iii) Resistance to care;

(iv) Social isolation; and

(v) Aggression.

(2) The boarding home, in consultation with the resident's family or others familiar with the resident, must evaluate the significance and implications of the information obtained per subsection (1) of this section and integrate appropriate aspects into an individualized negotiated service agreement for the resident.

NEW SECTION

WAC 388-78A-2380 Restricted egress. A boarding home must ensure all of the following conditions are present before moving residents into units or buildings with exits that may restrict a resident's egress:

(1) Each resident, or a person authorized under RCW 7.70.065 to provide consent on behalf of the resident, consents to living in such unit or building.

(2) Each resident assessed as being cognitively and physically able to safely leave the boarding home is able to do so independently without restriction.

(3) Each resident, assessed as being cognitively able to safely leave the boarding home but has physical challenges that make exiting difficult, is able to leave the boarding home when the resident desires and in a manner consistent with the resident's negotiated service agreement.

(4) Each resident who is assessed as being unsafe to leave the boarding home unescorted is able to leave the boarding home consistent with his or her negotiated service agreement.

(5) Areas from which egress is restricted are equipped throughout with an approved automatic fire detection system and automatic fire sprinkler system electrically intercon-

nected with a fire alarm system that transmits an alarm off site to a twenty-four hour monitoring station.

(6) Installation of special egress control devices in all proposed construction issued a project number by construction review services on or after September 1, 2004, must conform to standards adopted by the state building code council.

(7) Installation of special egress control devices in all construction issued a project number by construction review services prior to September 1, 2004, must conform to the following:

(a) The egress control device must automatically deactivate upon activation of either the sprinkler system or the smoke detection system.

(b) The egress control device must automatically deactivate upon loss of electrical power to any one of the following:

- (i) The egress control device itself;
- (ii) The smoke detection system; or
- (iii) The means of egress illumination.

(c) The egress control device must be capable of being deactivated by a signal from a switch located in an approved location.

(d) An irreversible process which will deactivate the egress control device must be initiated whenever a manual force of not more than fifteen pounds is applied for two seconds to the panic bar or other door-latching hardware. The egress control device must deactivate within an approved time period not to exceed a total of fifteen seconds. The time delay must not be field adjustable.

(e) Actuation of the panic bar or other door-latching hardware must activate an audible signal at the door.

(f) The unlatching must not require more than one operation.

(g) A sign must be provided on the door located above and within twelve inches of the panic bar or other door-latching hardware reading:

"Keep pushing. The door will open in fifteen seconds. Alarm will sound."

The sign lettering must be at least one inch in height and must have a stroke of not less than one-eighth inch.

(h) Regardless of the means of deactivation, relocking of the egress control device must be by manual means only at the door.

(8) The boarding home must have a system in place to inform and permit visitors, staff persons and appropriate residents how they can exit without sounding the alarm.

(9) Units or buildings from which egress is restricted are equipped with a secured outdoor space for walking which:

- (a) Is accessible to residents without staff assistance;
- (b) Is surrounded by walls or fences at least seventy-two inches high;
- (c) Has areas protected from direct sunshine and rain throughout the day;
- (d) Has walking surfaces that are firm, stable, slip-resistant and free from abrupt changes and are suitable for individuals using wheelchairs and walkers; and
- (e) Has suitable outdoor furniture.

Resident Records

NEW SECTION

WAC 388-78A-2390 Resident records. The boarding home must maintain adequate records concerning residents to enable the boarding home:

- (1) To effectively provide the care and services agreed upon with the resident; and
- (2) To respond appropriately in emergency situations.

NEW SECTION

WAC 388-78A-2400 Protection of resident records. The boarding home must:

(1) Maintain a systematic and secure method of identifying and filing resident records for easy access;

(2) Maintain resident records and preserve their confidentiality in accordance with applicable state and federal statutes and rules, including chapters 70.02 and 70.129 RCW;

(3) Allow authorized representatives of the department and other authorized regulatory agencies access to resident records;

(4) Provide any resident or other individual or organization access to resident records upon written consent of the resident or the resident's representative, unless state or federal law provide for broader access;

(5) Allow authorized agents, such as a management company, to use resident records solely for the purpose of providing care and services to residents and ensure that agents do not disclose such records except in a manner consistent with law; and

(6) Maintain ownership and control of resident records, except that resident records may be transferred to a subsequent person licensed by the department to operate the boarding home.

NEW SECTION

WAC 388-78A-2410 Content of resident records. The boarding home must organize and maintain resident records in a format that the boarding home determines to be useful and functional for the boarding home to effectively provide care and services to each resident. Active resident records must include the following:

(1) Resident identifying information, including resident's:

- (a) Name;
- (b) Birth date;
- (c) Move-in date; and
- (d) Sleeping room identification.

(2) Current name, address, and telephone number of:

- (a) Resident's primary health care provider;
- (b) Resident's representative, if the resident has one;
- (c) Individual(s) to contact in case of emergency, illness or death; and

(d) Family members or others, if any, the resident requests to be involved in the development or delivery of services for the resident.

(3) Resident's written acknowledgment of receipt of:

(a) Required disclosure information prior to moving into the boarding home, and relevant updates; and

(b) Long-term care resident rights per RCW 70.129.030.

(4) The resident's assessment and reassessment information.

(5) Clinical information such as admission weight, height, blood pressure, temperature, blood sugar and other laboratory tests required by the negotiated service agreement.

(6) The resident's negotiated service agreement consistent with WAC 388-78A-2140.

(7) Any orders for medications, treatments, and modified or therapeutic diets, including any directions for addressing a resident's refusal of medications, treatments, and prescribed diets.

(8) Medical and nursing services provided by the boarding home for a resident, including:

(a) A record of providing medication assistance and medication administration, which contains:

(i) The medication name, dose, and route of administration;

(ii) The time and date of any medication assistance or administration;

(iii) The signature or initials of the person providing any medication assistance or administration; and

(iv) Documentation of a resident choosing to not take his or her medications.

(b) A record of any nursing treatments, including the signature or initials of the person providing them.

(9) Documentation consistent with WAC 388-78A-2120 Monitoring resident well-being.

(10) Staff interventions or responses to subsection (9) of this section, including any modifications made to the resident's negotiated service agreement.

(11) Notices of and reasons for relocation as specified in RCW 70.129.110.

(12) The individuals who were notified of a significant change in the resident's condition and the time and date of the notification.

(13) When available, a copy of any legal documents in which:

(a) The resident has appointed another individual to make his or her health care, financial, or other decisions;

(b) The resident has created an advance directive or other legal document that establishes a surrogate decision maker in the future and/or provides directions to health care providers; and

(c) A court has established guardianship on behalf of the resident.

NEW SECTION

WAC 388-78A-2420 Record retention. (1) The boarding home must maintain on the boarding home premises in a resident's active record(s) all relevant information and documentation necessary for meeting a resident's current assessed needs.

(2) The boarding home may remove outdated information from the resident's active records that is no longer significant or relevant to the resident's current assessed service and care needs, and maintain it in an inactive record that must

remain on the boarding home premises as long as the resident remains in the boarding home.

(3) The boarding home must maintain all documentation filed in a closed resident record, on the boarding home premises for six months after the date the resident leaves the boarding home and on the boarding home premises or another location for five years after the date the resident leaves the boarding home.

(4) All active, inactive, and closed resident records must be available for review by department staff and other authorized persons.

(5) If a boarding home ceases to operate as a licensed boarding home, the most recent licensee must make arrangements to ensure that the former residents' records are retained according to the times specified in this section and are available for review by department staff and other authorized individuals.

NEW SECTION

WAC 388-78A-2430 Resident review of records. (1) The boarding home must assemble all records pertaining to a resident and make them available to a resident within twenty-four hours of the resident's or the resident's representative's request to review the resident's records per RCW 70.129.030.

(2) The boarding home must provide to the resident or the resident's representative, photocopies of the records or any portions of the records pertaining to the resident, within two working days of the resident's or resident's representative's request for the records.

(a) For the purposes of this section, "working days" means Monday through Friday, except for legal holidays.

(b) The boarding home may charge the resident or the resident's representative a fee not to exceed twenty-five cents per page for the cost of photocopying the resident's record.

NEW SECTION

WAC 388-78A-2440 Resident register. (1) The boarding home must maintain in the boarding home a single current roster of all boarding home residents, their roommates and identification of the rooms in which such persons reside or sleep.

(2) The boarding home must make this roster immediately available to:

(a) Authorized department staff;

(b) Representatives of the long-term care ombudsman's office; and

(c) Representatives of the Washington state fire protection bureau when conducting fire safety inspections.

(3) The boarding home must maintain a readily available permanent, current book, computer file, or register with entries in ink or typewritten, of all former boarding home residents within the past five years, including:

(a) Date of moving in;

(b) Full name;

(c) Date of birth;

(d) Date of moving out;

(e) Reason for moving out; and

(f) New address if known.

ADMINISTRATION

Staff

NEW SECTION

WAC 388-78A-2450 Staff. (1) Each boarding home must provide sufficient, trained staff persons to:

- (a) Furnish the services and care needed by each resident consistent with his or her negotiated service agreement;
- (b) Maintain the boarding home free of safety hazards; and

- (c) Implement fire and disaster plans.

- (2) The boarding home must:

- (a) Develop and maintain written job descriptions for the administrator and each staff position and provide each staff person with a copy of his or her job description before or upon the start of employment;

- (b) Verify staff persons' work references prior to hiring;

- (c) Verify prior to hiring that staff persons have the required licenses, certification, registrations, or other credentials for the position, and that such licenses, certifications, registrations, and credentials are current and in good standing;

- (d) Document and retain for twelve weeks, weekly staffing schedules, as planned and worked;

- (e) Ensure all resident care and services are provided only by staff persons who have the training, credentials, experience and other qualifications necessary to provide the care and services;

- (f) Ensure at least one caregiver, who is eighteen years of age or older and has current cardiopulmonary resuscitation and first-aid cards, is present and available to assist residents at all times:

- (i) When one or more residents are present on the boarding home premises;

- (ii) During boarding home activities off of the boarding home premises; and

- (iii) When staff persons transport a resident.

- (g) Ensure caregiver provides on-site supervision of any resident voluntarily providing services for the boarding home;

- (h) Provide staff orientation and appropriate training for expected duties, including:

- (i) Organization of boarding home;

- (ii) Physical boarding home layout;

- (iii) Specific duties and responsibilities;

- (iv) How to report resident abuse and neglect consistent with chapter 74.34 RCW and boarding home policies and procedures;

- (v) Policies, procedures, and equipment necessary to perform duties;

- (vi) Needs and service preferences identified in the negotiated service agreements of residents with whom the staff persons will be working; and

- (vii) Resident rights, including without limitation, those specified in chapter 70.129 RCW.

- (i) Develop and implement a process to ensure caregivers:

- (i) Acquire the necessary information from the preadmission assessment, on-going assessment and negotiated service agreement relevant to providing services to each resident with whom the caregiver works;

- (ii) Are informed of changes in the negotiated service agreement of each resident with whom the caregiver works; and

- (iii) Are given an opportunity to provide information to responsible staff regarding the resident when assessments and negotiated service agreements are updated for each resident with whom the caregiver works.

- (j) Ensure all caregivers have access to resident records relevant to effectively providing care and services to the resident.

- (3) The boarding home must:

- (a) Ensure that staff persons meet the training requirements specified in chapter 388-112 WAC;

- (b) Protect all residents by ensuring any staff person suspected or accused of abuse does not have access to any resident until the boarding home investigates and takes action to ensure resident safety;

- (c) Not interfere with the investigation of a complaint, coerce a resident or staff person regarding cooperating with a complaint investigation, or conceal or destroy evidence of alleged improprieties occurring within the boarding home;

- (d) Prohibit staff persons from being directly employed by a resident or a resident's family during the hours the staff person is working for the boarding home;

- (e) Maintain the following documentation on the boarding home premises, during employment, and at least two years following termination of employment:

- (i) Staff orientation and training pertinent to duties, including, but not limited to:

- (A) Training required by chapter 388-112 WAC, including as appropriate for each staff person, orientation, basic training or modified basic training, specialty training, nurse delegation core training, and continuing education;

- (B) Cardiopulmonary resuscitation;

- (C) First aid; and

- (D) HIV/AIDS training.

- (ii) Criminal history disclosure and background checks as required in WAC 388-78A-2470; and

- (iii) Documentation of contacting work references and professional licensing and certification boards as required by subsection (1) of this section.

- (4) The boarding home is not required to keep on the boarding home premises, staff records that are unrelated to staff performance of duties. Such records include, but are not limited to, pay records, and health and insurance benefits for staff.

NEW SECTION

WAC 388-78A-2460 Quality assurance committee.

(1) To ensure the proper delivery of services and the maintenance and improvement in quality of care through self-review, any boarding home licensed under this chapter may maintain a quality assurance committee that, at a minimum, includes:

(a) A licensed registered nurse under chapter 18.79 RCW;

(b) The administrator; and

(c) Three other members from the staff of the boarding home.

(2) When established, the quality assurance committee shall meet at least quarterly to identify issues that may adversely affect quality of care and services to residents and to develop and implement plans of action to correct identified quality concerns or deficiencies in the quality of care provided to residents.

(3) To promote quality of care through self-review without the fear of reprisal, and to enhance the objectivity of the review process, the department shall not require, and the long-term care ombudsman program shall not request, disclosure of any quality assurance committee records or reports, unless the disclosure is related to the committee's compliance with this section, if:

(a) The records or reports are not maintained pursuant to statutory or regulatory mandate; and

(b) The records or reports are created for and collected and maintained by the committee.

(4) If the boarding home refuses to release records or reports that would otherwise be protected under this section, the department may then request only that information that is necessary to determine whether the boarding home has a quality assurance committee and to determine that it is operating in compliance with this section. However, if the boarding home offers the department documents generated by, or for, the quality assurance committee as evidence of compliance with boarding home requirements, the documents are not protected as quality assurance committee documents when in the possession of the department.

(5) Good faith attempts by the committee to identify and correct quality deficiencies shall not be used as a basis for sanctions.

(6) Any records that are created for and collected and maintained by the quality assurance committee shall not be discoverable or admitted into evidence in a civil action brought against a boarding home.

(7) Notwithstanding any records created for the quality assurance committee, the facility shall fully set forth in the resident's records, available to the resident, the department, and others as permitted by law, the facts concerning any incident of injury or loss to the resident, the steps taken by the facility to address the resident's needs, and the resident outcome.

NEW SECTION

WAC 388-78A-2470 Criminal history background checks. (1) The boarding home must:

(a) Ensure any nonresident individual having unsupervised access to residents has a criminal history background check.

(b) Not hire or retain, directly or by contract, any individual having unsupervised access to residents, except as provided in RCW 43.43.842 and (i) of this subsection, if that individual has been:

(i) Convicted of a crime against persons as defined in RCW 43.43.830;

(ii) Convicted of a crime relating to financial exploitation as defined in RCW 43.43.830;

(iii) Found in any disciplinary board final decision to have abused a vulnerable adult under RCW 43.43.830;

(iv) The subject in a protective proceeding under chapter 74.34 RCW;

(v) Convicted of criminal mistreatment; or

(vi) Found by the department to have abused, neglected, or exploited a vulnerable person in any matter in which an administrative hearing due process right is offered and the finding is upheld through the hearing process or the individual failed to timely appeal the finding.

(c) Inform each individual identified below who is associated with the boarding home and who will have unsupervised access to residents in the boarding home, of the requirement for a criminal history background check:

(i) Employees;

(ii) Managers;

(iii) Volunteers who are not residents;

(iv) Contractors;

(v) Resident arranged contractors;

(vi) Students; and

(vii) Any other nonresident individuals associated with the boarding home having unsupervised access to residents.

(d) Require the individuals identified in (c) of this subsection to complete and sign a DSHS background authorization form prior to the individual having unsupervised access to residents;

(e) Submit all criminal history background check authorization forms to the department's:

(i) Aging and disability services administration with the initial application for licensure; and

(ii) Background check central unit every two years for each individual identified in (c) of this subsection. A background check result is only valid for two years from the date it is conducted, at which point a new criminal history background check must be conducted.

(f) Except as provided in (i) of this subsection, not hire an individual who may have unsupervised access to residents prior to receiving favorable results of the background check;

(g) Verbally inform the named individual of his/her individual background check results and offer to provide him or her a copy of the background check results within ten days of receipt;

(h) Ensure that all disclosure statements and background check results are:

(i) Maintained on-site in a confidential and secure manner;

(ii) Used for employment purposes only;

(iii) Not disclosed to any individual except:

(A) The individual named on the background check result;

(B) Authorized state and federal employees;

(C) The Washington state patrol auditor; and

(D) As otherwise authorized in chapter 43.43 RCW.

(iv) Retained and available for department review:

(A) During the individual's employment or association with a facility; and

(B) At least two years following termination of employment or association with a facility.

(i) The boarding home may conditionally employ, contract with, accept as a volunteer or associate, an individual having unsupervised access to residents pending a background inquiry, provided the boarding home:

(i) Obtains a criminal history background check authorization form from the individual prior to the individual beginning to work or perform volunteer activities; and

(ii) Submits the criminal history background check authorization form to the department no later than one business day after the individual started working or volunteer activity.

(2) The department may require the boarding home or any other individual associated with the boarding home who has unsupervised access to residents to complete additional disclosure statements or background inquiries if the department has reason to believe that offenses specified under RCW 43.43.830 have occurred since completion of the previous disclosure statement or background inquiry.

NEW SECTION

WAC 388-78A-2480 TB tests. (1) The boarding home must ensure each staff person is screened for tuberculosis, as follows:

(a) A staff person must have a baseline two-step skin test initiated within three days of being hired unless the staff person meets the requirements in (b) or (c) of this subsection. The skin tests must be:

(i) Given no less than one and no more than three weeks apart;

(ii) By intradermal (Mantoux) administration of purified protein derivative (PPD);

(iii) Read between forty-eight and seventy-two hours following administration, by trained personnel; and

(iv) Recorded in millimeters of induration.

(b) A staff person needs to have only a one-step skin test within three days of being hired if:

(i) There is documented history of a negative result from previous two-step testing; or

(ii) There was a documented negative result from one-step skin testing in the previous twelve months.

(c) A staff person does not need to be skin tested for tuberculosis if he/she has:

(i) Documented history of a previous positive skin test consisting of ten or more millimeters of induration; or

(ii) Documented evidence of adequate therapy for active disease; or

(iii) Documented evidence of adequate preventive therapy for infection.

(d) If a skin test results in a positive reaction, the boarding home must:

(i) Ensure that the staff person has a chest X ray within seven days;

(ii) Report positive chest X rays to the appropriate public health authority; and

(iii) Follow precautions ordered by a physician or public health authority.

(2) The boarding home must:

(a) Retain in the boarding home for the duration of the staff person's employment, and at least two years following termination of employment, records of:

(i) Tuberculin test results;

(ii) Reports of X-ray findings; and

(iii) Physician or public health official orders.

(b) Provide staff persons with a copy of the records specified in (a) of this subsection:

(i) During the time the staff person is employed in the boarding home, limited to one copy per report; and

(ii) When requested by the staff person.

(3) The boarding home must ensure that caregivers caring for a resident with suspected tuberculosis comply with the WISHA standard for respiratory protection.

Specialized Training

NEW SECTION

WAC 388-78A-2490 Specialized training for developmental disabilities. The boarding home must provide caregivers with specialized training, consistent with chapter 388-112 WAC, to serve residents with developmental disabilities, whenever at least one of the residents in the boarding home is:

(1) A person who meets the eligibility criteria for services defined in chapter 388-825 WAC; or

(2) A person with a severe, chronic disability which is attributable to cerebral palsy or epilepsy, or any other condition, other than mental illness, found to be closely related to mental retardation which results in impairment of general intellectual functioning or adaptive behavior similar to that of a person with mental retardation, and requires treatment or services similar to those required for these persons (i.e., autism), and:

(a) The condition was manifested before the person reached eighteen;

(b) The condition is likely to continue indefinitely; and

(c) The condition results in substantial functional limitations in three or more of the following areas of major life activities:

(i) Self-care;

(ii) Understanding and use of language;

(iii) Learning;

(iv) Mobility;

(v) Self-direction; and

(vi) Capacity for independent living.

NEW SECTION

WAC 388-78A-2500 Specialized training for mental illness. The boarding home must provide caregivers with specialized training, consistent with chapter 388-112 WAC, to serve residents with mental illness, whenever at least one of the residents in the boarding home is a person who has been diagnosed with or treated for an Axis I or Axis II diagnosis, as described in the *Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, Text Revision*, and:

(1) Who has received the diagnosis or treatment within the previous two years; and

(2) Whose diagnosis was made by, or treatment provided by, one of the following:

- (a) A licensed physician;
- (b) A mental health professional;
- (c) A psychiatric advanced registered nurse practitioner;

or

- (d) A licensed psychologist.

NEW SECTION

WAC 388-78A-2510 Specialized training for dementia. The boarding home must provide caregivers with specialized training, consistent with chapter 388-112 WAC, to serve residents with dementia, whenever at least one of the residents in the boarding home has symptoms consistent with dementia as assessed per WAC 388-78A-2090(7).

Administrator

NEW SECTION

WAC 388-78A-2520 Administrator qualifications.

(1) The licensee must appoint an administrator who is at least twenty-one years old and who is not a resident, and is qualified to perform the administrator's duties specified in WAC 388-78A-2560.

(2) The licensee must only appoint as a boarding home administrator an individual who meets at least one of the following qualifications listed in (a) through (f) of this subsection:

(a) The individual was actively employed as a boarding home administrator and met existing qualifications on September 1, 2004;

(b) The individual holds a current Washington state nursing home administrator license in good standing;

(c) Prior to assuming duties as a boarding home administrator, the individual has met the qualifications listed in both (c)(i) and (ii) of this subsection:

(i) Obtained certification of completing a recognized administrator training course consisting of a minimum of twenty-four hours of instruction or equivalent on-line training or certification of passing an administrator examination, from or endorsed by a department-recognized national accreditation health or personal care organization such as:

(A) The American Association of Homes and Services for the Aging; or

(B) The American Health Care Association; or

(C) The Assisted Living Federation of America; or

(D) The National Association of Board of Examiners of Long Term Care Administrators.

(ii) Three years paid experience:

(A) Providing direct care to vulnerable adults in a setting licensed by a state agency for the care of vulnerable adults, such as a nursing home, boarding home, or adult family home, or a setting having a contract with a recognized social service agency for the provision of care to vulnerable adults, such as supported living; and/or

(B) Managing persons providing direct care to vulnerable adults in a setting licensed by a state agency for the care of vulnerable adults, such as a nursing home, boarding home, or adult family home, or a setting having a contract with a

recognized social service agency for the provision of care to vulnerable adults, such as supported living.

(d) The individual holds an associate degree in a related field of study such as health, social work, or business administration and meets the qualifications listed in either (d)(i), (ii) or (iii) of this subsection:

(i) Obtains certification of completing a recognized administrator training course consisting of a minimum of twenty-four hours of instruction or equivalent on-line training, or certification of passing an administrator examination, within six months of beginning duties as the administrator, from or endorsed by a department-recognized national accreditation health or personal care organization such as:

(A) The American Association of Homes and Services for the Aging; or

(B) The American Health Care Association; or

(C) The Assisted Living Federation of America; or

(D) The National Association of Board of Examiners of Long Term Care Administrators.

(ii) Has two years paid experience:

(A) Providing direct care to vulnerable adults in a setting licensed by a state agency for the care of vulnerable adults, such as a nursing home, boarding home, or adult family home, or a setting having a contract with a recognized social service agency for the provision of care to vulnerable adults, such as supported living; and/or

(B) Managing persons providing direct care to vulnerable adults in a setting licensed by a state agency for the care of vulnerable adults, such as a nursing home, boarding home, or adult family home, or a setting having a contract with a recognized social service agency for the provision of care to vulnerable adults, such as supported living.

(iii) Has completed a qualifying administrator training program supervised by a qualified administrator according to WAC 388-78A-2530.

(e) The individual holds a bachelor's degree in a related field of study such as health, social work, or business administration and meets the qualifications listed in either (e)(i), (ii) or (iii) of this subsection:

(i) Obtains certification of completing a recognized administrator training course consisting of a minimum of twenty-four hours of instruction or equivalent on-line training, or certification of passing an administrator examination, within six months of beginning duties as the administrator, from or endorsed by a department-recognized national accreditation health or personal care organization such as:

(A) The American Association of Homes and Services for the Aging; or

(B) The American Health Care Association; or

(C) The Assisted Living Federation of America; or

(D) The National Association of Board of Examiners of Long Term Care Administrators.

(ii) Has one year paid experience:

(A) Providing direct care to vulnerable adults in a setting licensed by a state agency for the care of vulnerable adults, such as a nursing home, boarding home, or adult family home, or a setting having a contract with a recognized social service agency for the provision of care to vulnerable adults, such as supported living; and/or

PROPOSED

(B) Managing persons providing direct care to vulnerable adults in a setting licensed by a state agency for the care of vulnerable adults, such as a nursing home, boarding home, or adult family home, or a setting having a contract with a recognized social service agency for the provision of care to vulnerable adults, such as supported living.

(iii) Has completed a qualifying administrator training program supervised by a qualified administrator according to WAC 388-78A-2530.

(f) Prior to assuming duties as an administrator, the individual has five years of paid experience:

(i) Providing direct care to vulnerable adults in a setting licensed by a state agency for the care of vulnerable adults, such as a nursing home, boarding home, or adult family home, or a setting having a contract with a recognized social service agency for the provision of care to vulnerable adults, such as supported living; and/or

(ii) Managing persons providing direct care to vulnerable adults in a setting licensed by a state agency for the care of vulnerable adults, such as a nursing home, boarding home, or adult family home, or a setting having a contract with a recognized social service agency for the provision of care to vulnerable adults, such as supported living.

NEW SECTION

WAC 388-78A-2530 Qualifying administrator training program. Before the licensee appoints an individual who must have completed a qualifying administrator training program in order to qualify as a boarding home administrator, the licensee must verify the individual has completed the training and obtain documentation from the individual that the training program met the following requirements:

(1) The department was notified of the beginning date of the administrator training program;

(2) The administrator training program was at least six months in duration following notification of the department;

(3) Only training, supervision, and experience occurring following notification of the department were credited to the qualifying training;

(4) The supervising administrator met the qualifications to be an administrator specified in WAC 388-78A-2510;

(5) The trainee was a full-time employee of a boarding home and spent at least forty percent of his/her time for six months of the training program performing administrative duties customarily assigned to boarding home administrators or included in the job description of the administrator for the boarding home in which the training occurred;

(6) The supervising administrator was present on-site at the boarding home during the time the trainee performed administrator duties;

(7) The supervising administrator spent a minimum of one hundred direct contact hours with the trainee during the six months supervising and consulting with the trainee;

(8) Both the trainee and supervising administrator signed documentation of the trainee's qualifying experience and the supervising administrator's performance of required oversight duties; and

(9) The individual completing the qualifying administrator training program maintains the documentation of completing the program.

NEW SECTION

WAC 388-78A-2540 Administrator training requirements. The licensee must ensure the boarding home administrator:

(1) Meets the training requirements of chapter 388-112 WAC; and

(2) Completes department training of Washington state statutes and administrative rules related to the operation of a boarding home.

(a) The training must include, but is not limited to, an overview of:

(i) Chapter 18.20 RCW, Boarding homes;

(ii) Chapter 43.43 RCW, Criminal history background checks;

(iii) Chapter 74.34 RCW, Abuse of vulnerable adults;

(iv) Chapter 70.129 RCW, Long-term care resident rights;

(v) Chapter 388-78A WAC, Boarding home licensing rules; and

(vi) Chapter 388-112 WAC, Long-term care services training.

(b) Individuals hired as boarding home administrators after September 1, 2004, must complete department required training within thirty days of assuming duties as a boarding home administrator.

(c) Individuals employed as boarding home administrators on September 1, 2004, must complete department required training by November 1, 2004.

NEW SECTION

WAC 388-78A-2550 Administrator training documentation. The boarding home must maintain for department review, documentation of the administrator completing:

(1) Training required per chapter 388-112 WAC, Long-term care services training;

(2) Department training in an overview of Washington state statutes and administrative rules related to the operation of a boarding home;

(3) As applicable, certification from a department-recognized national accreditation health or personal care organization; and

(4) As applicable, the qualifying administrator-training program.

NEW SECTION

WAC 388-78A-2560 Administrator responsibilities. The licensee must ensure the administrator:

(1) Directs and supervises the overall twenty-four-hour-per-day operation of the boarding home;

(2) Ensures residents receive adequate care and services that meet the standards of this chapter;

(3) Is readily accessible to meet with residents;

(4) Complies with the boarding home's policies;

(5) When the administrator is not available on the premises, either:

- (a) Is available by telephone or electronic pager; or
- (b) Designates a person approved by the licensee to act in place of the administrator. The designee must be:
 - (i) Qualified by experience to assume designated duties; and
 - (ii) Authorized to make necessary decisions and direct operations of the boarding home during the administrator's absence.

NEW SECTION

WAC 388-78A-2570 Notification of change in administrator. The licensee must notify the department in writing within ten calendar days of the effective date of a change in the boarding home administrator. The notice must include the full name of the new administrator and the effective date of the change.

NEW SECTION

WAC 388-78A-2580 Use of home health/home care. If a boarding home licensee also has a home health or home care license, the licensee may not provide care or services to nonresident individuals living in independent living units on the boarding home premises under the home health or home care license if:

- (1) The licensee assumes general responsibility for the safety and well-being of the individual;
- (2) The individual requiring such services is not able to receive them in his or her own home and is required to move to another room as a condition for receiving such services;
- (3) The individual receiving such services is required to receive them from the licensee as a condition for residing in the building, and is not free to receive such services from any appropriately licensed provider of his or her choice; or
- (4) The licensee provides other care or services to the individual, that falls under the jurisdiction of boarding home licensing and this chapter.

Management Agreements

NEW SECTION

WAC 388-78A-2590 Management agreements. (1) If the licensee uses a manager, the licensee must have a written management agreement approved by the department that is consistent with this section.

- (2) The licensee may enter into a management agreement only if the management agreement creates a principal/agent relationship between the licensee and the manager.
- (3) The licensee must ensure the manager acts in conformance with a department-approved management agreement with the boarding home licensee.
- (4) A licensee must not delegate the following to a manager:
 - (a) The licensee's responsibility to ensure that the boarding home is operated in a manner consistent with all laws and rules applicable to boarding homes;

(b) The licensee's responsibility to review, acknowledge and sign all boarding home initial and renewal license applications.

(5) The licensee must ensure that its manager does not represent itself as, or give the appearance that it is the licensee.

(6) A duly authorized manager may execute resident leases or agreements on behalf of the licensee, but all such resident leases or agreements must be between the licensee and the resident.

(7) The licensee must notify the department of its use of a manager and provide a copy of any written management agreement to the department upon the following:

- (a) Initial application for a license;
- (b) Retention of a manager following initial application;
- (c) Change of managers; or
- (d) Modification of existing management agreement.

Policies and Procedures

NEW SECTION

WAC 388-78A-2600 Policies and procedures. (1) The boarding home must develop and implement policies and procedures in support of services that are provided and are necessary to:

- (a) Maintain or enhance the quality of life for residents including resident decision-making rights;
- (b) Provide the necessary care and services for residents, including those with special needs;
- (c) Safely operate the boarding home; and
- (d) Operate in compliance with state and federal law, including, but not limited to, chapters 7.70, 11.88, 11.92, 11.94, 69.41, 70.122, 70.129, and 74.34 RCW, and any rules promulgated under these statutes.

(2) The boarding home must develop, implement and train staff persons on policies and procedures to address what staff persons must do:

- (a) Related to suspected abuse, neglect, or exploitation of any resident;
- (b) When there is reason to believe a resident is not capable of making necessary decisions and no substitute decision maker is available;
- (c) When a substitute decision maker is no longer appropriate;
- (d) When a resident stops breathing or a resident's heart appears to stop beating, including the action staff persons must take:
 - (i) Related to cardio-pulmonary resuscitation (CPR);
 - (ii) Related to calling 911;
 - (iii) When a resident has documents related to emergency medical services (EMS) No CPR Guidelines consistent with chapter 43.70 RCW and chapter 246-976 WAC;
 - (iv) To provide EMS personnel with a copy of the resident's advance directive when the resident has executed an advance directive;
 - (v) When a resident has a do-not-resuscitate (DNR) order/directive from a health professional;
 - (vi) When a resident has a full code directive;

Infection Control

(vii) When a resident has not made known his or her decision or preferences about CPR;

(viii) When a resident is incompetent and not able to make a decision about CPR; and

(ix) When a resident is in a hospice program.

(e) When a resident does not have a personal physician or health care provider;

(f) In response to medical emergencies;

(g) When there are urgent situations in the boarding home requiring additional staff support;

(h) In the event of an internal or external disaster, consistent with WAC 388-78A-2700;

(i) To supervise and monitor residents, including accounting for residents who leave the premises;

(j) To appropriately respond to aggressive or assaultive residents, including, but not limited to:

(i) Actions to take if a resident becomes violent;

(ii) Actions to take to protect other residents; and

(iii) When and how to seek outside intervention.

(k) To prevent and limit the spread of infections consistent with WAC 388-78A-2610;

(l) To manage residents' medications, consistent with WAC 388-78A-2210 through 388-78A-2290, including:

(i) Recording and documenting prescriber's orders;

(ii) Providing and documenting medication assistance;

(iii) Providing and documenting medication administration, if this service is provided in the boarding home;

(iv) Sending medications with a resident when the resident leaves the premises;

(v) Safe and secure storage of medications; and

(vi) Disposing of discontinued and/or outdated medications;

(m) When services related to medications and treatments are provided under the delegation of registered nurse consistent with chapter 246-840 WAC;

(n) Related to food services consistent with chapter 246-215 WAC, including:

(i) Food service sanitation;

(ii) Procuring and storing food;

(iii) Food preparation; and

(iv) Modified diets and nutritional supplements.

(o) Regarding the safe operation of any boarding home vehicles used to transport residents, and the qualifications of the drivers;

(p) To coordinate services and share resident information with outside resources, consistent with WAC 388-78A-2350;

(q) Regarding the management of pets in the boarding home, if permitted, consistent with WAC 388-78A-2560; and

(r) When receiving and responding to resident grievances consistent with RCW 70.129.060.

(3) The boarding home must make the policies and procedures specified in subsection (2) of this section available to staff persons at all times and must inform residents and residents' representatives of their availability and make available upon request.

Reviser's note: The spelling error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 388-78A-2610 Infection control. (1) The boarding home must institute appropriate infection control practices in the boarding home to prevent and limit the spread of infections.

(2) The boarding home must:

(a) Develop and implement a system to identify and manage infections;

(b) Restrict a staff person's contact with residents when the staff person has a known communicable disease in the infectious stage that is likely to be spread in the boarding home setting or by casual contact;

(c) Provide staff persons with the necessary supplies, equipment and protective clothing for preventing and controlling the spread of infections;

(d) Provide all resident care and services according to current acceptable standards for infection control;

(e) Perform all housekeeping, cleaning, laundry, and management of infectious waste according to current acceptable standards for infection control;

(f) Report communicable diseases in accordance with the requirements in chapter 246-100 WAC.

NEW SECTION

WAC 388-78A-2620 Pets. If a boarding home allows pets to live on the premises, the boarding home must:

(1) Develop, implement and disclose to potential and current residents, policies regarding:

(a) The types of pets that are permitted in the boarding home; and

(b) The conditions under which pets may be in the boarding home.

(2) Ensure animals living on the boarding home premises:

(a) Have regular examinations and immunizations, appropriate for the species, by a veterinarian licensed in Washington state;

(b) Are certified by a veterinarian to be free of diseases transmittable to humans;

(c) Are restricted from central food preparation areas.

Reporting RequirementsNEW SECTION

WAC 388-78A-2630 Reporting abuse and neglect. (1) The boarding home must ensure that each staff person:

(a) Makes a report to the department consistent with chapter 74.34 RCW in all cases where the staff person has reasonable cause to believe that abandonment, abuse, financial exploitation, or neglect of a vulnerable adult has occurred; and

(b) Makes an immediate report to the appropriate law enforcement agency and the department consistent with chapter 74.34 RCW of all incidents of suspected sexual abuse or physical abuse of a resident.

(2) The boarding home must prominently post so it is readily visible to staff, residents and visitors, the department's toll-free telephone number for reporting resident abuse and neglect.

NEW SECTION

WAC 388-78A-2640 Reporting significant change in a resident's condition. (1) The boarding home must consult with the resident's representative, the resident's physician, and other individual(s) designated by the resident as soon as possible whenever:

(a) There is a significant change in the resident's condition;

(b) The resident is relocated to a hospital or other health care facility; or

(c) The resident dies.

(2) The boarding home must notify any agency responsible for paying for the resident's care and services as soon as possible whenever:

(a) The resident is relocated to a hospital or other health care facility; or

(b) The resident dies.

(3) Whenever the conditions in subsection (1) or (2) of this section occur, the boarding home must document in the resident's records:

(a) The date and time each individual was contacted; and

(b) The individual's relationship to the resident.

(4) In case of a resident's death, the boarding home must notify the coroner if required by RCW 68.50.010.

NEW SECTION

WAC 388-78A-2650 Reporting fires and incidents. The boarding home must immediately report to the department's aging and disability services administration:

(1) Any accidental or unintended fire, or any deliberately set but improper fire, such as arson, in the boarding home;

(2) Any unusual incident that could or did require implementation of the boarding home's disaster plan, including any evacuation of all or part of the residents to another area of the boarding home or to another address; and

(3) Circumstances which threaten the boarding home's ability to ensure continuation of services to residents.

Resident Rights

NEW SECTION

WAC 388-78A-2660 Resident rights. The boarding home must:

(1) Comply with chapter 70.129 RCW, Long-term care residents rights;

(2) Ensure all staff persons are knowledgeable of the requirements of chapter 70.129 RCW and provide care and services to each resident consistent with chapter 70.129 RCW;

(3) Not use restraints on any resident;

(4) Promote and protect the residents' exercise of all rights granted under chapter 70.129 RCW;

(5) Provide care and services to each resident in compliance with applicable state statutes related to substitute health care decision making, including chapters 7.70, 70.122, 11.88, 11.92, and 11.94 RCW; and

(6) Reasonably accommodate residents consistent with applicable state and/or federal law.

NEW SECTION

WAC 388-78A-2670 Services by resident for boarding home. If a resident performs services for the boarding home, the boarding home must ensure:

(1) The resident freely volunteers to perform the services without coercion or pressure from staff persons;

(2) The resident performing services does not supervise, or is not placed in charge of, other residents; and

(3) If the resident regularly performs voluntary services for the benefit of the boarding home, the volunteer activity is addressed in the resident's negotiated service agreement.

NEW SECTION

WAC 388-78A-2680 Boarding home use of audio and video monitoring. (1) Except as provided for in WAC 388-78A-2690, the boarding home must not use:

(a) Any audio monitoring on the boarding home premises; or

(b) Any audio monitoring used in combination with video monitoring.

(2) The boarding home may video monitor and/or video record activity on the boarding home premises, without an audio component, only in the following areas:

(a) Boarding home entrances and exits if the camera(s) is:

(i) Focused only on the entrance/exit doorways; and

(ii) Not focused on areas where residents may congregate.

(b) Areas used exclusively by staff persons such as, but not limited to, medication storage areas or food preparation areas, if residents do not go into these areas;

(c) Outdoor areas not commonly used by residents, such as, but not limited to, delivery areas; and

(d) Designated smoking areas excluding resident rooms, subject to the following conditions:

(i) When the area is being used by residents assessed as needing supervision for smoking, a staff person must watch the video monitor at any time the area is being used by such residents for smoking;

(ii) The video camera must be placed in a clearly visible area;

(iii) The video monitor must be placed where it cannot be viewed by the general public; and

(iv) All residents in the facility must be notified of the use of the video monitoring.

NEW SECTION

WAC 388-78A-2690 Resident use of electronic monitoring. (1) The boarding home must limit the use of resident-initiated video or audio monitoring to the sleeping room or apartment of the resident who requested the monitoring.

(2) If a resident requests video or audio monitoring in his/her sleeping room or apartment, before any monitoring occurs the boarding home must ensure:

(a) Appropriate actions are taken to ensure monitoring is consistent with and does not violate chapter 9.73 RCW;

(b) The resident has identified a threat to his or her safety or health, or the safety of his or her possessions, and has requested electronic monitoring;

(c) The resident's roommate has provided written consent to the monitoring, if the resident has a roommate; and

(d) The resident and the boarding home have agreed upon a specific duration for the use of the monitoring, and the boarding home has documented the agreement.

(3) The boarding home must reevaluate the need for resident-initiated electronic monitoring with the resident at least quarterly or more often as appropriate.

(4) The boarding home must discontinue the use of resident-initiated electronic monitoring immediately if:

(a) The resident no longer desires it;

(b) The roommate objects to the use; or

(c) The resident becomes unable to give consent.

Safety and Disaster Preparedness

NEW SECTION

WAC 388-78A-2700 Safety measures and disaster preparedness. (1) The boarding home must take necessary action to promote the safety of each resident whenever the resident is on the boarding home premises or under the supervision of staff persons, consistent with the resident's negotiated service agreement.

(2) The boarding home must:

(a) Maintain the premises free of hazards;

(b) Maintain any vehicles used for transporting residents in a safe condition;

(c) Investigate and document investigative actions and findings for any alleged or suspected neglect or abuse or exploitation, accident or incident jeopardizing or affecting a resident's health or life. The boarding home must:

(i) Determine the circumstances of the event;

(ii) Institute and document appropriate measures to prevent similar future situations if the alleged incident is substantiated; and

(iii) Protect other residents during the course of the investigation.

(d) Provide appropriate hardware on doors of storage rooms, closets and other rooms to prevent residents from being accidentally locked in;

(e) Provide, and advise staff persons of, a means of emergency access to resident-occupied bedrooms, toilet rooms, bathing rooms, and other rooms;

(f) Provide emergency lighting or flashlights in all areas of the boarding home. For all boarding homes first issued a project number by construction review services on or after September 1, 2004, the boarding home must provide emergency lighting in all areas of the boarding home;

(g) Make sure first-aid supplies are:

(i) Readily available and not locked;

(ii) Clearly marked;

(iii) Able to be moved to the location where needed; and
(iv) Stored in containers that protect them from damage, deterioration, or contamination.

(h) Make sure first-aid supplies are appropriate for:

(i) The size of the boarding home;

(ii) The services provided;

(iii) The residents served; and

(iv) The response time of emergency medical services.

(i) Develop and maintain a current disaster plan describing measures to take in the event of internal or external disasters, including, but not limited to:

(i) On-duty staff persons' responsibilities;

(ii) Provisions for summoning emergency assistance;

(iii) Plans for evacuating residents from area or building;

(iv) Alternative resident accommodations;

(v) Provisions for essential resident needs, supplies and equipment including water, food, and medications; and

(vi) Emergency communication plan.

Disclosure

NEW SECTION

WAC 388-78A-2710 Disclosure of services. (1) The boarding home must disclose to residents, the resident's representative, if any, and interested consumers upon request, the scope of care and services it offers, on the department's approved disclosure forms. The disclosure form shall not be construed as an implied or express contract between the boarding home and the resident, but is intended to assist consumers in selecting boarding home services.

(2) The boarding home must provide the services disclosed.

(3) The boarding home must provide a minimum of thirty days written notice to the residents and the residents' representatives, if any, before the effective date of any decrease, due to circumstances beyond the boarding home's control.

(4) The boarding home must provide a minimum of ninety days written notice to the residents and the residents' representative, if any, before the effective date of any voluntary decrease in the scope of care or services provided by the boarding home, and any such decrease in the scope of services provided will result in the discharge of one or more residents.

(5) If the boarding home increases the scope of services that it chooses to provide, the boarding home must promptly provide written notice to the residents and residents' representative, if any, and must indicate the date on which the increase in the scope of care or services is effective.

(6) When the care needs of a resident exceed the disclosed scope of care or services that a boarding home provides, the boarding home may exceed the care or services disclosed consistent with RCW 70.129.030(3) and 70.129.110(3)(a).

(7) Even though the boarding home may disclose that it can provide certain care or services to residents or resident applicants or residents' representative, if any, the boarding home may deny admission to a resident applicant when the boarding home determines that the needs of the resident

applicant cannot be met, as long as the boarding home operates in compliance with state and federal law, including reasonable accommodation requirements and RCW 70.129.030 (3).

(8) The boarding home must notify resident applicants of their rights regarding health care decision making consistent with applicable state and federal laws and rules, before or at the time the individual moves into the boarding home.

NEW SECTION

WAC 388-78A-2720 Timing of disclosure. (1) The boarding home must disclose the information regarding the operation of the boarding home:

(a) In response to a request by a resident applicant or his or her representative, if any, for written information about the boarding home's services and capabilities; or

(b) At the time the boarding home provides an application for residency, an admission agreement or contract, if not previously received by the resident applicant or his or her representative, if any.

(2) The boarding home is not required to provide the disclosure of care and services contained on the department's approved disclosure forms:

(a) In advertisements;

(b) In general marketing information to the public; or

(c) To persons seeking general information regarding residential care resources in the community.

Licensing

NEW SECTION

WAC 388-78A-2730 Licensee's responsibilities. (1) The boarding home licensee is responsible for:

(a) The operation of the boarding home;

(b) Complying with the requirements of this chapter, chapter 18.20 RCW, and other applicable laws and rules; and

(c) The care and services provided to the boarding home residents.

(2) The licensee must:

(a) Maintain the occupancy level at or below the licensed resident bed capacity of the boarding home;

(b) Maintain and post in a size and format that is easily read, in a conspicuous place on the boarding home premises:

(i) A current boarding home license, including any related conditions on the license;

(ii) The name, address and telephone number of:

(A) The department;

(B) Appropriate resident advocacy groups; and

(C) State and local long-term care ombudsman with a brief description of ombudsman services.

(iii) A copy of the report and plan of correction of the most recent full inspection conducted by the department.

(c) Ensure any party responsible for holding or managing residents' personal funds is bonded, or obtains insurance in sufficient amounts, to specifically cover losses of resident funds; and provides proof of bond or insurance to the department.

(3) The licensee must not delegate to any person responsibilities that are so extensive that the licensee is relieved of

responsibility for the daily operations and provisions of services in the boarding home.

(4) The licensee must act in accord with any department-approved management agreement, if the licensee has entered into a management agreement.

(5) The licensee must appoint the boarding home administrator consistent with WAC 388-78A-2520.

NEW SECTION

WAC 388-78A-2740 Licensee qualifications. The department must consider separately and jointly as applicants each person named in the application for a boarding home license.

(1) If the department finds any person unqualified as specified in WAC 388-78A-3190, the department must deny, terminate, or not renew the license.

(2) If the department finds any person unqualified as specified in WAC 388-78A-3160, the department may deny, terminate, or not renew the license.

NEW SECTION

WAC 388-78A-2750 Application process. To apply for a boarding home license, a person must:

(1) Submit to the department a complete license application on forms designated by the department at least ninety days prior to the proposed effective date of the license;

(2) Submit all relevant attachments specified in the application;

(3) Submit criminal history background requests as required in WAC 388-78A-2470;

(4) Sign the application;

(5) Submit the license fee as specified in WAC 388-78A-3230;

(6) Submit verification that construction plans have been approved by construction review services;

(7) Submit a revised application before the license is issued if any information has changed since the initial license application was submitted;

(8) Submit a revised application containing current information about the proposed licensee or any other persons or entities named in the application, if a license application is pending for more than one year; and

(9) If the licensee's agent prepares an application on the licensee's behalf, the licensee must review, sign and attest to the accuracy of the information contained in the application.

NEW SECTION

WAC 388-78A-2760 Necessary information. In making a determination whether to issue a boarding home license, in addition to the information for each person named in the application, the department may review other documents and information the department deems relevant, including inspection and complaint investigation findings for each facility with which the applicant or any partner, officer, director, managerial employee, or owner of five percent or more of the entity applicant has been affiliated.

NEW SECTION

WAC 388-78A-2770 Change in licensee. (1) The licensee of a boarding home must change whenever the following events occur, including, but not limited to:

(a) The licensee's form of legal organization is changed (e.g., a sole proprietor forms a partnership or corporation);

(b) The licensee transfers ownership of the boarding home business enterprise to another party regardless of whether ownership of some or all of the real property and/or personal property assets of the boarding home is also transferred;

(c) The licensee dissolves, or consolidates or merges with another legal organization and the licensee's legal organization does not survive;

(d) If, during any continuous twenty-four-month period, fifty percent or more of the "licensed entity" is transferred, whether by a single transaction or multiple transactions, to:

(i) A different party (e.g., new or former shareholders); or

(ii) A person that had less than a five percent ownership interest in the boarding home at the time of the first transaction.

(e) Any other event or combination of events that results in a substitution, elimination, or withdrawal of the licensee's control of the boarding home. "Control" as used in this section means the possession, directly or indirectly, of the power to direct the management, operation and/or policies of the licensee or boarding home, whether through ownership, voting control, by agreement, by contract or otherwise.

(2) The licensee is not required to change when the following, without more, occur:

(a) The licensee contracts with a party to manage the boarding home enterprise for the licensee pursuant to an agreement as specified in WAC 388-78A-2590; or

(b) The real property or personal property assets of the boarding home are sold or leased, or a lease of the real property or personal property assets is terminated, as long as there is not a substitution or substitution of control of the licensee or boarding home.

NEW SECTION

WAC 388-78A-2780 Requirements to change boarding home licensee. (1) In order to change the licensee of a boarding home, the current licensee must notify the department and all residents of the proposed change in licensee at least ninety days prior to the proposed date of change, including the following information:

(a) Name of the present licensee and prospective licensee;

(b) Name and address of the boarding home for which the licensee is being changed;

(c) Date of proposed change; and

(d) If the boarding home contracts with the department or other public agencies that may make payments for residential care on behalf of residents, the anticipated effect the change of licensee will have on residents whose care and services are supported through these contracts.

(2) The prospective licensee must, at least ninety days prior to the proposed date of change:

(a) Sign the application;

(b) Submit the annual license fee, if a licensing fee is due;

(c) Submit evidence of control of the real estate on which the boarding home is located, such as a purchase and sales agreement, lease contract, or other appropriate document;

(d) Submit a revised application if any information included on the original application is no longer accurate; and

(e) Complete and submit a revised application if requested by the department.

(3) Send a letter to the department stating the licensee's intent to relinquish the boarding home license on the effective date of change in licensee.

NEW SECTION

WAC 388-78A-2790 Annual renewal. To renew a boarding home license, the boarding home must:

(1) Submit a completed license renewal application on forms designated by the department, at least thirty days prior to the license expiration date;

(2) Sign the application;

(3) Submit the annual renewal license fee as specified in WAC 388-78A-3230; and

(4) If the licensee's agent prepares a renewal application on the licensee's behalf, the licensee must review, sign and attest to the accuracy of the information contained on the renewal application.

NEW SECTION

WAC 388-78A-2800 Changes in licensed bed capacity. To change the licensed bed capacity in a boarding home, the boarding home must:

(1) Select the bed from the licensed room list. "Licensed room list" means a department-approved list identifying resident rooms, the dimensions and calculated square footage of each room, the number of approved bed spaces (in each room), and other information relative to the licensed resident bed capacity of a boarding home.

(a) This list is intended to identify the rooms that meet licensing requirements, whether or not the rooms are occupied by independent residents or residents receiving domiciliary care.

(b) Common use or administrative areas such as dining rooms, laundry rooms, and offices do not need to be included on the licensed room list.

(c) All rooms appearing on this list must be in a building, or a part of a building, that had its plans reviewed and approved by the department of health (DOH) construction review services.

(2) Submit a completed request for approval to the department at least one day before the intended change;

(3) Submit the prorated fee required according to WAC 388-78A-3230; and

(4) Post an amended license obtained from the department, indicating the new bed capacity.

NEW SECTION

WAC 388-78A-2810 Criteria for increasing licensed bed capacity. Before the licensed bed capacity in a boarding home may be increased, the boarding home must:

(1) Obtain construction review services' review and approval of the additional rooms or beds, and related auxiliary spaces, if not previously reviewed and approved; and

(2) Ensure the increased licensed bed capacity does not exceed the maximum facility capacity as determined by the department.

NEW SECTION

WAC 388-78A-2820 Building requirements and exemptions. (1) To get a building approved for licensing, a person must:

(a) Design plans according to the building code, local codes and ordinances, and this chapter;

(b) Submit construction documents, including any change orders and addenda to:

(i) Construction review services per WAC 388-78A-2850 and include:

(A) A minimum of two sets of final construction drawings complying with the requirements of this chapter, stamped by a Washington state licensed architect or engineer; and

(B) A functional program description; and

(ii) Local county or municipal building departments per local codes to obtain necessary building permits.

(c) Conform to the approved construction documents during construction in accordance with chapter 18.20 RCW;

(d) Obtain written approval from construction review services prior to deviating from approved construction documents;

(e) Provide construction review services with a:

(i) Written notice of completion date;

(ii) Copy of reduced floor plan(s); and

(iii) Copy of certificate of occupancy issued by the local building department.

(f) Obtain authorization from the department prior to providing boarding home services in the new construction area.

(2) The department may exempt the boarding home from meeting a specific requirement related to the physical environment if the department determines the exemption will not:

(a) Jeopardize the health or safety of residents;

(b) Adversely affect the residents' quality of life; or

(c) Change the fundamental nature of the boarding home operation into something other than a boarding home.

(3) A boarding home wishing to request an exemption must submit a written request to the department, including:

(a) A description of the requested exemption; and

(b) The specific WAC requirement for which the exemption is sought.

(4) The boarding home may not appeal the department's denial or a request for an exemption.

(5) The boarding home must retain a copy of each approved exemption in the boarding home.

NEW SECTION

WAC 388-78A-2830 Conversion of licensed nursing homes. (1) If a person intends to convert a licensed nursing home building into a licensed boarding home, the building must meet all boarding home licensing requirements specified in this chapter and chapter 18.20 RCW unless the licensee has a contract with the department to provide enhanced adult residential care services in the boarding home per RCW 18.20.220.

(2) If the licensee provides contracted enhanced adult residential care services in the building converted from a licensed nursing home into a licensed boarding home, the boarding home licensing requirements for the physical structure are considered to be met if the most recent nursing home inspection report for the nursing home building demonstrates compliance, and compliance is maintained, with safety standards and fire regulations:

(a) As required by RCW 18.51.140; and

(b) Specified in the applicable building code, as required by RCW 18.51.145, including any waivers that may have been granted, except that the licensee must ensure the building meets the licensed boarding home standards, or their functional equivalency, for:

(i) Resident to bathing fixture ratio required per WAC 388-78A-3030;

(ii) Resident to toilet ratio required per WAC 388-78A-3030;

(iii) Corridor call system required per WAC 388-78A-2930;

(iv) Resident room door closures; and

(v) Resident room windows required per WAC 388-78A-3010.

(3) If the licensee does not continue to provide contracted enhanced adult residential care services in the boarding home converted from a licensed nursing home, the licensee must meet all boarding home licensing requirements specified in this chapter and chapter 18.20 RCW.

NEW SECTION

WAC 388-78A-2840 Licenses for multiple buildings.

(1) The licensee may have multiple buildings operating under a single boarding home license if:

(a) All of the buildings are located on the same property with the same legal description; or

(b) All of the buildings are located on contiguous properties undivided by:

(i) Public streets, not including alleyways used primarily for delivery services or parking; or

(ii) Other land that is not owned and maintained by the owners of the property on which the boarding home is located.

(2) The licensee must have separate boarding homes licenses for buildings that are not located on the same or contiguous properties.

(3) Buildings that construction review services reviewed only as an addition to, or a remodel of, an existing boarding home must not have separate boarding home licenses.

NEW SECTION

WAC 388-78A-2850 Required reviews of building plans. (1) A person or boarding home must notify construction review services of all planned construction regarding boarding homes prior to beginning work on any of the following:

(a) A new building or portion thereof to be used as a boarding home;

(b) An addition of, or modification or alteration to an existing boarding home, including, but not limited to, the boarding home's:

- (i) Physical structure;
- (ii) Electrical fixtures or systems;
- (iii) Mechanical equipment or systems;
- (iv) Fire alarm fixtures or systems;
- (v) Fire sprinkler fixtures or systems;
- (vi) Carpeting;
- (vii) Wall coverings 1/28 inch thick or thicker; or
- (viii) Kitchen or laundry equipment.

(c) A change in the department-approved use of an existing boarding home or portion of a boarding home; and

(d) An existing building or portion thereof to be converted for use as a boarding home.

(2) A person or boarding home does not need to notify construction review services of the following:

(a) Repair or maintenance of equipment, furnishings or fixtures;

(b) Replacement of equipment, furnishings or fixtures with equivalent equipment, furnishings or fixtures;

(c) Repair or replacement of damaged construction if the repair or replacement is performed according to construction documents approved by construction review services within eight years preceding the current repair or replacement;

(d) Painting; or

(e) Cosmetic changes that do not affect resident activities, services, or care and are performed in accordance with the current edition of the building code.

(3) The boarding home must submit plans to construction review services as directed by construction review services and consistent with WAC 388-78A-2820 for approval prior to beginning any construction. The plans must provide an analysis of likely adverse impacts on current boarding home residents and plans to eliminate or mitigate such adverse impacts.

NEW SECTION

WAC 388-78A-2860 Relocation of residents during construction. (1) Prior to moving residents out of the boarding home during construction, the boarding home must:

(a) Notify the department at least thirty days prior to the anticipated move date, of the boarding home's plans for relocating residents, including:

- (i) How the residents will be informed of the required move and their options consistent with chapter 70.129 RCW;
- (ii) The location to which the residents will be relocated;
- (iii) The boarding home's plans for providing care and services during the relocation;
- (iv) The boarding home's plans for returning residents to the building; and

(v) The projected time frame for completing the construction.

(b) Obtain the department's approval for the relocation plans prior to relocating residents.

(2) If the boarding home moves out all of the residents from the boarding home without first obtaining the department's approval of the relocation plans, the boarding home is closed for business and the department may revoke the licensee's boarding home license.

NEW SECTION

WAC 388-78A-2870 Vacant buildings. Whenever a boarding home moves out all residents and ceases operation for reasons other than construction, as specified in WAC 388-78A-2860, the licensee must relinquish the boarding home license or the department may revoke the boarding home license.

NEW SECTION

WAC 388-78A-2880 Changing use of rooms. Prior to using a room for a purpose other than what was approved by construction review services, the boarding home must:

(1) Notify construction review services:

(a) In writing;

(b) Thirty days or more before the intended change in use;

(c) Describe the current and proposed use of the room; and

(d) Provide all additional documentation as requested by construction review services.

(2) Obtain the written approval of construction review services for the new use of the room.

NEW SECTION

WAC 388-78A-2890 Time frame for approval. (1) A person or the licensee must:

(a) Obtain approval by construction review services, of final construction documents prior to starting any construction, except for fire alarm plans, fire sprinkler plans, and landscaping plans.

(b) Obtain approval by construction review services, of landscaping, fire alarm and fire sprinkler plans prior to their installation.

(2) The department will not issue a boarding home license unless construction review services:

(a) Notifies the department that construction has been completed;

(b) Provides the department:

(i) A copy of the certificate of occupancy granted by the local building official;

(ii) A copy of the functional program; and

(iii) A reduced copy of the approved floor plan indicating room numbers or names and the approved use.

Building**NEW SECTION**

WAC 388-78A-2900 Retention of approved construction documents. The boarding home must retain on the boarding home premises:

- (1) Specification data on materials used in construction, for the life of the product;
- (2) Stamped "approved" set of construction documents.

NEW SECTION

WAC 388-78A-2910 Applicable building codes. (1) Newly licensed boarding homes and construction in existing boarding homes must meet all the current building codes and this chapter.

(2) Existing licensed boarding homes must continue to meet the building codes in force at the time of their initial licensing.

NEW SECTION

WAC 388-78A-2920 Area for nursing supplies and equipment. (1) If the boarding home provides intermittent nursing services, the boarding home must provide on the boarding home premises for the safe and sanitary:

(a) Storage and handling of clean and sterile nursing equipment and supplies; and

(b) Cleaning and disinfecting of soiled nursing equipment.

(2) For all boarding homes first issued a project number by construction review services on or after September 1, 2004, in which intermittent nursing services are provided, or upon initiating nursing services within an existing boarding home, the boarding home must provide the following two separate rooms in each boarding home building, accessible only by staff persons:

(a) A "clean" utility room for the purposes of storing and preparing clean and sterile nursing supplies, equipped with:

(i) A work counter or table;

(ii) Handwashing sink, with soap and paper towels or other approved hand-drying device; and

(iii) Locked medication storage, if medications are stored in this area, that is separate from all other stored items consistent with WAC 388-78A-2260.

(b) A "soiled" utility room for the purposes of storing soiled linen, cleaning and disinfecting soiled nursing care equipment, and disposing of refuse and infectious waste, equipped with:

(i) A work counter or table;

(ii) A two-compartment sink for handwashing and equipment cleaning and sanitizing;

(iii) A clinical service sink or equivalent for rinsing and disposing of waste material;

(iv) Soap and paper towels or other approved hand-drying device; and

(v) Locked storage for cleaning supplies, if stored in the area.

NEW SECTION

WAC 388-78A-2930 Communication system. (1) The boarding home must:

(a) Provide residents and staff with the means to summon on-duty staff assistance from:

(i) Resident units;

(ii) Common areas accessible to residents;

(iii) Corridors accessible to residents; and

(iv) All bathrooms and all toilet rooms in boarding homes issued a project number by construction review services on or after September 1, 2004.

(b) Provide residents, families, and other visitors with the means to contact staff inside the building from outside the building after hours.

(2) The boarding home must provide one or more non-pay telephones:

(a) In each building located for ready access by staff; and

(b) On the premises for reasonable access and privacy by residents.

(3) In boarding homes issued a project number by construction review services on or after September 1, 2004, the boarding home must equip each resident room with:

(a) An intercom system with a mechanism that allows a resident to control:

(i) Whether or not announcements are broadcast into the resident's room; and

(ii) Whether or not voices or conversations within the resident's room can be monitored or listened to by persons outside the resident's room.

(b) Two telephone lines that are compatible with:

(i) Telecommunication devices for the deaf equipment; and

(ii) Telephones that have:

(A) Visual signals for ringing; and

(B) Voice amplification.

(c) Television cable access where available in the community.

NEW SECTION

WAC 388-78A-2940 Two-way intercom systems. The boarding home may use a two-way intercom system between staff persons and residents in other rooms only when:

(1) A resident initiates the contact; or

(2) Staff persons announce to the resident that the intercom has been activated at the time it is activated, and:

(a) The resident and any others in the room agree to continue the contact;

(b) A visible signal is activated in the resident's room at all times the intercom is in operation; and

(c) The boarding home deactivates the intercom when the conversation is complete.

NEW SECTION

WAC 388-78A-2950 Water supply. The boarding home must:

(1) Provide water meeting the provisions of chapter 246-290 WAC, Group A public water supplies or chapter 246-291 WAC, Group B public water systems;

(2) Maintain the boarding home water systems free of cross-connections as specified in *Cross-Connection Control Manual, 6th Edition*, published by the Pacific Northwest Section of the American Water Works Association;

(3) Provide hot and cold water under adequate pressure readily available throughout the boarding home;

(4) Provide all sinks and bathing fixtures used by residents with hot water between 105°F and 120°F at all times; and

(5) Label or color code nonpotable water supplies "unsafe for domestic use."

NEW SECTION

WAC 388-78A-2960 Sewage and liquid waste disposal. The boarding home must:

(1) Ensure that all sewage and waste water drain into a municipal sewage disposal system in accordance with chapter 246-271 WAC, if available; or

(2) Provide on-site sewage disposal systems designed, constructed, and maintained as required by chapters 246-272 and 173-240 WAC, and local ordinances; and

(3) Provide a grease interceptor when the boarding home has an on-site commercial kitchen or septic system in accordance with chapter 246-272 WAC.

NEW SECTION

WAC 388-78A-2970 Garbage and refuse disposal. The boarding home must:

(1) Provide an adequate number of garbage containers to store refuse generated by the boarding home:

(a) Located in a storage area convenient for resident and staff use;

(b) Constructed of nonabsorbent material;

(c) Cleaned and maintained to prevent:

(i) Entrance of insects, rodents, birds, or other pests;

(ii) Odors; and

(iii) Other nuisances.

(2) Assure garbage and waste containers are emptied frequently to prevent hazards and nuisances; and

(3) Provide for safe and sanitary collection and disposal of:

(a) Garbage and refuse;

(b) Infectious waste; and

(c) Waste grease from the kitchen.

NEW SECTION

WAC 388-78A-2980 Lighting. (1) The boarding home must maintain electric light fixtures and lighting necessary for the comfort and safety of residents and for the activities of residents and staff.

(2) The boarding home must maintain lighting in common areas that meets Illuminating Engineering Society (IES) recommendations as follows:

AVERAGE MAINTAINED FOOTCANDLES

| Area | Ambient Light | Task Light |
|--|---------------|------------|
| Toilet, bathing and laundry facilities | 30 | 50 |
| Dining/day rooms | 50 | N/A |
| Corridors, hallways, and stairways | 30 | N/A |
| Janitor's closet and utility rooms | 30 | N/A |
| Reading rooms | 100 | N/A |

(3) The boarding home must provide enough lighting in each resident's room to meet the resident's needs, preferences and choices.

NEW SECTION

WAC 388-78A-2990 Heating-cooling—Temperature. The boarding home must:

(1) Equip each resident-occupied building with an approved heating system capable of maintaining a minimum temperature of 70°F per the building code. The boarding home must:

(a) Maintain the boarding home at a minimum temperature of 60°F during sleeping hours; and

(b) Maintain the boarding home at a minimum of 68°F during waking hours, except in rooms:

(i) Designated for activities requiring physical exertion; or

(ii) Where residents can individually control the temperature in their own living units, independent from other areas.

(2) Equip each resident-occupied building with a mechanical air cooling system or equivalent capable of maintaining a temperature of 75°F in communities where the design dry bulb temperature exceeds 85°F for one hundred seventy-five hours per year or two percent of the time, as specified in the latest edition of *Recommended Outdoor Design Temperatures—Washington State*, published by Puget Sound chapter of American Society of Heating, Refrigeration, and Air-Conditioning Engineers;

(3) Equip each boarding home issued a project number by construction review services on or after September 1, 2004, with a backup source of heat in enough common areas to keep all residents adequately warm during interruptions of normal heating operations;

(4) Prohibit the use of portable space heaters unless approved in writing by the Washington state director of fire protection; and

(5) Equip each resident sleeping room and resident living room in boarding homes issued a project number by construction review services on or after September 1, 2004, with individual temperature controls located between thirty and forty-eight inches above the floor capable of maintaining room temperature plus or minus 3°F from setting, within a range of minimum 60°F to maximum 85°F.

NEW SECTION

WAC 388-78A-3000 Ventilation. The boarding home must:

- (1) Ventilate rooms to:
 - (a) Prevent excessive odors or moisture; and
 - (b) Remove smoke.
- (2) Designate and ventilate smoking areas, if smoking is permitted in the boarding home, to prevent air contamination throughout the boarding home;
- (3) Provide intact sixteen mesh screens on operable windows and openings used for ventilation; and
- (4) Prohibit screens that may restrict or hinder escape or rescue through emergency exit openings.

NEW SECTION

WAC 388-78A-3010 Resident room—Room furnishings-storage. (1) The boarding home must ensure each resident has a sleeping room that has:

- (a) Eighty or more square feet of usable floor space in a one-person sleeping room;
- (b) Seventy or more square feet of usable floor space per individual in a sleeping room occupied by two or more individuals, except:
 - (i) When a resident sleeping room is located within a private apartment; and
 - (ii) The private apartment includes a resident sleeping room, a resident living room, and a private bathroom; and
 - (iii) The total square footage in the private apartment equals or exceeds two hundred twenty square feet excluding the bathroom; and
 - (iv) There are no more than two residents living in the apartment; and
 - (v) Both residents mutually agree to share the resident sleeping room; and
 - (vi) All other requirements of this section are met, then the two residents may share a sleeping room with less than one hundred forty square feet.
- (c) A maximum sleeping room occupancy of:
 - (i) Four individuals if the boarding home was licensed before July 1, 1989, and licensed continuously thereafter; and
 - (ii) Two individuals if the boarding home, after June 30, 1989:
 - (A) Applied for initial licensure; or
 - (B) Applied to increase the number of resident sleeping rooms; or
 - (C) Applied to change the use of rooms into sleeping rooms.
 - (d) Unrestricted direct access to a hallway, living room, outside, or other common-use area;
 - (e) One or more outside windows with:
 - (i) Window sills at or above grade, with grade extending horizontally ten or more feet from the building; and
 - (ii) Adjustable curtains, shades, blinds, or equivalent for visual privacy.
 - (f) One or more duplex electrical outlets per bed if the boarding home was initially licensed after July 1, 1983;
 - (g) A light control switch located by the entrance for a light fixture in the room;

(h) An individual towel and washcloth rack or equivalent, except when there is a private bathroom attached to the resident sleeping or living room, the individual towel and washcloth rack may be located in the attached private bathroom;

(i) In all boarding homes issued a project number by construction review services on or after September 1, 2004, and when requested by a resident in a boarding home licensed on or prior to September 1, 2004, provide a lockable drawer, cupboard or other secure space measuring at least one-half cubic foot with a minimum dimension of four inches;

(j) Separate storage facilities for each resident in or immediately adjacent to the resident's sleeping room to adequately store a reasonable quantity of clothing and personal possessions;

(k) A configuration to permit all beds in the resident sleeping room to be spaced at least three feet from other beds unless otherwise requested by all affected residents.

(2) The boarding home must ensure each resident sleeping room contains:

(a) A comfortable bed for each resident, except when two residents mutually agree to share a bed. The bed must be thirty-six or more inches wide for a single resident and fifty-four or more inches wide for two residents, appropriate for size, age and physical condition of the resident and room dimensions, including, but not limited to:

- (i) Standard household bed;
 - (ii) Studio couch;
 - (iii) Hide-a-bed;
 - (iv) Day bed; or
 - (v) Water bed, if structurally and electrically safe.
- (b) A mattress for each bed which:

- (i) Fits the bed frame;
- (ii) Is in good condition; and
- (iii) Is at least four inches thick unless otherwise requested or necessary for resident health or safety.

(c) One or more comfortable pillows for each resident;

(d) Bedding for each bed, in good repair; and

(e) Lighting at the resident's bedside when requested by the resident.

(3) The boarding home must not allow a resident sleeping room to be used as a passageway or corridor.

(4) The boarding home may use or allow use of carpets and other floor coverings only when the carpet is:

(a) Securely fastened to the floor or provided with non-skid backing; and

(b) Kept clean and free of hazards, such as curling edges or tattered sections.

(5) The boarding home must ensure each resident has either a sleeping room or resident living room that contains a sturdy, comfortable chair appropriate for the age and physical condition of the resident. This requirement does not mean a boarding home is responsible for supplying specially designed orthotic or therapeutic chairs, including those with mechanical lifts or adjustments.

PROPOSED

NEW SECTION

WAC 388-78A-3020 Calculating floor space. Usable floor space in a resident's sleeping room is calculated by measuring from interior wall surface to interior wall surface:

- (1) Including:
 - (a) Areas under moveable furniture; and
 - (b) Areas of door swings and entryways into the sleeping room.
- (2) Excluding:
 - (a) Areas under ceilings less than seven feet six inches high;
 - (b) Closet space and built-in storage;
 - (c) Areas under counters, sinks, or appliances; and
 - (d) Bathrooms and toilet rooms.

NEW SECTION

WAC 388-78A-3030 Toilet rooms and bathrooms. (1) The boarding home must provide private or common-use toilet rooms and bathrooms to meet the needs of each resident.

(2) The boarding home must provide each toilet room and bathroom with:

- (a) Water resistant, smooth, low gloss, nonslip and easily cleanable materials;
- (b) Washable walls to the height of splash or spray;
- (c) Grab bars installed and located to minimize accidental falls including one or more grab bars at each:
 - (i) Bathing fixture; and
 - (ii) Toilet.
- (d) Plumbing fixtures designed for easy use and cleaning and kept in good repair; and
- (e) Adequate ventilation to the outside of the boarding home. For boarding homes issued a project number by construction review services (CRS) on or after September 1, 2004, must provide mechanical ventilation to the outside.

(3) The boarding home must provide each toilet room with a:

- (a) Toilet with a clean, nonabsorbent seat free of cracks;
- (b) Handwashing sink in or adjacent to the toilet room.

For boarding homes issued a project number by construction review services on or after September 1, 2004, the handwashing sink must be in the toilet room or in an adjacent private area that is not part of a common use area of the boarding home; and

- (c) Suitable mirror with adequate lighting for general illumination.

(4) For boarding homes approved for construction or initially licensed after August 1, 1994, the boarding home must provide a toilet and handwashing sink in, or adjoining, each bathroom.

(5) When providing common-use toilet rooms and bathrooms, the boarding home must provide toilets and handwashing sinks for residents in the ratios of one toilet and one handwashing sink for every eight residents or fraction as listed in the following table:

| Number of Residents | Number of Toilets* | Number of Handwashing Sinks |
|---------------------|--------------------|-----------------------------|
| 1-8 | 1 | 1 |
| 9-16 | 2 | 2 |

| Number of Residents | Number of Toilets* | Number of Handwashing Sinks |
|---------------------|--------------------|-----------------------------|
| 17-24 | 3 | 3 |
| 25-32 | 4 | 4 |
| 33-40 | 5 | 5 |
| 41-48 | 6 | 6 |
| 49-56 | 7 | 7 |
| 57-64 | 8 | 8 |
| 65-72 | 9 | 9 |
| 73-80 | 10 | 10 |
| 81-88 | 11 | 11 |
| 89-96 | 12 | 12 |
| 97-104 | 13 | 13 |
| 105-112 | 14 | 14 |
| 113-120 | 15 | 15 |
| 121-128 | 16 | 16 |
| 129-136 | 17 | 17 |
| 137-144 | 18 | 18 |
| 145-152 | 19 | 19 |
| 153-160 | 20 | 20 |
| 161-168 | 21 | 21 |
| 169-176 | 22 | 22 |
| 177-184 | 23 | 23 |

*When two or more toilets are contained in a single bathroom, they are counted as one toilet.

(6) When providing common-use toilet rooms and bathrooms, the boarding home must provide bathing fixtures for residents in the ratio of one bathing fixture for every twelve residents or fraction thereof as listed in the following table:

| Number of Residents | Number of Bathing Fixtures |
|---------------------|----------------------------|
| 1-12 | 1 |
| 13-24 | 2 |
| 25-36 | 3 |
| 37-48 | 4 |
| 49-60 | 5 |
| 61-72 | 6 |
| 73-84 | 7 |
| 85-96 | 8 |
| 97-108 | 9 |
| 109-120 | 10 |
| 121-132 | 11 |
| 133-144 | 12 |
| 145-160 | 13 |
| 161-172 | 14 |
| 173-184 | 15 |
| 185-196 | 16 |

(7) When providing common-use toilet rooms and bathrooms, the boarding home must:

PROPOSED

(a) Designate toilet rooms containing more than one toilet for use by men or women;

(b) Designate bathrooms containing more than one bathing fixture for use by men or women;

(c) Equip each toilet room and bathroom designed for use by, or used by, more than one person at a time, in a manner to ensure visual privacy for each person using the room. The boarding home is not required to provide additional privacy features in private bathrooms with a single toilet and a single bathing fixture located within a private apartment;

(d) Provide a handwashing sink with soap and single use or disposable towels, blower or equivalent hand-drying device in each toilet room, except that single-use or disposable towels or blowers are not required in toilet rooms or bathrooms that are located within a private apartment;

(e) Provide reasonable access to bathrooms and toilet rooms for each resident by:

(i) Locating a toilet room on the same floor or level as the sleeping room of the resident served;

(ii) Locating a bathroom on the same floor or level, or adjacent floor or level, as the sleeping room of the resident served; and

(iii) Providing access without passage through any kitchen, pantry, food preparation, food storage, or dishwashing area, or from one bedroom through another bedroom.

(8) In boarding homes issued a project number by construction review services on or after September 1, 2004, the boarding home must ensure fifty percent of all the bathing fixtures in the boarding home are roll-in type showers that have:

(a) One-half inch or less threshold;

(b) A minimum size of thirty-six inches by forty-eight inches; and

(c) Single lever faucets located within thirty-six inches of the seat so the faucets are within reach of persons seated in the shower.

NEW SECTION

WAC 388-78A-3040 Laundry. (1) The boarding home must provide laundry and linen services on the premises, or by commercial laundry.

(2) The boarding home must handle, clean, and store linen according to acceptable methods of infection control. The boarding home must:

(a) Provide separate areas for handling clean laundry and soiled laundry;

(b) Ensure clean laundry is not processed in, and does not pass through, areas where soiled laundry is handled;

(c) Ensure areas where clean laundry is stored are not exposed to contamination from other sources; and

(d) Ensure all staff wears gloves and uses other appropriate infection control practices when handling soiled laundry.

(3) The boarding home must use washing machines that have a continuous supply of hot water with a temperature of 140°F measured at the washing machine intake, or that automatically dispense a chemical sanitizer as specified by the manufacturer, whenever the boarding home washes:

(a) Boarding home laundry;

(b) Boarding home laundry combined with residents' laundry into a single load; or

(c) More than one resident's laundry combined into a single load.

(4) The boarding home or a resident washing an individual resident's personal laundry, separate from other laundry, may wash the laundry at temperatures below 140°F and without the use of a chemical sanitizer.

(5) The boarding home must ventilate laundry rooms and areas to the outside of the boarding home, including areas or rooms where soiled laundry is held for processing by off site commercial laundry services.

(6) The boarding home must locate laundry equipment in rooms other than those used for open food storage, food preparation or food service.

(7) For all boarding homes issued a project number by construction review services on or after September 1, 2004, the boarding home must provide a laundry area where residents' may do their personal laundry that is:

(a) Equipped with:

(i) A utility sink;

(ii) A table or counter for folding clean laundry;

(iii) At least one washing machine and one clothes dryer; and

(iv) Mechanical ventilation to the outside of the boarding home.

(b) Is arranged to reduce the chances of soiled laundry contaminating clean laundry.

(8) The boarding home may combine areas for soiled laundry with other areas when consistent with WAC 388-78A-3110.

(9) The boarding home may combine areas for handling and storing clean laundry with other areas when consistent with WAC 388-78A-3120.

NEW SECTION

WAC 388-78A-3050 Day rooms. (1) The boarding home must provide one or more day room areas in which residents may participate in social and recreational activities. Day room areas include, but are not limited to:

(a) Solariums;

(b) Enclosed sun porches;

(c) Recreation rooms;

(d) Dining rooms; and

(e) Living rooms.

(2) The boarding home must provide a total minimum floor space for day room areas of:

(a) One hundred fifty square feet, or ten square feet per resident, whichever is larger, in boarding homes licensed on or before December 31, 1988; or

(b) One hundred fifty square feet, or twenty square feet per resident, whichever is larger, in boarding homes licensed after December 31, 1988.

(3) The boarding home must provide day room areas with comfortable furniture and furnishings that meet the residents' needs.

NEW SECTION

WAC 388-78A-3060 Storage space. The boarding home must:

- (1) Provide adequate storage space for supplies, equipment and linens;
- (2) Provide separate, locked storage for disinfectants and poisonous compounds; and
- (3) Maintain storage space to prevent fire or safety hazards.

NEW SECTION

WAC 388-78A-3070 Stairs—Ramps. The boarding home must maintain nonskid surfaces on all stairways and ramps used by residents.

NEW SECTION

WAC 388-78A-3080 Guardrails—Handrails. (1) The boarding home must install and maintain sturdy handrails according to building code requirements, located:

- (a) In halls and corridors, if necessary for resident safety;
 - (b) On each side of interior and exterior stairways with more than one step riser, unless the department approves in writing having a handrail on one side only; and
 - (c) On each side of interior and exterior ramps with slopes greater than one to twenty.
- (2) The boarding home must install guardrails if the department determines guardrails are necessary for resident safety.

NEW SECTION

WAC 388-78A-3090 Maintenance and housekeeping. (1) The boarding home must:

- (a) Provide a safe, sanitary and well maintained environment for residents;
 - (b) Keep exterior grounds, boarding home structure, and component parts safe, sanitary and in good repair;
 - (c) Keep facilities, equipment and furnishings clean and in good repair;
 - (d) Ensure each resident or staff person maintains the resident's quarters in a safe and sanitary condition; and
 - (e) Equip a housekeeping supply area on the premises with:
 - (i) A utility sink or equivalent means of obtaining and disposing of mop water, separate from food preparation and service areas;
 - (ii) Storage for wet mops, ventilated to the outside of the boarding home; and
 - (iii) Locked storage for cleaning supplies.
- (2) For boarding homes issued a project number by construction review services on or after September 1, 2004, the boarding home must provide housekeeping supply room(s):
- (a) Located on each floor of the boarding home;
 - (b) In proximity to laundry and kitchen areas; and
 - (c) Equipped with:
 - (i) A utility sink or equivalent means of obtaining and disposing of mop water, away from food preparation and service areas;

- (ii) Storage for wet mops;
- (iii) Locked storage for cleaning supplies; and
- (iv) Mechanical ventilation to the outside of the boarding home.

NEW SECTION

WAC 388-78A-3100 Safe storage of supplies and equipment. The boarding home must secure potentially hazardous supplies and equipment commensurate with the assessed needs of residents and their functional and cognitive abilities. In determining what supplies and equipment may be accessible to residents, the boarding home must consider at a minimum:

- (1) The residents' characteristics and needs;
- (2) The degree of hazardousness or toxicity posed by the supplies or equipment;
- (3) Whether or not the supplies and equipment are commonly found in a private home, such as hand soap or laundry detergent; and
- (4) How residents with special needs are individually protected without unnecessary restrictions on the general population.

NEW SECTION

WAC 388-78A-3110 Areas for cleaning and storing soiled equipment, supplies and laundry. (1) The boarding home may combine areas used for storing, handling and cleaning soiled laundry and linens, areas used for cleaning and disinfecting soiled nursing care equipment, areas for disposing of refuse and infectious waste, and/or areas for storing housekeeping and cleaning supplies, into a single area on the premises only when the boarding home equips the area with:

- (a) A two-compartment sink for handwashing and sanitizing;
 - (b) A clinical service sink or equivalent for rinsing and disposing of waste material;
 - (c) A work counter or table;
 - (d) Mechanical ventilation to the outside of the boarding home; and
 - (e) Locked storage for cleaning supplies, if stored in the area.
- (2) The boarding home must ensure that any work or function performed in or around a combined utility area as described in subsection (1) of this section is performed without significant risk of contamination to:
- (a) Storing or handling clean or sterile nursing supplies or equipment;
 - (b) Storing or handling clean laundry;
 - (c) Providing resident care;
 - (d) Food storage, preparation, or service; or
 - (e) Other operations, services or functions in the boarding home sensitive to infection control practices.

NEW SECTION

WAC 388-78A-3120 Areas for handling and storing clean supplies and equipment. The boarding home may combine areas used for handling and storing clean laundry, and areas used for storing, preparing and handling clean and

sterile nursing supplies, equipment and medications, into a single area on the premises only when the boarding home:

- (1) Equips the area with:
 - (a) A handwashing sink; and
 - (b) A work counter or table.
- (2) Ensures that any work or function performed in the area is performed without significant risk of contamination from other sources; and
- (3) Stores medications separate from all other stored items consistent with WAC 388-78A-2260.

NEW SECTION

WAC 388-78A-3130 Plant restrictions. The boarding home must not use poisonous or toxic plants in areas of the boarding home premises accessible to residents who, based on their diagnosed condition or cognitive disabilities, may ingest or have harmful contact with such plants.

Inspections, Enforcement Remedies, and Appeals

NEW SECTION

WAC 388-78A-3140 Responsibilities during inspections. The boarding home must:

- (1) Cooperate with the department during any on-site inspection or complaint investigation;
- (2) Provide requested records to the representatives of the department; and
- (3) Ensure the boarding home administrator or the administrator's designee is available during any inspection or complaint investigation to respond to questions or issues identified by department staff.

NEW SECTION

WAC 388-78A-3150 Statements of deficiencies and plans of correction. (1) The department must give the administrator or the administrator's designee a written statement of deficiencies specifying any violations of chapter 18.20 or 70.129 RCW or this chapter that the department found during on-site inspections and complaint investigations.

(2) The licensee must respond to a statement of deficiencies by submitting to the department within a time acceptable to the department, a signed written plan of correction for each deficiency stated in the report. The licensee must include in the plan of correction, for each cited deficiency:

- (a) A specific plan of what will be or was done to correct the violation;
- (b) A description of what will be done to prevent future violations of this type;
- (c) Who will be responsible for monitoring the corrections to ensure the violations do not recur; and
- (d) The date by which lasting correction will be achieved.

NEW SECTION

WAC 388-78A-3160 Authorized enforcement remedies. (1) Whenever the circumstances in WAC 388-78A-

3170(1) are present, the department may impose any enforcement remedy authorized by RCW 18.20.050(4), 18.20.185(7) and 18.20.190 on a boarding home, including, without limitation:

- (a) Denying a boarding home license;
- (b) Suspending a boarding home license;
- (c) Revoking a boarding home license;
- (d) Refusing to renew a boarding home license;
- (e) Suspending admissions to a boarding home;
- (f) Suspending admissions to a boarding home of a specific category or categories of residents as related to cited violations;
- (g) Imposing conditions on the boarding home license; and/or
- (h) Imposing civil penalties of not more than one hundred dollars per day per violation per resident.

(2) Notwithstanding subsection (1) of this section, the department may impose a civil penalty on a boarding home of up to three thousand dollars per day per violation for interference, coercion, discrimination and/or reprisal by a boarding home as set forth in RCW 18.20.185(7).

NEW SECTION

WAC 388-78A-3170 Statutory circumstances resulting in discretionary enforcement remedies. (1) Enforcement remedies described in WAC 388-78A-3160 may be imposed if any person or entity described in subsection (2) of this section is found by the department to have:

(a) A history of significant noncompliance with federal or state regulations in providing care or services to frail elders, vulnerable adults or children, whether as a licensee, contractor, managerial employee or otherwise. Evidence of significant noncompliance may include, without limitation:

- (i) Citations for violation of regulations imposed by regulating entities;
- (ii) Sanctions for violation of regulations imposed by regulating entities;
- (iii) Involuntary termination, cancellation, suspension, or nonrenewal of a Medicaid contract or Medicare provider agreement, or any other agreement with a public agency for the care or treatment of children, frail elders or vulnerable adults;

(iv) Being denied a license relating to the care of frail elders, vulnerable adults or children; or

(v) Relinquishing or failing to renew a license relating to care of frail elders, vulnerable adults or children following written notification of the licensing agency's initiation of denial, suspension, cancellation or revocation of a license.

(b) Failed to provide appropriate care to frail elders, vulnerable adults or children under a contract, or having such contract terminated or not renewed by the contracting agency due to such failure;

(c) Been convicted of a felony or a crime against a person if the conviction reasonably relates to the competency of the person to operate a boarding home;

(d) Failed or refused to comply with the requirements of chapter 18.20 RCW, applicable provisions of chapter 70.129 RCW or this chapter;

(e) Retaliated against a staff person, resident or other individual for:

(i) Reporting suspected abuse or other alleged improprieties;

(ii) Providing information to the department during the course of the department conducting an inspection of the boarding home; or

(iii) Providing information to the department during the course of the department conducting a complaint investigation in the boarding home.

(f) Operated a facility for the care of children or adults without a current, valid license or under a defunct or revoked license;

(g) Been convicted of a crime, knowingly permitted, aided or abetted an illegal act on a boarding home premises, or engaged in the illegal use of drugs or the excessive use of alcohol;

(h) Abused, neglected or exploited a vulnerable adult or knowingly failed to report alleged abuse, neglect or exploitation of a vulnerable adult as required by chapter 74.34 RCW;

(i) Failed to exercise fiscal accountability and responsibility involving a resident, the department, public agencies, or the business community; or has insufficient financial resources or unencumbered income to sustain the operation of the boarding home;

(j) Knowingly or with reason to know, made false statements of material fact in the application for the license or the renewal of the license or any data attached thereto, or in any matter under investigation by the department;

(k) Willfully prevented or interfered with or attempted to impede in any way any inspection or investigation by the department, or the work of any authorized representative of the department or the lawful enforcement of any provision of this chapter;

(l) Refused to allow department representatives or agents to examine any part of the licensed premises including the books, records and files required under this chapter;

(m) Moved all residents out of the boarding home without the department's approval and is no longer operating as a boarding home; or

(n) Demonstrated any other factors that give evidence the applicant lacks the appropriate character, suitability and competence to provide care or services to vulnerable adults.

(2) This section applies to any boarding home:

(a) Applicant;

(b) Partner, officer or director;

(c) Manager or managerial employee; or

(d) Majority owner of the entity applicant or licensee:

(i) Who is involved in the management or operation of the boarding home;

(ii) Who may have direct access to boarding home residents;

(iii) Who controls or supervises the provision of care or services to boarding home residents; or

(iv) Who exercises control over daily operations of the boarding home.

(3) For other circumstances resulting in discretionary enforcement remedies, see WAC 388-78A-3200.

NEW SECTION

WAC 388-78A-3180 Circumstances resulting in required enforcement remedies. The department must impose an appropriate remedy consistent with RCW 18.20.-125 and as otherwise authorized by RCW 18.20.185 or 18.20.190 whenever the department finds a boarding home has:

(1) A serious problem, a recurring problem, or an uncorrected problem;

(2) Created a hazard that causes or is likely to cause death or serious harm to one or more residents;

(3) Discriminated or retaliated in any manner against a resident, employee, or any other person because that person or any other person made a complaint or provided information to the department, the attorney general, a law enforcement agency, or the long-term care ombudsman; or

(4) Willfully interfered with the performance of official duties by a long-term care ombudsman.

NEW SECTION

WAC 388-78A-3190 Statutorily required enforcement remedies; denial, suspension, revocation, or nonrenewal of license. (1) The department must deny, suspend, revoke or refuse to renew a boarding home license if any person or entity described in subsection (2) of this section who has unsupervised access to residents, is:

(a) Convicted of a crime against a person or a crime related to financial exploitation as defined under RCW 43.43.830 or 43.43.842; or

(b) Found by a court in a protection proceeding or in a civil damages lawsuit under chapter 74.34 RCW to have abused, neglected, abandoned or exploited a vulnerable adult; or

(c) Found in any dependency action under chapter 13.34 RCW to have sexually assaulted, neglected, exploited, or physically abused any minor; or

(d) Found by a court in a domestic relations proceeding under Title 26 RCW to have sexually abused, exploited, or physically abused any minor; or

(e) Found in any final decision issued by a disciplinary board to have sexually or physically abused or neglected or exploited any minor or any vulnerable adult, or has a stipulated finding of fact, conclusion of law, an agreed order, or finding of fact, conclusion of law, or final order issued by a disciplining authority, a court of law, or entered into a state registry finding him or her guilty of abuse, neglect, exploitation, or abandonment of a minor or a vulnerable adult as defined in chapter 74.34 RCW.

(2) This section applies to any boarding home:

(a) Applicant;

(b) Partner, officer or director;

(c) Manager or managerial employee; or

(d) Owner of five percent or more of the entity applicant:

(i) Who is involved in the operation of the boarding home; or

(ii) Who may have direct access to the boarding home residents; or

(iii) Who controls or supervises the provision of care or services to the boarding home residents; or

- (iv) Who exercises control over daily operations.

NEW SECTION

WAC 388-78A-3200 Other circumstances resulting in discretionary enforcement remedies. (1) When the department cites a boarding home for an initial violation that does not represent a recurring problem, serious problem or uncorrected problem, and that results in minimal or moderate harm that is limited in scope, the department may:

- (a) Require a plan of correction from the boarding home;
 (b) Impose conditions on the boarding home license; and/or
 (c) Impose a civil penalty.

(2) The department may take any of the actions specified in subsection (1) of this section and/or impose a stop-placement or limited stop-placement on a boarding home when:

- (a) There is a reasonable probability, at the time the stop-placement or limited stop-placement is imposed, at least a moderate degree of harm will occur or recur as a result of a single problem or by a combination of problems; and
 (b) The threatening problem is more than an isolated event or occurrence.

(3) The department may take any of the actions specified in subsections (1) and (2) of this section and/or summarily suspend a boarding home's license when:

- (a) There is an imminent threat that a serious degree of harm may occur to residents as a result of a single problem or a combination of problems; and
 (b) The threatening problem is more than an isolated event or occurrence.

(4) The department may take any of the actions specified in subsections (1), (2) and (3) of this section and/or revoke a boarding home's license when:

- (a) The department has cause to summarily suspend the boarding home's license;

(b) There is a current problem with the boarding home and the boarding home has a history of having enforcement remedies imposed by the department;

(c) There is a current problem with the boarding home and the boarding home has a history of noncompliance representing problems that were at least moderate in nature and moderate in scope;

(d) The boarding home has moved all residents out of the boarding home without the department's approval and is no longer operating as a boarding home; or

(e) There is a serious current problem, which may not warrant a summary suspension, with the boarding home that does not have a history of noncompliance. Examples of the types of serious current problems that may warrant license revocation include, but are not limited to:

(i) The licensee has been found or convicted by a court of competent jurisdiction to have engaged in fraudulent activity; or

(ii) The licensee is experiencing significant financial problems resulting in poor care or jeopardizing the care and services that can be provided to residents, and possible business failure; or

(f) The boarding home fails to cooperate with the department during any inspection or complaint investigation.

NEW SECTION

WAC 388-78A-3210 Informal dispute resolution. The boarding home has a right to an informal dispute resolution meeting according to department procedure and consistent with RCW 18.20.195. The boarding home must make a request for an informal dispute resolution meeting in writing within ten days of the receipt of the written notice of deficiency.

NEW SECTION

WAC 388-78A-3220 Appeal rights. (1) An applicant or boarding home may contest an enforcement remedy imposed by the department pursuant to RCW 18.20.190 according to the provisions of chapter 34.05 RCW and chapters 10-08 and 388-02 WAC.

(2) Orders of the department imposing licensing suspension, stop-placement, or conditions for continuation of a license are effective immediately upon notice and shall continue pending any hearing.

NEW SECTION

WAC 388-78A-3230 Fees. The boarding home must:

(1) Submit an annual license fee of seventy-nine dollars per bed of the licensed resident bed capacity as determined by and in accordance with RCW 18.20.050;

(2) Submit an additional one hundred fifty dollars when billed by the department for:

(a) A third on-site visit required by the boarding home's failure to adequately correct violations identified in a statement of deficiencies; and

(b) A full out-of-sequence inspection resulting from information gathered during a complaint investigation.

(3) Submit an additional late fee in the amount of ten dollars per day from the license renewal date until the date of mailing the fee, as evidenced by the postmark; and

(4) Submit to construction review services a fee for the review of the construction documents per the review fee schedule that is based on the project cost.

REPEALER

The following sections of the Washington Administrative Code are repealed:

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| WAC 388-78A-0010 | Purpose. |
| WAC 388-78A-0020 | Definitions. |
| WAC 388-78A-0030 | Applicability. |
| WAC 388-78A-0040 | Other requirements. |
| WAC 388-78A-0050 | Resident characteristics. |
| WAC 388-78A-0060 | Individuals in buildings prior to licensing. |
| WAC 388-78A-0070 | Initial assessment. |
| WAC 388-78A-0080 | Timing of initial assessment. |
| WAC 388-78A-0090 | Qualified assessor. |

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| WAC 388-78A-0100 | Assessment topics. | WAC 388-78A-0400 | Protection of resident records. |
| WAC 388-78A-0110 | On-going assessments. | WAC 388-78A-0410 | Content of resident records. |
| WAC 388-78A-0120 | Resident participation in assessments. | WAC 388-78A-0420 | Format of resident records. |
| WAC 388-78A-0130 | Service agreement planning. | WAC 388-78A-0430 | Record retention. |
| WAC 388-78A-0140 | Negotiated service agreement contents. | WAC 388-78A-0440 | Resident review of records. |
| WAC 388-78A-0150 | Signing negotiated service agreement. | WAC 388-78A-0450 | Resident register. |
| WAC 388-78A-0160 | Basic boarding home services. | WAC 388-78A-0460 | Staff. |
| WAC 388-78A-0170 | Activities. | WAC 388-78A-0470 | Criminal history background checks. |
| WAC 388-78A-0180 | Medication services. | WAC 388-78A-0480 | TB tests. |
| WAC 388-78A-0190 | Prescribed medication authorizations. | WAC 388-78A-0490 | Specialized training for developmental disabilities. |
| WAC 388-78A-0200 | Medication refusal. | WAC 388-78A-0500 | Specialized training for mental illness. |
| WAC 388-78A-0210 | Nonavailability of medications. | WAC 388-78A-0510 | Specialized training for dementia. |
| WAC 388-78A-0220 | Alteration of medications. | WAC 388-78A-0520 | Administrator qualifications. |
| WAC 388-78A-0230 | Storing, securing, and accounting for medications. | WAC 388-78A-0530 | Qualifying administrator training program. |
| WAC 388-78A-0240 | Resident controlled medications. | WAC 388-78A-0540 | Administrator training requirements. |
| WAC 388-78A-0250 | Medication organizers. | WAC 388-78A-0550 | Administrator training documentation. |
| WAC 388-78A-0260 | Family assistance with medication. | WAC 388-78A-0560 | Administrator responsibilities. |
| WAC 388-78A-0270 | Food and nutrition services. | WAC 388-78A-0570 | Notification of change in administrator. |
| WAC 388-78A-0280 | Need to provide nursing services. | WAC 388-78A-0580 | Use of home health/home care. |
| WAC 388-78A-0290 | Tube feeding. | WAC 388-78A-0590 | Management agreements. |
| WAC 388-78A-0300 | Supervision of nursing services. | WAC 388-78A-0600 | Policies and procedures. |
| WAC 388-78A-0310 | Responsibilities of nursing supervisor. | WAC 388-78A-0605 | Pets. |
| WAC 388-78A-0320 | Resident-arranged services. | WAC 388-78A-0610 | Infection control. |
| WAC 388-78A-0330 | Coordination of health care services. | WAC 388-78A-0620 | Reporting abuse and neglect. |
| WAC 388-78A-0340 | Implementation of negotiated service agreement. | WAC 388-78A-0630 | Reporting significant change in a resident's condition. |
| WAC 388-78A-0350 | Monitoring residents' well-being. | WAC 388-78A-0635 | Reporting fires and incidents. |
| WAC 388-78A-0360 | Adult day care. | WAC 388-78A-0640 | Resident rights. |
| WAC 388-78A-0370 | Dementia care. | WAC 388-78A-0650 | Services by resident for boarding home. |
| WAC 388-78A-0380 | Restricted egress. | WAC 388-78A-0660 | Boarding home use of audio and video monitoring. |
| WAC 388-78A-0390 | Resident records. | WAC 388-78A-0670 | Resident use of electronic monitoring. |

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| WAC 388-78A-0680 | Safety measures and disaster preparedness. | WAC 388-78A-0990 | Resident room—Room furnishings-storage. |
| WAC 388-78A-0690 | Disclosure of services. | WAC 388-78A-1000 | Calculating floor space. |
| WAC 388-78A-0700 | Timing of disclosure. | WAC 388-78A-1010 | Toilet rooms and bathrooms. |
| WAC 388-78A-0710 | Licensee qualifications. | WAC 388-78A-1020 | Laundry. |
| WAC 388-78A-0720 | Necessary information. | WAC 388-78A-1030 | Day rooms. |
| WAC 388-78A-0730 | Application process. | WAC 388-78A-1040 | Storage space. |
| WAC 388-78A-0740 | Requirements to change boarding home licensee. | WAC 388-78A-1050 | Stairs—Ramps. |
| WAC 388-78A-0750 | Annual renewal. | WAC 388-78A-1060 | Guardrails—Handrails. |
| WAC 388-78A-0760 | Licensee's responsibilities. | WAC 388-78A-1070 | Maintenance and housekeeping. |
| WAC 388-78A-0770 | Change in licensee. | WAC 388-78A-1080 | Safe storage of supplies and equipment. |
| WAC 388-78A-0780 | Changes in licensed bed capacity. | WAC 388-78A-1090 | Areas for cleaning and storing soiled equipment, supplies and laundry. |
| WAC 388-78A-0790 | Criteria for increasing licensed bed capacity. | WAC 388-78A-1100 | Areas for handling and storing clean supplies and equipment. |
| WAC 388-78A-0800 | Building requirements and exemptions. | WAC 388-78A-1110 | Plant restrictions. |
| WAC 388-78A-0810 | Conversion of licensed nursing homes. | WAC 388-78A-1120 | Responsibilities during inspections. |
| WAC 388-78A-0820 | Licenses for multiple buildings. | WAC 388-78A-1130 | Communication during inspections. |
| WAC 388-78A-0830 | Required reviews of building plans. | WAC 388-78A-1140 | Communication following inspections. |
| WAC 388-78A-0840 | Relocation of residents during construction. | WAC 388-78A-1150 | Statements of deficiencies and plans of correction. |
| WAC 388-78A-0850 | Vacant buildings. | WAC 388-78A-1160 | Authorized enforcement remedies. |
| WAC 388-78A-0860 | Changing use of rooms. | WAC 388-78A-1170 | Statutory circumstances resulting in discretionary enforcement remedies. |
| WAC 388-78A-0870 | Time frame for approval. | WAC 388-78A-1180 | Circumstances resulting in required enforcement remedies. |
| WAC 388-78A-0880 | Retention of approved construction documents. | WAC 388-78A-1190 | Statutorily required enforcement remedies; denial, suspension, revocation, or non-renewal of license. |
| WAC 388-78A-0890 | Applicable building codes. | WAC 388-78A-1200 | Other circumstances resulting in discretionary enforcement remedies. |
| WAC 388-78A-0900 | Area for nursing supplies and equipment. | WAC 388-78A-1210 | Informal dispute resolution. |
| WAC 388-78A-0910 | Communication system. | WAC 388-78A-1220 | Appeal rights. |
| WAC 388-78A-0920 | Two-way intercom systems. | WAC 388-78A-1230 | Fees. |
| WAC 388-78A-0930 | Water supply. | | |
| WAC 388-78A-0940 | Sewage and liquid waste disposal. | | |
| WAC 388-78A-0950 | Garbage and refuse disposal. | | |
| WAC 388-78A-0960 | Lighting. | | |
| WAC 388-78A-0970 | Heating-cooling—Temperature. | | |
| WAC 388-78A-0980 | Ventilation. | | |

WSR 04-12-042
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Medical Assistance Administration)
 [Filed May 28, 2004, 8:30 a.m.]

PROPOSED

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-07-165.

Title of Rule: WAC 388-478-0075 Monthly income standards based on the federal poverty level (FPL).

Purpose: To permanently adopt the increased FPL standards.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.057, 74.04.050, and 74.09.530.

Statute Being Implemented: RCW 74.08.090, 74.04.057, 74.04.050, and 74.09.530.

Summary: See Purpose above.

Reasons Supporting Proposal: Department standards must comply with those published by the United States Department of Health and Human Services in the Federal Register, (Volume 69, Number 30, pages 7335 to 7338) on February 13, 2004.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joanie Scotson, MAA, P.O. Box 45534, Olympia, WA 98504-5534, (360) 725-1330.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is necessary because of federal law, Federal Register, (Volume 69, Number 30) on February 13, 2004, pages 7335 to 7338 per 42 U.S.C. 9902(2).

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above.

Proposal Changes the Following Existing Rules: See Purpose and Reasons Supporting Proposal above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed rule has no impact on small businesses. It affects client eligibility for medical assistance programs.

RCW 34.05.328 does not apply to this rule adoption. RCW 34.05.328 (5)(b)(vii) exempts DSHS medical and financial eligibility rules from this requirement. The proposed rule affects client eligibility for medical assistance programs.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on July 6, 2004, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator by July 1, 2004, phone (360) 664-6097, TTY (360) 664-6178, e-mail fernaax@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, mail to P.O. Box 45850, Olympia, WA 98504-5850, deliver to 4500 10th Avenue S.E., Lacey, WA, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., July 6, 2004.

Date of Intended Adoption: Not sooner than July 7, 2004.

May 24, 2004

Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 03-15-088, filed 7/17/03, effective 7/17/03)

WAC 388-478-0075 Medical programs—Monthly income standards based on the federal poverty level (FPL). (1) The department bases the income standard upon the Federal Poverty Level (FPL) for the following medical programs:

- (a) Pregnant women's program up to one hundred eighty-five percent of FPL;
- (b) Children's categorically needy program up to two hundred percent of FPL;
- (c) Healthcare for workers with disabilities (HWD) up to two hundred twenty percent of FPL; and
- (d) The state children's health insurance program (SCHIP) is over two hundred percent of FPL but ((under)) not over two hundred fifty percent of FPL.

(2) The department uses the FPL income standards to determine:

- (a) The mandatory or optional Medicaid status of an individual; and
- (b) Premium amount, if any, for a Medicaid child.
- (3) There are no resource limits for the programs under this section.

(4) Beginning ~~((April 1, 2003))~~ April 1, 2004, the monthly FPL standards are:

| ((FAMILY | 100% | 185% | 200% | 220% | 250% |
|---|--------|--------|--------|--------|---------|
| -SIZE | FPL | FPL | FPL | FPL | FPL |
| 1 | \$749 | \$1385 | \$1497 | \$1647 | \$1871 |
| 2 | \$1010 | \$1869 | \$2020 | \$2222 | \$2525 |
| 3 | \$1272 | \$2353 | \$2544 | \$2798 | \$3180 |
| 4 | \$1534 | \$2837 | \$3067 | \$3374 | \$3834 |
| 5 | \$1795 | \$3321 | \$3590 | \$3949 | \$4488 |
| 6 | \$2057 | \$3805 | \$4114 | \$4525 | \$5142 |
| 7 | \$2319 | \$4289 | \$4637 | \$5101 | \$5796 |
| 8 | \$2580 | \$4773 | \$5160 | \$5676 | \$6450 |
| 9 | \$2842 | \$5258 | \$5684 | \$6252 | \$7105 |
| 10 | \$3104 | \$5742 | \$6207 | \$6828 | \$7759 |
| <u>Add to the ten person standard for each person over ten:</u> | | | | | |
| | \$262 | \$485 | \$524 | \$576 | \$655)) |

| FAMILY SIZE | 100% FPL Benchmark | 133% FPL | 150% FPL | 185% FPL | 200% FPL | 220% FPL | 250% FPL |
|-------------|--------------------|----------|----------|----------|----------|----------|----------|
| 1 | \$776 | \$1032 | \$1164 | \$1436 | \$1552 | \$1707 | \$1940 |
| 2 | \$1041 | \$1385 | \$1562 | \$1926 | \$2082 | \$2290 | \$2603 |
| 3 | \$1306 | \$1737 | \$1953 | \$2416 | \$2612 | \$2873 | \$3265 |
| 4 | \$1571 | \$2090 | \$2357 | \$2907 | \$3142 | \$3456 | \$3928 |

| <u>FAMILY SIZE</u> | <u>100% FPL Benchmark</u> | <u>133% FPL</u> | <u>150% FPL</u> | <u>185% FPL</u> | <u>200% FPL</u> | <u>220% FPL</u> | <u>250% FPL</u> |
|---|-------------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| 5 | \$1836 | \$2442 | \$2754 | \$3397 | \$3672 | \$4039 | \$4590 |
| 6 | \$2101 | \$2795 | \$3152 | \$3887 | \$4202 | \$4622 | \$5253 |
| 7 | \$2366 | \$3147 | \$3549 | \$4377 | \$4732 | \$5205 | \$5915 |
| 8 | \$2631 | \$3499 | \$3947 | \$4868 | \$5262 | \$5788 | \$6578 |
| 9 | \$2896 | \$3852 | \$4344 | \$5358 | \$5792 | \$6371 | \$7240 |
| 10 | \$3161 | \$4204 | \$4742 | \$5848 | \$6322 | \$6954 | \$7903 |
| <u>Add to the ten person standard for each person over ten:</u> | | | | | | | |
| | \$ 265 | \$353 | \$398 | \$ 491 | \$530 | \$583 | \$663 |

((3) There are no resource limits for the programs under this section:))

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above.

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department considered whether the proposed prevailing wage rules are subject to the Regulatory Fairness Act and has determined that they do not require a small business economic impact statement because the costs associated with the proposed changes are exempted by law (see RCW 19.85.025 referencing RCW 34.05.310(4)) from the small business economic impact requirements and do not impose a more than minor economic impact on business.

RCW 34.05.328 applies to this rule adoption. Significant rule-making criteria does not apply to these rule changes because the exempt criteria outlined in RCW 34.05.328(5) was met.

Hearing Location: Department of Labor and Industries, 7273 Linderson Way S.E., Room S118, Olympia, WA 98504, on July 7, 2004, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Christine Swanson by July 1, 2004, at (360) 902-6411 or copc235@lni.wa.gov for special assistance/accommodation needs.

Submit Written Comments to: Christine Swanson, 7273 Linderson Way S.E., Olympia, WA 98504-4400, e-mail copc235@lni.wa.gov, fax (360) 902-5292.

Date of Intended Adoption: August 3, 2004.

June 1, 2004

Paul Trause

Director

WSR 04-12-066

**WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF TRANSPORTATION**

(By the Code Reviser's Office)

[Filed June 1, 2004, 8:38 a.m.]

WAC 468-100-306, proposed by the Department of Transportation in WSR 03-23-104 appearing in issue 03-23 of the State Register, which was distributed on December 2, 2003, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 04-12-068

**PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed June 1, 2004, 9:35 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-06-063.

Title of Rule: Chapter 296-127 WAC, Prevailing wage.

Purpose: This rule making clarifies the scope of work description for outside telephone line construction. The proposed changes specify that asphalt and other road repair and replacement are not covered under this scope of work description.

Statutory Authority for Adoption: Chapter 39.12 RCW.

Statute Being Implemented: Chapter 39.12 RCW.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Josh Swanson, Tumwater, (360) 902-5330; Implementation and Enforcement: Patrick Woods, Tumwater, (360) 902-6348.

Name of Proponent: Department of Labor and Industries, governmental.

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

AMENDATORY SECTION (Amending WSR 00-15-077, filed 7/19/00, effective 7/19/00)

WAC 296-127-01377 Outside telephone line construction. For the purpose of the Washington state public works law, chapter 39.12 RCW, outside telephone line construction includes, but is not limited to, the following work:

- (1) Head groundman. Operates light equipment and drives vehicles.
- (2) Telephone equipment operator - light. Operates backhoes, trenching machines and small cable plows.
- (3) Telephone equipment operator - heavy. Operates bulldozers, trenchers, backhoes, cable plows and plows pulling other equipment.

PROPOSED

Note: This scope of work description does not apply to the compaction and resurfacing of trenches or ditches associated with asphalt and other road repair and replacement.

WSR 04-12-071
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed June 1, 2004, 9:42 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-07-154.

Title of Rule: Chapter 296-864 WAC, Split (multi-piece) rim and single-piece rim wheels; chapter 296-24 WAC, General safety and health; and chapter 296-155 WAC, Safety standards for construction work.

Purpose: WISHA is proposing to rewrite and clarify requirements relating to split rims. This rule making is part of our long-term goal to rewrite our occupational safety and health rules. This proposal will move split rim requirements from chapter 296-24 WAC, General safety and health and from chapter 296-155 WAC, Safety standards for construction work and place them in a new chapter.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

Statute Being Implemented: Chapter 49.17 RCW.

Summary: The split rim rules in chapter 296-24 WAC, General safety and health standard, and chapter 296-155 WAC, Safety standards for construction work are being rewritten and reorganized for clarity and ease of use for employers and employees. The rules will be placed into a new chapter 296-864 WAC, and repealed from chapter 296-24 WAC and WAC 296-155-617. This rule making is part of our clear rule writing initiative to rewrite for clarity all of the safety and health rules.

NEW SECTIONS

WAC 296-864-100 Scope, 296-864-200 Wheel components, 296-864-20005 Make sure wheel components are compatible, 296-864-20010 Make sure rim wheels are serviced safely, 296-864-20015 Make sure damaged wheel components are not used, 296-864-300 Restraint devices, 296-864-30005 Use a restraining device, 296-864-30010 Make sure the restraint device meets these requirements, 296-864-30015 Provide charts or rim manuals, 296-864-400 Service split rim wheels safely, 296-864-40005 Establish a safe operating procedure for split rim wheels, 296-864-40010 Follow these procedures for demounting split rim wheels, 296-864-40015 Follow these procedures when working on split rim wheels and components, 296-864-40020 Follow these procedures for inflating split rim wheels, 296-864-500 Service single-piece rim wheels safely, 296-864-50005 Establish a safe operating procedure for single-piece rim wheels, 296-864-50010 Follow these procedures for demounting single-piece rim wheels, 296-864-50015 Follow these procedures when working on single-piece rim wheel components, 296-864-50020 Follow these procedures for inflating single-piece rim wheels, 296-864-600 Employee training, 296-864-60005 Train employees who service rim wheels, 296-864-60010

Make sure employees demonstrate and retain the ability to service rim wheels and 296-864-700 Definitions; and repealing (the following sections have been moved to chapter 296-864 WAC, Split (multi-piece) rim and single-piece rim wheels): WAC 296-24-21701 Scope, 296-24-21703 Definitions, 296-24-21705 Employee training, 296-24-21707 Tire servicing equipment, 296-24-21709 Wheel component acceptability, 296-24-21711 Safe operating procedure—Multi-piece rim wheels, 296-24-21713 Safe operating procedure—Single-piece rim wheels, 296-155-617 Servicing multi-piece and single-piece rim wheels, 296-155-61701 Scope, 296-155-61703 Definitions, 296-155-61705 Employee training, 296-155-61707 Tire servicing equipment, 296-155-61709 Wheel component acceptability, 296-155-61711 Safe operating procedure—Multi-piece rim wheels, and 296-155-61713 Safe operating procedure—Single-piece rim wheels.

Reasons Supporting Proposal: See Summary above.

Name of Agency Personnel Responsible for Drafting: Tracy Spencer, Tumwater, (360) 902-5530; Implementation and Enforcement: Michael A. Silverstein, Tumwater, (360) 902-5495.

Name of Proponent: Department of Labor and Industries, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 296-864 WAC, Split (multi-piece) rim and single-piece rim wheels, will contain all the rules relating to split rims. This rule deals specifically with the servicing of multi-piece and single-piece rim wheels used on vehicles such as trucks, tractors, trailers, buses and off-road machines. Employers and employees will have one book for all of the split rim requirements. There are no anticipated effects to this rule making.

Proposal Changes the Following Existing Rules: The split rim rules in chapter 296-24 WAC, General safety and health standard, and chapter 296-155 WAC, Safety standards for construction work, are being rewritten and reorganized for clarity and ease of use for employers and employees. The proposal does not change the requirements relating to split rims.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A number of criteria and exemptions were established by the small business economic impact statement (SBEIS) analysis. One key criteria that allows rule changes to be exempt from preparation of an SBEIS is presented in RCW 34.05.310 (4)(d): "rules that only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect" are not subject to the SBEIS requirements. Because the proposed rule changes make clarifying and organizational changes for ease of understanding and use, but do not in any way alter the content of the original rules, there should not be an economical impact on Washington state business.

The analysis of the rule reveals that in addition to not imposing new costs on businesses, these revisions will actually make WISHA rules easier for employers and employees to understand and use, and thus actually save them time.

RCW 34.05.328 does not apply to this rule adoption. This rule is exempt under RCW 34.05.328 (5)(b) since it only

corrects typographical errors and clarifies language without changing its effect. The proposal does not increase requirements.

Hearing Location: Department of Labor and Industries, 7273 Linderson Way S.W., Auditorium, Tumwater, WA, on July 7, 2003, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact (360) 902-5516 or clah235@lni.wa.gov by June 23, 2004.

Submit Written Comments to: Beverly Clark, Administrative Regulations Analyst, WISHA Services Division, P.O. Box 44620, Olympia, WA 98504-4620, e-mail clah235@lni.wa.gov, fax (360) 902-5484, by July 14, 2004.

Date of Intended Adoption: October 1, 2004.

June 1, 2004

Paul Trause
Director

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-24-233 Motor vehicle trucks and trailers.

(1) Only qualified drivers shall be permitted to operate motor vehicle trucks, and shall possess a current motor vehicle operator's license.

(2) Motor vehicle trucks must be equipped with brakes which will safely hold the maximum load on maximum grades.

(3) Trailers must be equipped with good, workable air brakes, or other type of brake equipment approved by the state commission on equipment. Air must be cut into the trailer brake system at the time that the trailer is coupled to the truck.

(4) Brakes on trucks and trailers must be tested before equipment descends a steep grade.

(5) Truck drivers shall at all times operate equipment at a safe speed for roadway conditions.

(6) Safe methods of loading and unloading motor vehicle trucks and trailers shall be observed at all times.

(7) To prevent accidents during the backing of trucks where vision is obstructed, a signalperson shall be stationed at a point giving a clear view of the rear of the truck and the operator of the truck at all times.

(8) Truck drivers shall sound their horn before starting to back, and shall sound the horn intermittently during the entire backing operation.

(9) Dump trucks shall have a device installed on the frame which will be of sufficient strength to hold the bed in the raised position when employees are working in an exposed position underneath.

(10) All parts and accessories of trucks and trailers shall be kept in good repair and safe condition. Tires worn beyond the point of safety shall not be used.

(11) All motor vehicle trucks and trailers shall be equipped with standard lights, horn, flags, flares, etc., to conform to the state of Washington motor vehicles laws.

(12) All loads transported on trucks and/or trucks and trailers shall be properly secured and distributed, and limited to a safe operating load for the condition of the roadway, and the capacity of the bridges, trestles, and other structures.

~~(13) ((Precautions to be taken while inflating tires. Unmounted split rim wheels shall be placed in a safety cage or other device shall be used which will prevent a split rim from striking the worker if it should dislodge while the tire is being inflated.~~

~~(14))~~ Trucks parked on an incline shall have the steered wheels turned into the curb and shall have at least one "driver" wheel chocked on each side, independent of the braking system.

~~((+5))~~ (14) Motor vehicles used regularly for transportation of workers shall be well equipped, covered against the weather and maintained in good mechanical condition at all times.

(a) Seats, which shall be properly secured, shall be provided in each vehicle to accommodate the total number of workers normally transported. Where it becomes necessary under emergency conditions to transport more workers than the seating capacity of the truck will accommodate, all workers not having seats shall ride within the vehicle. Under no circumstances shall workers ride on fenders or running boards of the vehicle.

(b) No workers shall ride in or on any vehicle with legs hanging over the end or sides. A safety bar should be placed across the rear opening of all trucks carrying workers which are not equipped with tail gates.

(c) Vehicles shall be equipped with compartments or screen of such strength to retain sharp tools which could present a hazard to employees being transported.

(d) All dump-trucks used to transport workers shall be equipped with an adequate safety chain or locking device which will eliminate the possibility of the body of the truck being raised while workers are riding in the truck.

(e) Explosives or highly inflammable materials shall not be carried in or on any vehicle while it is used to transport workers.

(f) Exhaust systems shall be installed and maintained in proper condition, and shall be so designed as to eliminate the exposure of the workers to the exhaust gases and fumes.

(g)(i) The number of persons allowed in the cab of a single bench seat crew truck shall not exceed two in addition to the driver. Crew trucks designed and constructed with additional seating capacity behind the normal driver's seat may carry additional passengers in the seating area behind the driver's seat. Crew trucks with bucket-type seats may carry only the number of passengers for which the bucket seats are provided. In any seating arrangement, the driver must be able to maintain full freedom of motion. Additionally, the number of passengers or seating arrangement shall not obstruct the driver's normal vision.

(ii) When trucks are designed and constructed with larger than normal seating capacity in the front seat, the total number of passengers may be increased provided that the operator's vision and control functions, as required in (15)(g)(i), are maintained.

(h) All enclosed crew trucks shall have an emergency exit in addition to the regular entrance.

(i) Trucks used for hauling gravel shall not be used as crew trucks unless they are equipped as follows:

(i) Steps in proper place or places.

(ii) Wooden floors.

PROPOSED

(iii) Seats are securely fastened.

(iv) Truck is properly covered.

(v) All other general regulations covering crew trucks are fully conformed with.

(j) Half-ton vehicles shall haul not more than six persons including driver. Three-quarter-ton vehicles shall haul not more than eight persons including driver.

(k) All vehicles carrying crews shall be equipped with stretchers and fire extinguishers.

(l) No heating units in which there are open fires shall be used in vehicles transporting crews.

Chapter 296-864 WAC

Split (Multipiece) Rim and Single-Piece Rim Wheels

NEW SECTION

WAC 296-864-100 Scope.

Note: This rule is intended to protect employees from hazards associated with the exploding separation of rim wheel components.

This chapter applies to the protection of employees who service split rim wheels and single-piece rim wheels used on large vehicles. For example:

- Trucks;
- Tractor;
- Trailers;
- Buses;

AND

- Off-road machines.

Exemption: This chapter does not apply to the servicing of rim wheels used on:

- Automobiles;

OR

- Tires designated as light truck (LT).

Definition:

Split rim wheel or multipiece rim wheel, means a wheel made up of two or more parts. One of the parts is a side ring or locking ring that holds the tire on the wheel when the tire is inflated.

Single-piece rim wheel means a single part holds the tire, forms part of the air chamber and is the point where the wheel is attached to the vehicle axle.

NEW SECTION

WAC 296-864-200 Wheel components.

Summary:

Your responsibility:

To make sure rim wheels are serviced safely.

You must:

Make sure wheel components are compatible

WAC 296-864-20005.

Make sure rim wheels are serviced safely

WAC 296-864-20010.

Make sure damaged wheel components are not used

WAC 296-864-20015.

NEW SECTION

WAC 296-864-20005 Make sure wheel components are compatible.

You must:

- Make sure tires and rim wheels are compatible before assembly.

- Make sure split rim wheel components are not interchanged, except as provided in:

- The Occupational Safety and Health Administration (OSHA) and National Highway Traffic Safety Administration (NHTSA) charts, "*Demounting and Mounting Procedures for Truck/Bus Tires*" and "*Multi-Piece Rim Matching Chart*,"

OR

- The rim manual for that component.

Note: Reprints of these charts, "*Demounting and Mounting Procedures for Truck/Bus Tires*" and "*Multi-Piece Rim Matching Chart*," are available:

- Through the WISHA Training and Outreach office at 360-902-5638.

- Through the OSHA area offices. The address and telephone number of the nearest OSHA area office can be obtained by looking in the local telephone directory under U.S. Government, U.S. Department of Labor, Occupational Safety and Health Administration.

- From the OSHA website at <http://www.osha.gov/pls/publications/pubindex.continue>.

- Through U.S. Postal Service at:

Publications Office

U.S. Department of Labor

Room N3101

Washington D.C. 20210.

Telephone: 202-523-9667.

NEW SECTION

WAC 296-864-20010 Make sure rim wheels are serviced safely. You must:

- Inspect split rim wheel components and single-piece wheels prior to assembly.

- Make sure the following are free of any dirt, surface rust, scale or loose or flaked rubber build-up prior to mounting and inflation:

- Rim flanges;
- Rim gutters;
- Rings;
- Bead seating surfaces;

AND

- The bead areas of tires.

- Make sure you do not heat any rim wheels at any time.

- Provide and make sure that an air line assembly consisting of the following components is used for inflating tires:

- A clip-on chuck;
- An in-line valve with a pressure gauge or a presettable regulator;

AND

- A sufficient length of hose between the clip-on chuck and the in-line valve, if one is used, to allow the employee to stand outside the trajectory.

Reference: For additional requirements relating to compressed air tools, see WAC 296-807-140, Compressed air tools, in portable power tools.

NEW SECTION

WAC 296-864-20015 Make sure damaged wheel components are not used.

You must:

• Make sure any wheel or wheel component that is bent out of shape, pitted from corrosion, broken or cracked is:

- Not used;
- Marked or tagged unserviceable;

AND

- Removed from the service area.
- Replace damaged or leaky valves.

SPLIT (MULTIPIECE) RIM AND SINGLE-PIECE RIM WHEELS

NEW SECTION

WAC 296-864-300 Restraint devices.

Your responsibility:

To make sure your restraint devices are safe.

You must:

Use a restraining device

WAC 296-864-30005.

Make sure the restraint device meets these requirements

WAC 296-864-30010.

Provide charts or rim manuals

WAC 296-864-30015.

NEW SECTION

WAC 296-864-30005 Use a restraining device.

You must:

• Use a restraining device for inflating tires on split rim wheels.

• Use a restraining device or barrier for inflating tires on single-piece wheels.

Exemption: A restraining device or barrier is not required for single-piece rim wheels, if the rim wheel will be bolted onto a vehicle during inflation.

NEW SECTION

WAC 296-864-30010 Make sure the restraint device meets these requirements.

You must:

• Make sure the restraining device or barrier can withstand a rim wheel separation that occurs at one hundred fifty percent of the maximum tire pressure specified.

• Make sure the restraining devices and barriers will contain any components that may be thrown out during a wheel separation of any rim wheel.

• Make sure restraining devices and barriers are visually inspected:

- Prior to each day's use;

AND

– After any separation of the rim wheel components or sudden release of air.

• Make sure any restraining device or barrier that shows damage is immediately removed from service. Examples of damage include:

- Cracks at welds;
- Cracked or broken components;
- Bent or sprung components caused by mishandling, abuse, tire explosion or rim wheel separation;
- Pitting of components due to corrosion;

OR

– Other structural damage that would decrease its effectiveness.

• Make sure restraining devices or barriers removed from service are not used until they are repaired and reinspected.

• Make sure restraining devices or barriers that need structural repair are not used until they are certified by either:

- The manufacturer;

OR

- A registered professional engineer.

Note: The certification needs to show that the barrier can withstand a force of one hundred fifty percent of the maximum tire pressure in the event of wheel separation.

NEW SECTION

WAC 296-864-30015 Provide charts or rim manuals.

You must:

• Provide current charts or rim manuals containing instructions for the types of wheels being serviced in the service area.

• Provide and use only tools recommended in the rim manual for the specific type of rim wheel being serviced.

NEW SECTION

WAC 296-864-400 Service split rim wheels safely.

Your responsibility:

To establish and use procedures to service split rim wheels safely.

You must:

Establish a safe operating procedure for split rim wheels

WAC 296-864-40005.

Follow these procedures for demounting split rim wheels

WAC 296-864-40010.

Follow these procedures when working on split rim wheels and components

WAC 296-864-40015.

Follow these procedures for inflating split rim wheels

WAC 296-864-40020.

NEW SECTION

WAC 296-864-40005 Establish a safe operating procedure for split rim wheels.

You must:

• Establish a safe operating procedure for servicing split rim wheels that includes the procedures in WAC 296-864-40010 through 296-864-40020.

- Instruct employees in that procedure.

NEW SECTION

WAC 296-864-40010 Follow these procedures for demounting split rim wheels.

You must:

- Follow the relevant procedures in Table 1, Procedures for Deflating Split Rim Wheels.

**Table 1
Procedures for Demounting Split Rim Wheels**

| During these times | Then |
|---|---|
| Demounting rim wheels. | Make sure tires are completely deflated before demounting by removal of the valve core. |
| During either of the following situations: – The tire has been driven underinflated at eighty percent or less of its recommended pressure; OR – There is obvious or suspected damage to the tire or wheel components. | Deflate the tires completely by removing the valve core, before a rim wheel is removed from the axle. |

NEW SECTION

WAC 296-864-40015 Follow these procedures when working on split rim wheels and components.

You must:

- Follow the relevant procedures in Table 2, Procedures for Working on Split Rim Wheels and Components.

**Table 2
Procedures for Working on Split Rim Wheels and Components**

| During these times | Then |
|--|---|
| A split rim wheel is in a restraining device. | Make sure employees do not rest or lean any part of the body or equipment on or against the restraining device. |
| Assembly of the wheel and inflation of the tire. | Apply rubber lubricant to bead and rim mating surfaces, unless the tire or wheel manufacturer recommends against it. |
| After tire inflation. | Inspect the tire and wheel components while still within the restraining device; AND Make sure that they are properly seated and locked. |
| When adjusting the tire or wheel components. | Deflate the tire by removal of the valve core before the adjustment is made. |

NEW SECTION

WAC 296-864-40020 Follow these procedures for inflating split rim wheels.

You must:

- Follow the relevant procedures in Table 3, Procedures for Inflating Split Rim Wheels.

**Table 3
Procedures for Inflating Split Rim Wheels**

| During these times | Then |
|--|--|
| Split rim wheels are being inflated. | Make sure employees stay out of the trajectory. |
| A tire on a vehicle has more than eighty percent of the recommended pressure; AND Remote control inflation equipment is used; AND No employees are in the trajectory during inflation. | The tire may be inflated while the rim wheel is on the vehicle. |
| Assembly of the wheel and inflation of the tire. | Apply rubber lubricant to bead and rim mating surfaces, unless the tire or wheel manufacturer recommends against it. |
| Inflating tires outside of a restraining device. | Make sure this is done only to a pressure sufficient to force the tire bead onto the rim ledge and create an airtight seal with the tire and bead. |
| The tire is pressurized. | Make sure you don't correct the seating of side and lock rings by hammering, striking or forcing the components. |

- Note:**
- Employees should stay out of the trajectory as much as possible while installing the split rim wheel onto the vehicle.
 - The trajectory may deviate from its expected path.

NEW SECTION

WAC 296-864-500 Service single-piece rim wheels safely.

Your responsibility:

To establish and use procedures to service single-piece rim wheels safely.

You must:

Establish a safe operating procedure for single-piece rim wheels

WAC 296-864-50005.

Follow these procedures for demounting single-piece rim wheels

WAC 296-864-50010.

PROPOSED

Follow these procedures when working on single-piece rim wheel components

WAC 296-864-50015.

Follow these procedures for inflating single-piece rim wheels

WAC 296-864-50020.

NEW SECTION

WAC 296-864-50005 Establish a safe operating procedure for single-piece rim wheels.

You must:

- Establish a safe operating procedure for servicing single-piece rim wheels that includes the procedures in WAC 296-864-50010 through 296-864-50020.
- Instruct employees in that procedure.

NEW SECTION

WAC 296-864-50010 Follow these procedures for demounting single-piece rim wheels.

You must:

- Follow the relevant procedures in Table 4, Procedures for Demounting Single-Piece Wheel Components.

Table 4

Procedures for Demounting Single-Piece Rim Wheels

| During these times | Then |
|-----------------------------|---|
| At all times. | Make sure mounting and demounting of the tire is done only from the narrow ledge side of the wheel. |
| When demounting rim wheels. | Make sure tires are completely deflated before demounting by removal of the valve core. |

NEW SECTION

WAC 296-864-50015 Follow these procedures when working on single-piece rim wheels and components.

You must:

- Follow the relevant procedures in Table 5, Procedures for Working on Single-Piece Wheel Components.

Table 5

Procedures for Working on Single-Piece Rim Wheel Components

| During these times | Then |
|--------------------|--|
| At all times. | Avoid damaging the tire beads while mounting tires on wheels. |
| At all times. | Make sure tires are mounted only on compatible wheels of matching bead diameter and width. |

Table 5

Procedures for Working on Single-Piece Rim Wheel Components

| During these times | Then |
|-------------------------------------|--|
| Before assembly of the rim wheel. | Apply rubber lubricant to bead and wheel mating surfaces, unless the tire or wheel manufacturer recommends against the use of any rubber lubricant. |
| When using a tire changing machine. | Make sure the tire is inflated only to the minimum pressure necessary to force the tire bead onto the rim ledge while on the tire changing machine. |
| When using a bead expander. | Make sure it is removed: – Before the valve core is installed; AND – As soon as the rim wheel becomes airtight (the tire bead slips onto the bead seat). |

PROPOSED

NEW SECTION

WAC 296-864-50020 Follow these procedures for inflating single-piece rim wheels.

You must:

- Inflate tires only when contained within a restraining device or bolted on the vehicle with the lug nuts fully tightened.
- Make sure tires are not inflated when any flat, solid surface is in the trajectory and within one foot of the sidewall.
- Make sure employees stay out of the trajectory when inflating a tire.
- Make sure, when inflating tires, that the inflation pressure stamped in the sidewall isn't exceeded unless the manufacturer recommends a higher pressure.
- Make sure tires aren't inflated above the maximum pressure recommended by the manufacturer to seat the tire bead firmly against the rim flange.

NEW SECTION

WAC 296-864-600 Employee training.

Your responsibility:

To train employees to service split rim and single-piece rim wheels.

You must:

Train employees who service rim wheels

WAC 296-864-60005.

Make sure employees demonstrate and retain the ability to service rim wheels safely

WAC 296-864-60010.

Reviser's note: The spelling error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 296-864-60005 Train employees who service rim wheels. You must:

- Train all employees who service rim wheels.
- Make sure that employees do not service any rim wheel until they have been trained and instructed in:
 - Correct procedures of servicing the type of wheel being worked on;
- AND
- The safe operating procedures described in:
 - WAC 296-864-400, Service split rim wheels safely;
- AND
- WAC 296-864-500, Service single-piece rim wheels safely.
- Make sure the training program explains the hazards involved in servicing those rim wheels and the safety procedures to be followed.
- Make sure the training program includes, at a minimum, the applicable data from both:
 - The charts (rim manuals);
- AND
- The contents of this standard.

NEW SECTION

WAC 296-864-60010 Make sure employees demonstrate and retain the ability to service rim wheels safely.

- You must:**
- Make sure that each employee demonstrates the ability to service rim wheels safely, including performing the following tasks for the specified type of rim wheel in Table 6.

**Table 6
Required Training Tasks**

| Required Task | Split Rim | Single-Piece Rim |
|---|-----------|------------------|
| Demounting and deflation of tires. | X | X |
| Inspection and identification of the rim wheel components. | X | X |
| Hazards of mixing 16" and 16.5" tires and rims. | | X |
| Mounting of tires. | X | X |
| Inflation of tires with a restraining device or other safeguard required by this section. | X | X |
| Use of the restraining device or barrier, and other equipment required by this section. | X | X |
| Handling of rim wheels. | X | X |
| Inflation of the tire when a rim wheel is mounted on a vehicle. | | X |

**Table 6
Required Training Tasks**

| Required Task | Split Rim | Single-Piece Rim |
|--|-----------|------------------|
| The hazards associated with standing in front of a split rim or single-piece rim wheel: <ul style="list-style-type: none"> – During inflation of the tire; – During inspection of the rim wheel following inflation; AND <ul style="list-style-type: none"> – Installation and removal of rim wheels. | X | X |

You must:

- Make sure any employee that is unable to read the charts or rim manual is effectively trained on their contents.
- Evaluate each employee's ability to perform these tasks and to service rim wheels safely.
- Provide additional training as necessary to make sure that each employee maintains his or her proficiency.

Helpful tool:

Training checklist

The optional training checklist can help you monitor the training status of your employees. You can find this checklist in the resources section of this chapter.

NEW SECTION

WAC 296-864-700 Definitions.

Barrier means a fence, wall or other object placed between a single-piece rim wheel and an employee during tire inflation that will contain the components if the air in the tire is suddenly released.

Charts means:

- The United States Department of Labor, Occupational Safety and Health Administration publications entitled "*Demounting and Mounting Procedures for Truck/Bus Tires*" and "*Multi-Piece Rim Matching Chart*";
- The National Highway Traffic Safety Administration (NHTSA) publications entitled "*Demounting and Mounting Procedures for Truck/Bus Tires*" and "*Multi-Piece Rim Matching Chart*";

OR

• Any other poster that contains at least the same instructions, safety precautions and other information contained in the charts applicable to the types of wheels being serviced.

Demounting means deflating and taking apart a tire and rim wheel.

Installing a rim wheel means the transfer and attachment of an assembled rim wheel onto a vehicle axle hub.

Mounting a tire means the putting together of the wheel and tire components to form a rim wheel, including inflation.

Restraining device is a cage or rack that will hold all rim wheel components during an explosive separation of a multipiece rim wheel or during the sudden release of air in a single-piece rim wheel.

Rim manual is a publication containing instructions from the manufacturer or other qualified organization for cor-

WSR 04-12-072

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed June 1, 2004, 10:16 a.m.]

rect mounting, demounting, maintenance, and safety precautions for the type of wheel being serviced.

Service or servicing means the mounting and demounting of rim wheels, and related activities such as inflating, deflating, installing, removing, and handling.

Service area means any place where an employee services rim wheels.

Single-piece rim wheel means a single part holds the tire, forms part of the air chamber and is the point where the wheel is attached to the vehicle axle.

Split rim wheel or multipiece rim wheel means a wheel made up of two or more parts. One of the parts is a side ring or locking ring that holds the tire on the wheel when the tire is inflated.

Trajectory means the path that a rim wheel component may travel during an explosive separation or the sudden release of air.

Wheel means that portion of a rim wheel that attaches to the axle of a vehicle and also contains the inflated tire or tire and tube.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 296-24-21701 Scope.
- WAC 296-24-21703 Definitions.
- WAC 296-24-21707 Tire servicing equipment.
- WAC 296-24-21709 Wheel component acceptability.
- WAC 296-24-21711 Safe operating procedure—
Multipiece rim wheels.
- WAC 296-24-21713 Safe operating procedure—
Single-piece rim wheels.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 296-155-617 Servicing multipiece and single-piece rim wheels.
- WAC 296-155-61701 Scope.
- WAC 296-155-61703 Definitions.
- WAC 296-155-61705 Employee training.
- WAC 296-155-61707 Tire servicing equipment.
- WAC 296-155-61709 Wheel component acceptability.
- WAC 296-155-61711 Safe operating procedure—
Multipiece rim wheels.
- WAC 296-155-61713 Safe operating procedure—
Single-piece rim wheels.

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-09-032.

Title of Rule: Chapter 308-96A WAC, Vehicle licenses, these are rules dealing with special license plates.

Purpose: This change will bring the rule into compliance with chapter 223, Laws of 2004 regular session, SSB 6676 (RCW 46.16.316) and which amends the fee for transfer of special license plates at \$10.00.

Statutory Authority for Adoption: RCW 46.01.110.

Statute Being Implemented: RCW 46.16.316.

Summary: Amending WAC 308-96A-070 Amateur radio operator special license plates, 308-96A-071 Military affiliate radio system special license, and 308-96A-175 Ride share vehicles.

Reasons Supporting Proposal: To comply with RCW allowing a change in license plate transfer fee.

Name of Agency Personnel Responsible for Drafting: Katherine Iyall Vasquez, 1125 Washington Street S.E., Olympia, (360) 902-3718; Implementation and Enforcement: Lynda Henriksen, 1125 Washington Street S.E., Olympia, (360) 902-3811.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Some "specialty" license plates are described in these rules. A reference to the \$5.00 license transfer fee as amended in 2004 legislation set the transfer fee at \$10.00. These rules amended the amount previously stated and referenced the statutory fee. The effect will be to make the rules consistent and will reference the statute for transfer fees.

Special or personal plates will be consistent. The legislature enacted SSB 6667, chapter 223, Laws of 2004 regular session, which set a \$10.00 special or personal plate transfer fee. These rules are being amended to remove reference to the special or personal plate transfer fees because it is now enacted in statute.

Proposal Changes the Following Existing Rules: Clarify sections be removing the \$5.00 fee and make reference to legislation, chapter 223 passed in 2004 changing this fee.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required pursuant to RCW 19.85.030 (1)(a). The proposed rule making does not impose more than a minor cost on business in an industry.

RCW 34.05.328 does not apply to this rule adoption. The contents of the proposed rules are explicitly and specifically dictated by statute.

Hearing Location: Highways-Licenses Building, Conference Room 107, 1125 Washington Street S.E., Olympia, WA 98507, on July 27, 2004, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Katherine Iyall Vasquez by July 26, 2004, TTY (360) 664-8885 or (360) 902-3718.

Submit Written Comments to: Katherine Iyall Vasquez, Rules Manager, Title and Registration Services, P.O. Box

PROPOSED

2957, Olympia, WA 98507-2957, fax (360) 664-0831, by July 26, 2004.

Date of Intended Adoption: August 24, 2004.

June 1, 2004

Steve Boruchowitz

Policy and Projects Office

AMENDATORY SECTION (Amending WSR 01-10-069, filed 4/30/01, effective 5/31/01)

WAC 308-96A-070 Amateur radio operator special license plates. (1) **Who may apply for amateur radio operator vehicle special license plate(s)?** Any person having a valid amateur radio operator's license may apply to the department for license plates bearing the official amateur radio call letters assigned by the Federal Communications Commission (FCC). These plates are in lieu of regular issue license plates. The department will issue only one set of plates at any one time carrying these call letters.

(2) **What documents are required to receive an amateur radio operator vehicle special license plate?** In addition to all other license fees required by law, the amateur radio operator must attach a copy of the current FCC license to the application. The operator must notify the department when the FCC license is canceled or expires and whether or not the operator has renewed the license. If the license has been renewed, the operator must send a copy of the new FCC license to the department.

(3) **How will the amateur radio operator license plates be displayed?** The amateur radio operator license plates must be displayed on a motor vehicle owned by the amateur radio operator unless the plates were issued and assigned to a vehicle prior to January 1, 1991. Prior to the January 1, 1991, date, the amateur radio operator license plates are allowed to be installed on any motor vehicle qualified under RCW 46.16.305.

(4) **Are there any special fees required to obtain the amateur radio operator license plates?** In addition to all other license fees required by law, each applicant for amateur radio operator license plates must pay an additional license plate fee of five dollars for the plate and ~~((an additional five dollars))~~ applicable fees as stated in RCW 46.16.316 any time the plates are transferred to another vehicle.

(5) **When are the amateur radio operator special license plates canceled?** The effective date of the plate cancellation is the date the FCC license becomes invalid. Reinstatement of the plates requires the amateur radio operator to reapply for the plates, providing a copy of the valid FCC license and paying the ~~((five-dollar-fee-for-a-new-plate))~~ fee as stated in RCW 46.16.316.

(6) **Will I ever have to exchange my amateur radio operator special license plates?** Yes, the department has determined that all license plates be replaced on a seven-year vehicle license rotation schedule; however, your amateur radio operator special license plates will be issued with your official call letters and numbers assigned to you by the F.C.C.

AMENDATORY SECTION (Amending WSR 01-10-069, filed 4/30/01, effective 5/31/01)

WAC 308-96A-071 Military affiliate radio system special license plates. (1) **Who may apply for the military affiliate radio system station special license plates?** Any person having a valid military affiliate radio system (MARS) station license may apply to the department for license plates bearing the official MARS call letters assigned by the Department of Defense. These plates are in lieu of regular issue license plates. The department will issue only one set of plates at any one time carrying these call letters and can only be displayed on a motor vehicle registered to the MARS station license holder.

(2) **Can a MARS special license plate be issued for my motorcycle?** No. Motorcycle license plates accommodate a maximum of six characters. MARS call letters consist of seven characters.

(3) **What documents are required to receive MARS special license plates?** In addition to all other license fees required by law, an applicant for MARS license plates must attach a copy of the current official MARS station license authorized by the Department of Defense and issued by the United States Army, Air Force, or Navy/Marine Corps. The recipient of these plates must notify the department when the MARS station license has been canceled.

(4) **Are there any special fees required to obtain the MARS license plates?** In addition to all other license fees required by law, each applicant for MARS license plates must pay an additional license plate fee of five dollars for the plate and ~~((an additional five dollars))~~ applicable fees as stated in RCW 46.16.316 any time the plates are transferred to another vehicle.

(5) **When are the MARS license plates canceled?** The effective date of a plate cancellation is the date the MARS station license becomes invalid. Reinstatement of the plates requires the MARS station license holder to reapply for the plates, providing a copy of the valid MARS license and paying the five-dollar fee for a new plate.

(6) **Will I ever have to exchange my MARS license plates?** Yes, the department has determined that all license plates be replaced on a seven-year vehicle license rotation schedule; however, your MARS license plates will be issued with your official call letters and numbers assigned to you by the F.C.C.

AMENDATORY SECTION (Amending WSR 01-10-069, filed 4/30/01, effective 5/31/01)

WAC 308-96A-175 Ride-sharing vehicles. (1) **When may the department issue a ride share special license plate?** Ride share special license plates may be issued when:

The owner of a passenger motor vehicle is primarily used as a commute ride-sharing vehicle defined in RCW 46.74.010(1). The vehicle owner may be issued special ride-share license plates by satisfying the provisions of RCW 46.16.023. Any person desiring the special ride-share license plates must make application on a form approved by the department and pay all fees required by chapter 46.12 RCW and the special ride-share license plate fee required by RCW 46.16.023. The owner must then provide:

WSR 04-12-077
PROPOSED RULES
EXECUTIVE ETHICS BOARD

[Filed June 1, 2004, 2:11 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-12-002.

Title of Rule: State officers and employees contracting with state agencies.

Purpose: The purpose of WAC 292-110-060 is to establish review standards and policy regarding requests by current state officers and employees, when they contract with state agencies.

Statutory Authority for Adoption: RCW 42.52.360 (2)(b).

Statute Being Implemented: RCW 42.52.120(2).

Summary: The amendments will revise and clarify current agency rules regarding board approval of noncompetitive contracts or grants between state agencies and state officers and employees.

Reasons Supporting Proposal: Current rules provide for board review of certain contracts related to higher education research, which may be inconsistent with the statute.

Name of Agency Personnel Responsible for Drafting, Implementation Enforcement: Brian R. Malarky, 2425 Bristol Court S.W., Olympia, WA, (360) 664-0871.

Name of Proponent: Washington State Executive Ethics Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To provide guidance to state officials and state employees regarding board approval of noncompetitive contracts between state employees and state agencies, including contracts involving spouses. The rule includes preapproval of certain contracts and delegates approval of contracts that don't involve conflicts to board staff.

Proposal Changes the Following Existing Rules: The proposed changes will allow agencies to contract with certain higher education employees to be expert witnesses and allow certain higher education employees to enter into research related contracts without prior board approval. In addition, the amended rule is more consistent with RCW 42.52.120 and requires filing a copy of noncompetitive contracts between an employee's spouse and a state agency.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No small business economic impact statement was prepared because this rule is limited to the Executive Ethics Board.

RCW 34.05.328 does not apply to this rule adoption. Pursuant to RCW 34.05.328(5) the Executive Ethics Board is not an agency subject to the provisions of RCW 34.05.328 (1)-(4). In addition, under RCW 34.05.328 (5)(b)(ii), this rule relates to internal governmental operations that are not subject to violation by a nongovernmental party.

Hearing Location: Executive Ethics Board, Conference Room 148, 2425 Bristol Court S.W., Olympia, WA 98504-0149, on July 8, 2004, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Debbie O'Dell by July 2, 2004, (360) 664-0871.

(a) For privately owned vehicles, a list of the riders registered to use the ride-sharing vehicle, including the names, addresses and signatures of the riders and driver. For five and six passenger vehicles being used in a commute trip reduction program, the list must be a copy of the certification of registration in a commute trip reduction program either with a public transportation agency or a major employer; or

(b) For vehicles operated by public transportation agencies or by major employers defined in RCW 70.94.524 in commute trip reduction programs, a written statement that the vehicle is used as a commuter ride-sharing vehicle.

(c) A passenger motor vehicle owned, rented or leased by a government agency may be issued special ride-share license plates for the vehicle described on the approved ride-sharing application.

(2) Can the ride-share license plate be transferred to another vehicle? To transfer license plates to another vehicle, the owner must ~~((make))~~:

(a) Make application to and receive approval by the department for the replacement passenger motor vehicle; and

(b) Pay ~~((a five dollar license plate transfer fee and any other appropriate licensing fees))~~ applicable fees stated in RCW 46.16.316.

(3) What happens when I remove or transfer special ride-share plates from my vehicle? When you remove or transfer special ride-share license plates from one vehicle to another, you must:

(a) Purchase replacement license plates if the vehicle will be operated on public highways; and

(b) Pay applicable RTA excise tax for the remaining license registration period for the vehicle, if the registered owner resides in the RTA taxing district.

(4) What happens when the ride-share vehicle is sold or transferred to another person?

(a) When a ride-share vehicle is sold or transferred to another person who will continue to use the passenger motor vehicle as a commuter ride-share vehicle, the new owner must:

(i) Apply for a certificate of ownership under chapter 46.12 RCW;

(ii) Apply for commuter ride-share exemption; and

(iii) Pay all required fees and taxes including the special license plate fee.

(b) Upon application for registration renewal, the owners of nongovernment ride-share plated vehicles must:

(i) Recertify that the vehicle is used as a commuter ride-share vehicle to continue to be exempt from chapters 82.08, 82.12, and 82.44 RCW; and

(ii) Submit a completed recertification form, approved by the department, including names, addresses, and signatures of current passengers and drivers. If the registered owner fails to file a completed recertification form, the department will cancel the special ride-share license plates and the registered owner will need to purchase replacement plates and pay applicable fees and taxes to complete registration renewal.

(5) Will I ever have to replace my ride-share vehicle license plate? Yes, the ride-share vehicle license plates are subject to the seven-year vehicle license plate replacement schedule.

PROPOSED

Submit Written Comments to: Executive Ethics Board,
P.O. Box 40149, Olympia, WA 98504-0149, fax (360) 586-
3955, by July 9, 2004.

Date of Intended Adoption: August 16, 2004.

June 1, 2004

Brian R. Malarky
Executive Director

AMENDATORY SECTION (Amending WSR 01-13-080,
filed 6/19/01, effective 7/20/01)

WAC 292-110-060 (~~Compensation for outside activities and~~) **Current state officers and employees contracting with state agencies.** (1) (~~The primary purpose of the Ethics in Public Service Act is to prevent conflicts of interest that impair the impartial and independent judgment of state officers and employees. A conflict of interest may occur when a state officer or state employee accepts compensation for outside activities, and acceptance conflicts with the performance of official duties on behalf of the state and the citizens of Washington. Conflicts of interest occur whenever a state officer or state employee has a beneficial interest in a transaction with the state; accepts outside compensation for the performance or nonperformance of an official duty; or, accepts or seeks outside compensation relating to a matter in which the officer or employee participated in an official capacity. A conflict of interest extends to those matters in which a state officer or employee exercises responsibility. Potential conflicts of interest relating to the receipt of compensation for outside activities may be resolved by seeking the review and prior approval of the executive ethics board.~~)

(2) ~~A state officer or employee may not receive anything of economic value under a contract or grant outside his or her official duties unless each of the following conditions is met:~~

(a) ~~The contract or grant is legitimate and actually performed;~~

(b) ~~The contract or grant is not within the state officer's or employee's official duties; is not under his or her supervision; is not created or authorized by the state officer or employee in an official capacity, and is not within an area of his or her official responsibility;~~

(c) ~~The contract or grant is not performed for nor compensated by a person from whom the state officer or employee would not be able to accept a gift; and,~~

(d) ~~The contract or grant would not require the disclosure of confidential or nonpublic information.~~

(3) ~~A state officer or employee may not engage in a business or transaction or professional activity, or incur an obligation of any nature if such activities may conflict with the proper discharge of official duties.~~

(4) ~~A state officer or employee may not enter into a contract or receive a grant, or have a beneficial interest in a contract or grant with a state agency unless all conditions in section two are met, and one of the following conditions are satisfied:~~

(a) ~~The contract bid or grant application is awarded through an open and competitive bidding process and more than one bid or grant application is received; or~~

(b) ~~If only one bid or application is received, or the process for awarding the contract or grant was not open and~~

~~competitive, and the executive ethics board has advised that the employee's interest in the contract or grant is not in conflict with the proper discharge of the employee's official duties.~~

(5) ~~Provided that the conditions in sections two and three are met, the following contracts are approved by the executive ethics board:~~

(a) ~~A contract or grant whereby the state officer or state employee receives assistance through state programs or federal programs administered by the state when they are entitled to receive such assistance by law and on the same basis as similarly situated citizens, and when the officer or employee does not exercise discretionary judgment with regard to an assistance program for which he or she is otherwise eligible;~~

(b) ~~A contract to perform teaching duties at a bona fide community college, vocational technical school, or institution of higher learning, provided no state resources are used to perform the duties; there is no conflict with the performance of official duties; and the state officer or state employee did not use his or her official position to influence the contract of employment; and,~~

(c) ~~A contract held by a spouse, in which the officer or employee has a beneficial interest, with a state agency, provided that the officer or employee did not participate in the contract.~~

(d) ~~An employee who has a contract or grant or a beneficial interest therein which is approved by the board under section (5)(a)-(c) of this rule is not required to file a separate application for approval of the contract under section (6). However, the employee is responsible for determining that the criteria in sections (2) and (3) are satisfied.~~

(e) ~~An employee who is awarded a contract or grant under section (5)(a)-(c) of this rule shall file a copy of the contract with the board. However, if the employee's only interest is a beneficial interest, the contract need not be filed with the board.~~

(6) **Purpose** - The primary purposes of the Ethics in Public Service Act are to prevent conflicts of interest that impair the impartial and independent judgment of state officers and employees and the misuse of state position for private gain. Conflicts of interest occur whenever a state officer or state employee:

(a) Has a beneficial interest relating to a matter in which the officer or employee participated in an official capacity;

(b) Accepts outside compensation for the performance or nonperformance of official duties; or

(c) Accepts or seeks outside compensation from persons that they regulate or conduct state business with.

A misuse of state position occurs whenever a state officer or employee:

(i) Uses his or her official position to influence a contract award; or

(ii) Uses state resources to engage in private work that is not part of official duties.

(2) Applicable law, standards of review - RCW 42.52.020 prohibits financial and other interests that conflict with official duties. RCW 42.52.030 prohibits financial and beneficial interests in transactions involving the state. RCW 42.52.030(2) provides alternate conflict interest provisions

related to research and technology transfer agreements at certain institutions of higher education. RCW 42.52.160(1) prohibits the use of state resources for private benefit or gain. RCW 42.52.120(1) prohibits compensation outside of official duties unless certain conditions are met. RCW 42.52.120(2) requires prior board approval of noncompetitive contracts between state officers and employees and any state agency. RCW 42.52.120(3) requires that contracts approved by the board must also be filed with the board within thirty days of execution.

(3) Approval required - A state officer or employee must receive board approval before entering into, or obtaining a beneficial interest in, a contract or grant with a state agency only if the process for awarding the contract or grant was not open and competitive, or, whenever only one bid or application was received.

(4) Application for approval - State officers and employees seeking the approval of the board for a contract, grant application, or outside employment with a state agency shall provide the following information to the executive director no later than thirty days prior to the commencement of the contract:

(a) A description of current official duties and responsibilities;

(b) A statement of the work to be performed and, a copy of the contract;

(c) The duration and dollar value of the contract, if applicable;

(d) A statement that no state resources will be used to perform the outside employment or to fulfill the contract or grant; ~~((and,))~~

(e) A description of how the work will be performed without the use of state resources; and

(f) A statement that the employing agency has reviewed or approved the outside contract under applicable rules or policies, except when requesting a conditional approval as provided in subsection (5)(b) of this section.

~~((7))~~ (5) Approval process - The executive director shall review the contract or grant application terms and related documents and may determine whether there could be a potential conflict with RCW 42.52.120(1) or other applicable provisions of the Ethics in Public Service Act as noted in subsection (2) of this section. If the ~~((board secretary))~~ executive director determines:

(a) There would be no potential conflict under ~~((sections two and three of this rule))~~ RCW 42.52.120(1) or other applicable provisions of chapter 42.52 RCW, the executive director shall approve the contract or grant application.

(b) There would be no potential conflict under RCW 42.52.120(1) or other applicable provisions of chapter 42.52 RCW but the contract or grant has not been approved by the appointing authority pending a board review, the executive director may conditionally approve the contract or grant application; or

(c) There could be a potential conflict under ~~((sections two and three of this rule))~~ RCW 42.52.120(1) or other applicable provisions of chapter 42.52 RCW, the executive director shall refer the contract or grant application to the board for approval or disapproval.

~~((8))~~ (6) Contract amendments - If a contract has been amended or the scope of work altered, and the effect of the amendment or alteration may create a potential conflict of interest under ~~((sections two and three of this rule))~~ RCW 42.52.120(1) or other applicable provisions of chapter 42.52 RCW, the employee must resubmit the contract to the board at least fifteen days prior to commencement of work under the amended or altered contract.

~~((9) If)~~ (7) Series of similar contracts - If a state officer or employee anticipates receiving a series of substantially identical contracts or grants with a state agency is anticipated, ~~((the state officer or employee))~~ they may request that the board preapprove such contracts or grants. Preapproval shall be effective for the period of one calendar year, after which the state officer or employee shall resubmit the request.

(8) Exemptions, preapproved contracts or grants - An employee who has a contract or grant or a beneficial interest therein which is preapproved by the board under this section is not required to file an application for approval of the contract. However, the employee is responsible for determining that the contract or grant would not conflict with RCW 42.52.120(1) or other applicable provisions of chapter 42.52 RCW. Provided that the applicable conditions in RCW 42.52.120(1) are met, the following contracts are approved by the executive ethics board:

(a) A contract or grant whereby the state officer or state employee receives assistance through state programs or federal programs administered by the state when they are entitled to receive such assistance by law and on the same basis as similarly situated citizens, and when the officer or employee does not exercise discretionary judgment with regard to an assistance program for which he or she is otherwise eligible;

(b) A contract to perform teaching duties at a bona fide community college, vocational-technical school, or institution of higher learning, provided no state resources are used to perform the duties; there is no conflict with the performance of official duties; and the state officer or state employee did not use his or her official position to influence the contract of employment;

(c) A contract held by a spouse, in which the officer or employee has a beneficial interest, with a state agency, provided that the officer or employee did not participate in the contract;

(d) A contract that was received by an officer or employee of an institution of higher education to provide expert witness services in state litigation provided no higher education resources are used to perform the duties; there is no conflict with the performance of official duties; and the officer or employee did not use his or her official position to influence the contract; and

(e) A contract or grant that was received by an officer or employee of an institution of higher education or of the Spokane Intercollegiate Research and Technology Institute under conditions that complied with RCW 42.52.030(2). At the request of the institution the board may advise the institution if a specific contract or grant would raise significant conflict of interest concerns under applicable provisions of chapter 42.52 RCW.

(9) Filing required - Final contracts reviewed under this rule shall be filed with the executive director within thirty days of execution. An employee who is awarded a contract or grant preapproved under subsection (8)(a) through (c) of this section shall file a copy of the contract with the board.

~~(10) ((The executive director shall provide written notice of any action on a contract bid, grant application or request for outside employment within fifteen working days of the board's action.~~

~~(11) Final contracts reviewed under this rule shall be filed with the executive director within thirty days of execution.)~~ Filing exemptions - An officer or employee of an institution of higher education or of the Spokane Intercollegiate Research and Technology Institute who is awarded a contract or grant preapproved under subsection (8)(d) and (e) of this section is not required to file a copy of the contract or grant with the board. A copy of all expert witness contracts awarded under subsection (8)(d) of this section shall be maintained by the office of the attorney general subject to review by board staff. Those state institutions of higher education or the Spokane Intercollegiate Research and Technology Institute who award contracts or grants under RCW 42.52.030(2) shall maintain copies of all contracts or grants approved under subsection (8)(e) of this section. In lieu of filing the contracts with the board, these institutions shall provide the board by September 1 of each year a brief summary of all such contracts or grants awarded in the previous fiscal year.

WSR 04-12-079

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed June 2, 2004, 8:01 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-12-096.

Title of Rule: Chapter 308-66 WAC, Motor vehicle dealers and manufacturers.

Purpose: This is an every four-year review of the WACs per the Governor's Executive Order 1997-02.

Statutory Authority for Adoption: RCW 46.70.160.

Summary: Review for necessity, effectiveness, efficiency, clarity, intent, cost and fairness.

Name of Agency Personnel Responsible for Drafting: Chuck Coach, 2000 4th Avenue West, Olympia, WA 98502, (360) 664-6453; Implementation and Enforcement: Administrator, 2000 4th Avenue West, Olympia, WA 98502, (360) 664-6451.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These amendments and additions are designed to give the consuming public and the dealer industry and [a] more precise and better understanding of the rules. In addition, it is the intent to incorporate rules related to internet vehicle sales and obtaining dealer plate waivers.

Proposal Changes the Following Existing Rules: Proposal makes existing rules easier to understand.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No fiscal impact or additional duties imposed on dealerships.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Dealer and Manufacturer Services, 2000 4th Avenue West, Olympia, WA 98502, on July 14, 2004, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Linda Whipple by July 9, 2004, TDD (360) 664-8885 or (360) 664-6455.

Submit Written Comments to: Kim Johnson, Dealer and Manufacturer Services, P.O. Box 9039, Olympia, WA 98507-9039, fax (360) 586-6703.

Date of Intended Adoption: August 3, 2004.

May 20, 2004

Fred Stephens

Director

AMENDATORY SECTION (Amending WSR 02-12-062, filed 5/31/02, effective 7/1/02)

WAC 308-66-110 Definitions. For the purpose of administering chapter 46.70 RCW, the following terms shall be construed in the following manner:

(1) "Offering" the sale of a vehicle shall include the distribution by any means of a list, with or without prices, of vehicles for sale.

(2) "Soliciting" the sale of a vehicle shall include an offer to effect the purchase or sale of a vehicle on behalf of another person.

(3) "Normal business hours" or "reasonable times" shall include, but not be limited to, the hours from 10:00 a.m. through 4:00 p.m. for five days each week. ~~((All hours during which the place of business is open for the purpose of bartering, trading or selling vehicles are normal business hours or reasonable times as long as the dealer is open for business at regular intervals. Whenever))~~ When a dealer closes ((his)) the place of business during normal business hours, a sign must be posted on the main door of the business stating the time that ((he)) the dealer will next be open for business ((or where he)) and how the dealer may be contacted provided that this is not permission to routinely avoid maintaining normal business hours.

(4) An "employee" of a dealer is a person on the payroll who appears on the record of the dealer as an employee for whom social security, withholding tax, and all deductions required by law have been made.

(5) A "broker" shall mean any person ~~((, partnership, corporation, or association))~~ acting independently, who for a commission, fee or any other form of compensation arranges or engages in the wholesale or retail purchase, sale or lease with option to purchase, of a vehicle.

(6) ~~((An "employee identification card" is a card that may be issued by a licensed dealer to an employee, identifying such employee as being in the employ of such dealer. The department will prescribe the form of the card.))~~ A "vehicle dealer identification card" is a card, prescribed by the department and issued by a licensed dealer, that is used to identify the principal of a dealership, including a corporate officer, a partner of a partnership, or sole proprietor, or a member of a

limited liability company, or an "employee," for purposes of driving a vehicle bearing dealer license plates.

(7) A "demonstration permit" is a permit issued by a dealer to a prospective customer entitling the prospective customer to operate a particular vehicle for demonstration purposes.

(8) Current service agreement - The agreement between a vehicle manufacturer or vehicle distributor and a seller, stipulating that the seller will provide warranty adjustments for the owners of ~~((said))~~ that manufacturer's or distributor's new vehicles which qualify for adjustments under the ~~((said))~~ manufacturer's or distributor's warranty.

(9) New vehicle warranty - The warranty extended by a manufacturer or distributor to the first retail purchaser.

(10) "Closing" shall mean the process of completion of sale transaction.

(11) "Completion of sale" in the case of a consigned vehicle shall mean that the purchaser has possession of the vehicle, all liens against the vehicle are paid, the seller has ~~((sale))~~ the proceeds of sale, and ~~((warranty of))~~ title to the vehicle has been ~~((accomplished))~~ transferred to the retail purchaser.

(12) "Listing" shall mean a contract between a seller of a used mobile/manufactured home and a listing dealer for the dealer to locate a willing purchaser ~~((of))~~ for that ~~((listed used mobile/manufactured))~~ home.

~~((13))~~ ~~("Seller," as it relates to listing dealers, shall mean a person who lists a used mobile/manufactured home with a listing dealer.~~

~~((14))~~ ~~"Purchaser," as it relates to listing dealers, shall mean a person who agrees to buy a used mobile/manufactured home listed through a listing dealer.~~

~~((15))~~ "Consignor" shall mean an arrangement whereby a vehicle dealer accepts delivery or entrustment of a vehicle and agrees to sell the vehicle on behalf of another.

~~((16))~~ ~~"Consignee" shall mean a vehicle dealer who accepts delivery or to whom a vehicle is entrusted for the purpose of sale on behalf of another.~~

~~((17))~~ ~~"Consignor" shall mean a person who delivers or entrusts a vehicle to a dealer for the purpose of sale.~~

~~((18))~~ (14) "Remanufactured" shall mean to remake or reprocess into a finished product by a large scale industrial process.

~~((19))~~ (15) "Guaranteed title" as it relates to a consigned vehicle shall mean a guarantee by the consignor to convey title to the consignee upon sale of the vehicle. The consignment agreement between the consignor and consignee shall comply with the provisions of WAC 308-66-155.

~~((20))~~ (16) "Used vehicle" in keeping with RCW 46.04.660, and for purposes of the requirement for a service agreement in RCW 46.70.101 (1)(a)(vii), a vehicle will be considered used if it meets the following requirements:

(a) It has been titled or registered to a bona fide retail purchaser/lessee for a period of 90 days or more; and

(b) The vehicle has been operated (driven) to the extent that its odometer registers 3,000 miles or more.

However, the requirements of (a) and (b) of this subsection will not apply if a bona fide retail purchaser/lessee sells, trades, or otherwise disposes of the vehicle prior to its having met those requirements. To document such an exemption, the

subsequent wholesaling and retailing dealer must keep, as a dealer business record, a notarized affidavit from either the bona fide retail purchaser/lessee, or in the case of an imported vehicle, a notarized affidavit from the importer of the vehicle. That affidavit will be prescribed by the department and must confirm that the retail purchaser/lessee was a bona fide retail purchaser/lessee.

~~((21))~~ (17) A "bona fide retail purchaser/lessee" is one who purchases or leases a vehicle for the purpose of using it, rather than for the purposes of resale or lease.

(18) The "principal" of a business as used herein means:

(a) The proprietor of a sole proprietorship;

(b) A partner of a partnership;

(c) An officer of a corporation; or

(d) A member or manager of a limited liability company.

AMENDATORY SECTION (Amending WSR 02-12-062, filed 5/31/02, effective 7/1/02)

WAC 308-66-120 Dealer's license application. What information is needed to apply for a vehicle dealer license?

(1) Each application shall contain in addition to the information required by RCW 46.70.041:

(a) The names and residential addresses of all owners of ten percent or more of the assets of the ~~((firm))~~ business;

(b) The name and address of the principal place of business ~~((of the firm));~~

(c) The names and addresses of each and every sub-agency ~~((of the firm)),~~ if any;

(d) A current balance sheet of assets ~~((and)),~~ liabilities and owner's equity which shall have been prepared within ~~((ninety))~~ sixty days of its submission, including proof of the assets;

(e) A statement of whether or not the applicant or any partner, member, officer, or director ~~((owner of ten percent or more of the assets))~~ of the firm, was the holder of a license issued pursuant to chapter 46.70 RCW which was revoked for cause and never reissued by the department, or ~~((which license was))~~ suspended for cause and the terms of the suspension have not been fulfilled or assessed a monetary penalty that has not been paid;

(f) A ~~((detailed))~~ list of all dealerships previously operated by each person named on the application and with which each person presently or was formerly connected or employed.

(2) An applicant ~~((shall))~~ must appear for a personal interview if requested by the department.

(3) The department may require a credit report for each ~~((party))~~ person named on each application for a dealer's license.

(4) An applicant ~~((shall))~~ must provide as evidence of leasehold or ownership interest of business location either:

(a) A copy of the rental or lease agreement between the applicant and landowner showing the business location by commonly known address, or

(b) A copy of the county assessor's record showing ownership of the business location, the applicant's name and the commonly known address.

(5) ~~((The))~~ An applicant must provide a bank reference for verifying financial condition consisting of:

(a) The name of ~~the~~ applicant's bank, a person to contact at that bank concerning ~~the~~ applicant's financial condition, or

(b) A letter of credit current within ~~the~~ last ~~((90))~~ sixty days, or

(c) A flooring agreement, if with a financial institution, or

(d) A line of credit with a financial institution.

(6) The department may require an applicant ~~((for a vehicle dealer license))~~ to provide evidence that the business location conforms to all zoning and land use ordinances.

(7) A ~~((corporation))~~ corporate applicant ~~((shall))~~ must provide the corporation number and corporation name issued by the secretary of state's office authorizing the company to do business within this state.

(8) The business name and address on the license application and all required supporting documents must be the same. ~~((The sign at the certified location must identify the doing business as name (dba), if any, and that name shall appear on all documents as the applicant's name. The business telephone listing must also reflect the business name or the doing business as name.))~~

(9) The applicant must provide a certification of completion in the dealer education program:

(a) At least one principal of each company applying for an original vehicle dealer license must receive certification in the dealer education program required by RCW 46.70.041 (1)(l).

(b) The department encourages as many principals of each company as possible to obtain such certification.

(c) For annual dealer license renewals, either a company principal or a managing employee may complete the continuing education program. The continuing education certificate will indicate that the dealership has fulfilled the requirement.

(d) Certifications for either original or renewal applications will be valid for twelve months.

(10) Any service agreement required by RCW 46.70.041 must be on file with the department. An acquisition or loss of a service agreement must be reported to the department in writing within ten days.

AMENDATORY SECTION (Amending WSR 98-20-039, filed 9/30/98, effective 10/31/98)

WAC 308-66-140 Place of business and places of business. Which business names and locations do I need to license?

(1) A dealer ~~((shall advise))~~ must inform the department in writing of each and every:

(a) Name under which the ~~((firm))~~ dealer does business, and

(b) Location at which the ~~((firm))~~ dealer does business.

~~((If there is any addition, deletion or change in the above, the dealer shall so inform the department within ten days of such action.))~~ The dealer must inform the department in writing within ten days of any addition, deletion or change in the name or location.

(2) A dealer shall designate one name and one location as the principal name and principal place of business ~~((of the firm))~~.

(a) All other names under which the dealer does business shall be designated and licensed as subagencies of that dealership;

(b) All other locations that are physically and geographically separated from the principal place of business shall be designated and licensed as subagencies of that dealership;

~~((b) All other names shall be designated and licensed as subagencies of that dealership;))~~

(c) If a dealer is required to obtain a subagency license under (2)~~((a))~~(b) of this section, ~~((he/she))~~ the dealer shall not be required to obtain an additional subagency license under (2)~~((b))~~(a) of this section, unless ~~((he))~~ the dealer does business under more than one name at that subagency location;

(d) The department will not require a subagency license for a name solely due to the use of a ".com" or other URL extension in an internet address; or because a dealership uses a derivative of its licensed "doing business as" name for its internet address. The website must clearly display the licensed "doing business as" name.

~~((The director shall fail to renew, suspend or revoke a subagency license of a dealership if the dealer ceases to maintain "an established place of business" at that subagency location.))~~ If the dealer ceases to maintain "an established place of business" at that subagency location, the director shall suspend, revoke and/or refuse to renew a subagency license of a dealership.

(4) All temporary subagencies ~~((shall))~~ must be covered by the bond of the dealer's principal place of business.

(5) A vehicle dealer, whether franchised or nonfranchised, that is unable to locate ~~((his/her))~~ the dealer's used vehicle sales facilities adjacent to or at the established place of business need not obtain and hold a subagency license if:

(a) The vehicle sales lot is contained within the same city block, or

(b) Is directly across the street, or

(c) Is within sight, and

(d) Its location is zoned properly, and

(e) The dealer bond covers the sales lot.

(6) If the sales lot referred to in section 5 is in sight of the principal place of business, no sign is required at that sales lot.

(7) The department may require that a dealer provide evidence that each place of business conforms to all zoning and land use ordinances.

(8) Each and every subagency license of a dealership shall automatically be deemed cancelled upon the termination, for whatever reason, of the principal license of that dealership.

(9) No license shall be issued to any applicant for a vehicle dealer or vehicle manufacturer license under a name that is the same as that of any dealer or manufacturer holding a current license issued pursuant to chapter 46.70 RCW.

(10) The sign at the certified location and the business telephone listing must reflect the "doing business as" (dba) name.

AMENDATORY SECTION (Amending WSR 98-20-039, filed 9/30/98, effective 10/31/98)

WAC 308-66-145 Established place of business—Waiver procedure. How may I obtain a place of business waiver?

(1) An applicant for a vehicle dealer license, or a licensee, who requests a waiver of any established place of business requirement(s) must submit the following to the department:

(a) All ~~((required))~~ applicable documents and fees ~~((for an original application as provided for))~~ in RCW 46.70.041, 46.70.061, 46.70.070, ~~((and))~~ WAC 308-66-120, ~~((with the exception of a leasehold agreement or evidence of real property ownership: Provided, That if a waiver is granted to the applicant, the applicant must provide evidence of leasehold or real property ownership to the department before the license will be issued))~~ and 308-66-140.

(b) A written request for the waiver, in the form of either a letter or a request completed on the department's prescribed form, which ~~((contains))~~ requires the following minimum information:

(i) Specific nature or type of activity the applicant intends to conduct,

(ii) Specific element(s) of the established place of business requirements requested to be waived,

(iii) Detailed statement which identifies the unique circumstances necessitating the request for waiver, and,

(iv) Any other information the department may require.

~~(2) ((A licensee who requests a waiver of any established place of business requirement(s) must submit the following to the department:~~

~~(a) All required documents and fees, as provided for in RCW 46.70.061 and WAC 308-66-140, with the exception of a leasehold agreement or evidence of real property ownership: Provided, That if a waiver is granted the licensee must provide evidence of leasehold or real property ownership to the department within thirty days of waiver approval.~~

~~(b) A written request for waiver, in the form of either a letter or a request completed on the department's prescribed form, which contains the following minimum information:~~

~~(i) Specific nature or type of activity the licensee intends to conduct,~~

~~(ii) Specific element(s) of the established place of business requirements requested to be waived,~~

~~(iii) Detailed statement which identifies the unique circumstances necessitating the request, and,~~

~~(iv) Any other information the department may require.~~

~~(3))~~ Upon receipt by the department of all the required information, the director or the director's designee will review the request for waiver of any established place of business requirement(s) and issue a final determination in writing.

~~((4))~~ (3) A waiver granted under section ~~((3))~~ (2) will remain in effect only as long as the unique circumstance(s) under which the waiver was originally granted have not changed or until the director ~~((ifts))~~ terminates the waiver ~~((for cause)).~~

AMENDATORY SECTION (Amending WSR 98-20-039, filed 9/30/98, effective 10/31/98)

WAC 308-66-152 Unlawful practices. (1) Examples of unlawful acts or practices, as defined by RCW 46.70.180 (1)(a), include, but are not limited to representations such as "no down payment," "a dollar down," "five dollars down," "take-over payments," "no cash out of your pocket," "no cash needed," and others of similar nature if either secondary financing or initial payment of any amount, including factory rebates in excess of that represented, is required from the purchaser. A dealer's plan to have all or a portion of the lease or selling price financed by a third party does not relieve the dealer of an obligation to refrain from this prohibited type of advertising. When any of these representations are made a payment disclosure shall be made as contained in subsection (6) of this section.

(2) Examples of unlawful acts or practices as defined by RCW 46.70.180 (1)(b), include, but are not limited to representations such as "one hundred percent financing" if the terms of the purchase or lease involve more than one security agreement and payments to more than one financing institution. When collateral in addition to the vehicle is required, it ~~((shall))~~ must be listed on the security agreement containing the vehicle's description, not on a separate agreement.

(3) It shall be considered false, deceptive or misleading, and thereby unlawful, to advertise with words, phrases, or initials which are not clear and conspicuous and easily comprehended by persons other than those closely allied with the vehicle industry.

(a) Clear and conspicuous within an advertisement shall mean:

(i) In the case of a television advertisement, the information required to be disclosed shall be completely disclosed audibly, visually, or a combination thereof.

(A) If made visually, shall be made in a type size sufficiently large to be read with reasonable ease; shall appear on the television screen for at least seven seconds; shall be in print type of a color or shade that contrasts readily with the background; shall not be obscured by other words or images appearing on the television screen; and

(B) If made audibly, shall be spoken with sufficient deliberateness, clarity, and volume so as to be understood by the average television listener; shall not be obscured by sounds which interfere with or distract from the disclosures being made.

(ii) In the case of a radio advertisement, the information required to be disclosed shall be spoken with sufficient deliberateness, clarity, and volume so as to be understood by the average radio listener; shall not be obscured by sounds which interfere with or distract from the disclosures being made.

(iii) In the case of a printed advertisement, the information required to be disclosed shall be made in a type size which shall be sufficiently large to be read with reasonable ease and shall be made in relatively close proximity to each of the terms which require that the disclosures be made; disclosures shall be made in such color and contrast so as not to be obscured by other words or pictures appearing in the advertisement.

(b) Examples of words, phrases, or initials which are not easily comprehended by persons other than those closely

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allied with the vehicle industry, and that may not be used without explaining their meaning in the same advertisement, include but are not limited to: Executive; capitalized cost reduction, o.a.c., c.f., f.o.b. The words annual percentage rate may be abbreviated to read A.P.R. or apr.

(4) Examples of false, deceptive or misleading, and thereby unlawful statements or representations within the meaning of RCW 46.70.180(1) include, but are not limited to:

(a) Advertising a used vehicle for sale that is not available at the time the advertisement is placed;

(b) Advertising a new vehicle as available for immediate delivery if it is available only on order;

(c) Advertising any offer in connection with the sale of a vehicle or model or type of vehicle without disclosing any material limitations, including, but not limited to, the time limit, or that there is no time limit on the offer;

(d) Advertising using a picture:

(i) Of a new vehicle which does not substantially show the same vehicle offered for sale; or

(ii) Of a used vehicle which is not the same vehicle offered for sale;

(e) Causing an advertisement to be placed by a dealer or dealer representative that does not identify the dealer by ((his/her)) its complete business name, or by the word "dealer" or abbreviation "DLR";

(f) Incorporating in the dealer's name any term or designation which would have a tendency to mislead others as to the true nature of the business, such as the use of "wholesale," when a dealer's business is substantially retail, or "discount" when the price and policy of a dealer does not provide substantial discounts;

(g) Advertising a ((not new)) vehicle manufactured ((less)) fewer than two years prior to the date of the advertisement without designating the vehicle as "used," "demo," or "demonstrator." For purposes of adequate disclosure, the appropriate quoted term must be employed. Other descriptive words, such as "executive," "lease," or "rental" may be used in conjunction therewith, but not so as to create ambiguity as to whether ((as said)) the vehicle is new, used, or a demonstrator.

(h) Advertising a "rebuilt vehicle" for sale with knowledge as defined in RCW 46.70.101 (1)(b)(xi) that the vehicle is rebuilt, without clearly and conspicuously disclosing "rebuilt" in the advertisement;

(i) Advertising a specific price for a specific vehicle or model or type of vehicle without designating the number of vehicles available at that price, and;

(i) Without clearly identifying the vehicles available by complete vehicle identification number, license plate number; or

(ii) Without clearly and conspicuously stating in the advertisement that such vehicle identification or license plate number for each advertised vehicle is available from the dealer upon request, and requiring that the dealer using this method of identifying vehicles keep the media advertising copy along with the vehicle identification number or license plate number of each advertised vehicle offered for a specific price. Such records shall be retained for one year following the advertisement. Dealers shall also date and post a written

copy of the advertisement text and list of vehicle identification numbers or license plate numbers in a conspicuous public area at their place of business for the duration of the vehicle's availability at the advertised price: Provided, however, That a dealer need not designate the number of vehicles available or identify the vehicles available or state in the advertisement that the identification of advertised vehicles is available upon request if, in fact, an unlimited supply of such vehicles are available for immediate delivery;

(j) Selling a particular vehicle at a higher price than advertised, regardless of trade-in allowance;

(k) Adding charges, costs, or items to the advertised price, except those allowed by statute, other than the selling price of additional equipment ordered by the purchaser, sales tax, and license fees. "Additional equipment ordered by the purchaser" shall not include options already installed on the vehicle at the time of advertising;

(l) Expressing "advertised price" as a combination of:

(i) Dollar figures and words unless all component figures and the total dollar figure is expressed; or

(ii) Dollar figures and dollar figures unless all component figures and the total dollar figure is expressed;

(m) Advertising that a new vehicle or model or type of vehicle will be leased or sold for a certain amount above or below invoice or cost without:

(i) Disclosing the actual dollar amount being referred to as "invoice";

(ii) Stating the final, total price for each vehicle, which may exclude sales taxes and license fees; and

(iii) Computing invoice as the actual cost to the dealer to get each vehicle from the manufacturer.

In computing "invoice" the dealer may include the actual cost of transportation of the vehicle from the manufacturer to the dealer, but must exclude dealer holdbacks, other manufacturer incentives, optional advertising fees, dealer overhead expenses, and other similar expenses;

(n) Advertising that a new or used vehicle is reduced in price from a former price, or that the advertised price is a percentage of dollar amount savings from a former price, or words to that effect, unless the seller actually recently advertised or has records showing that vehicle has been offered for sale at the former price;

(o) Advertising or offering:

(i) Any rebate that is not an authorized manufacturer's rebate paid directly to the consumer, which the consumer may apply to the purchase; and

(ii) Any manufacturer's rebate for which the manufacturer requires any financial participation by the dealer, without also clearly and conspicuously stating the following disclosure: "Dealer participation in this rebate program may increase vehicle price before rebate";

(p) Advertising that "any written price quote will be beaten," "any deal will be accepted," or that a dollar amount is guaranteed on any "push, pull or drag," trade-in, or words to that effect unless the dealer can clearly show through the records of the dealership that such is the case;

(q) Advertising a vehicle or model or type of vehicle as being available at "lowest cost," "best deal" or other words to that effect unless the dealer can clearly show through the records of the dealership that such is the case;

(r) Advertising an interest rate that is adjustable without clearly and conspicuously disclosing that the interest rate is adjustable;

(s) Advertising a vehicle or model or type of vehicle for sale at a financing rate which has been bought down by the dealer, without disclosing the actual annual percentage rate.

(5) No advertisement to aid, promote, or assist directly or indirectly any extension of credit may state:

(a) That a specific amount of credit or installment amount can be arranged unless the creditor usually and customarily arranges or will arrange credit amounts or installments for that period and in that amount; or

(b) That no down payment or that a specified down payment will be accepted in connection with any extension of credit unless the creditor usually and customarily accepts or will accept down payment in that amount.

(6) No advertisement to aid, promote, or assist directly or indirectly any credit sale of a vehicle shall state the amount or percentage of the down payment required, or that no down payment is required, the amount of any payment or the number of payments or the period of repayment, the amount of any finance charge or that there is no charge for credit, unless it states clearly and conspicuously all of the following ~~((items))~~ terms:

(a) The cash price or the amount of the loan as applicable;

(b) The amount or percentage of the down payment required, or that no down payment is required, as applicable;

(c) The number, amount, and frequency of payments scheduled to repay the indebtedness if the credit is extended;

(d) The amount of the finance charge expressed as an annual percentage rate;

(e) The deferred payment price or the sum of the payments as applicable;

(f) The specific model or type of vehicle(s) to which the advertised offer applies; and

(g) Any other conditions material to the advertised offer.

(7) Any advertisement to aid, promote, or assist directly or indirectly a consumer lease ~~((with option to purchase))~~ must state clearly that the advertisement offers a lease ~~((with option to purchase))~~ rather than a vehicle sale.

(8) No advertisement to aid, promote, or assist directly or indirectly any consumer lease of a vehicle shall state the amount of any monthly payment, or state a capitalized cost reduction or other payment required prior to or at consummation/delivery, unless it also states the following terms:

(a) That the transaction advertised is a lease;

(b) The total amount due prior to or at consummation/delivery;

(c) The number, amount, and due dates or period of scheduled payments under the lease;

(d) A statement of whether or not a security deposit is required; and

(e) A disclosure of the lessee's liability at the end of an open-end lease.

AMENDATORY SECTION (Amending WSR 98-20-039, filed 9/30/98, effective 10/31/98)

WAC 308-66-155 Consignment. (1) Contract. How must I handle a consignment transaction?

(a) It shall be considered an unlawful practice within the meaning of RCW 46.70.180(2) for a vehicle dealer to accept any vehicle on consignment without first reducing the terms of the consignment to writing.

(b) ~~((Minimum information required for))~~ All consignment contracts~~(-)~~ must include:

(i) The names of the parties to the contract including the identity of the legal owner of the consigned vehicle.

(ii) ~~((A statement by the consignor that))~~ The consignor's statement that guarantees to deliver the title to the dealer-consignee upon sale of the vehicle~~(-as well as a statement by the consignor indicating))~~ which identifies the location of the title and states the unpaid balance~~((of))~~ owing on the vehicle, if any.

(iii) The date of the consignment agreement.

(iv) The specific effective duration of the contract.

(v) The agreed upon ~~((price))~~ amount which will be paid to the consignor~~((will receive for his vehicle))~~.

(vi) The description of the consigned vehicle, by make, model, vehicle identification number, and license number.

(vii) The signatures of the parties to the contract.

(viii) If no ~~((price))~~ amount has been specified in (v) above, then the minimum retail price and the commission, fee, or compensation to which the ~~((vehicle))~~ dealer-consignee will be entitled upon the sale of the consigned vehicle.

(2) In the event the dealer-consignee and the consignor shall deem it appropriate to vary the terms of the written contract, the dealer-consignee shall obtain written authorization from the consignor prior to the sale of the subject vehicle.

(3) Requirements for selling consigned vehicles.

(a) All funds received, including deposits or payments in full or proceeds from the sale of trade-ins, ~~((shall))~~ must be placed in a trust account as required under RCW 46.70.180(9), and said funds ~~((shall))~~ must remain in~~((such))~~ that trust account until the consignor's and~~((the legal owner's))~~ any lienholder interests~~((,-if any,-))~~ have been fully satisfied ~~((as provided in the consignment agreement))~~. It shall be considered an unlawful practice for a vehicle dealer or salesperson to commingle funds received on a consigned vehicle with the assets of the dealer and/or the salesperson until all terms of the agreement have been completed.

(b) The amount due a consignor and any lienholder from the ~~((date of completion of))~~ sale of the consigned vehicle ~~((shall))~~ must be paid by the consignee ~~((immediately where title has been delivered to the purchaser, and in all cases shall be paid))~~ within ten days following delivery of the vehicle to the purchaser.

(c) ~~((The dealer shall give to the consignor a copy of the purchase order used to complete the sale))~~ At the same time payment is made pursuant to (b) of this subsection, the dealer must give to the consignor a copy of the purchase order used in the sale.

(4) Consignee's duty to transfer title.

(a) The sale of consigned vehicles imposes upon the consignee-dealer the same duty under RCW 46.70.122 ~~((to the consignee))~~ to promptly ~~((execute the assignment and war-~~

PROPOSED

~~ranty of title~~) transfer title into the name of the purchaser as in any other sale.

(b) Prior to accepting a vehicle for consignment and offering it for sale, it shall be the duty of the consignee to verify or confirm the title location. Failure to do so shall be considered an unlawful and deceptive practice under RCW 46.70.180((4))(2).

AMENDATORY SECTION (Amending WSR 98-20-039, filed 9/30/98, effective 10/31/98)

WAC 308-66-157 Listing. How do I handle a manufactured home listing?

(1) Dealer responsibilities.

(a) The listing dealer shall be responsible for negotiating the agreement between seller and purchaser as follows:

(b) All written offers shall be presented to the seller for acceptance or refusal. A copy of the agreement shall be delivered to the purchaser immediately following the purchaser's signing.

(c) A copy of the offer to purchase shall be delivered to the seller immediately following seller's signing and acceptance of purchaser's offer.

(d) A copy of the agreement to purchase bearing the signature of the seller(s) shall be delivered to the purchaser as proof that the purchaser's offer was accepted.

(e) A legible copy of the agreement to purchase shall be retained in the listing dealer's files.

(f) A copy of the agreement between purchaser and dealer to disburse any funds from the trust account to pay liens against the used mobile/manufactured home shall be retained in the dealer's files.

(2) At the time the sale is closed, the listing dealer may pay outstanding liens out of the trust account prior to paying the sale proceeds to the seller.

(3) The sale of listed vehicles imposes upon the listing dealer the same duty under RCW 46.70.122 to promptly transfer title into the name of the retail purchaser, as in any other sale.

AMENDATORY SECTION (Amending WSR 98-20-039, filed 9/30/98, effective 10/31/98)

WAC 308-66-160 Dealer's and manufacturer's license plates. (1) When dealer's plates are used on any vehicle being demonstrated to a prospective customer, it is not necessary that the dealer or a member of his firm accompany the prospective customer except as provided in RCW 46.70.090 (7)(c). Prospective customers, when not accompanied by a dealer or member of his firm, ~~((shall))~~ must be issued a demonstration permit by the dealer authorizing them to operate the vehicle for a period not to exceed seventy-two hours for the purpose of demonstration and possible purchase.

(2) When a dealer receives a vehicle bearing foreign license plates, such plates ~~((shall))~~ must be covered by the dealer's plates while that vehicle is being demonstrated. Upon the sale of the vehicle, the foreign plates shall be removed and destroyed by the dealer prior to the delivery of the vehicle. When ~~((a))~~ foreign-plated vehicles ~~((is))~~ are sold to ~~((a))~~ residents of ~~((the))~~ a state whose plate is so displayed on the

vehicle and the purchaser returns the vehicle immediately to his home state for use there and not in Washington, the dealer may deliver the vehicle with foreign plates attached if either one of two conditions is also met. The conditions are:

(a) The purchaser must ~~((have applied))~~ sign a nonresident affidavit to ((his)) apply to their home state's vehicle licensing authority to register the vehicle in ((his)) their own name, or

(b) The purchaser must have obtained a trip permit to move the vehicle from the dealer's place of business to ~~((his))~~ the purchaser's own state.

(3) A dealer, corporate officer, member of a limited liability company; or spouse of the dealer, corporate officer, or member of a limited liability company; or an employee of a dealer ((shall)) must carry ((an employee)) a vehicle dealer identification card when operating any vehicle bearing dealer((s)) plates.

(4) Dealer((s)) plates may not be used on any vehicle belonging to a member of the dealer's family.

(5) Dealer((s)) plates may not be used on any vehicle owned by the dealer if such vehicle is used exclusively by members of the dealer's family.

(6) Vehicles bearing dealer's plates may not be loaned to the dealer's service customers.

(7) Dealers are required to provide accurate records reflecting the use of dealer plates.

(8) Pursuant to RCW 46.70.090, testing vehicles for repair is limited to testing for a preexisting, identifiable problem known to the vehicle dealer or manufacturer before the testing is to begin.

AMENDATORY SECTION (Amending WSR 91-20-057, filed 9/24/91, effective 10/25/91)

WAC 308-66-165 Vehicle sales transactions. ~~((Vehicle sales transactions reported to the department as required by RCW 46.70.083 shall be determined by reporting the number of vehicles sold in each license classification held by the dealer during the twelve-month period ending sixty days prior to the expiration of the license.))~~ How do I report vehicle sales for purposes of renewing my dealer license? To report sales for purposes of license renewal as required by RCW 46.70.083, the dealer will report the number of vehicles leased and sold at both retail and wholesale during the twelve-month period ending sixty days prior to the expiration of the license, for each license classification held by the dealer.

AMENDATORY SECTION (Amending WSR 96-24-041, filed 11/27/96, effective 12/28/96)

WAC 308-66-175 Buyer's agent—Standard disclosures. Must a buyer's agent disclose their activities? The written agreement between a buyer's agent and its customer shall contain precisely the following disclosure language in a single paragraph on the first page of the agreement, in a type size sufficiently large to be read with reasonable ease:

NOTICE to customers concerning the nature and scope of BUYER'S AGENT activity. A licensed bonded vehicle dealer

may act as a buyer's agent to arrange for you to purchase a new vehicle.

1. Your agreement with the buyer's agent must:

- Be in writing.
- Set forth the terms of the agreement.
- Disclose total fees or other compensation to be received from you.
- State whether or not any portion of the fee is refundable.

2. While arranging for you to purchase your new vehicle the buyer's agent must NOT:

- Receive or pay any vehicle purchase moneys.
- Sign any vehicle purchase order, contract, odometer statement or title document.
- Have the name of the buyer's agent appear on the purchase order, sales contract or title.
- Sign any other document relating to the purchase, sale or transfer of the new vehicle.
- Use a power of attorney (POA) to do any of the above prohibited acts. However, the buyer's agent may use a POA to deliver the license plates to the customer.

3. The buyer's agent must NOT:

- Pay to or receive from a dealer any purchase moneys, fees, gratuities or rewards.
- Claim or state that the buyer's agent offers, obtains or guarantees the lowest price.
- Arrange for a new vehicle through an out-of-state dealer without disclosing to the customer in writing that the vehicle will not have Washington state lemon law coverage.

AMENDATORY SECTION (Amending WSR 96-19-025, filed 9/9/96, effective 10/10/96)

WAC 308-66-180 Record of transactions. (1) The record of the purchase and sale of a vehicle(s) maintained by a dealer ~~((shall, where applicable,))~~ must include, but not be limited to:

(a) A description of the vehicle, which shall include those items of description required on the Washington application for title, and in the case of a retail sale requiring a title transfer, a copy of the computer-generated title application processed by a license agent showing fees paid to the state;

(b) The Washington license plate number assigned to the vehicle upon transfer;

(c) The required odometer statement disclosure form which shall conform to 49 Code of Federal Regulations, part 580, and in WAC 308-56A-640 or if a licensed vehicle dealer auction company conducting wholesale consignment sales, the odometer disclosure record for such sales as required in 49 Code of Federal Regulations, part 580.9 and in WAC 308-56A-670;

(d) ~~((The))~~ All purchase orders ~~((shall))~~ must be dated and include the business name of the dealer and a description of any trade-in vehicle by year, make and vehicle identification number.

(2) ~~((The))~~ A record of the purchase and sale of (the) a vehicle ~~((shall))~~ must be maintained on all transactions, whether at retail or wholesale; and must be available for inspection and copying by representatives of the department of licensing during normal business hours.

(3) Any such records kept electronically must be made available in hard copy upon request of a representative of the department of licensing.

AMENDATORY SECTION (Amending WSR 99-02-049, filed 1/5/99, effective 2/5/99)

WAC 308-66-190 Transfer of certificate of title by dealer. How is the transfer to be done? (1) When a vehicle displaying current Washington plates is sold, leased or otherwise disposed of by a dealer, the dealer ~~((shall))~~ must make an application for a certificate of title in the purchaser's or lessee's name within forty-five calendar days commencing with the sale, lease or disposal of the vehicle. The date on which the selling dealer physically delivers the vehicle to the customer/purchaser ~~((shall))~~ lessee must commence the forty-five day interval in which the selling or leasing dealer must make an application for a certificate of title in the purchaser's or lessee's name. Under the following conditions a dealer may be granted an additional interval, not to exceed forty-five days in which to apply for title in the customer's name:

(a) The lien holder fails to deliver the vehicle title to the dealer within the ~~((required))~~ time period for title transfer; and

(b) The dealer has satisfied the lien; and

(c) The dealer has proof that payment of the lien was made within two calendar days, exclusive of Saturday, Sunday, or a legal holiday after the sales contract has been executed by all parties and all conditions and contingencies in the sales contract have been met or otherwise satisfied; or

(d) The director may excuse any situations in which applications are delayed for reasons beyond the control of the dealer.

(2) The dealer ~~((shall))~~ must in every case sign or type ~~((his/her))~~ their name on the dealer's report of sale on the title application accompanying the transfer. If an authorized agent signs for the dealer, ~~((he/she shall))~~ they must give ~~((his/her))~~ their title.

(3) The dealer shall provide a vehicle odometer disclosure statement with the title application as required by RCW 46.12.124.

AMENDATORY SECTION (Amending WSR 98-20-039, filed 9/30/98, effective 10/31/98)

WAC 308-66-195 Possession of certificates of ownership. How do I possess such documents? (1) A vehicle dealer must have possession of a separate certificate of ownership for each used vehicle kept in the dealer's inventory unless the certificate of ownership is in the possession of the person holding a security interest in the dealer's inventory ~~((; a vehicle dealer shall have possession of a separate certificate of ownership of either the following ownership documents))~~. Possession is accomplished by the dealer obtaining either:

(a) A separate certificate of ownership in the name of the dealer, or the dealer's immediate vendor, properly assigned; or

(b) Evidence that the dealer owns the vehicle, such as a bill of sale or purchase order, ~~((and)) together with~~ evidence that the dealer has satisfied or paid off any ~~((legal owner))~~ lienholder on the vehicle.

(2) If there is a ~~((legal owner))~~ lienholder on any vehicle acquired by the dealer, the dealer ~~((shall))~~ must obtain possession of the title by paying off any balance due to the ~~((legal owner))~~ lienholder no later than the close of the second business day following the date of acquisition of the vehicle by the dealer. For purposes of this section, if a dealer takes possession of a vehicle as a trade-in, a dealer acquires ((a)) that trade-in vehicle when the dealer takes possession of the vehicle ((and an authorized representative of the dealer unconditionally accepts the written offer to purchase and financing has been approved)) and unconditionally sells another vehicle for which the trade-in vehicle is part of the price in accordance with RCW 46.70.180(4).

AMENDATORY SECTION (Amending WSR 96-19-025, filed 9/9/96, effective 10/10/96)

WAC 308-66-200 ((Transfer)) Assignment of vehicle to another dealer. How is the assignment to be done? When a dealer sells a vehicle to a second dealer, the first dealer ~~((shall fill out an))~~ must complete and sign the assignment, either on the secure title, on an odometer extension form or on an equivalent document if the vehicle is exempt from requiring an odometer disclosure. The retailing dealer shall complete the dealer's report of sale ~~((on the application accompanying the transfer of title))~~ when applying for certificate of ownership into the name of the purchaser.

AMENDATORY SECTION (Amending WSR 98-20-039, filed 9/30/98, effective 10/31/98)

WAC 308-66-210 Statement of change in business structure, ownership interest or control. When do I report such a change? (1) Any person ~~((, firm, association, corporation, entity or trust))~~ licensed as a dealer under chapter 46.70 RCW ((46.70.021)) must, within ten days following any change in its business structure ~~((or a ten percent change in its ownership structure)),~~ file a ~~((statement describing with particularity the change effected in its business structure or the change in ownership interest))~~ new application and pay original licensing fees under the new entity. In addition, ~~((persons newly assuming executive or control functions;))~~ any new principals including, but not limited to, new corporate officers, directors, ((ten percent stockholders;)) managing partners, members or trustees, must ~~((file)),~~ within ten days of assuming such function, file an application ((and a)) including fingerprint cards and legal and financial history ((including corporation number if a corporation)).

(2) Any person ~~((, member, firm, association, corporation, entity or trust))~~ licensed as a vehicle manufacturer pursuant to chapter 46.70 RCW ~~((shall advise))~~ must inform the department in writing within ten days of the change ~~((and/or addition))~~ to:

(a) The business structure of the licensee company and must file a new application and pay original licensing fees under the new entity;

(b) The mailing address of ~~((a))~~ the licensee;

(c) The name and address of employees or agents designated pursuant to RCW 46.70.041 and 46.70.101 to provide service or repairs to vehicles located within the state of Washington. However, if the licensee requires warranty service to be performed by all of its dealers pursuant to current service agreements on file with the department, it need not advise the department of changes in ((its lists of dealers)) such employees or agents.

(3) Any and all changes affecting the applicability of a surety bond ((, if posted;)) shall be reflected by appropriate endorsement to such bond.

AMENDATORY SECTION (Amending WSR 98-20-039, filed 9/30/98, effective 10/31/98)

WAC 308-66-211 Termination of business. What if I terminate the business? A dealer or a manufacturer who terminates the business shall return the license and special license plates to the department, for cancellation, within ten business days of such termination.

AMENDATORY SECTION (Amending WSR 98-20-039, filed 9/30/98, effective 10/31/98)

WAC 308-66-212 Sale, transfer or other disposition of noncorporate licensee. When does such a transfer require a new license? Upon the sale, transfer or other disposition of fifty-one percent ownership interest in a noncorporate licensee, a new application for the appropriate license is required and the fee will be the same as for an original application.

The special license plates issued to the original licensee(s) may be assigned to the new license upon request.

AMENDATORY SECTION (Amending WSR 98-20-039, filed 9/30/98, effective 10/31/98)

WAC 308-66-214 Incorporation of licensee while licensed. What if I incorporate while licensed? A licensee which incorporates or forms a limited liability company while licensed shall file a new application for the appropriate license and the fee will be the same as for an original application.

The special license plates issued to the original licensee(s) may be assigned to the new licensee upon request.

AMENDATORY SECTION (Amending Order 70-08-04, filed 8/6/70)

WAC 308-66-220 Display of vehicles by combination wrecker-dealer. A dealer who is also an auto wrecker shall keep vehicles held for resale physically separated from vehicles which have been or are to be dismantled for parts. Vehicles not in running condition ~~((will be considered as part of the wrecking operation and))~~ are to be stored within the segregated area of the fenced wrecking area per WAC 308-63-070(8).

AMENDATORY SECTION (Amending Order DLR 115, filed 12/9/86)

WAC 308-66-225 Remanufactured vehicles in whole or in part. What is the nature of remanufacturing? (1) If the remanufacturing process of the vehicle will involve the removal, destruction, or concealment of any identification number, the parts shall be inspected by an authorized member of the Washington state patrol prior to the removal, destruction, or concealment of the number.

(2) At no time shall a vehicle that falls within the purview of WAC 308-56A-455 (assembled or homemade) or 308-56A-460 (total loss rebuilt) be considered remanufactured by a manufacturer.

AMENDATORY SECTION (Amending WSR 98-20-039, filed 9/30/98, effective 10/31/98)

WAC 308-66-227 Disclosure of title brands. ((The disclosure of)) How must I disclose title brands when I sell a vehicle at retail or wholesale? Any title brand required in RCW 46.70.101 (1)(b)(xi) ((shall)) must be clearly ((made)) disclosed on the face of the purchase order.

NEW SECTION

WAC 308-66-250 Internet business. Is a license required for an internet business? The department will require a Washington state dealer license for an internet business that has no physical presence in this state if that business:

- (1) Brings together a Washington state customer with a licensed Washington state dealer; and
- (2) Receives compensation from the customer or the dealer resulting from the actual sale or lease of a vehicle; or
- (3) In any event acts as a vehicle dealer as defined in existing Washington state statutes and rules.

NEW SECTION

WAC 308-66-260 Dealer license plates—Waiver procedure. How do I request more than my allotted number of dealer license plates? (1) A licensed vehicle dealer may request a waiver of the three dealer license plates or six percent or sales formula in RCW 46.70.090(2).

The request:

- (a) Must be in writing; and
- (b) Must explain why the statutory formula does not satisfy the business needs of the dealer; and
- (c) Must indicate how many vehicles were sold by the dealer in the past twelve months; and
- (d) Must project how many vehicles are expected to be sold in the next twelve months; and
- (e) Must state how many additional dealer license plates are desired as essential for the continued operation of the dealer's business.

(2) Upon receipt of a request for a waiver, the director or the director's designee will review the request and issue a final determination in writing.

(3) A waiver granted under subsection (2) of this section will remain in effect only as long as the circumstance(s)

under which the waiver was originally granted have not changed or until the director terminates the waiver.

WSR 04-12-086

PROPOSED RULES

PERSONNEL RESOURCES BOARD

[Filed June 2, 2004, 10:47 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 357-04-065 What are the duties of the board?

Purpose: This rule describes the duties of the Washington Personnel Resources Board.

Statutory Authority for Adoption: Chapter 41.06 RCW. Statute Being Implemented: RCW 41.06.150.

Summary: The proposed rule specifies that the board has three members who are appointed by the governor and confirmed by the senate as provided in RCW 41.06.110. This rule describes the duties of the board.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule describes the makeup and duties of the Washington Personnel Resources Board.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on July 8, 2004, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by July 2, 2004, TDD (360) 753-4107 or (360) 586-8260.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, FOR DOP TRACKING PURPOSES PLEASE NOTE ON SUBMITTED COMMENTS "FORMAL COMMENT," fax (360) 586-4694, by July 2, 2004.

Date of Intended Adoption: July 8, 2004.

June 2, 2004

E. C. Matt

Secretary

NEW SECTION

WAC 357-04-065 What are the duties of the board? The board is composed of three members appointed by the governor and confirmed by the senate as provided in RCW 41.06.110.

(1) The board must annually elect a chair and vice chair from among its members to serve one year.

(2) The board must conduct business in accordance with RCW 41.06.120.

(3) The board is responsible for:

(a) Adopting rules that establish goals for the classification plan, define criteria for exemption from the civil service rules, establish procedures for employee appeals, and establish a training requirement for employees appointed to a supervisory or management position.

(b) Hearing and determining employee appeals in accordance with chapter 357-52 WAC.

(c) Prioritizing and adopting class studies and salary adjustments under the provisions of RCW 41.06.152(2).

WSR 04-12-087

PROPOSED RULES

PERSONNEL RESOURCES BOARD

[Filed June 2, 2004, 10:49 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 357-34-055 Are employees appointed to a supervisory or management position required to complete any special supervisory or managerial training?, 357-34-070 When must employees appointed to supervisory or management positions be enrolled in the required training?, 357-34-075 Under what circumstances may the employer waive the requirement for an employee to complete supervisory or managerial training?, 357-34-080 What are an employer's obligations if it waives the required supervisory or managerial training?, and 357-34-085 Who is responsible for designating positions as supervisor or management positions for the purpose of identifying which positions are covered by the training requirement?

Purpose: These rules pertain to the supervisory or management training for classified state employees.

Statutory Authority for Adoption: Chapter 41.06 RCW.
Statute Being Implemented: RCW 41.06.150.

Summary: The proposed rules specify the training requirement for employees appointed to supervisory and managerial positions in accordance with RCW 41.06.420.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules pertain to supervisory or management training for classified state employees. These rules address training requirements for supervisors and managers.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on July 8, 2004, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by July 2, 2004, TDD (360) 753-4107 or (360) 586-8260.

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Date of Intended Adoption: July 8, 2004.

June 2, 2004

E. C. Matt
Secretary

NEW SECTION

WAC 357-34-055 Are employees appointed to a supervisory or management position required to complete any special supervisory or managerial training? Employers must require employees appointed to a supervisory or management position to successfully complete entry-level supervisory or managerial training. (See WAC 357-34-075 for exceptions to this requirement).

NEW SECTION

WAC 357-34-070 When must employees appointed to supervisory or management positions be enrolled in the required training? Employees appointed to a supervisory or management position must be enrolled in the required training within six (6) months of the date of their appointment, or if a program is not available, as soon as possible after it becomes available. When training opportunities are available, the employer may suspend the entry-level training requirement for up to a maximum of an additional six (6) months in cases where the ability of the employer to perform its responsibilities would be adversely affected by the absence of the employee from the work site.

NEW SECTION

WAC 357-34-075 Under what circumstances may the employer waive the requirement for an employee to complete supervisory or managerial training? The employer may waive the requirement for entry-level supervisory or managerial training in cases where:

(1) The employee has occupied a designated supervisory or management position for at least one year before the present appointment and has demonstrated experience and competence as a substitute for training; or

(2) The employee can demonstrate that before this appointment the employee completed training that satisfies the requirements of WAC 357-34-060 and WAC 357-34-065.

NEW SECTION

WAC 357-34-080 What are an employer's obligations if it waives the required supervisory or managerial training? If an employer waives the entry-level supervisory

or management training required for an employee, the employer must advise the employee in writing of the waiver to this training. The record of such waiver must be placed in the employee's personnel file and must be reported following procedures outlined by the department.

NEW SECTION

WAC 357-34-085 Who is responsible for designating positions as supervisor or management positions for the purpose of identifying which positions are covered by the training requirement? For purposes of WAC 357-34-055, each employer must designate individual positions, or groups of positions, as being supervisor or management positions. The employer's designations are subject to review by the director.

WSR 04-12-088

PROPOSED RULES

PERSONNEL RESOURCES BOARD

[Filed June 2, 2004, 10:50 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 357-04-035 Who defines exempt status for student, part-time, or temporary employees and part-time professional consultants for higher education employers?, 357-04-040 Which student employees of higher education employers are exempt from civil service rules?, 357-04-045 Which part-time or temporary employees of higher education employers are exempt from civil service rules?, 357-04-050 Which part-time professional consultants of higher education employers are exempt from civil service rules?, and 357-04-055 Who defines exempt status for student, part-time, or temporary employees; part-time professional consultants; and inmates for general government employers and what types of positions are exempt?

Purpose: These rules establish the exemption criteria for student, part-time or temporary employees, part-time professional consultants and inmates.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

Summary: Under RCW 41.06.070 the board has the authority to define the exemption criteria for student, part-time or temporary employees, part-time professional consultants and inmates. The proposed rules list the definitions of this criteria.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules establish the exemption criteria for stu-

dent, part-time or temporary employees, part-time professional consultants and inmates.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on July 8, 2004, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by July 2, 2004, TDD (360) 753-4107 or (360) 586-8260.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, FOR DOP TRACKING PURPOSES PLEASE NOTE ON SUBMITTED COMMENTS "FORMAL COMMENT," fax (360) 586-4694, by July 2, 2004.

Date of Intended Adoption: July 8, 2004.

June 2, 2004

E. C. Matt

Secretary

NEW SECTION

WAC 357-04-035 Who defines exempt status for student, part-time, or temporary employees and part-time professional consultants for higher education employers? In accordance with RCW 41.06.070, the board defines exemptions for student, part-time or temporary employees and part-time professional consultants. Higher education employers must use the definitions in WAC 357-04-040 through 357-04-050 as the criteria for identifying positions that are exempt from civil services rules.

NEW SECTION

WAC 357-04-040 Which student employees of higher education employers are exempt from civil service rules?

(1) Students who are participating in a documented and approved internship program which consists of an academic component and work experience are exempt.

(2) Students who are employed through the state or federal work/study programs are exempt.

(3) Students are exempt if they are employed by the institution at which they are enrolled (or by a related board) and meet any one of the following conditions:

(a) The student works five hundred sixteen hours or less (516 or less) in any six consecutive months. Hours worked in a temporary position(s) during the summer and other breaks in the academic year are not counted in the five hundred sixteen (516) hours. The position is exempt only if the student does not take the place of a classified employee who was laid off due to lack of funds or lack of work; and the student does not fill a position that is currently or was formerly occupied by a classified employee during the current or prior calendar or fiscal year, whichever is longer.

(b) The student is employed in a position directly related to their major field of study to provide a training opportunity; or

(c) The student is elected or appointed to a student body office or student organization position such as student officers or student news staff members.

NEW SECTION

WAC 357-04-045 Which part-time or temporary employees of higher education employers are exempt from civil service rules? Persons employed to work one thousand fifty hours or less (1050 hours or less) in any twelve consecutive month period from the original date of hire or October 1, 1989, whichever is later, are exempt from civil service rules.

Employees who are either exempt under this subsection or exceptions authorized under WAC 357-xx-xxx (Higher Education Temporary Appointment), and who work more than three hundred fifty (350) hours in any twelve consecutive month period from the original date of hire or January 1, 2004, whichever is later, may be included in an appropriate bargaining unit for purposes of collective bargaining, as determined by the public employment relations commission. Overtime and time worked as a student employee under the provisions of WAC 357-04-055 are not counted in the three hundred fifty (350) hours.

Temporary appointment under the provisions of this section may be subject to remedial action in accordance with WAC 357-xx-xxx (Remedial Action - Higher Education Temporary Appointments), if the number of hours worked exceeds one thousand fifty hours (1050 hours) in any twelve (12) consecutive month period from the original date of hire or October 1, 1989, whichever is later. Overtime and time worked as a student employee under the provisions of WAC 357-04-040 are not counted in the one thousand fifty (1050) hours.

NEW SECTION

WAC 357-04-050 Which part-time professional consultants of higher education employers are exempt from civil service rules? Part-time professional consultants who are retained by a higher education employer on an independent part-time or temporary basis such as physicians, architects, or other professional consultants employed through an independent contractual relationship for advisory purposes and who do not perform administrative or supervisory duties are exempt from civil service rules.

NEW SECTION

WAC 357-04-055 Who defines exempt status for student, part-time, or temporary employees; part-time professional consultants; and inmates for general government employers and what types of positions are exempt? In accordance with RCW 41.06.070, the board defines exemptions for student, part-time or temporary employees; part-time professional consultants; and inmates. The following types of general government employees are exempt from civil service rules:

- (1) Part-time local health officers;

- (2) Persons employed on a part-time, or temporary basis for medical, nursing or other professional service and who are not engaged in the performance of administrative duties;

- (3) Part-time or temporary employees who are enrolled as full-time students in recognized educational institutions and whose employment is largely to provide a training opportunity, and all temporary employees not in federal grant-in-aid programs;

- (4) Patient and resident help in general government residential and correctional facilities; and

- (5) Skilled and unskilled labor employed temporarily on force account; construction and maintenance projects; or employed on temporary seasonal single phases of agricultural production or harvesting; or as determined by the director to be equivalent.

**WSR 04-12-099
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Aging and Disability Services)

[Filed June 2, 2004, 11:11 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-02-009.

Title of Rule: Residential habilitation center (RHC) ICF/MR program, chapters 388-835 and 388-837 WAC.

Purpose: To implement the 2003-2005 state operating budget bill (Section 205, chapter 25, Laws of 2003 1st sp.s.) in which the state legislature provided funds for RHC (residential habilitation centers) consolidation and downsizing of Fircrest School. In the budget detail documents, the legislature stated its intent that: "The department shall consolidate vacancies across all residential habilitation centers in order to downsize Fircrest School." To accomplish the consolidation and downsizing the department is adding new and amending WAC to clarify the difference between community intermediate care facilities for the mentally retarded (ICF/MR) rules and state operated ICF/MR (RHC) rules and to amend rules clarifying under what circumstances an individual may be transferred between state operated facilities; and to provide residents a mechanism for an informal administrative review.

Other Identifying Information: Temporary emergency rules on this subject have been filed as WSR 04-02-010 and 04-10-016. The proposed rules, when adopted as permanent rules and effective, will replace the emergency rules.

Statutory Authority for Adoption: Chapter 71A.20 RCW; RCW 71A.20.140 and 71A.12.080.

Statute Being Implemented: Chapter 71A.20 RCW, RCW 71A.20.140, 71A.12.080, section 205, chapter 25, Laws of 2003 1st sp.s.

Summary: The department determined that the process of downsizing of Fircrest School needed to begin immediately in order for the department to remain within its budget allocation. As such emergency rules were adopted to assure the safety and welfare of the residents of Fircrest School as the department established procedures for transfer of resi-

dents from Fircrest to other state operated facilities or care settings.

Reasons Supporting Proposal: The department is required to implement the legislatively passed budget and to stay within the parameters set in the budget. The department has had the authority to move residents of RHCs between RHCs. This action clarifies the department's authority to do this by separating the rules applying to community ICF/MRs and state operated ICF/MRs (RHCs).

Name of Agency Personnel Responsible for Drafting: Jeannie Johnson, OB-2, P.O. Box 45310, Olympia, WA 98504-5310, (360) 902-7562; **Implementation:** Linda Johnson, OB-2, P.O. Box 45310, Olympia, WA 98504-5310, (360) 902-0200; and **Enforcement:** Linda Rolfe, OB-2, P.O. Box 45310, Olympia, WA 98504-5310, (360) 902-8484.

Name of Proponent: Department of Social and Health Services, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The new WAC separates and makes distinct the community ICF/MR and state operated ICF/MR (RHC) programs. It sets forth and clarifies the state's authority to transfer residents of one RHC to another RHC; clarifies that when a resident moves to the community from an RHC they have a right to a hearing or an informal administrative review when a transfer between RHCs occurs. There is not a new effect to the implementation of these rules. There is a clarification to rules already in place and clarification to the authority the department already has regarding transfer of residents between state operated (RHCs) facilities. It does not change the rights of appeal when a resident of an RHC is moved to a community residential placement.

Proposal Changes the Following Existing Rules: See Purpose, Summary, and Reasons Supporting Proposal above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule does not impact small businesses.

RCW 34.05.328 does not apply to this rule adoption. The proposed rules are procedural rules under RCW 34.05.-328 (5)(c)(i), and do not meet the definition of a "significant legislative rule." The rules clarify existing hearing rights, and adopt procedures to request an informal administrative review, available to a resident of a department operated residential habilitation center or the resident's legal representative when a resident is transferred between RHCs.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on July 6, 2004, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by July 1, 2004, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaax@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, mail to P.O. Box 45850, Olympia, WA 98504-5850, deliver to 4500 10th Avenue S.E., Lacey, WA, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., July 6, 2004.

Date of Intended Adoption: Not earlier than July 7, 2004.

May 28, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

Chapter 388-837 WAC

RESIDENTIAL HABILITATION CENTER (RHC) ICF/MR PROGRAM

NEW SECTION

WAC 388-837-9005 What is the purpose of this chapter? (1) The purpose of this chapter is to establish rules authorized by Title 71A RCW for RHC ICF/MR programs, rules that:

(a) Regulate the purchase and provision of services in state operated intermediate care facility for the mentally retarded (ICF/MR); and

(b) Assure adequate ICF/MR care, service, and protection are provided through certification procedures; and

(c) Establish standards for providing habilitative training, health-related care, supervision, and residential services to eligible persons.

(2) Except where specifically referenced, this chapter supersedes and replaces any and all sections affecting ICF/MR facilities or programs contained in chapter 388-96 WAC.

(3) Except as referenced, definitions in WAC 388-835-0010 apply to this chapter.

NEW SECTION

WAC 388-837-9015 What does a transfer from one RHC to another RHC mean? A transfer means the discharge of a resident from the current RHC in which the resident resides and the admission of that resident to another RHC.

NEW SECTION

WAC 388-837-9020 Do residents have a right to a hearing when transferring from a residential habilitation center (RHC) to another RHC? Notwithstanding hearing rights set forth in WAC 388-825-120 (1)(d), there is no right to an adjudicative proceeding for a resident when the department concludes that the facility where the resident resides cannot provide services due to:

(1) Decertification of the RHC;

(2) Revocation of the RHC's certification; or

(3) An emergency suspension of the RHC's certification;

(4) Partial closure of the RHC; or

(5) Closure of the RHC.

NEW SECTION

WAC 388-837-9030 What rights are available to a resident regarding a proposed transfer from one RHC to another RHC? (1) A resident, their guardian, next-of-kin, or

responsible party must be notified in writing at least thirty days before any transfer occurs.

(2) The transfer notice must include the reason for the proposed transfer.

(3) A resident, their guardian, next of kin, or responsible party has a right to an informal administrative review before the division director or designee.

NEW SECTION

WAC 388-837-9040 What rights are available to a resident regarding a proposed transfer from an RHC to the community, per RCW 71A.20.080? (1) A resident, or the resident's authorized representative has a right to a hearing regarding the proposed transfer from an RHC to the community, per RCW 71A.20.080 and under chapter 34.05 RCW and chapter 388-02 WAC. DSHS must send a hearing request form with the notice of transfer.

(2) If the resident requests a hearing within the thirty-day time period, DSHS may not transfer the resident until a hearing decision is reached or appeal rights have been exhausted unless the transfer is warranted by the resident's health or safety needs or the welfare of the other residents.

(3) If the secretary or the secretary's designee concludes that the transfer is not appropriate, no further action is to be taken to transfer unless there is a change in the situation or circumstances surrounding the transfer request. If there is a change in the situation or circumstances, the request may be resubmitted.

(4) If the secretary or the secretary's designee affirms the decision to transfer the resident and no petition for judicial review is filed within thirty days, DSHS may proceed with the planned action.

(5) If the secretary or secretary's designee affirms the decision to transfer the resident and a petition for judicial review has been filed, any proposed transfer must be delayed until the appeal process is complete unless a delay jeopardizes the resident's health or safety or the welfare of other residents, or as otherwise provided in RCW 71A.20.080.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0085 Why is an individual transferred or discharged? An individual admitted to a facility can be transferred or discharged only for:

- (1) Medical reasons;
- (2) A change in the individual's habilitation needs;
- (3) The individual's welfare;
- (4) The welfare of other residents; ((~~or~~))
- (5) At the request of the resident or legal guardian;
- (6) Partial closure of the facility; or
- (7) Closure of the facility.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0090 What is the basis of the decision to transfer or discharge an individual? The decision to transfer or discharge an individual must be based on:

(1) An assessment of the resident in consultation with the service provider and the parent or guardian; and

- (2) A review of the relevant records; or
- (3) Partial closure of the facility; or
- (4) Closure of the facility.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0100 Why would an individual move? An individual may move if:

- (1) The services provided to an individual do not meet their needs;
- (2) A facility's ICF/MR certification or license is revoked or suspended;
- (3) Medical reasons dictate relocation;
- (4) A resident's welfare would be improved;
- (5) The welfare of the other residents would be enhanced;
- (6) There is no payment for services provided to the resident during their stay at the facility; ((~~or~~))
- (7) The resident and/or guardian make a formal request;
- (8) The facility is partially closing; or
- (9) The facility is closing.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0115 Can a facility request that an individual be transferred? Facilities can request that a resident be transferred for the following reasons:

- (1) Medical reasons;
- (2) A change in the individual's habilitation needs;
- (3) The individual's welfare;
- (4) The welfare of the other residents; ((~~or~~))
- (5) Nonpayment for services provided to the resident during the resident's stay at the facility;
- (6) The facility is partially closing; or
- (7) The facility is closing.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0140 Do residents always have a right to a hearing? Advance notice and planning does not include a right to a hearing for a resident when the department concludes that the facility where the resident resides cannot provide Title XIX services due to:

- (1) Termination of the facility's contract;
- (2) Decertification of the facility;
- (3) Nonrenewal of the facility's contract;
- (4) Revocation of the facility's license; ((~~or~~))
- (5) An emergency suspension of the facility's license;
- (6) Partial closure of the facility; or
- (7) Closure of the facility.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-835-0135 What are DSHS responsibilities when it decides to transfer a resident?

WSR 04-12-100
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Disability Services Administration)

[Filed June 2, 2004, 11:12 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-08-071.

Title of Rule: Chapter 388-825 WAC, Division of Developmental Disabilities Services rules.

Purpose: The purpose of these rules is to clarify existing notification procedures currently in WAC 388-825-100. See Proposal Changes Existing Rules below for a list of new and amended rules in this proposal.

Statutory Authority for Adoption: RCW 71A.12.030, 71A.10.020.

Statute Being Implemented: RCW 71A.16.040.

Summary: WAC 388-825-100 is revised and broken out into additional new subsections for clarify and to limit the entities required to receive notification.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Steve Brink, Division of Developmental Disabilities, P.O. Box 5310, Olympia, WA 98504-5310, (360) 902-7716, brinksc@dshs.wa.gov.

Name of Proponent: Department of Social and Health Services, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose and Summary above.

Proposal Changes the Following Existing Rules: WAC 388-825-100 is amended and broken out into the following new sections for clarity:

- WAC 388-825-100 states how an individual will be notified of a department decision.
- New WAC 388-825-101 states the reasons that the department may need to send notice [to] a third party.
- New WAC 388-825-102 states what action the individual make take to limit notices to a third party.
- New WAC 388-825-103 states when a notice will be sent.
- New WAC 388-825-104 states what information will be included on the notice.
- New WAC 388-825-105 states when advance notice will be given.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business eco-

omic impact statement is not required because these rules do not impact small businesses as described in RCW 19.85.020.

RCW 34.05.328 does not apply to this rule adoption. The proposed rules do not meet the definition of a "significant legislative rule" under RCW 34.05.328 (5)(c). These rules are procedural in nature, clarifying existing procedures and limiting the entities required to receive notification of department decisions and appeal rights.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on July 6, 2004, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by July 1, 2004, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaax@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, mail to P.O. Box 45850, Olympia, WA 98504-5850, deliver to 4500 10th Avenue S.E., Lacey, WA, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., July 6, 2004.

Date of Intended Adoption: Not earlier than July 7, 2004.

May 24, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 04-02-014, filed 12/29/03, effective 1/29/04)

WAC 388-825-100 ((Notification.)) How will I be notified of department decisions? (1) ~~((The department shall notify the client or applicant, the parent when the client or applicant is a minor, or the guardian when the client or applicant is an adult, of the following decisions:~~

~~(a) Denial or termination of eligibility set forth in WAC 388-825-030 and 388-825-035;~~

~~(b) Development or modification of the individual service plan set forth in WAC 388-825-050;~~

~~(c) Authorization, denial, reduction, or termination of services or funds paid directly to the client set forth in WAC 388-825-055 or payment of SSP set forth in chapter 388-827 WAC; and~~

~~(d) Admission or readmission to, or discharge from, a residential habilitation center.~~

~~(2) The notice shall set forth appeal rights pursuant to WAC 388-825-120 and a statement that the client's case manager can be contacted for an explanation of the reasons for the action.~~

~~(3)(a) The department shall provide notice of a denial or partial authorization of a family support services request and a statement of reason for denial or partial authorization, or reduction to the person or persons described in subsection (1) of this section. The department shall send such notice no later than five working days before the end of the month previous to the month for which service was requested;~~

~~(b) The department shall make available an administrative review of a decision to deny or partially authorize services upon receipt of a written request by a person or persons described in subsection (1) of this section to the administrator~~

of the region in which the client is living. The regional office must receive a request for administrative review by the last working day of the month;

(e) ~~The client shall state in the written request why the client or client's family believes their service priority designation is not correct;~~

(d) ~~Upon receipt of request for administrative review, the regional administrator or designee shall review the request and the client file; and~~

(e) ~~The department shall send the results of the administrative review to the client and/or family within the first five working days of the service month for which the client is being denied or receiving a partial authorization for services.~~

(4) ~~The department shall provide at least thirty days' advance notice of action to terminate a client's eligibility, terminate or reduce a client's service, or discharge a client from a residential habilitation center to the community. Transfer or removal of a client from a service set forth in WAC 388-825-120(5)(f) is governed by that section, and reduction of family support funding during the service authorization period is covered by subsection (3)(a) of this section.~~

(5) ~~All parties affected by such department decision shall be consulted, whenever possible, during the decision process by the responsible field services regional office in person and/or by telephone.~~

(6) ~~The division shall ensure notification to the school district in which a school aged child is to be placed when a placement decision is reached.)~~ Whenever possible, DDD will notify all parties affected by the decision by phone or in person.

(2) Written notifications will be mailed to you and at least one other person in the following priority:

(a) Your parent if you are under the age of eighteen;

(b) Your guardian or other legal representative;

(c) Other relatives;

(d) An advocacy agency such as Washington Protection and Advocacy System;

(e) A person who is not an employee of the department or to a person who contracts with the department.

(3) If you are an adult and do not have a legal guardian, the department will ask you to identify someone else to receive these notices in addition to yourself.

NEW SECTION

WAC 388-825-101 Why does the department need to send my notices to someone else? The department sends your notice to someone else, if needed, to have others assist you to understand the information and your appeal rights to department decisions.

NEW SECTION

WAC 388-825-102 What if I do not want my notices sent to anyone else? (1) If you are an adult and do not have a legal guardian, you may request in writing that your notices be given only to you.

(2) The department will review your request and comply with your request unless it determines there to be a risk of your losing rights.

(3) You will be given appeal rights to a denial of this request.

NEW SECTION

WAC 388-825-103 When will I receive written notice of decisions made by DDD? You will receive written notice from DDD of the following decisions:

(1) The denial or termination of eligibility under WAC 388-825-030 and 388-825-035;

(2) The authorization, denial, reduction, or termination of services or funds paid directly to you set forth in WAC 388-825-055 or the payment of SSP set forth in chapter 388-827 WAC that are authorized by DDD;

(3) The admission or readmission to, or discharge from a residential habilitation center.

NEW SECTION

WAC 388-825-104 What information will the notice include? The notice from DDD will include:

(1) The decision;

(2) The reason for the decision;

(3) The effective date of the action;

(4) Appeal rights to the decision; and

(5) The name and phone number of a department person you can contact for further information.

NEW SECTION

WAC 388-825-105 Am I given any advance notice of termination or reduction or eligibility or services? DDD will provide you at least thirty-days advance notice of any action to terminate your eligibility, terminate or reduce your services, or discharge you from a residential habilitation center.

WSR 04-12-101

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed June 2, 2004, 11:13 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-20-103.

Title of Rule: Client not in own home—Institutional medical, WAC 388-513-1301 and 388-513-1315; and Alternate living—Institutional medical, WAC 388-515-1510.

Purpose: These rules define and add the new home and community based services waivers administered by the Division of Developmental Disabilities (DDD) in eligibility rules, change references from the community alternatives program (CAP) waiver to DDD waivers, delete references to the coordinated community AIDS service alternative (CASA), correct some WAC cross-references and revise some grammatical errors.

Statutory Authority for Adoption: RCW 71A.12.030, 71A.10.020.

Statute Being Implemented: Chapters 71A.10 and 71A.12 RCW, ESHB 2459, 2004 Supplemental Budget (chapter 276, Laws of 2004).

Summary: The community alternatives program (CAP) waiver expired March 31, 2004. The federal Centers for Medicare and Medicaid Services has approved four new waivers effective April 1, 2004. The Division of Developmental Disabilities (DDD) administers these new waivers. These rules define eligibility for the DDD waivers, change references from the CAP waiver to DDD waivers, eliminate references to CASA, correct some WAC cross-references and revise some grammatical errors.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Steve Brink, Division of Developmental Disabilities, P.O. Box 5310, Olympia, WA 98504-5310, (360) 902-7716, brinksc@dshs.wa.gov.

Name of Proponent: Department of Social and Health Services, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose and Summary above.

Proposal Changes the Following Existing Rules: WAC 388-513-1301, adds a definition of the new DDD waivers, eliminates references to the CAP waiver and CASA services and changes the word "waivered" to "waiver."

WAC 388-513-1315, changes "CAP" to "DDD waiver," eliminates reference to CASA services and changes the word "waivered" to "waiver."

WAC 388-515-1510, changes "CAP" to "DDD waiver," lists the four DDD waivers and changes the word "waivered" to "waiver."

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required because these rules do not impact small businesses as described in RCW 19.85.020.

RCW 34.05.328 does not apply to this rule adoption. These rules are exempt from this requirement under RCW 34.05.328 (5)(b). WAC 388-513-1315 and 388-515-1510, describe client financial and medical eligibility criteria for home and community-based waiver services. Other changes in those sections and in WAC 388-513-1301 are housekeeping changes. They define the new DDD waivers consistent with rules being adopted in new chapter 388-845 WAC, which replaced the CAP waiver; change references from the CAP waiver to DDD waivers; correct some WAC cross-references; and revise some grammatical errors.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on July 6, 2004, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by July 1, 2004, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaax@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, mail to P.O. Box 45850, Olympia, WA 98504-5850, deliver to 4500 10th Avenue S.E., Lacey, WA, fax (360) 664-

6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., July 6, 2004.

Date of Intended Adoption: Not earlier than July 7, 2004.

May 24, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-09-052, filed 4/12/02, effective 5/13/02)

WAC 388-513-1301 Definitions related to long-term care (LTC) services. This section defines the meaning of certain terms used in chapters 388-513 and 388-515 WAC. Within these chapters, institutional, (~~waivered~~) waiver, and hospice services are referred to collectively as LTC services. Other terms related to LTC services that also apply to other programs are found in the sections in which they are used. Definitions of terms used in certain rules that regulate LTC programs are as follows:

"**Add-on hours**" means additional hours the department purchases from providers to perform medically-oriented tasks for clients who require extra help because of a hand-capping condition.

"**Alternate living facility (ALF)**" means one of the following community residential facilities that are contracted with the department to provide certain services:

(1) Adult family home (AFH), a licensed family home that provides its residents with personal care and board and room for two to six adults unrelated to the person(s) providing the care.

(2) Adult residential care facility (ARC) (formerly known as a CCF) is a licensed facility that provides its residents with shelter, food, household maintenance, personal care and supervision.

(3) Adult residential rehabilitation center (ARRC) or Adult residential treatment facility (ARTF), a licensed facility that provides its residents with twenty-four hour residential care for impairments related to mental illness.

(4) Assisted living facility (AL), a licensed facility for aged and disabled low-income persons with functional disabilities. COPES eligible clients are often placed in assisted living.

(5) Division of developmental disabilities (DDD) group home (GH), a licensed facility that provides its residents with twenty-four hour supervision.

(6) Enhanced adult residential care facility (EARC), a licensed facility that provides its residents with those services provided in an ARC, in addition to those required because of the client's special needs.

"**Clothing and personal incidentals (CPI)**" means the same as personal needs allowance (PNA) which is defined later in this section.

~~("Community alternatives program (CAP)" means a Medicaid-waivered program that provides home and community-based services as an alternative to an institution for the mentally retarded (ICF-MR) to persons determined eligible for services from DDD.)~~

"**Community options program entry system (COPES)**" means a Medicaid(~~-waivered~~) waiver program

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that provides an aged or disabled person assessed as needing nursing facility care with the option to remain at home or in an alternate living facility.

"Community spouse (CS)" means a person who does not live in a medical institution or nursing facility, and who is legally married to an institutionalized client or to a person receiving services from home and community-based waiver programs.

"Comprehensive assessment (CA)" means the evaluation process used by a department designated social services worker to determine the client's need for long-term care services.

~~("Coordinated community AIDS service alternative (CASA)" means a Medicaid-waivered program that provides a person with acquired immune deficiency syndrome (AIDS) or disabled class IV human immunodeficiency virus (HIV) and at risk of hospitalization with the option to remain at home or in an alternate living facility.)~~

"DDD waiver" means Medicaid waiver programs that provide home and community-based services as an alternative to an intermediate care facility for the mentally retarded (ICF-MR) to persons determined eligible for services from DDD. There are four waivers administered by DDD: Basic, Basic Plus, Core and Community Protection.

"Fair market value (FMV)" means the price an asset may reasonably be expected to sell for on the local market at the time of transfer or assignment. A transfer of assets for love and affection is not considered a transfer for FMV.

"Federal benefit rate (FBR)" means the basic benefit amount the social security administration (SSA) pays to clients who are eligible for the supplemental security income (SSI) program.

"Institutional services" means services paid for by Medicaid or state payment and provided in a nursing facility or equivalent care provided in a medical facility.

"Institutional status" means what is described in WAC 388-513-1320.

"Institutionalized client" means a client who has attained institutional status as described in WAC 388-513-1320.

"Institutionalized spouse" means a client who has attained institutional status as described in WAC 388-513-1320 and is legally married to a person who is not an institutionalized client.

"Legally married" means persons legally married to each other under provision of Washington state law. Washington recognizes other states' legal and common-law marriages. Persons are considered married if they are not divorced, even when they are physically or legally separated.

"Likely to reside" means ~~((there is a reasonable expectation the client will))~~ a determination by the department that a client is reasonably expected to remain in a medical facility for thirty consecutive days. Once made, the determination stands, even if the client does not actually remain in the facility for that length of time.

"Look-back period" means the number of months prior to the month of application for LTC services that the department will consider for transfer of assets.

"Maintenance needs amount" means a monthly income amount a client keeps or that is allocated to a spouse or dependent family member who lives in the client's home.

"Medically intensive children (MIC)" program means a Medicaid(~~-waivered~~) waiver program that enables medically fragile children under age eighteen to live in the community. The program allows them to obtain medical and support services necessary for them to remain at home or in a home setting instead of in a hospital. Eligibility is included in the OBRA program described in WAC 388-515-1510.

"Noninstitutional medical assistance" means medical benefits provided by Medicaid or state-funded programs that do not include LTC services.

"Nursing facility turnaround document (TAD)" means the billing document nursing facilities use to request payment for institutionalized clients.

"Outward bound residential alternative (OBRA)" means a Medicaid(~~-waivered~~) waiver program that provides a person approved for services from DDD with the option to remain at home or in an alternate living facility.

"Participation" means the amount a client is responsible to pay each month toward the total cost of care they receive each month. It is the amount remaining after subtracting allowable deductions and allocations from available monthly income.

"Penalty period" means a period of time for which a client is not eligible to receive LTC services.

"Personal needs allowance (PNA)" means a standard allowance for clothing and other personal needs for clients who live in a medical or alternate living facility. This allowance is sometimes referred to as "CPI."

"Prouty benefits" means special "age seventy-two" Social Security benefits available to persons born before 1896 who are not otherwise eligible for Social Security.

"Short stay" means a person who has entered a medical facility but is not likely to remain institutionalized for thirty consecutive days.

"Special income level (SIL)" means the monthly income standard for the categorically needy (CN) program that is three hundred percent of the SSI federal benefit rate (FBR).

"Swing bed" means a bed in a medical facility that is contracted as both a hospital and a nursing facility bed.

"Transfer of a resource or asset" means any act or failure to act, by a person or a nonapplying joint tenant, whereby title to or any interest in property is assigned, set over, or otherwise vested or allowed to vest in another person.

"Uncompensated value" means the fair market value (FMV) of an asset at the time of transfer minus the value of compensation the person receives in exchange for the asset.

"Undue hardship" means the person is not able to meet shelter, food, clothing, or health needs.

"Value of compensation received" means the consideration the purchaser pays or agrees to pay. Compensation includes:

- (1) All money, real or personal property, food, shelter, or services the person receives under a legally enforceable purchase agreement whereby the person transfers the asset; and
- (2) The payment or assumption of a legal debt the seller owes in exchange for the asset.

"Veterans benefits" means different types of benefits paid by the federal Department of Veterans Affairs (VA). Some may include additional allowances for:

- (1) Aid and attendance for an individual needing regular help from another person with activities of daily living;
- (2) "Housebound" for an individual who, when without assistance from another person, is confined to the home;
- (3) Improved pension, the newest type of VA disability pension, available to veterans and their survivors whose income from other sources (including service connected disability) is below the improved pension amount; or
- (4) Unusual medical expenses (UME), determined by the VA based on the amount of unreimbursed medical expenses reported by the person who receives a needs-based benefit. The VA can use UME to reduce countable income to allow the person to receive a higher monthly VA payment, a one-time adjustment payment, or both.

"~~(Waiver)~~ Waiver programs/services" means programs for which the federal government authorizes exceptions to federal Medicaid rules. Such programs provide to an eligible client a variety of services not normally covered under Medicaid. In Washington state, ~~(waiver)~~ waiver programs are ~~((CAP, CASA))~~ DDD waivers, COPES, MIC, and OBRA.

AMENDATORY SECTION (Amending WSR 00-01-051, filed 12/8/99, effective 1/8/00)

WAC 388-513-1315 Eligibility for long-term care (institutional, ~~(waiver)~~ waiver, and hospice) services. This section describes how the department determines a client's eligibility for institutional, ~~(waiver)~~ waiver, or hospice services under the categorically needy (CN) program and institutional or hospice services under the medically needy (MN) program. Also described are the eligibility requirements for these services under the general assistance (GA) program in subsection (11) and emergency medical programs described in subsections (10) and (12).

(1) To be eligible for long-term care (LTC) services described in this section, a client must:

- (a) Meet the general eligibility requirements for medical programs described in WAC 388-503-0505 (2) and (3)(a) through (f);
- (b) Attain institutional status as described in WAC 388-513-1320; and
- (c) Not be subject to a penalty period of ineligibility as described in WAC 388-513-1365 and 388-513-1366.

(2) To be eligible for institutional, ~~(waiver)~~ waiver, or hospice services under the CN program, a client must either:

- (a) Be related to the Supplemental Security Income (SSI) program as described in WAC 388-503-0510(1) or be approved for the general assistance expedited Medicaid disability (GA-X) program; and
- (b) Meet the following financial requirements, by having:

- (i) Gross nonexcluded income described in subsection (7)(a) that does not exceed the special income level (SIL); and

(ii) Nonexcluded resources described in subsection (6) that do not exceed the resource standard described in WAC 388-513-1350(1), unless subsection (3) applies; or

(c) Be eligible for the CN children's medical program as described in WAC 388-505-0210; or

(d) Be eligible for the temporary assistance for needy families (TANF) program or state family assistance (SFA) program as described in WAC 388-505-0220.

(3) The department allows a client to have nonexcluded resources in excess of the standard described in WAC 388-513-1350(1) during the month of either an application or eligibility review if, when excess resources are added to nonexcluded income, the combined total does not exceed the SIL.

(4) To be eligible for ~~(waiver)~~ waiver or hospice services, a client must also meet the program requirements described in:

- (a) WAC 388-515-1505 for COPES services;
- (b) WAC 388-515-1510 for ~~((CAP))~~ DDD waiver and OBRA services; or
- (c) ~~(WAC 388-515-1530 for CASA services; or~~
- ~~(d))~~ Chapter 388-551 WAC for hospice services.

(5) To be eligible for institutional or hospice services under the MN program, a client must be:

(a) Eligible for the MN children's medical program as described in WAC 388-505-0210; or

(b) Related to the SSI program as described in WAC 388-503-0510(1) and meet all requirements described in WAC 388-513-1395.

(6) To determine resource eligibility for an SSI-related client under the CN or MN program, the department:

(a) Considers resources available as described in WAC 388-513-1350;

(b) Excludes resources described in WAC 388-513-1360, 388-513-1365, and 388-513-1366; and

(c) Compares the nonexcluded resources to the standard described in WAC 388-513-1350(1).

(7) To determine income eligibility for an SSI-related client under the CN or MN program, the department:

(a) Considers income available as described in WAC 388-513-1325 and 388-513-1330;

(b) Excludes income for CN and MN programs as described in WAC 388-513-1340;

(c) Disregards income for the MN program as described in WAC 388-513-1345; and

(d) Follows program rules for the MN program as described in WAC 388-513-1395.

(8) A client who meets the requirements of the CN program is approved for a period of up to twelve months for:

(a) Institutional services in a medical facility;

(b) ~~(Waiver)~~ Waiver services at home or in an alternate living facility; or

(c) Hospice services at home or in a medical facility.

(9) A client who meets the requirements of the MN program is approved for a period of months described in WAC 388-513-1395 (5)(a)(ii) for:

(a) Institutional services in a medical facility; or

(b) Hospice services at home or in a medical facility.

(10) The department determines eligibility for LTC services under the alien emergency medical (AEM) program described in WAC 388-438-0110 for a client who meets all

other requirements for such services but does not meet citizenship requirements.

(11) The department determines eligibility for institutional services under the GA program described in WAC 388-448-0001 for a client who meets all other requirements for such services but is not eligible for programs described in subsections (8) through (10).

(12) The department determines eligibility for institutional services under the medically indigent program described in WAC 388-438-0100 for a client who meets all other requirements for such services but is not eligible for programs described in subsections (8) through (11).

(13) A client is eligible for Medicaid as a resident in a psychiatric facility, if the client:

(a) Has attained institutional status as described in WAC 388-513-1320; and

(b) Is less than twenty-one years old or is at least sixty-five years old.

(14) The department determines a client's eligibility as it does for a single person when the client's spouse has already been determined eligible for LTC services.

(15) The department considers the parents' income and resources available as described in WAC 388-405-0055 (1)(c) for a minor who is less than eighteen years old and is receiving or is expected to receive inpatient chemical dependency and/or inpatient mental health treatment.

(16) The department considers the parents' income and resources available only as contributed for a client who is less than twenty-one years old and has attained institutional status as described in WAC 388-513-1320

(17) The department determines a client's participation in the cost of care for LTC services as described in WAC 388-513-1380.

AMENDATORY SECTION (Amending WSR 01-02-052, filed 12/28/00, effective 1/28/01)

WAC 388-515-1510 (~~Community alternatives program (CAP)~~) **Division of developmental disabilities (DDD) waivers and outward bound residential alternatives (OBRA)**. This section describes the eligibility requirements for (~~waivered~~) waiver services under the (~~CAP~~) four DDD waivers and OBRA programs and the rules used to determine a client's participation in the cost of care.

(1) The four DDD waivers are:

(a) Basic,

(b) Basic Plus,

(c) Core, and

(d) Community protection.

(2) The department establishes eligibility for (~~CAP~~) DDD waivers and OBRA services for a client who:

(a) Is both Medicaid eligible under the categorically needy (CN) program and meets the requirements for services provided by the division of developmental disabilities (DDD);

(b) Has attained institutional status as described in WAC 388-513-1320;

(c) Has been assessed as requiring the level of care provided in an intermediate care facility for the mentally retarded (~~(IMR)~~) (ICF/MR);

(d) Has a department-approved plan of care that includes support services to be provided in the community;

(e) Is able to reside in the community according to the plan of care and chooses to do so;

(f) Meets the income and resource requirements described in subsection (~~((2))~~) (3); and

(g) For the OBRA program only, the client must be a medical facility resident at the time of application.

(~~((2))~~) (3) The department allows a client to have nonexcluded resources in excess of the standard described in WAC 388-513-1350(1) during the month of either an application or eligibility review if, when excess resources are added to nonexcluded income, the combined total does not exceed the special income level (SIL). Refer to WAC 388-513-1315 for rules used to determine nonexcluded income and resources. During other months, financial requirements include the following:

(a) Nonexcluded income must be at or below the SIL; and

(b) Nonexcluded resources not allocated to participation in a prior month must be at or below the resource standard.

(~~((3))~~) (4) A client who is eligible for supplemental security income (SSI) does not participate in the cost of care for (~~(CAP)~~) DDD waivers or OBRA services.

(~~((4))~~) (5) An SSI-related client retains a maintenance needs amount of up to the SIL, who is:

(a) Living at home; or

(b) Living in an alternate living facility described in WAC 388-513-1305(1).

(~~((5))~~) (6) A client described in subsection (~~((4))~~)(5)(b) retains the greater of:

(a) The SSI grant standard; or

(b) An amount equal to a total of the following:

(i) A personal needs allowance (PNA) of thirty-eight dollars and eighty-four cents; plus

(ii) The facility's monthly rate for board and room, which the client pays to the facility; plus

(iii) The first twenty dollars of monthly earned or unearned income; and

(iv) The first sixty-five dollars plus one-half of the remaining earned income not previously excluded.

(~~((6))~~) (7) If a client has a spouse in the home who is not receiving (~~(CAP)~~) DDD waivers or OBRA services, the department allocates the client's income in excess of the amounts described in subsections (~~((4) and (5))~~) (5) and (6) as an additional maintenance needs amount in the following order:

(a) One for the spouse, as described in WAC 388-513-1380 (7)(b); and

(b) One for any other dependent family member in the home, as described in WAC 388-513-1380 (7)(c).

(~~((7))~~) (8) A client's participation in the cost of care for (~~(CAP)~~) DDD waivers or OBRA services is the client's income:

(a) That exceeds the amounts described in subsections (~~((4), (5), and (6))~~) (5), (6), and (7); and

(b) Remains after deductions for medical expenses not subject to third-party payment for which the client remains liable, included in the following:

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(i) Medicare and other health insurance premiums, deductibles, or coinsurance charges; and

(ii) Necessary medical care recognized under state law but not covered by Medicaid.

WSR 04-12-102

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed June 2, 2004, 11:14 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-08-070.

Title of Rule: State supplementary payment program, WAC 388-827-0110, 388-827-0115, 388-827-0175, 388-827-0185, and 388-827-0410.

Purpose: The purpose of these rules is to expand the population eligible to receive the state supplementary payment (SSP) administered by the Division of Developmental Disabilities (DDD) and to limit SSP eligibility for certain individuals on a home and community-based services waiver administered by DDD.

Statutory Authority for Adoption: RCW 71A.12.030, 71A.10.020.

Statute Being Implemented: Chapters 71A.10 and 71A.12 RCW.

Summary: These rules expand the population eligible to receive the SSP to include individuals who would be eligible for supplemental security income except for the receipt of Social Security Title II benefits as a disabled adult child. They limit SSP eligibility for certain individuals on a home and community-based services waiver administered by DDD. They clarify when the department may terminate the SSP and establish overpayments in light of these new rules.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Steve Brink, Division of Developmental Disabilities, P.O. Box 45310, Olympia, WA 98504-5310, (360) 902-7716, fax (360) 902-8482.

Name of Proponent: Department of Social and Health Services, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose and Summary above.

Proposal Changes the Following Existing Rules: WAC 388-827-0110, expands the eligible SSP population to include individuals who would be eligible for SSI if the individual was not receiving Social Security Title II benefits as a disabled adult child.

WAC 388-827-0115, limits eligibility for SSP for individuals on a home and community-based services waiver administered by DDD to those individuals who were eligible for or received SSI prior to April 1, 2004, and who were determined eligible for SSP prior to April 1, 2004.

WAC 388-827-0175, requires individuals to report if they become ineligible for SSI for reasons other than the

receipt of Social Security Title II benefits as a disabled adult child.

WAC 388-827-0185, clarifies when the department will terminate the SSP.

WAC 388-827-0410, clarifies when the department may establish an overpayment.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required because these rules do not impact small businesses as described in RCW 19.85.020.

RCW 34.05.328 does not apply to this rule adoption. These rules are exempt from this requirement under RCW 34.05.328 (5)(b)(vii). These rules relate only to client financial eligibility.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on July 6, 2004, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by July 1, 2004, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaax@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, mail to P.O. Box 45850, Olympia, WA 98504-5850, deliver to 4500 10th Avenue S.E., Lacey, WA, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., July 6, 2004.

Date of Intended Adoption: Not earlier than July 7, 2004.

May 24, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 04-02-015, filed 12/29/03, effective 1/29/04)

WAC 388-827-0110 What are the financial eligibility requirements to receive DDD/SSP? (1) You must be eligible for or receive supplemental security income (SSI) cash assistance in the month in which the DDD/SSP is issued; or

(2) You receive Social Security Title II benefits as a disabled adult child and you would be eligible for SSI if you did not receive these benefits.

AMENDATORY SECTION (Amending WSR 04-02-015, filed 12/29/03, effective 1/29/04)

WAC 388-827-0115 What are the programmatic eligibility requirements for DDD/SSP? (1) You received one or more of the following services from DDD with state-only funding between March 1, 2001 and June 30, 2003 and continue to demonstrate a need for and meet the DDD program eligibility requirements for these services.

(a) Certain voluntary placement program services, which include:

- (i) Foster care basic maintenance,
- (ii) Foster care specialized support,
- (iii) Agency specialized support,
- (iv) Staffed residential home,
- (v) Out-of-home respite care,

- (vi) Agency in-home specialized support,
- (vii) Group care basic maintenance,
- (viii) Group care specialized support,
- (ix) Transportation,
- (x) Agency attendant care,
- (xi) Child care,
- (xii) Professional services,
- (xiii) Nursing services,
- (xiv) Interpreter services,
- (b) Family support;
- (c) One or more of the following residential services:
 - (i) Adult family home,
 - (ii) Adult residential care facility,
 - (iii) Alternative living,
 - (iv) Group home,
 - (v) Supported living,
 - (vi) Agency attendant care,
 - (vii) Supported living or other residential service allowance,
 - (viii) Intensive individual supported living support (companion homes).

(2) For individuals with community protection issues as defined in WAC 388-820-020, the department will determine eligibility for SSP on a case-by-case basis.

(3) For new authorizations of family support opportunity:

- (a) You were on the family support opportunity waiting list prior to January 1, 2003; and
- (b) You are on the home and community based services (HCBS) waiver administered by DDD; and
- (c) You continue to meet the eligibility requirements for the family support opportunity program contained in WAC 388-825-200 through 388-825-242.

(4) For individuals on one of the HCBS waivers administered by DDD (Basic, Basic Plus, Core or Community Protection):

(a) You must have been eligible for or received SSI prior to April 1, 2004; and

(b) You were determined eligible for SSP prior to April 1, 2004.

AMENDATORY SECTION (Amending WSR 04-02-015, filed 12/29/03, effective 1/29/04)

WAC 388-827-0175 What changes must I report to the department? You must report changes in your circumstances within ten days from the date you become aware of the change. You must tell us if:

(1) Your SSI stops and you became ineligible for SSI for reasons other than the receipt of Social Security Title II benefits as a disabled adult child;

(2) Your address changes; or

(3) There is a change in your living arrangement that affects your assessed need.

AMENDATORY SECTION (Amending WSR 04-02-015, filed 12/29/03, effective 1/29/04)

WAC 388-827-0185 When will the department stop sending my DDD/SSP money? The department will stop sending your DDD/SSP money when:

(1) You no longer are eligible for or receive SSI cash benefits and are ineligible for SSI for reasons other than the receipt of Social Security Title II benefits as a disabled adult child;

(2) You no longer demonstrate a need for the services as described in WAC 388-827-0115; or

(3) Your DDD eligibility is terminated.

AMENDATORY SECTION (Amending WSR 04-02-015, filed 12/29/03, effective 1/29/04)

WAC 388-827-0410 When can an overpayment occur? An overpayment can occur when:

(1) You were not eligible for and did not receive supplemental security income in the month in which the SSP was issued and were ineligible for SSI for reasons other than the receipt of Social Security Title II benefits as a disabled adult child;

(2) You were no longer eligible for services from the division of developmental disabilities in the month in which the SSP was issued; or

(3) Your assessed need has changed.

WSR 04-12-103

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed June 2, 2004, 11:15 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-02-060.

Title of Rule: Chapter 388-546 WAC, Transportation services.

Purpose: To improve readability, clarify policy regarding emergency transportation services, and streamline program administration by making policies more consistent with Medicare's policy where practicable.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.057, 74.09.510.

Statute Being Implemented: RCW 74.08.090, 74.04.-057.

Summary: The proposed changes will:

- Update and clarify existing policy regarding emergency transportation services, including aligning with Medicare's policy where practicable;
- Clarify client eligibility and scope of coverage for ambulance services;
- Clarify payment limitations and incorporate policy changes related to cost savings; and
- Add new sections relating to ambulance coverage during inpatient hospital stays, coverage for ambulance services out-of-country; ambulance coverage for nonemergency air ambulance transportation, coverage for ambulance services to out-of-state treatment facilities when client has other insurance, transporting qualified trauma cases - trauma care

fund (TCF), and coverage for transportation services under the Involuntary Treatment Act (ITA).

Name of Agency Personnel Responsible for Drafting: Wendy Boedigheimer, MAA, P.O. Box 45533, Olympia, WA 98504-5533, (360) 725-1306; Implementation and Enforcement: Ayuni Hautea-Wimpee, MAA, P.O. Box 45510, Olympia, WA 98504-5510, (360) 725-1835.

Name of Proponent: Department of Social and Health Services, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose and Summary above.

Proposal Changes the Following Existing Rules: See Summary above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The Medical Assistance Administration (MAA) has analyzed the proposed rule and concludes that the rule change does not impose additional costs or administrative burdens on ground and air ambulance providers and will not place a more than minor impact on small businesses.

RCW 34.05.328 applies to this rule adoption. The proposed rule change meets the definition of a significant legislative rule. A determination of the probable costs and benefits is available from the persons listed above.

Hearing Location: Blake Office Park East (behind Goodyear Courtesy Tire), Rose Room, 4500 10th Avenue S.E., Lacey, WA, on July 27, 2004, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by July 23, 2004, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaax@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, mail to P.O. Box 45850, Olympia, WA 98504-5850, deliver to 4500 10th Avenue S.E., Lacey, WA, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., July 27, 2004.

Date of Intended Adoption: Not sooner than August 1, 2004.

May 28, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 04-13 issue of the Register.

WSR 04-12-117
PROPOSED RULES
STATE BOARD OF HEALTH

[Filed June 2, 2004, 11:29 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-01-084.

Title of Rule: Chapter 246-360 WAC, Transient accommodations.

Purpose: To clarify rules, improve readability of regulations and address health and safety issues for transient accommodations in Washington state.

Other Identifying Information: At the November 14, 2001, State Board of Health meeting, it was determined that rule making was necessary due to changes in industry and operation of the program.

Statutory Authority for Adoption: Chapter 70.62 RCW.
Statute Being Implemented: Chapter 70.62 RCW.

Summary: Amends chapter 246-360 WAC to outline the minimum health and safety standards for the licensure and operations of transient accommodations in Washington state.

Reasons Supporting Proposal: RCW 70.62.240 empowers State Board of Health to adopt rules as necessary to assure that each transient accommodation will be operated and maintained in a manner consistent with the health and safety of members of the public using such facilities. The Department of Health administers and enforces the rules (RCW 70.62.250).

Name of Agency Personnel Responsible for Drafting: Ellen Haars, 310 Israel Road S.E., Tumwater, WA 98501, (360) 236-2933; Implementation: Linda Furkay, 310 Israel Road S.E., Tumwater, WA 98501, (360) 236-2927; and Enforcement: Gary Bennett, 310 Israel Road S.E., Tumwater, WA 98501, (360) 236-2900.

Name of Proponent: State Board of Health, Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed revision reflects changes in the transient accommodation industry and operation of the program, improves readability of the regulations, and increases emphasis on security, safety and emergency preparedness issues. The rules will better ensure the traveling public that lodging establishments meet minimum health and safety requirements while clarifying to licensees health and safety standards.

Proposal Changes the Following Existing Rules: The proposed changes to chapter 246-360 WAC rewrite the existing chapter to clarify and improve readability of the regulations and address health and safety issues.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement

Background: Under RCW 70.62.240, the Washington State Board of Health is empowered to adopt rules to assure that each transient accommodation will be operated and maintained in a manner consistent with the health and safety of the members of the public using such facilities. Under RCW 70.62.250, the Department of Health (DOH) can administer and enforce these adopted rules.

Rule-making Requirements of the Regulatory Fairness Act (chapter 19.85 RCW): The Regulatory Fairness Act, RCW 19.85.030 requires the department to conduct a small business economic impact statement (SBEIS) for proposed rules that have more than minor impact on small businesses. As defined in RCW 19.85.020, a small business is "any business entity, including a sole proprietorship, corpora-

tion, partnership, or other legal entity, that is owned and operated independently from all other businesses, and that has fifty or fewer employees."

1. Briefly describe the proposed rule: The proposed rule outlines the minimum public health and safety standards for the licensure and operation of transient accommodations in Washington state.

Minor changes:

- Condense and clarify wording, grammar, structure, and formatting.
- Clarify requirements for licensing, reporting, documentation, and compliance.
- Remove issues unrelated to public health.
- Update terminology to reflect current usage.
- Provide a quick reference guide for rustic resorts.

Changes likely to ease requirements:

- Reflect the National Fire Association Life Safety Code (WAC 212-12-010(3)) by describing required aisle width of thirty-six inches from one side of a bed that is part of the regular furnishings of the unit, or less for temporary beds or temporary cribs.
- Reduce the change of linen to weekly or as needed by guest to reflect current industry practice; currently, licensees must wash linens twice a week.
- Maintain light intensities adequate for safety; currently, there are minimum light intensities for lodging facilities.
- Provide clean replacement pillowcases and sheets at least weekly or as requested by a guest; current language requires licensees to clean pillowcases and sheets at least twice a week for guests staying longer than three days.
- Allow licensees to clean and sanitize ice machines in accordance with manufacturer's instructions.
- Allow licensees to wash and sanitize laundry in accordance with the washer manufacturer's recommendations and detergent and sanitizer instructions.
- Permit the use of air drying as an option for drying laundry items.

Changes with the potential to impose additional requirements:

- Require a written basic emergency preparedness plan.
- Maintain documentation of an on-going annual (or as needed) training procedure for implementing the emergency preparedness plan.
- Require that any phone or communication devices provided to a unit be capable of communication to police, fire department, paramedic, poison control, hazardous material team, or other local emergency responder without delay. Under current practice, most or all phones and communication devices are connected to such services.
- Require the occupancy level of a lodging unit to be limited to the number of persons accommodated by the beds present, based on their intended maximum usage; the current rule defines a minimum of fifty square feet of total floor area per guest.

- Require lodging unit licensees to assure that bunk beds, if used, have sufficient unobstructed vertical space so that an adult may sit up comfortably between the bottom and top bunk, or between the top bunk and the ceiling; currently, licensees must maintain a vertical space of at least twenty-seven inches between the bottom bunk and top bunk.
- Provide slip resistant appliques, mats, or other devices in bathtubs and/or showers.
- Require licensees to replace all carpets located in kitchens with cleanable, durable floor covering in good condition by October 31, 2005.
- Require all air filters to be cleaned or replaced regularly or as needed.
- Provide additional light for tasks or general illumination upon request from a guest.
- Provide emergency lighting to guests in the event of a power outage.
- Ensure that blankets, bedspreads, and mattress pads are cleaned regularly or more often when visibly soiled.
- Ensure that dryer lint screens are cleaned daily during normal operation or as needed.
- Require all laundry room flooring to be uncarpeted and covered with an easily cleanable floor covering by October 31, 2005.
- Eliminate all known environmental health and safety hazards in and around the facility, including hazards resulting from fire, natural or other disasters, and chemical or biological contamination. The presence of any hazard must be fully eliminated prior to reoccupancy of any affected area or living unit. When a hazard is confirmed, approval from any and all appropriate local authorities is required prior to reoccupancy.
- Require that doors providing access to a lodging unit be equipped with a suitable locking security device in compliance with applicable building and fire codes.
- Require that licensees with spas, pools, and/or hot tubs have available for review a copy of a current recreational water permit issued by the local health jurisdiction.

Other changes:

- Outline how DOH will proceed in case of deficiencies at a facility.
- Require the transient accommodation licensee to check key components in the fire code because fire safety inspections are not uniformly available statewide. The surveyor would refer problem facilities to the appropriate fire jurisdiction.

2. Is a Small Business Economic Impact Statement (SBEIS) Required for this Rule? Yes.

3. Which Industries are Affected by this Rule? In preparing this SBEIS, DOH used the following SIC codes:

| SIC Industry Code and Title | No. of Businesses | No. of Employees Average | No. of Employees for Smallest Businesses | Average No. of Employees for 10% of Largest Businesses |
|-----------------------------------|-------------------|--------------------------|--|--|
| 6513 Apartment building operators | 1,984 | 11, 801 | 4 | 136 |
| 7011 Hotels and motels | 1,225 | 25,493 | 5 | 88 |
| 7021 Rooming and boarding houses | 16 | 122 | 5 | 14 |

| SIC | Description | Minor Impact Threshold (\$) |
|------|------------------------------|-----------------------------|
| 6513 | Apartment building operators | 109.72 |
| 7011 | Hotels and motels | 66.10 |
| 7021 | Rooming and boarding houses | 66.10 |

Establishments that are available only to members, have fewer than three units, or do not offer lodging units for less than thirty days are not under the DOH licensing and inspection program. DOH does not have the authority to license and inspect such accommodations. The data above reflects these restrictions.

4. What are the Costs of Complying with this Rule for Small Businesses (Those with Fifty or Fewer Employees) and for the Largest 10% of Businesses Affected? 1. Emergency Preparedness Plan and Training (WAC 246-360-030 (1)(h)(i)):

Description: Facilities are not currently required to have an emergency preparedness plan or annual emergency response training. Under the proposed rule, the licensee must have a written basic emergency preparedness plan in the event of fire, power failure, facility problem, or natural or other disaster. Emergency response training must be conducted and documented annually or more often as needed.

Costs: The associated costs are the time and resources needed to generate and maintain the written basic emergency preparedness plan. The licensee must also conduct training and document this training. The nature of the emergency response plan will depend on the size of the transient accommodation. For example, a five-story transient accommodation emergency response plan will be more complex than a one-story, four-unit transient accommodation.

DOH estimates (from phone conversations with the Washington State Hotel and Lodging Association) that a basic plan for a median transient accommodation will take thirty hours to complete by a manager at an estimated hourly wage of \$37 for \$1,110 in total costs. For the training of transient accommodation employees, the initial time of ten hours will cost \$370. The total first time cost to generate the emergency plan is therefore \$1,480. The annual cost to update the plan and maintain employee training is estimated to be thirty hours at a cost of \$1,110 per year. This includes updating the telephone and key person lists and assignments, training personnel, and attending to any unforeseen change.

DOH estimates the cost for generating an emergency preparedness plan and training for a small four-unit one-story facility would be about \$740. On the other hand, a large transient accommodation (fifty units or more) would be more

complex. However, a larger transient accommodation would already have emergency information in each room and emergency lighting installed as part of life safety requirements for the local certificate of occupancy. The additional cost for generating an emergency preparedness plan and training for a fifty-unit facility is about \$2,700.

2. Providing Slip Resistant Appliques, Mats, or Other Devices (WAC 246-360-100(5)):

Description: Slip resistant appliques, mats, or similar devices currently are not required in transient accommodation bathrooms. Under the proposed rule, slip resistant appliques, mats, or similar devices will be required in each bathroom.

Costs: A DOH survey found each applique to cost \$2 and each mat to cost \$5; labor costs for installation would be minor. Total costs per facility depend on the number of bathrooms in each facility. Costs for a small four-unit facility would be approximately \$20 while costs in a large fifty-unit facility would be approximately \$250.

3. Providing an Adequate Supply of Clean Towels, Washcloths, and Floor Mats (WAC 246-360-100(12)):

Description: The current rule only requires licensees to provide clean towels, washcloths, and floor mats. Under the proposed rule, licensees must ensure that these items are available in adequate supplies for transient accommodation guest use.

Costs: The cost to affected small and large businesses is the potential purchase of clean towels, washcloths, and floor mats. DOH assumes most transient accommodations have sufficient supplies of each item; however, no current rule requires each accommodation to make available adequate supplies. For facilities without adequate supplies, it is reasonable to assume that the cost of acquiring adequate supplies would be proportional to the size of the facility.

4. Washing Towels, Washcloths, Floor Mats, Pillowcases, and Sheets (WAC 246-360-100 (12)(b) and 246-360-150(7)):

Description: Facilities are currently required to wash linens twice a week. Under the proposed rule, facilities will be required to wash linens once a week or as requested by the guest.

Costs: This rule change is likely to reduce costs for affected businesses.

5. Replacing Carpet Flooring in Kitchens (WAC 246-360-110 (2)(a)):

Description: Effective October 31, 2005, carpets will not be considered appropriate floor covering in lodging unit kitchens.

Costs: The associated costs are the replacement of the carpet flooring with a cleanable, durable floor covering. A

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DOH survey found the average kitchen to be one hundred square feet in both small and large businesses. The time to remove the carpet from the one hundred square feet and install cleanable, durable floor covering is eight hours for one person. At an hourly wage of \$25 per hour, the total labor cost will therefore be \$200. Also, the cleanable, durable flooring in good condition will cost \$15 a square yard, or \$167 for one hundred square feet. Combining these costs with removal costs yields a total of \$367 per kitchen floor replacement. These costs will be partly mitigated by the lower maintenance costs associated with using a cleanable floor covering instead of carpet.

Total costs per facility depend on the number of kitchens in each facility. Replacement costs for a small four-unit facility would be approximately \$1,468 while costs in a large fifty-unit facility would be approximately \$18,350.

6. Replacing Carpet Flooring in Laundry Rooms (WAC 246-360-180(6)):

Description: Effective October 31, 2005, laundry room flooring must be uncarpeted and covered with a cleanable floor covering.

Costs: The associated costs are the replacement of the carpet flooring with a cleanable, durable floor covering. A DOH survey found the average laundry facility to cover two hundred fifty square feet in both small and large businesses. The time to remove the carpet from the two hundred fifty square feet and install cleanable, durable floor covering is twenty hours for one person. The estimated hourly wage to accomplish the task is \$25 per hour. The total cost of labor for two hundred fifty square feet of laundry facility floor is \$500. Also, the cleanable, durable flooring will cost an estimated \$15 per square yard. The cost for two hundred fifty square feet is \$417 to the lodging unit licensee. The total cost of compliance is \$917 per laundry facility floor replacement. (Total costs per facility would depend on the number and size of laundries in each facility.) These costs will be partly mitigated by the lower maintenance costs associated with using a cleanable floor covering instead of carpet.

7. Replacing and Cleaning Air Filters (WAC 246-360-120(3)):

Description: No current rule requires air filters in transient accommodations. Under the proposed rule, transient accommodation licensees are required to clean or replace all air filters regularly or as needed.

Costs: The associated costs are the purchase of new air filters and the labor to replace and clean each air filter. A DOH survey found the cost of an air filter is \$4. Also, affected businesses must pay an employee to clean and/or replace the air filter. (Total costs per facility would depend on the number of air filters in each facility.) Also, DOH assumes most transient accommodations already clean and replace air filters on a regular schedule and therefore that the proposed rule will not significantly affect most businesses.

8. Storing and Providing Additional Lighting (WAC 246-360-130(2)):

Description: The current rule requires licensees to maintain light intensities adequate for safety. Under the proposed rule, the licensee is required to provide additional light for tasks or general illumination upon request from a transient accommodation guest.

Costs: The cost to affected small and large businesses is the potential purchase of additional lighting items. DOH assumes most transient accommodations have sufficient lighting supplies of each item; however, no current rule requires each accommodation to make available adequate supplies. For facilities without adequate supplies, it is reasonable to assume that the cost of acquiring adequate supplies would be proportional to the size of the facility.

9. Providing Emergency Lighting (WAC 246-360-130(3)):

Description: Transient accommodations have no requirement to provide emergency lighting. Under the proposed rule, the licensee must provide emergency lighting in the event of a power outage.

Costs: The associated costs are the time and resources to install emergency lighting in the transient accommodation. Emergency lighting is dependent on the size of the facility. A smaller facility will require flashlights, while a larger facility will require a battery pack emergency lighting system. However, most transient accommodations already have an emergency lighting system and thus the rule amendment will not affect most transient accommodations. For facilities without appropriate emergency lighting, it is reasonable to assume that the cost of acquiring adequate supplies would be proportional to the size of the facility.

10. Cleaning Blankets, Bedspreads and Mattress Pads (WAC 246-360-150(6)):

Description: The current rule requires the licensee to provide clean blankets, bedspreads and mattress pads as needed. Under the proposed rule, the licensee must ensure that blankets, bedspreads and mattress pads are cleaned regularly or more often when visibly soiled. The proposed rule change seeks to ensure a regular schedule for cleaning the mentioned items.

Costs: Transient accommodations that already have a schedule will not incur additional costs as a result of the proposed rule. However, if a facility does not have an established cleaning schedule, the facility will most likely have to increase the frequency of cleaning the mentioned items and incur costs of labor, electricity, and cleaning supplies. These costs will vary depending on the size of the facility and the frequency of cleaning. We consider as examples a small four-unit facility and a large fifty-unit facility, both of which decide to clean blankets, bedspreads, and mattress pads once a month plus 20% in additional "as needed" cleanings each month.

For both facilities, the associated costs are the cleaning costs and the housekeeper's time in stripping and remaking the beds and transporting the dirty linens for laundry; there are also likely to be costs incurred because of a need to purchase additional bedding. Based on phone conversations with national laundry and linen companies, DOH estimates cleaning costs of \$7.50 and purchase costs of \$85 for each set of bedspread, blanket, and mattress pad. DOH also estimates one hour of labor per set, plus supervisory labor. For labor costs we use the following information provided by the Washington State Hotel and Laundry Association: The median hourly rate for a transient accommodations manager is \$35; for an executive housekeeper, \$17; and for a housekeeper, \$12.

For the small facility with four units, monthly cleaning (regular plus as-needed) totals five sets. At \$7.50 per set, washing costs total \$37.50; at \$35 per set for labor costs by a manager, labor costs total \$175. Monthly cleaning costs therefore total \$212.50. We also estimate that the facility will need to purchase one additional set on an as-needed basis at a cost of \$85.

For a large facility with fifty units, monthly cleaning (regular plus as-needed) totals sixty sets. At \$7.50 per set, washing costs total \$450; at \$12 per set for labor costs by a housekeeper, cleaning labor costs total \$720; oversight by an executive housekeeper (estimated at one hour per week) and by a manager (estimated at one hour per month) add costs of \$103. Monthly cleaning costs therefore total \$1273. We also estimate that the facility will need to purchase ten additional sets on an as-needed basis at a cost of \$850.

11. Eliminating Environmental Health and Safety Hazards (WAC 246-360-200(3)):

Description: The proposed rule clarifies the responsibility of transient accommodation licensees to eliminate all known environmental health and safety hazards. The Department of Ecology and local health departments currently require licensees to comply with this rule, but no language in transient accommodation rules requires the same.

Costs: There are no associated costs to adopt the proposed rule because affected businesses currently must conform to the same rule from the Department of Ecology and local health departments. For reference, a DOH survey found the cost to clean up a methamphetamine lab is approximately \$6,500 per 1,200 square feet. The transient accommodation must also pay \$1,200 for a follow-up inspection/clean up to ensure that the grounds are completely decontaminated.

12. Suitable Locking Security Devices (WAC 246-360-200(4)):

Description: Under the proposed rule, licensees would be required to equip each door providing access to a lodging unit with a suitable locking security device in compliance with applicable building and fire codes. Currently, no rule requires such action.

Costs: The associated costs are the purchasing of suitable locking devices and the labor to equip each door providing access to a lodging unit with the locking device. A DOH survey found a suitable locking device to cost \$12. The labor to install the locking device is estimated to be one hour of labor at \$25 an hour, yielding a total cost of \$37 per door. Most affected businesses currently comply with the proposed rule and will therefore not incur any additional costs as a result of the rule. For facilities without appropriate locking devices, total costs depend on the number of doors in each facility. Replacement costs for a small four-unit facility would be approximately \$148 while costs in a large fifty-unit facility would be approximately \$1,850.

13. Occupancy Level (WAC 246-360-090(1)):

Description: Currently, licensee must provide lodging units with at least fifty square feet of total floor area (not counting areas with a ceiling height lower than five feet) for each guest. Under the proposed rule, licensees must provide lodging units with an occupancy level not to exceed the number of persons accommodated by the beds present, based on their intended maximum usage.

Analysis: This rule change is likely to provide additional flexibility for licensees. The occupancy level in a lodging unit will be determined by the size of the room, number and size of beds, and arrangement of beds. Some affected businesses may incur additional costs as a result of the proposed rule, but most are likely to gain from the added flexibility created by the proposed rule. Those facilities incurring additional costs are likely to have total costs that are proportional to the size of the facility.

14. Adequate Spacing Between Beds (WAC 246-360-090(2) and 246-360-150(3)):

Description: Currently, WAC 246-360-090(1) states that licensees must allow easy movement between beds, cots, mats, or mattresses. Also, WAC 246-360-150(3) currently states that licensees must assure that bunk beds, if used, have a clear vertical space of at least twenty-seven inches between the bottom and top bunk. Under the proposed rules, WAC 246-360-090(1) would require licensees to provide at least a three-foot clear path of egress from one side of each bed, cot, mat or mattress. WAC 246-360-090(2) requires the licensee to provide lodging units with an aisle of at least thirty-six inches wide from one side of each bed that is part of the regular furnishings of the unit; an aisle of at least eighteen inches wide from one side of each temporary bed, other than an infant's crib, that is no more than thirty eight inches high; and an aisle at least twenty-eight inches wide from one side of each temporary infant's crib and each temporary bed above a height of thirty-eight inches. The aisle width is required by the National Fire Protection Association Life Safety Code which is adopted as a fire safety standard (WAC 212-12-010(3)) for transient accommodations. Also, under the proposed rule, WAC 246-360-150(3) would require a licensee to ensure that bunk beds have sufficient unobstructed vertical space so that an adult may sit up comfortably between the bottom and top bunk, or between the top bunk and ceiling.

Analysis: DOH does not anticipate that affected businesses will have additional costs as a result of this rule change. The aisle width is already required by the fire safety standards of the State Fire Marshal's Office. The bunk bed height requirement is typically met by existing room heights and by manufacturers' designs for bunk beds. For facilities not meeting these requirements, it is reasonable to assume that the cost of meeting them would be proportional to the size of the facility.

15. Connecting Emergency Services (WAC 246-360-090(5)):

Description: Under the proposed rule, phones or other reliable communication devices, if provided to lodging units, must be capable of allowing communication to police, fire department, paramedic, poison control, hazardous material team, or other local emergency responder and connected without delay. No current rule describes such a requirement.

Analysis: DOH does not anticipate any additional costs as a result of this rule change because we are not aware of any phones currently in use that are not connected to emergency services.

16. Cleaning Ice Machines (WAC 246-360-160(3)(a)):

Description: The current rule requires the licensee to store and dispense ice in a sanitary manner, including cleaning and sanitizing ice machines twice a year or more often as

needed. Under the proposed rule, licensees must clean and sanitize ice machines at least twice a year or more often as needed or in accordance with the manufacturer's instructions.

Analysis: There are zero costs to adopt the proposed rule. The proposed rule provides another option for cleaning and sanitizing ice machines.

17. Washing, Sanitizing, and Drying Laundry (WAC 246-360-180 (1)(b)):

Description: Under the proposed rule, the licensee must provide clean and sanitary bedding, linens, towels, washcloths, and other items intended for guest use by using a commercial laundry service, or by washing and sanitizing laundry in accordance with the washer manufacturer's recommendations and detergent and sanitizer instructions, and drying laundry in accordance with the dryer manufacturer's instructions when using a dryer. The current rule allows licensees to use a commercial laundry service or other laundry service meeting the requirements in WAC 246-360-040 or 246-360-180. Also, there is no mention of drying laundry in current rules.

Analysis: There are zero costs to adopt the proposed rule. The proposed rule change clarifies current means to clean, sanitize, and dry laundry; it also provides another option for licensees to wash, sanitize, and dry laundry.

18. Cleaning Dryer Lint Screens (WAC 246-360-180(2)):

Description: Under the proposed rule, licensees must ensure lint screens on on-site dryers are cleaned daily during normal operation or as needed. No current rule in this section requires licensees to clean lint screens.

Analysis: Some transient accommodations may already clean the dryer lint screen on a daily or as needed basis and will not incur additional costs as a result of the proposed rule. Regularly cleaning the dryer lint screen is a good fire safety practice.

However, if a facility does not have an established dryer lint screen cleaning schedule, the facility will most likely incur costs of labor for the housekeeper/laundry person to clean the screen(s). These costs will vary depending on the size of the facility and the frequency of cleaning. We consider as examples a small four-unit facility with two noncommercial dryers and a large fifty-unit facility with two commercial dryers; both facilities decide to clean the screen after each load. It is assumed that the capacity of a commercial dryer is that of two noncommercial dryer loads. The median hourly rate for a transient accommodations housekeeper is \$12 (personal conversation with Washington State Hotel and Lodging Association).

The costs would be as follows: The four-unit facility washes and dries four loads per day. It takes five minutes to clean each lint screen, so time costs would total twenty minutes per day or ten hours per month; at \$12 per hour, the monthly cost would be \$120. The fifty-unit facility washes and dries twenty-five loads per day, so at five minutes per load time costs would be one hundred twenty-five minutes per day or 62.5 hours per month; at \$12 per hour, the monthly cost would be \$750.

19. Availability of Current Recreational Permit (WAC 246-360-200(5)):

Description: Under the proposed rule, if spas, pools, and/or hot tubs are provided, licensees must have available for review a copy of a current recreational water permit issued by the local health jurisdiction. No current rule discusses this requirement.

Analysis: There are no associated costs to adopt the proposed rule. The proposed rule only clarifies the responsibility of the licensee when spas, pools, and/or hot tubs are provided.

20. Adequate Light Intensities (WAC 246-360-130(1)):

Description: The current rule requires licensees to maintain specific light intensities adequate for safety and facility maintenance with minimum specific light intensities measured at a height of three feet above the floor. Under the proposed rule, specific lighting intensities are deleted and replaced with a performance-based rule whereby licensees must maintain lighting intensities adequate for safety.

Analysis: Making the rule performance-based is likely to reduce lighting costs for affected businesses and clarify licensee responsibilities regarding the provision of adequate lighting in transient accommodation facilities. If there are net costs associated with this rule change, it is reasonable to assume that the cost of acquiring adequate lighting would be proportional to the size of the facility.

21. Paying Fines (WAC 246-360-035 (2)(e)):

Description: Under the proposed rule, the department may deny, suspend, or revoke a transient accommodation license, or assess a civil fine, if the department finds the applicant, licensee, its agents, officers, directors, or any person with any interest therein fails to pay a fine within thirty days after the assessment becomes final or as agreed to by the department and licensee. The current rule allows the department to carry out the above action if the fine is not paid within ten days.

Analysis: There are no costs to adopt the proposed rule because the change allows licensees more time to pay a fine.

22. Addressing Deficiencies (WAC 246-360-035(3)):

Description: Under the proposed rule, the department may address deficiencies that do not meet licensure requirements in one of three ways: (1) A plan of correction where the department determines the deficiencies are not major, broadly systemic or of recurring nature; (2) a directed plan of correction as an alternative to administrative action, where the department finds deficiencies are broadly systemic, recurring, or of a significant threat to public health and safety; or (3) administrative action initiated under chapter 34.05 RCW. No current rule describes how the department will address such deficiencies.

Analysis: There are no costs to adopt the proposed rule because the proposed rule clarifies the current practice of the department.

23. Collecting Refuse (WAC 246-360-070 (3)(b)):

Description: Under the proposed rule, licensees must collect refuse from lodging units at least every three days or more often as necessary to maintain a clean and sanitary environment in each guest's room. The current rule requires licensees to collect refuse in lodging units twice a week when guests stay longer than three days.

Analysis: The costs to adopt the proposed rule are the time to collect the refuse and the resources to safely store

refuse. Currently, most transient accommodations collect refuse from lodging units at least every three days or more often as necessary; these facilities would not incur any costs as a result of the proposed rule. Facilities that follow the current rule will have to increase their collection of refuse and will incur a cost of labor and storing resources. These costs are likely to be proportional to the size of the facility.

24. Other Rule Amendments: Other rule amendments do not require SBEIS analysis because they generate costs below the minor impact threshold for affected industries, adopt current federal or state law, or seek to clarify existing rules.

5. Does the Rule Impose a Disproportionate Impact on Small Businesses? Some components of the proposed rule do not impose a disproportionate impact on small businesses. These include rule components that are likely to reduce costs for all businesses, as well as rule components whose cost is likely to be proportional to the size of the facility. Regarding the latter issue, DOH assumes that costs that are proportional to the size of the facility (or, similarly, to the number of units in a facility) will be equivalent across facilities when measured per \$100 in sales. It follows that such rule components do not impose a disproportionate impact on small businesses when costs are measured per \$100 in sales.

However, some components of the proposed rule do seem likely to disproportionately impact small businesses. These rule components generally involve fixed costs that do not vary in proportion to the size of the facility; some examples include the cost of developing emergency plans or the cost of replacing carpeting in laundry rooms. Because some rule components seem likely to disproportionate impacts on small businesses, DOH has attempted (as described below) to mitigate the impact of the proposed rule on small businesses.

6. If the Rule Imposes a Disproportionate Impact on Small Businesses, What Efforts Were Taken to Reduce That Impact (Why Is it Not "Legal and Feasible" to Do So) By:

(a) Reducing, modifying, or eliminating substantive regulatory requirements?

- WAC 246-360-040(4) was revised to reduce the water temperature from 120° plus or minus 10° Fahrenheit to 110° plus or minus 10° Fahrenheit. The lower temperature conserves energy and is considered safe for children and elderly.
- WAC 246-360-090 was revised to remove the occupancy limits based on square footage of the unit and instead assured adequate aisles for egress. The section was also revised to allow narrower egress for temporary cots or beds.
- WAC 246-360-150(7) allows replacement of bed linen weekly rather than twice a week for guests staying longer than three days.
- Some regulations were made performance based rather than specific requirements. WAC 246-360-130(1) requires the licensee is required to maintain light intensities adequate for safety rather than specific foot candles.
- WAC 246-360-160 (3)(a) allows the licensee to clean and sanitize the ice machine in accordance with the manufacturer's instructions or twice a year

or more often if needed. A specific manufacturer's instruction could be less than twice a year.

- WAC 246-360-180 (1)(b) allows the licensee to wash and sanitize laundry in accordance with manufacturer's recommendations. The licensee chooses the type of washer, laundry soap, and sanitizer to get the laundry clean. The licensee is also provided a (new) option for air drying laundry.
- WAC 246-360-220 allows the operator to provide evidence of licensed fire safety inspection in lieu of the fire safety plan.

(b) Simplifying, reducing, or eliminating record-keeping and reporting requirements? Some regulations piggyback on other governmental entities rather than create their own standards for transient accommodations:

- WAC 246-360-040(1) requires documentation that the water supply system is in compliance with State Board of Health standards for public water systems.
- WAC 246-360-200(5) requires the licensee to provide a copy of current recreational water permit issued by the local health jurisdiction for pools and spas.

(c) Reducing the frequency of inspections? The frequency of inspections is not addressed in the regulations. However, DOH policy has changed so that public health and safety inspections will occur on a three-year cycle instead of a two-year cycle unless complaints are submitted about a facility.

(d) Delaying compliance timetables? The proposed rule prohibits carpets in kitchens or in laundry rooms. The original draft of the proposed rule gave licensees until December 31, 2004, to comply; the proposed rule now gives licensees until October 31, 2005, to replace carpet with cleanable and durable floor coverings. (WAC 246-360-110 (2)(a) and 246-360-180(6)).

(e) Reducing or modifying fine schedules for noncompliance? Licensees are given thirty days to pay fines rather than current ten days. (WAC 246-360-035 (2)(e)).

(f) Any other mitigation techniques? No other mitigation techniques were used.

7. How are Small Businesses Involved in the Development of this Rule? Small businesses have been involved from the beginning of the rule-making process. A number of entities that represent small businesses in Washington state have worked alongside the DOH in the rule-making process. For example, the Washington State Hotel and Lodging Association and the Washington State Bed and Breakfast Guild have been involved. In addition, some smaller businesses have been in attendance at rule-making meetings and provided much input into the draft rule development.

A copy of the statement may be obtained by writing to Yvette Fox, P.O. Box 47852, Olympia, WA 98504-7852, e-mail yvette.fox@doh.wa.gov, phone (360) 236-2928, fax (360) 236-2901.

RCW 34.05.328 applies to this rule adoption. Rules are significant per RCW 34.05.328 (5)(a)(i).

Hearing Location: State Board of Health Public Meeting, Centralia Train Depot, 210 Railroad Avenue, Centralia, WA 98531, on July 14, 2004, at 11:00 a.m.

Assistance for Persons with Disabilities: Contact Yvette Fox by July 5, 2004, TDD (800) 833-6388 or (360) 236-2928.

Submit Written Comments to: Yvette Fox, Department of Health, Facilities and Services Licensing, P.O. Box 47852, Olympia, WA 98504-7852, fax (360) 236-2901, web www3.doh.wa.gov/policyreview, written comments due by July 9, 2004, 12:01 p.m.

Date of Intended Adoption: July 14, 2004.

June 2, 2004

Craig McLaughlin

Acting Executive Director

AMENDATORY SECTION (Amending WSR 94-23-077, filed 11/16/94, effective 12/17/94)

WAC 246-360-001 Purpose. (1) This chapter (~~((implements chapter 70.62 RCW))~~) outlines the minimum public health and safety standards for the licensure and operations of transient accommodations in Washington state.

(2) This chapter applies to facilities offering three or more lodging units to guests for periods of less than ~~((one month, including but))~~ thirty days. These facilities include, but are not limited to:

- (a) Hotels;
- (b) Motels;
- (c) Bed and breakfast establishments;
- (d) Resorts;
- (e) Rustic resorts;
- (f) Inns;
- (g) Condominiums;
- (h) Apartments;
- (i) Crisis shelters;
- (j) Hostels; and
- (k) Retreats.

(3) ~~((This chapter does not apply to:~~

~~(a) Overnight youth shelters regulated by chapter 388-160 WAC;~~

~~(b) Temporary worker housing regulated by RCW 70.54.110 and chapter 246-358 WAC;~~

~~(c) Medical, psychological, drug/alcohol facilities, or related services otherwise regulated by Washington state law; or~~

~~(d) Transitional housing as defined in WAC 246-360-010.~~

~~(4) The requirements in WAC 246-360-001 through 246-360-500 are adopted by the board of health pursuant to RCW 70.62.240. WAC 246-360-990 is adopted by the department of health pursuant to RCW 43.70.110 and 43.70.250-))~~ RCW 70.62.240 requires the board to adopt rules to assure transient accommodations are operated and maintained in a manner consistent with the public's health and safety. RCW 43.70.110 requires the secretary to charge fees for licensure and RCW 43.70.250 requires the cost of business licensing programs to be fully borne by the licensees.

AMENDATORY SECTION (Amending WSR 94-23-077, filed 11/16/94, effective 12/17/94)

WAC 246-360-010 Definitions. For the purpose of this chapter, the following words and phrases have the following meanings unless the context clearly indicates otherwise.

(1) ~~(("Bathing fixture" means a shower, bathtub, or combination bathtub shower.)~~) "Approved" means a written statement of acceptability issued by a governmental agency or meeting nationally recognized testing standards.

(2) "Bathroom" means a room containing a bathing fixture.

(3) "Bed and breakfast" means a private home or inn offering lodging on a temporary basis to travelers. This type of facility may include food service operations for registered guests only.

(4) "Board" means the Washington state board of health established under chapter 43.20 RCW.

~~((4))~~ (5) "Clean" means without visible or tangible soil or residue(s).

~~((5) "Compliance schedule" means a department prepared document listing violations and a time schedule for the licensee to follow to correct the violations.)~~

(6) "Cleanable" means the material and finish is fabricated to permit complete removal of residue through normal cleaning methods.

(7) "Construction" means:

(a) A new building ~~((to be used))~~ intended for use as a transient accommodation or part of a transient accommodation;

(b) An addition, modification or alteration ~~((which))~~ that changes the functional use of an existing transient accommodation or portion of a transient accommodation; ((or))

(c) An existing building or portion thereof to be converted for use as a transient accommodation; or

(d) A modification requiring a building permit by a local authority having responsibility for enforcing state and local building codes or local ordinances.

~~((7))~~ (8) "Crisis shelter" means a transient accommodation, at a permanent physical location, providing emergency or planned lodging services to a specific population, for ((example, homeless families or relatives of individuals receiving hospital treatment, for)) periods of less than ((one month at a permanent physical location)) thirty days. A crisis shelter may or may not be reimbursed for services in the form of rental fee or labor. ((Crisis shelters do not include shelters for victims of domestic violence regulated by the department of social and health services pursuant to chapter 70.123 RCW.

~~((8))~~ (9) "Department" means the Washington state department of health.

~~((9))~~ (10) "Dormitory" means a lodging unit containing beds, cots, pads, or other furnishings intended for sleeping ((or use)) by a number of ((individuals)) guests.

~~((10))~~ (11) "Exemption" means a written authorization ((from)) granted by the department ((which releases a licensee from meeting a specific requirement or requirements in this chapter)) under WAC 246-360-500.

~~((11))~~ (12) "Guest" means any individual occupying, or registered to occupy, a lodging unit.

~~((12))~~ (13) "Hostel" means a transient accommodation offering lodging and limited services, ((including lodging and)) that may include the use of a common kitchen, to guests on a daily or weekly basis in exchange for a rental fee, labor, or a combination of rental fee and labor.

~~((13) "Imminent health hazard" means a condition or situation presenting a serious or life-threatening danger to a guest's health and safety-))~~

(14) "Laundry" means a central area or room with equipment intended to be used to clean and dry bedding, linen, towels, and other items, including such areas or rooms provided ((to)) for guests' use.

(15) "Licensee" means the person to whom the department issues the transient accommodation license.

(16) "Local health ((department)) jurisdiction" means the ((city, town,)) county or district ((which)) that provides public health services ((to individuals)) within the area ((according to the provisions of)) consistent with chapters 70.05 and 70.08 RCW.

(17) "Lodging unit" means ~~((one self-contained unit designated by number, letter, or other means of identification))~~ an individual room or group of interconnected rooms, intended for sleeping, that are for rent or use by a guest, and is individually designated by number, letter, or other means of identification. A lodging unit may or may not include areas for cooking and eating.

(18) "Person" means any individual, firm, partnership, corporation, company, association, organization, or joint stock association, and the legal successor thereof.

(19) "Retreat" means a transient accommodation intended to provide seclusion, meditation, contemplation, religious activities, training, or similar activities.

(20) "Rustic resort" means a rural transient accommodation lacking many modern conveniences. A rustic resort may operate seasonally.

(21) "Sanitary" means ~~((clean with a minimal presence of germs))~~ hygienic conditions that are conducive to good health.

(22) "Sanitize" means to treat a surface or object with a chemical or physical process, such as heat, to control or limit the presence of germs. For purposes of these regulations, "sanitize" and "disinfect" are equivalent.

~~((23) ("Self-contained unit" means an individual room or group of interconnected rooms intended for sleeping, which may or may not include areas for cooking and eating, for rent or use by a guest.~~

~~((24))~~ "Self-inspect" means the ~~((evaluation of))~~ licensee evaluates a transient accommodation ~~((by the licensee))~~ for compliance with specific requirements in this chapter.

~~((25) "Toilet" means a fixture fitted with a seat and flushing device used to dispose of bodily waste.~~

~~((26))~~ (24) "Sink" means a properly trapped plumbing fixture, capable of holding water, with approved potable running hot and cold water under pressure.

(25) "State building code" means the regulations adopted by the state building code council pursuant to chapters 19.27 and 70.92 RCW and chapter 51-50 WAC.

(26) "Survey" means the examination or inspection of a transient accommodation, conducted by the department to determine if minimal health and safety standards in chapter

246-360 WAC are being met. A survey may require one or more site visits and may be announced or unannounced. For purposes of these regulations, a survey and inspection are equivalent.

(27) "Surveyor" means a department employee who conducts a health and safety survey of transient accommodations. For purposes of these regulations, the terms surveyor and inspector are equivalent.

(28) "Transient accommodation" means any facility such as a hotel, motel, condominium, resort, or any other facility or place offering three or more lodging units to guests for periods of less than ~~((one month))~~ thirty days and may include food service operations for registered guests.

~~((27) "Transitional housing" means a program offering lodging for periods exceeding one month for the purpose of helping unemployed, homeless individuals to obtain employment and housing. Transitional housing is not a transient accommodation.~~

~~((28))~~ (29) "Utensil" means any food contact implement used in storing, preparing, transporting, dispensing, serving, or selling food or drink, excluding commercial vending and storage equipment.

(30) "Vector" means an animal that transmits a disease-producing organism from one host to another. For example, mosquitoes are vectors that transmit malaria.

(31) "Water closet" means a portable device or a fixture that has a hinged seat and flushing device used to dispose of body waste. This may include water filled, chemical or incineration toilets.

AMENDATORY SECTION (Amending WSR 94-23-077, filed 11/16/94, effective 12/17/94)

WAC 246-360-020 Licensure. (1) A person ~~((shall))~~ must have a current license issued by the department before operating or advertising a transient accommodation. A license is effective for one year from date of issuance.

(2) An applicant for initial licensure ~~((shall))~~ must submit to the department, sixty days or more before commencing business, an application which shall include the following:

(a) A completed application on a form~~((s))~~ provided by the department;

(b) A completed self-inspection on a form~~((s))~~ provided by the department;

(c) The fee specified in WAC 246-360-990; ~~((and))~~

(d) A completed uniform business identifier number form provided by the department; and

(e) Other information as required by the department.

(3) A licensee ~~((shall))~~ must apply for license renewal annually ~~((at least thirty days))~~ on or before the expiration date of the current license by submitting to the department, by mail postmarked no later than midnight on the license expiration date, or by presenting to the department personally or electronically no later than 5:00 p.m. on the expiration date, a renewal application which shall include the following:

(a) A completed application on a form~~((s))~~ provided by the department;

(b) A completed self-inspection on a form~~((s))~~ provided by the department;

(c) The fee specified in WAC 246-360-990; ~~((and))~~

(d) A completed uniform business identifier number form, provided by the department; and

(e) Other information as required by the department.

(4) If the licensee fails to submit a complete renewal application meeting the requirements of subsection (3) of this section by the license expiration date, the license shall become invalid on the thirty-fifth day after the license expiration date unless:

(a) All deficiencies in the renewal have been corrected; and

(b) The applicable penalty or late fee as specified in WAC 246-360-990 has been received by the department, in each case prior to the thirty-fifth day following the expiration date. In the event the license becomes invalid and the transient accommodation is no longer authorized to operate.

(5) An invalid license may be reinstated upon reapplication for an initial license under subsection (2) of this section.

(6) At least thirty days prior to transferring ownership of a transient accommodation:

((a)) The current licensee ((shaH)) must submit to the department:

((b)) (a) The full name and address of the current licensee and prospective owner;

((c)) (b) The name and address of the currently licensed transient accommodation, and the name under which the transferred transient accommodation will operate;

((d)) (c) The date of the proposed change of ownership; and

((e)) (d) Other information as required by the department((; and

((f)) (7) At least thirty days before assuming ownership of a transient accommodation, the prospective new owner ((shaH)) must apply for licensure by submitting to the department the items required by subsection (2) of this section.

((g)) (8) A licensee ((shaH)) must notify the department when changing the number of lodging units or the name of the transient accommodation by submitting:

(a) A letter describing the intended change;

(b) The fee specified in WAC 246-360-990 for an amended license; and

(c) Other information as required by the department.

((h)) (9) The licensee ((shaH)) must notify the department prior to ((using new)) construction as defined in WAC 246-360-010(8) by submitting ((a letter describing)):

(a) A description of the construction;

(b) A description of how the construction will be used;

(c) A description of any changes in the functional use of existing construction; ((and))

(d) Documentation of approvals issued by local authorities having jurisdiction; and

(e) Other information as required by the department.

AMENDATORY SECTION (Amending WSR 94-23-077, filed 11/16/94, effective 12/17/94)

WAC 246-360-030 Responsibilities and rights—Licensee ((and department)). (1) The licensee ((shaH)) must:

(a) Comply with the provisions of chapter 70.62 RCW, other applicable state and local agency regulations and this chapter;

(b) ((Comply with chapter 212-12 WAC, Fire marshal standards;

(e)) Conspicuously display ((a current transient accommodation)) the license in the ((transient accommodation's)) lobby or office of the transient accommodation for which it is issued;

((d) Cooperate with the department during on-site surveys and investigations;

(e)) (c) Conduct self-inspections as ((requested)) directed by the department;

((f) Respond to a statement of deficiencies by submitting to the department, according to the dates specified on the statement of deficiencies form:

(i) A written plan of correction for each deficiency stated in the report; and

(ii) A progress report of corrections;

((g)) (d) Submit a response to a statement of deficiencies to the department by the date specified. For the purposes of this section, a statement of deficiencies means a written notice of any violation of chapter 70.62 RCW or the rules adopted thereunder, that describes the reasons for noncompliance. Responses shall include:

(i) A written plan of correction for each deficiency stated in the report. For the purposes of this section, a plan of correction is a proposal devised by the licensee or applicant that includes specific actions that must be taken and a time frame to accomplish them. The plan of correction must meet the approval of the department. Implementation is required unless modification is agreed to by the department and is subject to verification by the department; and/or

(ii) A progress report of corrections, if required by the department. For the purposes of this section, a progress report means a document prepared by the licensee outlining the completion or ongoing status of efforts to correct deficiencies or violations cited in a survey. The licensee must send the progress report to the department as directed by the statement of deficiencies.

(e) Comply with a compliance schedule if ((issued by)) the department issues one. For the purposes of this section, a compliance schedule means a document listing violations and a time schedule for the licensee to follow in correcting violations. This schedule may be called a directed plan of correction (DPOC);

((h)) (f) Adequately supervise employees ((to keep)) and transient accommodation premises to ensure the transient accommodation ((facility)) is:

(i) Clean, safe, and sanitary; and

(ii) In good repair((; and

(iii) Free from infestation by insects, rodents, and other pests));

((i)) (g) Establish policies and procedures requiring employees to maintain good personal hygiene; ((and

(j)) (h) Consult with the department or local health department on any suspected imminent health hazard(((-

(2));

(i) Have a written basic emergency preparedness plan in the event of fire, power failure, transient accommodation problem, or natural or other disasters. Emergency response training must be conducted and documented annually or more often as needed.

(2) The licensee shall fully cooperate with the department in, and shall in no way impede, its administration and enforcement of the provisions of chapter 70.62 RCW and this chapter.

(3) An applicant or licensee may contest a department decision or action according to the provisions of RCW 43.70.115, chapter 34.05 RCW, and chapter 246-10 WAC.

~~((3) The department shall:~~

~~(a) Conduct an on-site survey prior to issuing an initial transient accommodation license;~~

~~(b) Conduct an on-site survey prior to approving the following types of construction in a currently licensed transient accommodation:~~

~~(i) A new building;~~

~~(ii) An addition, modification or alteration which substantially changes functional use; or~~

~~(iii) The conversion of an existing building for use as part of the transient accommodation;~~

~~(c) Conduct unannounced on-site surveys and investigations at any time to determine compliance with chapter 70.62 RCW and this chapter;~~

~~(d) Issue or renew a license when the applicant or licensee and the facility meet the requirements in chapter 70.62 RCW and this chapter;~~

~~(e) Allow self-inspections to encourage compliance with chapter 70.62 RCW and this chapter;~~

~~(f) Comply with RCW 43.70.115, chapter 34.05 RCW and chapter 246-10 WAC when denying, suspending, modifying, or revoking a transient accommodation license; and~~

~~(g) Comply with RCW 43.70.095 when assessing civil fines.~~

~~(4) The department may deny, suspend, or revoke a transient accommodation license, or assess a civil fine, if the department finds the applicant, licensee, its agents, officers, directors, or any person with any interest therein:~~

~~(a) Knowingly or with reason to know, makes a misrepresentation of, false statement of, or fails to disclose, a material fact to the department:~~

~~(i) In an application for licensure or renewal of licensure;~~

~~(ii) In any matter under department investigation;~~

~~(iii) During an on-site survey; or~~

~~(iv) In a self-inspection;~~

~~(b) Obtains or attempts to obtain a license by fraudulent means or misrepresentation;~~

~~(c) Fails or refuses to comply with the requirements of chapter 70.62 RCW or this chapter;~~

~~(d) Compromises the health or safety of a guest;~~

~~(e) Conducts business or advertising in a misleading or fraudulent manner;~~

~~(f) Refuses to allow the department access to facilities or records, or fails to promptly produce for inspection any book, record, document or item requested by the department, or willfully interferes with an on-site survey or investigation;~~

~~(g) Fails to pay a fine within ten days after the assessment becomes final or as agreed to by the department and the licensee; or~~

~~(h) Operates with a suspended or revoked license.~~

~~(5) The department may summarily suspend a license if the department determines a deficiency is an imminent threat to public health, safety or welfare.))~~

NEW SECTION

WAC 246-360-035 Authority of the department. (1) The department shall:

(a) Conduct an on-site survey prior to issuing an initial transient accommodation license;

(b) Conduct announced or unannounced on-site surveys during routine business hours and conduct complaint investigations at any time of its choosing to determine compliance with chapter 70.62 RCW and this chapter;

(c) Issue or renew a license when the applicant or licensee and the transient accommodation meet the requirements in chapter 70.62 RCW and this chapter;

(d) Allow self-inspections to encourage compliance with chapter 70.62 RCW and this chapter;

(e) Comply with RCW 43.70.115, chapter 34.05 RCW, and chapter 246-10 WAC when denying, suspending, modifying, or revoking a transient accommodation license; and

(f) Comply with RCW 43.70.095 when assessing civil fines.

(2) The department may deny, suspend, or revoke a transient accommodation license if the department finds the applicant, licensee, its agents, officers, directors, or any person with any interest therein:

(a) Knowingly or with reason to know, makes a misrepresentation of, false statement of, or fails to disclose, a material fact to the department:

(i) In an application for licensure or renewal of licensure;

(ii) In any matter under department investigation, including in any plan of correction or other document required to be provided to the department;

(iii) During an on-site survey; or

(iv) In a self-inspection;

(b) Obtains or attempts to obtain a license by fraudulent means or misrepresentation;

(c) Fails or refuses to comply with the requirements of chapter 70.62 RCW or this chapter;

(d) Knowingly, or with reason to know, compromises the health or safety of a guest;

(e) Fails to pay a fine within thirty days after the assessment becomes final or as agreed to by the department and the licensee; or

(f) Operates with a suspended or revoked license.

(3) In addition to any other rights allowed under applicable law, the department may address violations by an applicant or a licensee of chapter 70.62 RCW or this chapter by:

(a) A plan of correction may be offered if the department determines that identified deficiencies are not major, broadly systemic, or of a recurring nature. Under this chapter, a "plan of correction" is a proposal devised by the applicant or licensee that includes specific corrective actions that must be taken to correct identified deficiencies and a time frame in which to complete them. The plan of correction must be approved. Implementation is required within the approved time frame, and is subject to verification by the department;

(b) A directed plan of correction may be offered if the department determines that identified deficiencies are broadly systemic, recurring, or of a significant threat to public health and safety. Under this chapter, a "directed plan of correction" is a plan of correction based on a statement of deficiencies, and includes specific corrective actions that

PROPOSED

must be taken and a time frame in which to complete them. Under this chapter, a "statement of deficiencies" is a survey or investigation report completed by the department identifying one or more deficiencies. The final content of the directed plan of correction will be reached during meetings between the department and the licensee, following an initial statement of general requirements by the department. Timelines will be reduced to the minimum necessary, even prior to formalization of the directed plan of correction, to redress problems; and/or

(c) Initiating administrative action, under chapter 34.05 RCW, RCW 43.70.115 and chapter 246-10 WAC, either as the department's primary alternative, or in the event the department requires corrective action under (a) or (b) of this subsection, and the applicant or licensee fails to correct identified deficiencies to the department's satisfaction within the approved time frame.

(4) In lieu of or in addition to license suspension or revocation, the department may assess a civil fine in accordance with RCW 43.70.095.

(5) The department may summarily suspend a license if the department determines a deficiency is an imminent threat to public health, safety or welfare.

AMENDATORY SECTION (Amending WSR 94-23-077, filed 11/16/94, effective 12/17/94)

WAC 246-360-040 Water supply and temperature control. The licensee ~~((shall))~~ **must:**

(1) Provide ~~((a))~~ documentation that shows the water supply system ~~((conforming to))~~ is in compliance with state board of health standards for public water systems, chapters 246-290 and 246-291 WAC;

(2) ~~((Maintain the transient accommodation free of cross connections;))~~ Ensure that the system providing potable water to the transient accommodation is free of any actual or potential cross connections with any systems that could be a source of nonpotable liquid, solid, or gas that could contaminate the potable water supply by backflow;

(3) Provide hot and cold water under adequate pressure ~~((readily available))~~ accessible to guests at all times when the lodging unit is rented;

(4) Provide sinks and bathing fixtures used by guests with hot water ~~((between 110 and 130 degrees Fahrenheit at all times;))~~ at 110 degrees plus or minus 10 degrees Fahrenheit accessible at all times when the lodging unit is rented; and

(5) ~~((When transient accommodation laundry is washed on-site, maintain a minimum wash water temperature of:~~

~~((a) 130 degrees Fahrenheit; or~~

~~((b) 110 degrees Fahrenheit in combination with:~~

~~((i) An appropriate low temperature detergent and effective use of a chemical disinfectant; or~~

~~((ii) An industrial type washing machine with multiple rinse cycles; and~~

~~((6))~~ Label nonpotable water supplies at all accessible connections and valves "unsafe for drinking or other domestic use."

AMENDATORY SECTION (Amending WSR 94-23-077, filed 11/16/94, effective 12/17/94)

WAC 246-360-050 Sewage and liquid waste disposal. The licensee ~~((shall))~~ **must** ensure sewage and liquid waste drain into:

(1) A municipal sewage system if available; or

(2) A sewage disposal system designed, constructed, and maintained in accordance with chapters 246-272, 246-272B, and 173-240 WAC and local ordinances.

AMENDATORY SECTION (Amending WSR 94-23-077, filed 11/16/94, effective 12/17/94)

WAC 246-360-070 Refuse and ~~((solid waste))~~ vectors. The licensee ~~((shall))~~ **must:**

(1) Provide in each lodging unit one or more washable, leak-proof refuse containers of adequate size, kept in sanitary condition, or an equivalent container(s) with a leak-proof disposable liner~~((s, in each lodging unit));~~

(2) Collect refuse as necessary to maintain a clean, and sanitary environment in and around the ~~((facility))~~ transient accommodation;

(3) Collect refuse from lodging units:

(a) After each guest occupancy; and

(b) ~~((Twice a week when guests stay longer than three days;))~~ At least every three days or more often as necessary to maintain a clean and sanitary environment in each guest's room;

(4) Handle refuse in a safe, clean and sanitary manner;

(5) Store outside refuse in washable, leak-proof, and closed covered containers ~~((to prevent the entrance of insects, rodents, birds, or other pests or nuisances outside the lodging units)), bins or dumpsters~~ until removed for disposal, no less often than every two weeks; ~~((and))~~

(6) Remove and dispose of refuse in a manner consistent with state and local sanitation codes and ordinances; and

(7) Take measures to control vectors including insects, rodents and other pests, in and around the transient accommodation.

AMENDATORY SECTION (Amending WSR 94-23-077, filed 11/16/94, effective 12/17/94)

WAC 246-360-080 Construction and maintenance. The licensee ~~((shall))~~ **must:**

(1) Ensure ~~((new construction))~~ all buildings, facilities, fixtures, furnishings and surroundings meet~~((s))~~ the requirements of:

(a) Chapter 70.62 RCW and this chapter;

(b) Chapter 19.27 RCW state building code; ~~((and))~~

(c) All other applicable city and county codes and ordinances~~((;))~~.

(2) ~~((Ensure))~~ Provide, upon request, documentation of compliance with WAC 246-360-080 (1)(b) and (c).

(3) Ensure that all buildings, facilities, fixtures, common areas such as exercise rooms, public bathrooms, kitchens, utility sinks and guest laundry rooms and furnishings are structurally sound, safe, clean, cleanable and, sanitary~~((and~~

~~(3) Take measures necessary to control insects, rodents and other pests in and around the facility), and in good repair.~~

AMENDATORY SECTION (Amending WSR 94-23-077, filed 11/16/94, effective 12/17/94)

WAC 246-360-090 Lodging units. The licensee ~~((shall))~~ must provide lodging units with:

~~(1) ((At least fifty square feet of total floor area, not counting areas with a ceiling height lower than five feet, for each guest;)) An occupancy level not to exceed the number of persons accommodated by the beds present, based on their intended maximum usage; and~~

~~(2) Adequate space to ((allow easy movement between beds, cots, mats or mattresses;~~

~~(3) Three or more feet of clear vertical space between each bed or top bunk and the ceiling; and~~

~~(4) Cleanable floors and walls kept in good repair))~~ provide a clear path of egress from each bed, including any cot, crib, mat or mattress, to the exit of the sleeping room or unit in case of fire:

(a) An aisle at least thirty-six inches wide from one side of each bed that is part of the regular furnishings of the unit;

(b) An aisle at least eighteen inches wide from one side of each temporary bed, other than an infant's crib, that is no more than thirty-eight inches high, provided that the placement of the temporary bed does not obstruct the egress aisles required for other beds;

(c) An aisle at least twenty-eight inches wide from one side of each temporary infant's crib and each temporary bed above a height of thirty-eight inches, provided that the placement of the temporary bed does not obstruct the egress aisle required for other beds; and

(d) For purposes of this section, a temporary bed is any easily transported bed, cot, crib, mattress, pad or other furnishing intended for sleeping that is provided only at the request of a guest and is removed or stored when the guest departs.

(3) Floors, ceilings, doors, walls, carpet, windowsills, window tracks, electrical switches, locking mechanisms and receptacle plates kept clean, cleanable and in good repair;

(4) Wall and ceiling mounted lighting fixtures firmly secured and in good repair; and

(5) If a phone or other reliable communication device is provided for a lodging unit, it must be capable of allowing immediate communication and connection to police, fire department, paramedic, poison control, hazardous material team or other local emergency responder.

AMENDATORY SECTION (Amending WSR 94-23-077, filed 11/16/94, effective 12/17/94)

WAC 246-360-100 Bathrooms, ~~((toilet rooms))~~ water closets, and handwashing sinks. The licensee ~~((shall))~~ must:

(1) Provide adequate private or common-use bathrooms, ~~((toilet rooms))~~ water closets, and handwashing sinks to meet the needs of guests;

(2) Provide private and common-use bathrooms, ~~((toilet rooms))~~ water closets, and handwashing areas with cleanable floors, walls, ceilings, fixtures and furnishings;

(3) Provide an uncarpeted, easily cleanable area around each ~~((toilet))~~ water closet and adjacent to each bathing fixture;

(4) Maintain safe and properly working fixtures and drains;

(5) Provide slip-resistant appliques, mats, or other devices in bathtubs and/or showers;

(6) Provide a means to maintain privacy for toileting and bathing;

~~((6))~~ (7) Provide water flush ~~((toilets))~~ water closets unless the licensee has approval from the department and local health ~~((district))~~ jurisdiction for alternative devices;

~~((7))~~ (8) Provide a handwashing sink or equivalent within, or adjacent to, each ~~((toilet))~~ water closet room;

~~((8))~~ (9) Provide easy access to an acceptable single-use drying device from each common-use handwashing sink;

~~((9))~~ (10) Provide toilet tissue conveniently located by each toilet;

~~((10) For transient accommodations other than rustic resorts, provide soap for each handwashing and bathing fixture;~~

~~((11) For transient accommodations other than rustic resorts, provide))~~ (11) Provide soap for each handwashing and bathing fixture;

(12) Provide an adequate supply of clean towels, washcloths and floor mats:

(a) For guests upon arrival; and

(b) At least ~~((twice a week for guests who stay longer than three days))~~ weekly or at the request of the guest;

~~((12))~~ (13) Assure clean towels, washcloths and floor mats ~~((stored))~~ kept in lodging units and common bathrooms are stored in a clean area off the floor; and

~~((13))~~ (14) For lodging units that do not have water closets, and handwashing sinks, provide common-use bathrooms, ~~((toilet))~~ water closet rooms and handwashing sinks meeting the requirements of this section in a ratio of one bathing fixture, one ~~((toilet))~~ water closet and one handwashing sink for each fifteen or fewer guests ~~((without such fixtures in their lodging units)). A bathing fixture means a shower, bathtub or combination bathtub/shower.~~

AMENDATORY SECTION (Amending WSR 94-23-077, filed 11/16/94, effective 12/17/94)

WAC 246-360-110 Lodging unit kitchens. (1) A licensee offering kitchens in lodging units ~~((shall))~~ must provide each kitchen with:

(a) Cleanable and durable floors and walls in good repair. Effective October 31, 2005, lodging unit kitchens must be uncarpeted and covered with a cleanable floor covering;

(b) Ventilation according to the provisions of WAC 246-360-140;

(c) A sink, other than ~~((the))~~ a "handwashing sink," ~~((suitable for washing dishes))~~ and defined as a "kitchen sink" that shall be of a sufficient size to accommodate the largest utensil in the lodging unit;

(d) Hot running water according to the provisions of WAC 246-360-040;

(e) A refrigeration device that ~~((maintains))~~ is:

PROPOSED

(i) Capable of maintaining food at a temperature of 45 degrees Fahrenheit or lower(;

(f) Cooking equipment acceptable to the state director of fire protection); and

(ii) Kept in good repair and in sanitary condition;

(f) Permanently installed cooking equipment meeting nationally recognized testing standards and installed according to local building codes;

(g) A cleanable, nonabsorbent food storage area;

(h) A cleanable table, counter, and chairs, or equivalent; and

(i) A washable, leak-proof waste food container kept in sanitary condition or equivalent container with a disposable leak-proof liner.

(2) The licensee shall clean and sanitize food preparation areas, refrigerator and reusable utensils between each guest occupancy.

(3) A licensee providing utensils shall comply with the provisions of WAC 246-360-160(2).

(4) A licensee shall discard all opened or unused food items left in the units by previous guests.

(5) A licensee offering lodging units that are equipped with only a microwave and mini refrigerator is exempted from this section.

AMENDATORY SECTION (Amending WSR 94-23-077, filed 11/16/94, effective 12/17/94)

WAC 246-360-120 Heating and cooling. (1) The licensee ((shall)) must provide a safe, adequate means of maintaining an ambient air temperature of at least 65 degrees Fahrenheit in each lodging unit.

(2) A licensee providing a cooling system ((shall)) must keep the system safe, clean, and in good working condition.

(3) All air filters must be cleaned or replaced regularly or as needed.

AMENDATORY SECTION (Amending WSR 94-23-077, filed 11/16/94, effective 12/17/94)

WAC 246-360-130 Lighting. The licensee ((shall)) must:

(1) Maintain light intensities adequate for safety ((and facility maintenance with minimum light intensities measured at a height of three feet above the floor, as follows:));

| | |
|--|---------------------------------------|
| ((Lodging Unit | 10 Foot Candles |
| Toilet rooms, bathrooms and hand-washing areas | 20 Foot Candles |
| Lodging Unit Kitchen | 20 Foot Candles |
| Laundry Room Work Areas | 30 Foot Candles |
| Corridors, Stairways, and Entryways | 5 Foot Candles |
| Elevators, Walkways | 5 Foot Candles |
| Swimming Pools | As required under chapter 246-260-WAC |

Parking lots and exterior passages 5 Foot Candles measured three feet above the ground.))

(2) Upon request from a guest, provide additional light for tasks or general illumination; and

(3) Provide emergency lighting to guests in the event of a power outage.

AMENDATORY SECTION (Amending WSR 94-23-077, filed 11/16/94, effective 12/17/94)

WAC 246-360-140 Ventilation. (1) The licensee ((shall)) must provide ventilation in all lodging units, kitchen areas, bathrooms, ((toilet)) water closet rooms, and laundry rooms.

(2) ((A licensee providing only natural ventilation:

(a) In lodging units shall provide operable windows, vents, or ducts opening directly to the out of doors; and

(b) In kitchen areas, bathrooms, toilet rooms and laundry rooms shall provide operable windows, operable skylights, or ceiling vents opening directly to the out of doors sufficient to allow five air exchanges per hour.

(3) A licensee providing mechanical ventilation systems shall assure the system provides:

(a) Two or more air exchanges per hour to each lodging unit and corridor;

(b) Five or more air exchanges per hour to kitchen areas, bathrooms, toilet rooms and laundry rooms; and

(c) Air circulation to and from the out of doors.)) All areas of the building must be ventilated to minimize odors and moisture. The ventilation system must be in compliance with the Washington Ventilation and Indoor Air Quality Code, chapter 51-13 WAC.

AMENDATORY SECTION (Amending WSR 94-23-077, filed 11/16/94, effective 12/17/94)

WAC 246-360-150 Beds and bedding. A licensee providing beds ((shall)) must:

(1) Provide clean, sanitary mattresses and bedding in good repair;

(2) Maintain durable, clean, and safe beds, cots, bunks, or other furniture for sleeping;

(3) ((Assure bunk beds, if used, have a clear vertical space of at least twenty seven inches between the bottom bunk and top bunk.)) Ensure bunk beds have sufficient unobstructed vertical space so that an adult may sit up comfortably between the bottom and top bunk, or the top bunk and ceiling;

(4) Not provide, or allow the use of, triple bunk beds;

(5) Supply each bed, cot, or bunk with a clean mattress or cushioned pad, top and bottom sheet, mattress pad, pillow ((and)), pillowcase, and blankets unless the ((facility is:

(a) A rustic resort;

(b) A crisis shelter; or

(c) A hostel;

(6) Provide clean spreads, blankets and mattress pads as needed;

(7) Provide clean pillowcases and sheets:

(a) For guests upon arrival; and

~~(b) At least twice a week for guests staying longer than three days; and~~) transient accommodation is a hostel.

(6) Ensure that blankets, bedspreads and mattress pads are cleaned regularly or more often when visibly soiled.

(7) Provide clean replacement pillowcases and sheets for guests upon arrival and at least weekly or as requested by a guest.

(8) Ensure ((clean)) that bedding kept in the lodging unit((s)) is stored in a clean area off the floor.

AMENDATORY SECTION (Amending WSR 94-23-077, filed 11/16/94, effective 12/17/94)

WAC 246-360-160 Food and beverage services. (1) A licensee providing food service to guests ((shall)) must meet the requirements of:

- (a) Chapter 246-215 WAC, Food service;
- (b) Chapter 246-217 WAC, Food worker permits; and
- (c) Local ordinances.

(2) A licensee providing cooking utensils and ice buckets for guests ((shall)) must:

~~(a) ((Dispose of, and replace, single use utensils and ice buckets between guest occupancies;~~

~~(b) Clean and sanitize multiple use utensils and ice buckets between guest occupancies;~~

~~(i) In lodging unit kitchens meeting the requirements in WAC 246-360-110; or~~

~~(ii) In a clean and sanitary area separate from bathrooms, toilet rooms and adjoining handwash sinks;~~

~~(e)) Wash, handle and store utensils and ice buckets in a safe and sanitary manner to protect from contamination; ((and~~

~~(4)) (b) Maintain reusable cooking utensils and ice buckets in good condition, free from cracks, chips and distortions caused by damage or excessive use; and~~

(c) If a lodging unit is equipped with a kitchen that meets the requirements in WAC 246-360-110, the licensee must clean and sanitize utensils and ice buckets in a clean and sanitary area separate from bathrooms, water closet rooms, and adjoining hand washing sinks.

(3) If ice is provided, the licensee ((shall)) must store and dispense ice in a sanitary manner ~~((, including))~~ by:

(a) Cleaning and sanitizing ice machines at least twice a year or more often as needed or in accordance with the manufacturer's instructions; and

(b) Restricting guest access to unprotected bulk ice by:

(i) Providing self-dispensing ice machines or other "no contact" dispensing methods; or

(ii) Having employees with basic food handling training dispense bulk ice to guests.

(4) The licensee ((shall)) must clean, maintain, and properly adjust the water flow in drinking fountains to ensure there is adequate pressure.

(5) Upon the department's request, the licensee must provide: A copy of the transient accommodations' current food service permit, and food handlers' permits issued by the local health jurisdiction.

AMENDATORY SECTION (Amending WSR 94-23-077, filed 11/16/94, effective 12/17/94)

WAC 246-360-180 Laundry. The licensee ((shall)) must:

(1) Provide clean, sanitary bedding, linens, towels, washcloths, and other items intended for guest use by:

~~(a) ((Maintaining a laundry according to the provisions in this chapter; or~~

~~(b) Using a commercial laundry or other laundry meeting the requirements in WAC 246-360-040 and this section;~~

~~(2)) Using a commercial laundry service; or~~

(b) Washing and sanitizing laundry in accordance with the washer's manufacturer's recommendations and detergent and sanitizer instructions; and drying laundry in accordance with the dryer manufacturer's instructions when using a dryer.

(2) Ensure lint screens on on-site dryers are cleaned daily during normal operation or as needed.

(3) Store ((the)) clean and sanitized bedding, linens, towels, washcloths and other items in an area:

(a) Designated for clean items only;

(b) Off the floor;

(c) Protected from contamination; ~~((and))~~

~~(d) ((Without access by)) Inaccessible to guests, pets or other animals; and~~

~~((3)) (e) Away from excessive moisture or humidity.~~

(4) Provide a means for handling, transporting, and separating soiled bedding, linens, towels, washcloths, and other items to prevent cross-contamination of clean items;

(5) Provide handwashing facilities that are readily accessible to employees as described in WAC 296-823-14030.

(6) Effective October 31, 2005, ensure that laundry room flooring is uncarpeted and covered with a cleanable floor covering.

AMENDATORY SECTION (Amending WSR 94-23-077, filed 11/16/94, effective 12/17/94)

WAC 246-360-200 Safety, chemical, and physical hazards. The licensee ((shall)) must:

(1) Establish and follow policies and procedures for properly and safely storing ~~((and)), labeling, and using all hazardous chemical agents or any substance bearing a warning label,~~ such as cleaners, solvents, disinfectants and insecticides to assure ~~((chemical agents)) they~~ are:

~~(a) ((Inaccessible to guests other than small amounts of household cleaners stored in lodging unit kitchens;~~

~~(b)) Stored to prevent contamination of clothing, towels, washcloths, and bedding materials, and away from food items or anything intended for consumption; and~~

~~((e)) (b) Used according to manufacturer's precautions and recommendations;~~

(2) Provide adequate and safe hand railing for all stairways, porches, and balconies~~((;~~

~~(3) Ensure gas and oil fired space heaters and water heaters are vented to the out-of doors; and~~

~~(4) Eliminate known physical hazards)) including appropriate spacing between slats;~~

(3) Eliminate all known environmental health and safety hazards in and around the transient accommodation, includ-

ing hazards resulting from fire, natural or other disasters and chemical or biological contamination. The presence of any hazard must be fully eliminated prior to reoccupancy of any affected area or living unit. When a hazard is confirmed, approval from any and all appropriate local authorities is required prior to reoccupancy;

(4) Ensure all doors providing access to a lodging unit is equipped with a suitable locking security device in compliance with applicable building and fire codes; and

(5) If spas, pools and/or hot tubs are provided, have available for review a copy of a current water recreation facility permit issued by the local health jurisdiction.

NEW SECTION

WAC 246-360-220 Fire safety. The licensee must establish and maintain a fire-safe environment:

(1) Except as described in subsection (2) of this section, the licensee must establish and implement a written plan to ensure:

(a) Smoke detectors are installed and maintained in all sleeping rooms or sleeping areas. Nonrechargeable batteries in smoke detectors must be replaced each year or per manufacturer's instructions. Rechargeable batteries must be charged and maintained or replaced per the manufacturer's instructions.

(b) Fire extinguishers are inspected when initially placed in service and at approximately thirty-day intervals. Fire extinguishers must be inspected manually or by electronic monitoring, at more frequent intervals when circumstances require. Periodic inspection of fire extinguishers must include a check of at least the following items:

- (i) Location in designated place;
- (ii) No obstruction to access or visibility;
- (iii) Operating instructions on nameplate, legible and facing outward;
- (iv) Safety seals and tamper indicators not broken or missing;
- (v) Fullness determined by weighing or "hefting";
- (vi) Examination for obvious physical damage, corrosion, leakage, or clogged nozzle;
- (vii) Pressure gauge reading or indicator in the operable range or position;
- (viii) Condition of tires, wheels, carriage, hose, and nozzle checked (for wheeled units); and
- (ix) Hazardous material identification system label in place.

(c) If a fire alarm system is installed:

(i) The system, including initiating devices and notification appliances, is regularly inspected, tested, and maintained by the owner or the owner's designated representative in accordance with the requirements of NFPA 72 and records of this inspection are maintained for review by the department during survey;

(ii) Unless otherwise recommended by the manufacturer, single and multiple station smoke alarms installed in one- and two-family dwellings must:

(A) Be replaced when they fail to respond to operability tests; and

(B) Must not remain in service longer than ten years from the date of manufacture.

(d) If an automatic fire suppression system is installed:

(i) The system must be inspected, tested and maintained in accordance with procedures established in NFPA 25; and

(ii) Valves designed to be open under normal system operation must be kept in open position and only closed with approval of the authority having jurisdiction.

(e) Obstructions, including storage, ensuring they are not placed in the required means of egress, except projections allowed by the building code. Means of egress must not be obstructed in any manner and must remain free of any material or matter where its presence would obstruct or render the means of egress hazardous. Exit doors must not be locked in the direction of egress unless a special egress control device is installed per the building code.

(2) In lieu of the requirements of subsection (1) of this section, the licensee may maintain as part of the facility's written plan, evidence satisfactory to the department of current fire, life, and safety inspection conducted by the local fire jurisdiction.

(3) The licensee must ensure that gas, oil-fired, or other fuel-burning appliances including fireplaces, dryers, stoves and water heaters, are vented to the out-of-doors as specified in the manufacturer's instructions and current applicable state codes adopted by the state building code council.

(4) The licensee may not use extension cords in the lodging units unless prior written approval from the local fire jurisdiction is available for the surveyor's review.

(5) If candle holders and other open flame candles, lanterns or other open flame light sources and decorations are present:

(a) Candle holders and other open flame devices must be designed to return to the upright position after being tilted to an angle of forty-five degrees from vertical.

(b) Liquid or solid-fueled lighting devices containing more than eight ounces of fuel must:

(i) Self-extinguish and not leak fuel at a rate of more than one-quarter teaspoon per minute if tipped over.

(ii) Have a fully enclosed flame except as follows:

(A) Openings on the side must not be more than three-eighths inch in diameter;

(B) Openings on the top and the distance to the top must be such that a piece of tissue paper placed on the top will not ignite in less than ten seconds; and

(C) Candelabras with flame lit candles must be securely fastened in place to prevent overturning and must be located away from the occupant using the area and away from possible contact with drapes, curtains, or other combustibles.

(6) Portable space heaters, which are prohibited unless prior written approval from the local fire authority has been obtained and made available for the surveyor's review.

NEW SECTION

WAC 246-360-230 Rustic resorts. (1) If the transient accommodation is a rustic resort, the licensee must ensure the transient accommodation meets the requirements of:

(a) The administrative regulations specified in:

(i) WAC 246-360-020 Licensure;

(ii) WAC 246-360-030 Responsibilities and rights—Licensee and department;

(iii) WAC 246-360-500 Exemptions; and

(iv) WAC 246-360-990 Fees.

(b) The environmental regulations specified in:

(i) WAC 246-360-040 Water supply and temperature control;

(ii) WAC 246-360-050 Sewage and liquid waste disposal;

(iii) WAC 246-360-070 (1), (4), (5), (6) and (7) Refuse and vectors;

(iv) WAC 246-360-100 (1) through (10) and (14) Bathrooms, water closets, and handwashing sinks;

(c) The transient accommodation regulations specified in:

(i) WAC 246-360-080 Construction and maintenance; and

(ii) WAC 246-360-090 Lodging units;

(d) Safety related regulations specified in:

(i) WAC 246-360-200 Safety, chemical and physical hazards; and

(ii) WAC 246-360-220 Fire safety.

(2) If the licensee provides the amenities and services addressed in all or part of the following sections, the licensee must also meet the requirements as specified in the sections:

(a) WAC 246-360-100 (11), (12) and (13) Bathrooms, water closets, and handwashing sinks;

(b) WAC 246-360-110 Lodging unit kitchens;

(c) WAC 246-360-120 Heating and cooling;

(d) WAC 246-360-150 Beds and bedding;

(e) WAC 246-360-160 Food and beverage services;

(f) WAC 246-360-180 Laundry;

(g) WAC 246-360-130 Lighting; and

(h) WAC 246-360-140 Ventilation.

(3) If the licensee does not provide the services and amenities addressed in subsection (2) of this section, the licensee must adopt the decision as written policy and upon request must make the policy available to the surveyor.

(4) A licensee may not advertise as providing services that are not provided at the rustic resort.

AMENDATORY SECTION (Amending WSR 94-23-077, filed 11/16/94, effective 12/17/94)

WAC 246-360-500 Exemptions. (1) A licensee (~~wish- ing to~~) may request an exemption from a requirement in this chapter (~~shall submit~~) for part or all of a particular licensure period by submitting a written request to the department, including:

~~(a) (A description of the requested exemption;~~

~~(b) Reason for the exemption; and~~

~~(c) Impact of the exemption on public health and safety.~~

~~(2) If the department determines the exemption will not jeopardize public health or safety, and is not contrary to the intent of chapter 70.62 RCW and this chapter, the department may:~~

~~(a) Exempt the licensee from meeting a specific require- ment in this chapter; or~~

~~(b) Allow the licensee to use another method of meeting the requirement.~~

~~(3) The licensee shall retain a copy of each approved exemption in the transient accommodation.) The specific section number or numbers of the rule for which exemption is requested;~~

~~(b) An explanation of the circumstances involved;~~

~~(c) A proposed alternative that meets the intent of the rule and ensures guest safety and health;~~

~~(d) Any supporting research or other documentation; and~~

~~(e) The time period for which an exemption is requested.~~

(2) The department will grant or deny exemption requests after the department has received an exemption request with complete relevant information from the licensee. After review and consideration, the exception may be granted if it will not:

(a) Negate the purpose and intent of these rules;

(b) Place the safety or health of the guests in the transient accommodation in jeopardy;

(c) Lessen any fire and life safety or infection control provision of this chapter or other codes or regulations; and

(d) Affect any structural integrity of the building.

(3) The department will document the exemption deci- sion and will keep the decision as a part of the current tran- sient accommodation file. The licensee must maintain the documented exemption decision on file in the transient accommodation.

WSR 04-12-118

PROPOSED RULES

STATE BOARD OF HEALTH

[Filed June 2, 2004, 11:30 a.m.]

Continuance of WSR 04-08-099.

Preproposal statement of inquiry was filed as WSR 00-22-122.

Title of Rule: Chapter 246-260 WAC, Water recreation facilities.

Purpose: This statement of proposed rule making reflects a change in the date of intended adoption. The board held a hearing on the rule May 12 and continued the discus- sion and vote until July 14.

Statutory Authority for Adoption: RCW 70.90.120.

Statute Being Implemented: Chapter 70.90 RCW.

Name of Agency Personnel Responsible for Drafting and Implementation: Gary Fraser, 7171 Cleanwater Lane, Tumwater, WA, (360) 236-3073; and Enforcement: Mary- anne Guichard, 7171 Cleanwater Lane, Tumwater, WA, (360) 236-3391.

Name of Proponent: Department of Health and State Board of Health, governmental.

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

Proposal Changes the Following Existing Rules: [See WSR 04-08-099.]

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement

[See WSR 04-08-099]

A copy of the statement may be obtained by writing to Gary Fraser, Environmental Health Division, P.O. Box 47825, Tumwater, WA 98504, e-mail gary.fraser@doh.wa.gov, phone (360) 236-3073.

RCW 34.05.328 applies to this rule adoption. Portions of this rule making qualify as "significant legislative rules" and the analysis required by RCW 34.05.328 has been prepared. A draft copy is available by contacting Gary Fraser at the address listed above.

Hearing Location: State Board of Health, Centralia Railroad Depot, 210 Railroad Avenue, Centralia, WA 98531, on July 14, 2004, at 2:30 p.m.

Assistance for Persons with Disabilities: Contact Gary Fraser by July 7, 2004, TDD (800) 833-6388 or (360) 236-2250.

Date of Intended Adoption: July 14, 2004.

June 2, 2004

Craig McLaughlin
Acting Executive Director

WSR 04-12-122
PROPOSED RULES
DEPARTMENT OF HEALTH
(Dental Hygiene)
[Filed June 2, 2004, 11:36 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-19-083.

Title of Rule: WAC 246-815-020 Dental hygiene examination eligibility, 246-815-050 Examination, 246-815-100 Licensure by interstate endorsement of credentials, 246-815-110 Application procedures for approval of dental hygiene expanded functions education programs, and 246-815-115 Exception procedures for approval of dental hygiene expanded functions education programs.

Purpose: The rules need to be revised to bring them up-to-date to accurately reflect examination standards. The Dental Hygiene Examination Committee recently accepted the central regional dental testing service (CRDTS) examination for endorsement applicants. The proposed rule will assure the state standards reflect CRDTS standards. Removing time restrictions will streamline the application process for examination applicants and expanded function education programs.

Statutory Authority for Adoption: Chapter 34.05 RCW, RCW 43.70.280, 18.29.120, 13.29.140 [18.29.140], and 18.29.150.

Statute Being Implemented: Chapter 18.29 RCW.

Summary: The proposal improves clarity and eliminates redundancy within dental hygienist examination requirements; and updates the existing language to reflect current protocols and requirements.

Reasons Supporting Proposal: The rules need to be revised to bring them up-to-date to accurately reflect the examination standards, additionally, the proposal will help broaden the applicant pool of dental hygienists in the state.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Vicki L. Brown, Department of Health, 310 Israel Road S.E., Tumwater, 98501, (360) 236-4865.

Name of Proponent: Department of Health, Dental Hygiene Examination Committee, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules set the eligibility and exam requirements for Washington state dental hygienists. The proposed rule changes provide clear, concise standards for the examination of dental hygienists in the state of Washington and removes the four-year approval frequency for schools with dental hygiene expanded function educational programs. By improving clarity, and reducing redundancy and updating the examination requirements, the department anticipates a reduction in costs to applicants, and increase in the number of hygienists that may be licensed in Washington and assurance that exam standards reflect current practice and protocol.

Proposal Changes the Following Existing Rules:

WAC 246-815-050 Replaces the state-administered Washington written examination with the Washington law examination.

WAC 246-815-050 Removes the requirement for applicants to take the state-administered Washington restorative examination.

WAC 246-815-050 Specifies the approved examination for dental hygienists to be administered by the Western Regional Examination Board (WREB) with a passing score determined by national standards. Essentially, the WREB exam will replace parts of the state-administered examination process.

WAC 246-815-100 Updates existing language and requirements to reflect current protocol and practice, i.e., replacing language and rules detailing the state-administered exam with those for the WREB exam.

WAC 246-815-100 The use of WREB allows more dental hygienists to become licensed and to practice in a broader area of ten western regional states, rather than being limited to just one specific state. In the end, savings will be afforded by applicants as well as the various licensing state governments including the Department of Health.

WAC 246-815-020 Reduces the applicant photograph requirement from two to one, resulting in a savings to the applicant and the state.

WAC 246-815-110 and 246-815-115 Removes the four-year approval frequency for schools with dental hygiene expanded function education programs. Instead, there is a one-time approval with a requirement for schools to contact the Dental Hygiene Examining Committee if there are changes to their educational or administrative curricula.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement

Background: Chapter 18.29 RCW regulates dental hygiene services in the state of Washington. The intentions of this regulation are to protect the public from being misled by incompetent, unethical and/or unauthorized persons; to

assure the availability of dental hygiene services of high quality to persons in need; and to assure the highest degree of professional conduct and competency in the delivery of these services.

Under RCW 18.29.110, the Dental Hygiene Examining Committee is authorized to establish qualifications and define education, training, and examination requirements of dental hygienists in the state of Washington. Ultimately, the committee establishes rules that it considers are appropriate for the protection of the consumers of dental hygiene services, the people of the state of Washington.

Purpose and Objective: The Dental Hygiene Examining Committee is proposing rule changes that will:

- Add clarity to the examination requirements for dental hygienists.
- Eliminate redundancy in the examination requirements for dental hygienists.
- Broaden the applicant pool of dental hygienists practicing in the state.
- Update existing language to reflect current protocols and requirements.
- Ensure that all dental hygienists are competent and capable of carrying out their respective professional duties.
- Improve the overall quality of care provided by dental hygienists.

Rule-making Requirements of the Regulatory Fairness Act (chapter 19.85 RCW): The Regulatory Fairness Act, RCW 19.85.030 requires the department to conduct a small business economic impact statement (SBEIS) for proposed rules that have more than minor impact on small businesses. As defined in RCW 19.85.020 a small business is "any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, that has the purpose of making a profit, and that has fifty or fewer employees."

What Does the Proposed Rule Amendment Do? The proposed rule changes provide clear, concise standards for the examination of dental hygienists in the state of Washington. The proposed amendment directly affects dental hygienists in the following ways:

- Replaces the state-administered Washington written examination with the Washington law examination.
- Removes the requirement for applicants to take the state-administered Washington restorative examination.
- Specifies the approved examination for dental hygienists to be administered by the Western Region Examination Board (WREB) with a passing score determined by national standards. Essentially, the WREB exam will replace parts of the state-administered examination process.
- Updates existing language and requirements to reflect current protocol and practice, i.e., replacing language and rules detailing the state-administered exam with those for the WREB exam.
- The use of WREB allows more dental hygienists to become licensed and to practice in a broader area of

ten western region states, rather than being limited to just one specific state. In the end, savings will be afforded by applicants as well as the various licensing state governments including the Department of Health.

- Reduces the applicant photograph requirement from two to one, resulting in a savings to the applicant and the state.
- Removes the four-year approval frequency for schools with dental hygiene expanded function education programs. Instead, there is a one-time approval with a requirement for schools to contact the Dental Hygiene Examining Committee if there are any changes to their educational or administrative curricula.

Affected Industries/Disproportionate Impact: In preparing this SBEIS, the Department of Health used the following SIC codes:

| SIC | Description | Minor Impact Thresh |
|------|-----------------------------------|---------------------|
| 8021 | Offices and clinics of dentists | \$ 66.10 |
| 8099 | Health and allied services, nec | \$ 66.10 |
| 8093 | Specialty outpatient clinics, nec | \$ 116.33 |

These three SIC codes indicate a minor impact threshold of \$66.10 - \$116.33. The estimated cost to all health care practitioners, including dentists and dental hygienists, for amending these rules is zero. Therefore, there is no disproportionate cost to small business.

Immediate and direct savings are expected for dental hygienists, as they are now required to take a regional exam that encompasses a ten-state region of the United States. This alleviates a burden on dental hygienists, and results in a reduction in lost wages and alternative time costs spent on registration, preparation, fees, and successfully passing multiple exams in order to obtain multiple state licensure. With the WREB exam, dental hygienists from outside the state can become more easily and quickly licensed in Washington state. In addition, dental clinics and facilities can hire dental hygienists more expeditiously, reducing costs spent on recruiting and hiring from outside the state, within the ten-state, Western United States region. Furthermore, the reduction in the photograph requirement - from two to one - results in quantifiable savings directly to the applicant. Furthermore, by eliminating the requirement for a four-year frequency for approving schools with expanded function education programs, savings are afforded to schools, the state and the public, resulting in improved education outcomes. In the end, savings is expected on all sides by all parties involved: Dental hygienists, dental offices and clinics, the department, and most importantly the consumers of dental hygiene services, the people of the state of Washington.

How the Department of Health Will Notify Businesses: Upon adoption, these rules will be made available to businesses that involve dental hygienists, dental professionals, employers and facilities in a number of ways.

- Available on the internet.

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- Copy sent electronically to all businesses that have asked to be placed on the interested persons e-mail list.
- Included in the next updated law book which is sent upon request to businesses and licensees.
- Available at the front counter for businesses and licensees.
- Copy of rule is available through the Code Reviser's Office, which is available to all businesses and licensees.

How the Department of Health Has Involved Businesses in the Rules-Making Process: At the very beginning of the rules writing process, notices were sent to all persons on the interested parties mailing list. Additionally, several rules writing meetings were scheduled in which the public - including small businesses - were invited.

Costs to the Department of Health to Administer the Regulation: There are no new additional costs to the Department of Health to amend or repeal these rules. No additional review time and no additional analyses are required as a result of the amendments.

A copy of the statement may be obtained by writing to Vicki Brown, Program Manager, Department of Health, P.O. Box 47868, Olympia, WA 98504-7868, phone (360) 236-4865, fax (360) 664-9077.

RCW 34.05.328 applies to this rule adoption. These rules are legislatively significant because they amend a qualification for the issuance of a license.

Hearing Location: Department of Health, Point Plaza East, 310 Israel Road S.E., Room 139, Tumwater, WA 98501, on July 6, 2004, at 10:30 a.m. to 11:00 a.m.

Assistance for Persons with Disabilities: Contact Vicki Brown by June 29, 2004, TDD (800) 833-6388.

Submit Written Comments to: Department of Health, Vicki Brown, P.O. Box 47868, Olympia, WA 98504-7868, fax (360) 664-9077, by June 29, 2004.

Date of Intended Adoption: July 12, 2004.

May 27, 2004

M. C. Selecky

Secretary

AMENDATORY SECTION (Amending WSR 98-05-060, filed 2/13/98, effective 3/16/98)

WAC 246-815-020 Dental hygiene examination eligibility. (1) To be eligible to take the ~~((Washington))~~ approved dental hygiene examination, the applicant must meet the following requirements:

(a) The applicant must have successfully completed a dental hygiene education program approved by the secretary of the department of health pursuant to WAC 246-815-030.

(b) Applicants must complete seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

(c) The applicant must demonstrate knowledge of Washington law pertaining to the practice of dental hygiene.

(d) The applicant must complete the required application materials and pay the required fee.

~~(2) ((Applications for the dental hygiene examination are available from the department of health dental hygiene program. The completed application must be received by the~~

~~department of health sixty days prior to the examination.))~~
The application must include:

(a) The required examination fee.

(b) Either the national board IBM card reflecting a passing score or a notarized copy of the national board certificate.

(c) ~~((Two))~~ One photograph~~((s))~~ of the applicant taken within one year preceding the application.

(3) An official transcript or certificate of completion constitutes proof of successful completion from an approved dental hygiene education program. ~~((Applicants who will successfully complete the dental hygiene education program within forty five days preceding the examination for which they are applying may provide documentation of successful completion by inclusion of their names on a verified list of students successfully completing the program from the dean or director of the education program.))~~ No other proof of successful completion is acceptable. ~~((An applicant may complete the application and be scheduled for the examination, but will not be admitted to the examination if the department of health has not received the required proof of successful completion.))~~

AMENDATORY SECTION (Amending WSR 95-16-102, filed 8/1/95, effective 9/1/95)

WAC 246-815-050 Examination. (1) The dental hygiene examination will consist of both written and practical tests approved by the committee, as described in this section. An applicant seeking licensure in Washington by examination must successfully complete all of the following:

(a) The dental hygiene national board examination.

(b) The Washington ~~((written))~~ law examination.

(c) ~~((The Washington restorative examination-~~

~~(d) The Western Regional Examining Board (WREB) dental hygiene patient evaluation/prophylaxis and local anesthetic examinations.~~

~~(2))~~ The ((successful completion of the)) Western Regional Examining Board (WREB) dental hygiene examinations from May 8, 1992((and thereafter will be accepted)). In lieu of the WREB examination (or any of its subparts), the secretary may accept a substantially equivalent examination (or substantially equivalent subparts).

~~((3))~~ (2) The committee may, at its discretion, give a test in any other phase of dental hygiene. Candidates will receive information concerning each examination.

~~((4))~~ (3) The applicant will comply with all written instructions provided by the department of health.

AMENDATORY SECTION (Amending WSR 98-05-060, filed 2/13/98, effective 3/16/98)

WAC 246-815-100 Licensure by interstate endorsement of credentials. A license to practice as a dental hygienist in Washington may be issued pursuant to RCW 18.29.045 provided the applicant meets the following requirements:

(1) The applicant has successfully completed a dental hygiene education program which is approved by the secretary of the department of health pursuant to WAC 246-815-030.

(2) The applicant has been issued a valid, current, non-limited license by successful completion of a dental hygiene

examination in another state. The other state's current licensing standards must be substantively equivalent to the licensing standards in the state of Washington. The other state's examination must have included the following portions and minimum level of competency standards.

(a) Written tests - the written tests include:

(i) The National Board of Dental Hygiene examination.

(ii) A state written test covering the current dental hygiene subjects that are tested for Washington state.

~~(b) ((Practical tests—all portions shall be graded anonymously by calibrated practicing dental hygienists or dental hygienists and dentists. The calibration process shall consist of training sessions which include components to evaluate and confirm each examiners ability to uniformly detect known errors on prograded patients and/or dentofoms. Examiners will be calibrated to the established standard of minimum level of competency. The examination must have equivalent patient selection criteria for the patient evaluation, prophylaxis and anesthesia portions. The current Washington state patient selection criteria for examination will be used as the basis of comparison at the time of application for licensure by interstate endorsement of credentials.)) The Western Regional Examining Board (WREB) practical tests. In lieu of the WREB practical tests, the secretary may accept substantially equivalent tests.~~ The practical tests include:

(i) Patient evaluation clinical competency ~~((test which includes what is currently tested for the Washington state dental hygiene examination-));~~

(ii) Prophylaxis clinical competency ~~((test which includes what is currently tested for the Washington state dental hygiene examination-));~~

(iii) Anesthesia clinical competency ~~((test which includes what is currently tested for the Washington state dental hygiene examination-)); and~~

(iv) Restorative ~~((test which includes what is currently tested for the Washington state dental hygiene examination)).~~

(3) The applicant holds a valid current license, and has been currently engaged in clinical practice at any time within the previous year as a dental hygienist in another state or in the discharge of official duties in the United States Armed Services, Coast Guard, Public Health Services, Veterans' Bureau, or Bureau of Indian Affairs. Verification of licensure must be obtained from the state of licensure, and any fees for verification required by the state of licensure must be paid by the applicant.

(4) The applicant has not engaged in unprofessional conduct as defined in the Uniform Disciplinary Act in RCW 18.130.180 or is not an impaired practitioner under RCW 18.130.170 in the Uniform Disciplinary Act.

(5) Applicants must complete seven clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

(6) The applicant demonstrates to the secretary knowledge of Washington law pertaining to the practice of dental hygiene.

(7) The applicant completes the required application materials and pays the required application fee. Applications for licensure by interstate endorsement are available from the department of health dental hygiene program.

(8) If the secretary of the department of health finds that the other state's licensing standards are substantively equivalent

except for a portion(s) of the examination, the applicant may take that portion(s) to qualify for interstate endorsement. That portion(s) of the exam must be successfully completed to qualify for interstate endorsement and an additional examination fee as well as the licensure by interstate endorsement fee shall be required.

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

WAC 246-815-110 Application procedures for approval of dental hygiene expanded functions education programs. (1) The representative of the education program must complete the required application materials and pay the required nonrefundable fee.

(2) Applications for approval of dental hygiene expanded functions education programs are available from the department of health, ~~((professional licensing services,))~~ dental hygiene program.

(3) The application shall include but is not limited to a self study guide which reflects WAC 246-815-120 and 246-815-130.

(4) The application may include a site visit and evaluation at the discretion of the secretary of the department of health.

(5) An approved dental hygiene expanded function education program shall report in writing all modifications of the approved program to the department of health and shall be required to pay the nonrefundable evaluation fee if the secretary of the department determines that the modification(s) substantially affects an area included in WAC 246-815-120.

~~(((6) An approved dental hygiene expanded function education program shall apply for evaluation sixty days prior to the month and day of the initial approval date every four years and shall pay the required nonrefundable evaluation fee. Provided, That the approved dental hygiene expanded function education program has not been required to be evaluated due to modifications within one year prior to the required four year evaluation date.))~~

AMENDATORY SECTION (Amending Order 236, filed 1/21/92, effective 2/21/92)

WAC 246-815-115 Exception application procedures for approval of dental hygiene expanded functions education programs. (1) This section applies only to dental hygiene programs:

(a) Currently accredited by the American Dental Association Commission on Dental Accreditation; and

(b) With accredited program curriculum that includes the administration of local anesthetic, administration of nitrous oxide analgesia and restorative dentistry.

(2) A program representative may apply for approval of a dental hygiene expanded function(s) education program by submitting to the department:

(a) An application on forms available from the department of health, ~~((professional licensing services,))~~ dental hygiene program ~~((, Olympia, Washington)).~~

(b) The current and the proposed expanded function course outlines and syllabuses, and:

(i) An identification of the differences between the current and proposed courses;

(ii) Documentation of the differences between the current and proposed courses.

(3) The program representative shall not submit a self study guide or an application fee.

(4) The department may, at the secretary's discretion, conduct a site visit and evaluation.

(5) The representative of an approved expanded function education program shall ~~((a))~~ report all modifications of the approved program to the department in writing ~~((and~~

~~(b) Apply for evaluation every four years, sixty days prior to the month and day of the initial approval date. Provided, that the program has not been evaluated due to modifications within the year previous to the required evaluation date)).~~

PROPOSED

WSR 04-11-113
EXPEDITED RULES
LIQUOR CONTROL BOARD

[Filed May 19, 2004, 10:49 a.m.]

Title of Rule: WAC 314-20-100 Beer distributor price posting, 314-20-105 Beer suppliers' price filings contracts and memoranda, 314-24-190 Wine distributor price posting, and 314-24-200 Wine suppliers' price filings, contracts and memoranda.

Purpose: Changes to implement SB 6737 passed during the 2004 legislative session, to eliminate redundancy with state law, and to simplify language for clarity.

Statutory Authority for Adoption: RCW 66.08.030, 66.28.180.

Statute Being Implemented: Chapter 160, Laws of 2004.

Summary: The proposed changes to WAC 314-20-100, 314-20-105, 314-24-190, and 314-24-200 would:

- Implement SB 6737 by deleting references to price postings being open to inspection at all times.
- Take out redundancies with the guiding law (RCW 66.28.180).
- Combine the two wine posting rules into one rule and the two beer posting rules into one rule.
- Simplify language for clarity.

Name of Agency Personnel Responsible for Drafting: Teresa Berntsen, Rules Coordinator, 3000 Pacific Avenue S.E., Olympia, (360) 664-1648; Implementation and Enforcement: Lorraine Lee, Licensing and Regulation Division Director, 3000 Pacific Avenue S.E., Olympia, (360) 664-1600.

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

Explanation of Rule, its Purpose, and Anticipated Effects: State law requires that suppliers post the prices of beer and wine sold to distributors, and that distributors post the prices of beer and wine sold to retailers. These prices are posted on a website administered by the Liquor Control Board (LCB). Before this law change other suppliers and distributors could view the prices as soon as they were posted.

LCB agency-request legislation SB 6737 passed during the 2004 session and took effect March 31, 2004. This revised law states that, because price postings are investigative documents, they are considered confidential information and are not subject to public disclosure until the prices become effective.

WAC 314-20-100, 314-20-105, 314-24-190, and 314-24-200 implement RCW 66.28.180, which outlines beer and wine price postings. The proposed changes [in] these rules would:

- Implement SB 6737, passed during the 2004 legislature (chapter 160, Laws of 2004), by deleting references to price postings being open to inspection at all times.
- Take out redundancies with the guiding law (RCW 66.28.180).
- Combine the two wine posting rules into one rule and the two beer posting rules into one rule.
- Simplify language for clarity.

Proposal Changes the Following Existing Rules:

- WAC 314-20-100 Beer distributor price posting, implement SB 6737, passed during the 2004 legislature, by deleting references to price postings being open to inspection at all times. Take out redundancies with the guiding law (RCW 66.28.180). Simplify language for clarity.
- WAC 314-20-105 Beer suppliers' price filings contracts and memoranda, delete. Language either put into proposed revised WAC 314-20-100 or [is] deleted because it is redundant with state law.
- WAC 314-24-190 Wine distributor price posting, implement SB 6737, passed during the 2004 legislature, by deleting references to price postings being open to inspection at all times. Take out redundancies with the guiding law (RCW 66.28.180). Simplify language for clarity.
- WAC 314-24-200 Wine suppliers' price filings, contracts and memoranda, delete. Language either put into proposed revised WAC 314-24-190 or [is] deleted because it is redundant with state law.

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 THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Teresa Berntsen, Rules Coordinator, Liquor Control Board, P.O. Box 43080, Olympia, WA 98504-3080, rules@liq.wa.gov, fax (360) 704-4921, AND RECEIVED BY August 3, 2004.

May 19, 2004
Merritt D. Long
Chairman

AMENDATORY SECTION (Amending WSR 98-18-097, filed 9/2/98, effective 10/3/98)

WAC 314-20-100 Beer supplier and distributor price postings. ~~((1) Every beer distributor shall file with the board at its office in Olympia a price posting showing the distributor prices at which any and all brands of beer sold by such beer distributor shall be sold to retailers within the state.))~~ RCW 66.28.180 requires beer distributors and suppliers to file price postings with the board.

(1) Definitions—For the purposes of this section:

(a) A "beer pricing posting" or "price posting" means a declaration of the price of beer sold from a supplier to a distributor or from a distributor to a retailer, in effect as filed with the liquor control board either electronically or hard-copy, under the provisions of RCW 66.28.180 and Title 314 WAC.

(b) A "beer supplier" means a microbrewery, domestic brewery, certificate of approval holder, beer importer, or a distributor selling beer to another distributor.

(2) Filing deadlines.

| <u>(a) Beer supplier filing deadlines</u> | <u>(b) Beer distributor filing deadlines</u> |
|---|--|
| <p><u>All price postings, distributor appointments, written contracts, and memoranda of oral agreements must be received by the board not later than the twenty-fifth day of the month, and if approved will become effective on the first day of the second calendar month following the date of filing.</u></p> | <p>((2)) All price postings must be received by the board not later than the tenth day of the month, and if approved will become effective on the first day of the calendar month following the date of ((such)) filing. ((An additional period, not to exceed five days will be allowed for revision of such posting to correct errors, omissions, or to meet competitive prices filed during the current posting period, but a revised posting must be on file at the board office by not later than the fifteenth day of the month in order to become effective on the first day of the next calendar month: Provided, That the board may in individual cases, for good cause shown, extend the date on which the filings required by the rules are to be received by the board.))</p> |

(c) The board will allow up to an additional five days for revisions of filings to correct errors and omissions filed during the current price posting period. The board may in individual cases, for good cause shown, extend the filing date.

(d) When ~~((any))~~ a price posting ~~((to be filed with the board under the provisions of this rule))~~ has been deposited in the United States mail addressed to the board, it ~~((shall))~~ will be ~~((deemed))~~ considered filed or received on the date shown by the United States post office cancellation mark on the envelope, ~~((containing it))~~ or on the date it was mailed if ~~((proof satisfactory to))~~ it is established to the satisfaction of the board ~~((establishes))~~ that the actual mailing occurred on an earlier date.

(3) Filing date exceptions—Whenever ~~((the tenth day of the month))~~ a filing deadline falls on Saturday, Sunday, or a legal holiday, ~~((an original))~~ a price posting may be filed not later than ~~((the close of business))~~ midnight the next business day.

(4) No changes from previous month—~~((In the event that))~~ If a beer supplier or distributor ~~((determines to))~~ makes no changes in any items or prices listed in the last filed and approved ~~((schedule))~~ price posting, ~~((such))~~ the prices ~~((listed in the schedule previously filed and in effect, shall))~~ will remain in effect for each succeeding posting period until

a revised ~~((or amended schedule))~~ price posting is filed and approved~~((, as provided herein))~~.

(5) ~~((Provision for filing of t))~~ Temporary price reductions—~~((In the event))~~ If a beer supplier or distributor ~~((elects to))~~ files price postings that list~~((ing))~~ selected items on which prices are temporarily reduced for one posting period only, ~~((such filing shall be made on special forms provided for such purpose and))~~ these price postings must clearly reflect all items, the selling price ~~((thereof))~~, and the posting period for which the price reductions will be in effect. At the expiration of the posting period during which ~~((such))~~ the reductions were in effect~~((ive))~~, the special ~~((filing))~~ price posting will become void and the last regularly filed and effective price ~~((schedule shall))~~ posting will again become effective ~~((until subsequently amended pursuant to regular filing dates))~~.

~~((5))~~ Each price posting shall be made on a form prepared and furnished by the board or a reasonable facsimile thereof, and shall set forth:

(a) All brands, types, packages and containers of beer offered for sale by such beer distributor.

(b) The wholesale prices thereof to retail licensees, including allowances, if any, for returned empty containers.

(6) No beer distributor shall sell or offer to sell any package or container of beer to any retail licensee at a price differing from the price for such package or container as shown in the price posting filed by the beer distributor and then in effect.

(7) Quantity discounts are prohibited. No price shall be posted which is below acquisition cost plus ten percent of acquisition cost.

(8) Wholesale prices on a "close out" item shall be accepted by the board if the item to be discontinued has been listed on the state market for a period of at least six months, and upon the further condition that the distributor who posts such a close out price shall not restock the item for a period of one year following the first effective date of such close out price.

(9) If an existing written contract or memorandum of oral agreement between a licensed brewer, certificate of approval holder, beer importer or beer distributor and a beer distributor, on file in accordance with WAC 314-20-105, is terminated by either party, and a new written contract or memorandum of oral agreement is made by such a supplier with another beer distributor in the affected trade area, the board, after receiving such new contract or memorandum of oral agreement and a corresponding wholesale price posting from the newly designated beer distributor, may put such filings into effect immediately. Provided, That prices and other conditions of such filings which are in effect at the time of such termination shall not be changed until subsequent filings are submitted to the board and become effective under regulatory procedures set forth in other subsections of this regulation and WAC 314-20-105.

(10) The board may reject any price posting which it deems to be in violation of this or any other regulation or portion thereof which would tend to disrupt the orderly sale and distribution of beer. Whenever the board shall reject any posting the licensee submitting said posting may be heard by the board and shall have the burden of showing that said post-

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ing is not in violation of regulation and/or does not tend to disrupt the orderly sale and distribution of beer. Thereupon if said posting is accepted it shall become effective at the time fixed by the board. If said posting is rejected, the last effective posting shall remain in effect until such time as an amended posting is filed and approved, in accordance with the provisions of this regulation.

(11) All price postings filed as required by this regulation shall at all times be open to inspection to all trade buyers within the state of Washington and shall not within any sense be considered confidential.

(12) Any beer distributor or employee authorized by his distributor employer may sell beer at the distributor's posted prices to any authorized retail licensee upon presentation to such distributor or employee at the time of purchase of a special permit issued by the board to such licensee.

(a) Every Class authorized retail licensee upon purchasing any beer from a distributor, shall immediately cause such beer to be delivered to his licensed premises, and he shall not thereafter permit such beer to be disposed of in any manner except as authorized by his license.

(b) Beer sold as provided herein shall be delivered by such distributor or his authorized employee either to such retailer's licensed premises or directly to such retailer at the distributor's licensed premises. Provided, however, That a distributor's prices to retail licensees shall be the same at both such places of delivery.

(6) **Distributor changes**—(a) The following guidelines apply when a beer supplier makes a distributor change outside of the regular distributor appointment timelines outlined in subsection (2) of this rule:

(i) The supplier must notify the board in writing that he/she wishes to change his/her current distributor and appoint a new distributor to be effective immediately.

(ii) The new distributor must agree to take the currently posted prices of the old distributor until the new distributor is able to post his/her own prices during the next regular posting period.

(iii) If a beer supplier has a territory or brand agreement with a distributor and wants to change a distributor appointed to a certain brand(s) or territory(ies), the board may allow the new distributor to assume the prior distributor's price postings for the brand and/or territory in order to avoid disruption of the market.

(b) A beer supplier must notify the board if any of the contracts or agreements listed in this rule are revised or terminated by either party. The board may immediately authorize a price posting if a beer distributor assumes the wholesale price postings from the previously appointed distributor.

(c) Prices and other conditions of price postings in effect at the time of the distributor change may not be changed until subsequent filings are submitted to the board and become effective.

((13)) (7) **Price postings for new distributors**—When the board issues a new beer distributor('s) license ((is issued by the board)), the ((holder thereof)) licensee may file an initial price ((schedule)) posting and request that ((such)) the price posting be placed into effect immediately. The board may grant ((such)) this immediate approval((, providing that such)) if the price posting is in compliance with this rule and

with all other applicable ((regulatory requirements, and that contracts and memoranda are on file, in accordance with WAC 314-20-105)) laws and rules.

(8) **Accommodation sales**—The provisions of this rule do not apply, and filings are not required, when a beer distributor makes an accommodation sale to another other beer distributor and this sale is made at a selling price that does not exceed the laid-in cost of the beer being sold. Accommodation sales may only be made when the distributor purchasing the beer is an appointed distributor of the supplier, when the distributor is an authorized purchaser of the brand and product being sold, and when the supplying distributor is appointed by the supplier.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 98-18-097, filed 9/2/98, effective 10/3/98)

WAC 314-24-190 Wine supplier and distributor price postings. ((1) Every wine distributor shall file with the board at its office in Olympia a wine price posting, showing the wholesale prices at which any and all brands of wine offered for sale by such wine distributor shall be sold to retailers within the state.) RCW 66.28.180 requires wine distributors and suppliers to file price postings with the board.

(1) **Definitions**—For the purposes of this section:

(a) A "wine price posting" or "price posting" means a declaration of the price of wine sold from a supplier to a distributor or from a distributor to a retailer, in effect as filed with the liquor control board either electronically or hard-copy, under the provisions of RCW 66.28.180 and Title 314 WAC.

(b) A "wine supplier" means a domestic winery, certificate of approval holder, wine importer, or a distributor selling wine to another distributor.

(2) **Filing deadlines.**

| (a) Wine supplier filing deadlines | (b) Wine distributor filing deadlines |
|---|---|
| All price postings, distributor appointments, written contracts, and memoranda of oral agreements must be received by the board not later than the twenty-fifth day of the month, and if approved will become effective on the first day of the second calendar month following the date of filing. | ((2)) All price postings must be received by the board not later than the tenth day of the month, and if approved will become effective on the first day of the calendar month following the date of ((such)) filing. ((An additional period, not to exceed five days will be allowed for revision of such posting to correct errors, omissions, or to meet competitive prices filed during |

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~~the current posting period, but a revised posting must be on file at the board office by not later than the fifteenth day of the month in order to become effective on the first day of the next calendar month. Provided, That the board may in individual cases, for good cause shown, extend the date on which the filings required by the rules are to be received by the board.)~~

(c) The board will allow up to an additional five days for revisions of filings to correct errors and omissions filed during the current posting period. The board may in individual cases, for good cause shown, extend the filing date.

(d) When ((any)) a price posting ((to be filed with the board under the provisions of this rule)) has been deposited in the United States mail addressed to the board, it ((shall)) will be ((deemed)) considered filed or received on the date shown by the United States post office cancellation mark on the envelope ((containing it)), or on the date it was mailed if ((proof satisfactory to)) it is established to the satisfaction of the board ((establishes)) that the actual mailing occurred on an earlier date.

(3) Filing date exception—Whenever ((the tenth day of any month)) a filing deadline falls on Saturday, Sunday, or a legal holiday, ((an original)) a price posting may be filed not later than the close of business the next business day.

(4) No changes from previous month—((In the event that a)) If a wine supplier or distributor ((determines to)) makes no changes in any items or prices listed in the last filed and approved ((schedule)) price posting, ((such)) the prices ((listed in the schedule previously filed and in effect, shall)) will remain in effect for each succeeding ((calendar month)) posting period until a revised ((or amended schedule)) price posting is filed and approved((, as provided herein)).

(5) ((Provision for filing of t))Temporary price reductions—((In the event)) If a wine supplier or distributor ((elects to)) files price postings that list((ing)) selected items on which prices are temporarily reduced for ((a period of)) one ((calendar month)) posting period only, ((such filing shall be made on special forms provided for such purpose and)) these price postings must clearly reflect all items, the selling price ((thereof)), and the ((month)) posting period for which the price reductions will be in effect. At the expiration of the ((month)) posting period during which ((such)) the reductions were in effect((ive)), the special ((filing)) price posting will become void and the last regularly filed and effective price ((schedule shall)) posting will again become effective ((until subsequently amended pursuant to regular filing dates)).

((5) Postings shall be submitted upon forms prescribed and furnished by the board, or a reasonable facsimile thereof, and shall set forth:

(a) All brands, types and sizes of packages or containers of wine offered for sale in this state by such wine distributor, which packages or containers shall be limited to the sizes permitted in WAC 314-24-080.

(b) The wholesale prices thereof within the state, which prices shall include the state wine tax plus surcharge of \$0.2192 cents per liter imposed under RCW 66.24.210 and 82.02.030.

(6) No wine distributor shall sell or offer for sale any package or container of wine at a price differing from the price of such item as shown in the price posting then in effect.

(7) Quantity discounts are prohibited. No price shall be posted which is below acquisition cost plus ten percent of acquisition cost.

(8) Wholesale prices on a "close out" item shall be accepted by the board when the item to be discontinued has been listed on the state market for a period of at least six months, and upon the further condition that the distributor who posts such a "close out" price shall not restock the item for a period of one year following the first effective date of such "close out" price.

(9) If an existing written contract or memorandum of oral agreement between a domestic winery, certificate of approval holder, wine importer, or wine distributor and a distributor, as filed in accordance with WAC 314-24-200, is terminated by either party, and a new written contract or memorandum of oral agreement is made by such a supplier with another wine distributor in the affected trade area, the board, after receiving such new written contract or memorandum of oral agreement, and a corresponding wholesale price posting from the newly designated wine distributor, may put such filings into effect immediately. Provided, That prices and other conditions of any such filings which are in effect at the time of such termination shall not be changed prior to the next applicable filing period.)

(6) Distributor changes—

(a) The following guidelines apply when a wine supplier makes a distributor change outside of the regular distributor appointment timelines outlined in subsection (2) of this rule:

(i) The supplier must notify the board in writing that he/she wishes to change his/her current distributor and appoint a new distributor to be effective immediately.

(ii) The new distributor must agree to take the currently posted prices of the old distributor until the new distributor is able to post his/her own prices during the next regular posting period.

(iii) If a wine supplier has a territory or brand agreement with a distributor and wants to change a distributor appointed to a certain brand(s) or territory(ies), the board may allow the new distributor to assume the prior distributor's price postings for the brand and/or territory in order to avoid disruption of the market.

(b) A wine supplier must notify the board if any of the contracts or agreements listed in this rule are revised or terminated by either party. The board may immediately authorize a price posting if a wine distributor assumes the wholesale price postings from the previously appointed distributor.

(c) Prices and other conditions of price postings in effect at the time of the distributor change may not be changed until

subsequent filing are submitted to the board and become effective.

~~((10)) (7) **Price postings for new distributors**—When the board issues a new wine distributor((’s)) license ((is issued for the first time by the board)), the ((holder thereof)) licensee may file an initial price ((schedule)) posting and request that ((such)) the price posting be placed into effect immediately. The board may grant ((such)) this immediate approval((, providing that such)) if the price posting is in compliance with this rule and with all other applicable ((regulatory requirements, and that contracts and memoranda are on file, in accordance with WAC 314-24-200)) laws and rules.~~

~~((11) The board may reject any price posting or portion thereof which it deems to be in violation of this or any other regulation or which would tend to disrupt the orderly sale and distribution of wine. Whenever the board shall reject any posting the licensee submitting said posting may be heard by the board and shall have the burden of showing that the posting is not in violation of regulation and/or does not tend to disrupt the orderly sale and distribution of wine. Thereupon if said posting is accepted it shall become effective at a time fixed by the board. If said posting or portion thereof is rejected the last effective posting shall remain in effect until such time as an amended posting is filed and approved in accordance with the provisions of this regulation.~~

~~(12) Any wine distributor or employee authorized by his/her distributor employer may sell wine at the distributor’s posted prices to any authorized licensee upon presentation to such distributor or employee at the time of purchase of a special permit issued by the board to such licensee.~~

~~(a) Every authorized retail licensee, upon purchasing any wine from a distributor, shall immediately cause such wine to be delivered to his licensed premises, and he shall not thereafter permit such wine to be disposed of in any manner except as authorized by his license.~~

~~(b) Wine sold as provided herein shall be delivered by such distributor or his authorized employee either to such retailer’s licensed premises or directly to such retailer at the distributor’s licensed premises: Provided, however, That a distributor’s prices to retail licensees shall be the same at both places of delivery.~~

~~(13) All price postings filed as required by this regulation shall at all times be open to inspection to all trade buyers within the state of Washington and shall not in any sense be considered confidential.))~~

(9) **Accommodation sales**—The provisions of this rule do not apply, and filings are not required, when a wine distributor makes an accommodation sale to another wine distributor and this sale is made at a selling price that does not exceed the laid-in cost of the wine being sold. Accommodation sales may only be made when the distributor purchasing the wine is an appointed distributor of the supplier, when the distributor is an authorized purchaser of the brand and product being sold, and when the supplying distributor is appointed by the supplier.

Reviser’s note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 314-20-105 Beer suppliers’ price filings, contracts and memoranda.
- WAC 314-24-200 Wine suppliers’ price filings, contracts and memoranda.

WSR 04-12-003
EXPEDITED RULES
SECRETARY OF STATE
 [Filed May 20, 2004, 1:37 p.m.]

Title of Rule: Chapter 434-291 WAC, technical correction.

Purpose: To make a technical correction in the numbering sequence of WAC 434-291-130.

Statutory Authority for Adoption: RCW 29.04.080.

Summary: The numbering sequence for WAC 434-291-130 was incorrect skipping number 9 in a list of items. The amended rule corrects the numbering sequence and makes no substantive change.

Reasons Supporting Proposal: Without this update the rules governing the conduct of elections will not have the appropriate RCW citation making it difficult to determine which statute is being referenced by the rule.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Shawn Merchant, 520 Union Avenue, P.O. Box 40229, Olympia, WA 98504, (360) 902-4154.

Name of Proponent: Office of the Secretary of State, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose is to amend all of the RCW citations to the new election statutes that become effective on July 1, 2004. The anticipated effect is to allow users to find and reference the statute that the rule refers to and is implementing.

Proposal does not change existing rules.

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 THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Shawn Merchant, Office

EXPEDITED

of the Secretary of State, P.O. Box 40229 Olympia, WA 98504, AND RECEIVED BY August 2, 2004.

May 20, 2004

Steve Excell

Assistant Secretary of State

AMENDATORY SECTION (Amending WSR 98-08-010, filed 3/18/98, effective 3/18/98)

WAC 434-291-070 Actions to contest contents of the ballot title or summary of the final cost-effectiveness study. Any registered voter may appeal to the superior court of Thurston County to review the contents of the ballot title or the summary of the final cost-effectiveness study on a major public energy project bond measure up to ten days following the filing of such document with the secretary of state. Such appeals shall be conducted in the same manner as appeals of ballot titles on initiatives as provided in RCW ((29-79-060)) 29A.72.080.

AMENDATORY SECTION (Amending WSR 98-08-010, filed 3/18/98, effective 3/18/98)

WAC 434-291-130 Permissible costs in allocation of election expenses. County auditors may include in the election costs to be allocated pursuant to RCW ((29-04-047) {29-13-047}) 29A.04.420 any of the following types of charges:

(1) Salaries, wages, and benefits for precinct officers and part-time or temporary employees whose responsibilities are directly attributable to the election, and for that portion of the time of regular employees (other than the county auditor) which is directly attributable the election;

(2) Supplies specifically required for the election, including stationery, forms, other office supplies, and items for the repair and maintenance of equipment;

(3) Telephone and postage costs which are directly attributable to the election;

(4) Cartage or freight charges for moving or delivering voting machines, voting devices, voting booths, or delivery of precinct supplies and travel expenses for delivery of precinct returns;

(5) Legal notices and published instructions in connection with the election, closing of registration, or canvassing;

(6) Printing of ballots, poll books, tally books, instructions, signs, and other precinct supplies;

(7) Repairs and maintenance of voting and vote tallying equipment;

(8) Rentals for polling places and storage facilities for voting machines or devices;

((10)) (9) Depreciation for voting equipment so long as such charges over the useful life of such equipment do not exceed the original value of the equipment;

((11)) (10) That portion of the overhead cost of buildings or office space which is equal to the total of such costs multiplied by the ratio of the number of employee hours directly attributable to the major public energy project bond measure and the total number of employee hours for that office;

((12)) (11) Data processing costs for programming related to the election and for machine time for program testing, and vote tallying.

AMENDATORY SECTION (Amending WSR 98-08-010, filed 3/18/98, effective 3/18/98)

WAC 434-291-170 Reimbursement to counties for proportional share of election costs. Upon receipt of payment by the applicant, the secretary of state shall disburse the appropriate amounts to each county in the same manner as election costs are reimbursed pursuant to RCW ((29-13-047)) 29A.04.420.

WSR 04-12-005

EXPEDITED RULES

COMMISSION OF JUDICIAL CONDUCT

[Filed May 20, 2004, 3:05 p.m.]

Title of Rule: Chapter 292-10 WAC, Commission on Judicial Conduct public records, WAC 292-10-040(2).

Purpose: Amending the above section to reflect new physical office address.

Statutory Authority for Adoption: RCW 42.17.250 and [42.17].260 and Washington State Constitution, Article IV, Section 31.

Statute Being Implemented: RCW 42.17.250 through 42.17.340.

Summary: This is purely a housekeeping detail, a change of address for the agency.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Barrie Althoff, 210 11th Avenue S.W., Suite 400, Olympia, WA 98504, (360) 753-4585.

Name of Proponent: Commission on Judicial Conduct, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Address change only.

Proposal does not change existing rules.

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 THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Barrie Althoff, Executive

EXPEDITED

Director, Commission on Judicial Conduct, P.O. Box 1817, Olympia, WA 98507, AND RECEIVED BY August 2, 2004.

May 20, 2004

Barrie Althoff

Executive Director

AMENDATORY SECTION (Amending Order 3, filed 2/5/91, effective 3/8/91)

WAC 292-10-040 Requests for public records. (1) All requests for inspection or copying made in person at the agency shall be made on a form substantially as follows:

REQUEST FOR PUBLIC RECORDS

Date Time

Name

Address

Representing

Description of Records:

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I certify that lists of names obtained through this request for public records will not be used for commercial purposes.

Signature

Number of copies

Number of pages

Per page charge \$

Total charge \$

(2) All requests made in person may be made to the agency at ((908 E. 5th, Olympia, Washington)) General Administration Building, 210 11th Ave. S.W., Suite 400, Olympia, WA 98504, between the hours of 8:00 a.m. to 5:00 p.m. Monday through Friday, excluding legal holidays.

(3) A request for inspection or copying of public records may be made by mail in a letter containing the following information:

(a) The name and address of the person making the request;

(b) The organization or group that the person represents;

(c) The time of day and the calendar date on which the person wishes to inspect the public records;

(d) A description of the public records requested;

(e) A statement whether access to copying equipment is desired;

(f) A phone number where the person can be reached in case the public records officer or designee needs to contact the person for further description of the material or any other reason;

(g) A statement that the record will not be used for commercial purposes.

(4) All requests by mail should be received at the agency at least three business days before the requested date of inspection to allow the public records officer or designee to make certain the requested records are available and not exempt and, if necessary, to contact the person requesting inspection.

(5) The agency may in its discretion fill requests made by telephone.

WSR 04-12-038

EXPEDITED RULES

GAMBLING COMMISSION

[Filed May 27, 2004, 4:46 p.m.]

Title of Rule: WAC 230-02-035 Field offices and operations and 230-02-030 Normal commission operations—Administrative offices, address and business hours.

Purpose: Update office addresses and phone numbers.

Statutory Authority for Adoption: RCW 9.46.070 and 34.05.353.

Statute Being Implemented: Not applicable.

Summary: Housekeeping. To update office addresses and phone numbers.

Name of Agency Personnel Responsible for Drafting: Susan Arland, 4565 7th Avenue S.E., Lacey, WA 98504, (360) 486-3466; Implementation: Rick Day, 4565 7th Avenue S.E., Lacey, WA 98504, (360) 486-3446; and Enforcement: Neal Nunamaker, 4565 7th Avenue S.E., Lacey, WA 98504, (360) 486-3452.

Name of Proponent: Gambling Commission, governmental.

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

Proposal Changes the Following Existing Rules: House-keeping.

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 THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Gambling Commission, Attn: Susan Arland, P.O. Box 42400, Olympia, WA 99504 [98504], AND RECEIVED BY August 2, 2004.

May 20, 2004

Susan Arland

Rules Coordinator

AMENDATORY SECTION (Amending Order 251, filed 5/17/94, effective 7/1/94)

WAC 230-02-030 Normal commission operations—Administrative office address and business hours. (1) The

EXPEDITED

**WSR 04-12-069
EXPEDITED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed June 1, 2004, 9:38 a.m.]

administrative office of the commission is located in Lacey, Washington. Services available are administration, information, licensing, investigation, activity report processing, and public records. Unless specifically provided elsewhere in these rules, applications for licenses, submission of materials or requests for notices or information of any kind, may be made by addressing correspondence to:

| | |
|------------------------|---|
| Mailing Address | Location Address |
| Washington State | Washington State |
| Gambling Commission | Gambling Commission |
| P.O. Box 42400 | ((649 Woodland Square Loop)) <u>4565 7th Avenue S.E.</u> |
| Olympia, WA 98504-2400 | Lacey, WA 98503 |

(2) Normal business hours for the administrative office, unless specifically provided elsewhere in these rules, shall be 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays.

AMENDATORY SECTION (Amending Order 294, filed 6/18/96, effective 7/19/96)

WAC 230-02-035 Field offices and operations. The administrative office of the commission and its staff is located at ~~((649 Woodland Square Loop))~~ 4565 7th Avenue, S.E., Lacey, WA 98503((-8124)). The mailing address is: P.O. Box 42400, Olympia, WA 98504-2400. Commission offices located in other cities are as follows:

| City | Telephone Number |
|---|---|
| Eastern Region | |
| N 901 Monroe, Rm. 240 Spokane 99201 | ((509) 456-3167)) <u>509-329-3666</u> |
| ((502 W. Nob Hill Blvd.)) <u>1703 Creekside Loop</u> Suite ((#1)) <u>120</u> , Yakima 98902 | ((509) 575-2820)) <u>509-575-2820</u> |
| ((P.O. Box 2067, Wenatchee 98804)) | ((509) 662-0435)) |
| Northwest Region | |
| ((Fisher Business Center 2500 188th St. SW, Suite 601, Lynnwood 98037)) <u>3501 Colby Avenue</u> <u>Suite 102</u> Everett 98201 | ((206) 776-6754)) <u>425-339-1728</u> |
| 851 Coho Way #201 Bellingham 98225 | ((360) 738-6203)) <u>360-738-6203</u> |
| <u>451 Southwest 10th St.</u> <u>Plaza 451 Building</u> <u>Suite 218</u> <u>Renton 98055</u> | <u>425-277-7014</u> |
| Southwest Region | |
| Tacoma Mall Office Building - 4301 Pine St. #307 Tacoma 98409-7206 | ((206) 593-2227)) <u>253-471-5312</u> |

Title of Rule: Signs and color codes.

Purpose: The department is rewriting and clarifying the requirements relating to signs and color codes. This rule making is part of our goal to rewrite all of WISHA's general occupational safety and health rules for clarity. We are proposing to repeal Part B-2 of chapter 296-24 WAC and WAC 296-155-300 and move the requirements relating to biological hazards into WAC 296-800-11045 Protect employees from biological hazards. In addition, the department is proposing to update references to Part B-2 of chapter 296-24 WAC in other WISHA rules.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

Statute Being Implemented: Chapter 49.17 RCW.

Summary: The department is rewriting and clarifying the requirements relating to signs and color codes. This rule making is part of our goal to rewire all of WISHA's general occupational safety and health rules for clarity. The department is proposing to eliminate unnecessary and outdated requirements. No new requirements were added. In addition, the department is proposing to update references in other WISHA rules.

Reasons Supporting Proposal: Rewriting the requirements relating to signs and color codes for clarity. Also eliminating unnecessary and outdated requirements. No new requirements were added.

Name of Agency Personnel Responsible for Drafting: Tracy Spencer, Tumwater, 902-5530; Implementation and Enforcement: Michael Silverstein, Tumwater, 902-5495.

Name of Proponent: Department of Labor and Industries, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The department is rewriting and clarifying the requirements relating to signs and color codes. This rule making is part of our goal to rewrite all of WISHA's general occupational safety and health rules for clarity. The department is proposing to eliminate chapter 296-24 WAC, Part B-2, Safety color code for marking physical hazards and WAC 296-155-300 Accident prevention signs and tags. These rules recommend employers use signs and tags to warn employees of hazards. The requirements relating to biological hazard signs and tags have been rewritten for clarity and are being proposed as a new section in WAC 296-800-11045 Protect employees from biological agents. No new requirements have been added. In addition, the department is proposing to update references in other WISHA rules. There are no anticipated effects.

Proposal Changes the Following Existing Rules: Repealing chapter 296-24 WAC, Part B-2, Safety color code for marking physical hazards, etc, WAC 296-24-135 Safety color code for marking physical hazards, 296-24-13501 Color identification, 296-24-140 Specification for accident prevention signs and tags, 296-24-14001 Scope, 296-24-

EXPEDITED

14003 Definitions, 296-24-14005 Classification of signs according to use, 296-24-14007 Sign design and colors, 296-24-14009 Sign wordings, 296-24-14011 Accident prevention tags, and 296-155-300 Accident prevention signs and tags.

Amended Sections:

WAC 269-24-33009 Container and portable tank storage.

- Removed reference to WAC 296-24-140.
- No new requirements have been added.

WAC 296-24-37013 Operations and maintenance.

- Removed reference to WAC 296-24-140.
- No new requirements have been added.

WAC 296-24-980 Safeguards for personnel protection.

- Removed reference to chapter 296-24 WAC, Part B-2.
- No new requirements have been added.

WAC 296-78-71001 General.

- Removed reference to WAC 296-24-135.
- No new requirements have been added.

WAC 296-155-315 Definitions applicable to this part.

- Removed definition of "tags."
- No new requirements have been added.

WAC 296-301-020 General safety requirements.

- Removed reference to WAC 296-24-135.
- No new requirements have been added.

WAC 296-800-11045 Protect employees from biological agents.

- Moved clarified language from WAC 296-24-140 regarding biohazard warnings to this section.
- No new requirements have been added.

NOTICE

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June 1, 2004
Paul Trause
Director

AMENDATORY SECTION (Amending WSR 01-17-033, filed 8/8/01, effective 9/1/01)

WAC 296-24-33009 Container and portable tank storage. (1) Scope.

(a) General. This section shall apply only to the storage of flammable or combustible liquids in drums or other con-

tainers (including flammable aerosols) not exceeding 60 gallons individual capacity and those portable tanks not exceeding 660 gallons individual capacity.

(b) Exceptions. This section shall not apply to the following:

(i) Storage of containers in bulk plants, service stations, refineries, chemical plants, and distilleries;

(ii) Class I or Class II liquids in the fuel tanks of a motor vehicle, aircraft, boat, or portable or stationary engine;

(iii) Flammable or combustible paints, oils, varnishes, and similar mixtures used for painting or maintenance when not kept for a period in excess of 30 days;

(iv) Beverages when packaged in individual containers not exceeding 1 gallon in size.

(2) Design, construction, and capacity of containers.

(a) General. Only approved containers and portable tanks shall be used. Metal containers and portable tanks meeting the requirements of and containing products authorized by Chapter I, Title 49 of the Code of Federal Regulations - October 1, 1972, (regulations issued by the hazardous materials regulations board, department of transportation), shall be deemed to be acceptable.

(b) Emergency venting. Each portable tank shall be provided with one or more devices installed in the top with sufficient emergency venting capacity to limit internal pressure under fire exposure conditions to 10 p.s.i.g., or 30 percent of the bursting pressure of the tank, whichever is greater. The total venting capacity shall be not less than that specified in WAC 296-24-33005 (2)(e)(iii) or (v). At least one pressure-actuated vent having a minimum capacity of 6,000 cubic feet of free air (14.7 p.s.i.a. and 60°F) shall be used. It shall be set to open at not less than 5 p.s.i.g. If fusible vents are used, they shall be actuated by elements that operate at a temperature not exceeding 300°F.

TABLE H-12
MAXIMUM ALLOWABLE SIZE OF
CONTAINERS AND PORTABLE TANKS

| Container Type | Flammable liquids | | | Combustible Liquids | |
|------------------------------|-------------------|----------|----------|---------------------|-----------|
| | Class IA | Class IB | Class IC | Class II | Class III |
| Glass or approved plastic | 1 pt. | 1 qu. | 1 gal. | 1 gal. | 1 gal. |
| Metal (other than DOT drums) | 1 gal. | 5 gal. | 5 gal. | 5 gal. | 5 gal. |
| Safety cans | 2 gal. | 5 gal. | 5 gal. | 5 gal. | 5 gal. |
| Metal drums (DOT spec.) | 60 gal. | 60 gal. | 60 gal. | 60 gal. | 60 gal. |
| Approved portable tanks | 660 gal. | 660 gal. | 660 gal. | 660 gal. | 660 gal. |

Container exemptions:

(i) Medicines, beverages, foodstuffs, cosmetics and other common consumer items, when packaged according to commonly accepted practices, shall be exempt from the requirements of (4)(a) and (b) of this section.

(c) Size. Flammable and combustible liquid containers shall be in accordance with Table H-12, except that glass or plastic containers of no more than 1-gallon capacity may be used for a Class IA or IB flammable liquid if:

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(i) Such liquid either would be rendered unfit for its intended use by contact with metal or would excessively corrode a metal container so as to create a leakage hazard; and

(ii) The user's process either would require more than 1 pint of Class IA liquid or more than 1 quart of a Class IB liquid of a single assay lot to be used at one time, or would require the maintenance of an analytical standard liquid of a quality which is not met by the specified standards of liquids available, and the quantity of the analytical standard liquid required to be used in any one control process exceeds one-sixteenth the capacity of the container allowed under Table H-12 for the class of liquid; or

(iii) The containers are intended for direct export outside the United States.

(3) Design, construction, and capacity of storage cabinets.

(a) Maximum capacity. Not more than 60 gallons of Class I or Class II liquids, nor more than 120 gallons of Class III liquids may be stored in a storage cabinet.

(b) Fire resistance. Storage cabinets shall be designed and constructed to limit the internal temperature to not more than 325°F when subjected to a 10-minute fire test using the standard time-temperature curve as set forth in Standard Methods of Fire Tests of Building Construction and Materials, NFPA 251-1969. All joints and seams shall remain tight and the door shall remain securely closed during the fire test. Cabinets shall be labeled "Flammable—Keep fire away(~~to meet specifications set forth in WAC 296-24-140.~~)"

(i) Metal cabinets constructed in the following manner shall be deemed to be in compliance. The bottom, top, door, and sides of cabinet shall be at least No. 18 gage sheet iron and double walled with 1 1/2-inch air space. Joints shall be riveted, welded or made tight by some equally effective means. The door shall be provided with a three-point lock, and the door sill shall be raised at least 2 inches above the bottom of the cabinet.

(ii) Wooden cabinets constructed in the following manner shall be deemed in compliance. The bottom, sides, and top shall be constructed of an approved grade of plywood at least 1 inch in thickness, which shall not break down or delaminate under fire conditions. All joints shall be rabbetted and shall be fastened in two directions with flathead wood-screws. When more than one door is used, there shall be a rabbetted overlap of not less than 1 inch. Hinges shall be mounted in such a manner as not to lose their holding capacity due to loosening or burning out of the screws when subjected to the fire test.

(4) Design and construction of inside storage rooms.

(a) Construction. Inside storage rooms shall be constructed to meet the required fire-resistive rating for their use. Such construction shall comply with the test specifications set forth in Standard Methods of Fire Tests of Building Construction and Materials, NFPA 251-1969. Where an automatic sprinkler system is provided, the system shall be designed and installed in an acceptable manner. Openings to other rooms or buildings shall be provided with noncombustible liquid-tight raised sills or ramps at least 4 inches in height, or the floor in the storage area shall be at least 4 inches below the surrounding floor. Openings shall be provided with approved self-closing fire doors. The room shall be liquid

tight where the walls join the floor. A permissible alternate to the sill or ramp is an open-grated trench inside of the room which drains to a safe location. Where other portions of the building or other properties are exposed, windows shall be protected as set forth in the Standard for Fire Doors and Windows, NFPA No. 80-1968, for Class E or F openings. Wood at least 1 inch nominal thickness may be used for shelving, racks, dunnage, scuffboards, floor overlay, and similar installations.

(b) Rating and capacity. Storage in inside storage rooms shall comply with Table H-13.

TABLE H-13
STORAGE IN INSIDE ROOMS

| Fire protection* provided | Fire resistance | Maximum size | Total allowable quantities (gals./sq. Ft./floor area) |
|---------------------------|-----------------|--------------|---|
| Yes | 2 hours | 500 sq.ft. | 10 |
| No | 2 hours | 500 sq.ft. | 4 |
| Yes | 1 hour | 150 sq.ft. | 5 |
| No | 1 hour | 150 sq.ft. | 2 |

*Fire protection system shall be sprinkler, water spray, carbon dioxide, or other system.

(c) Wiring. Electrical wiring and equipment within inside storage rooms used to store Class I liquids shall comply with the provisions of chapter 296-24 WAC Part L for Class I, Division 2 locations. For inside storage rooms used to store Class II and III liquids the pertinent provisions chapter 296-24 WAC Part L apply.

(d) Ventilation. Every inside storage room shall be provided with either a gravity or a mechanical exhaust ventilation system. Such system shall be designed to provide for a complete change of air within the room at least six times per hour. If a mechanical exhaust system is used, it shall be controlled by a switch located outside of the door. The ventilating equipment and any lighting fixtures shall be operated by the same switch. A pilot light shall be installed adjacent to the switch if Class I flammable liquids are dispensed within the room. Where gravity ventilation is provided, the fresh air intake, as well as the exhaust outlet from the room, shall be on the exterior of the building in which the room is located.

(e) Storage in inside storage rooms. In every inside storage room there shall be maintained one clear aisle at least 3 feet wide. Containers over 30 gallons capacity shall not be stacked one upon the other. Dispensing shall be by approved pump or self-closing faucet only.

(5) Storage inside building.

(a) Egress. Flammable or combustible liquids, including stock for sale, shall not be stored so as to limit use of exits, stairways, or areas normally used for the safe egress of people.

(b) Containers. The storage of flammable or combustible liquids in containers or portable tanks shall comply with (4)(c) through (e) of this section.

(c) Office occupancies. Storage shall be prohibited except that which is required for maintenance and operation of building and operation of equipment. Such storage shall be kept in closed metal containers stored in a storage cabinet or

in safety cans or in an inside storage room not having a door that opens into that portion of the building used by the public.

(d) Mercantile occupancies and other retail stores.

(i) In rooms or areas accessible to the public, storage shall be limited to quantities needed for display and normal merchandising purposes but shall not exceed 2 gallons per square foot of gross floor area. The gross floor area used for computing the maximum quantity permitted shall be considered as that portion of the store actually being used for merchandising flammable and combustible liquids.

(ii) Where the aggregate quantity of additional stock exceeds 60 gallons of Class IA, or 120 gallons of Class IB, or 180 gallons of Class IC, or 240 gallons of Class II, or 500 gallons of Class III liquids, or any combination of Class I and Class II liquids exceeding 240 gallons, it shall be stored in a room or portion of the building that complies with the construction provisions for an inside storage room as prescribed in (4) of this section. For water miscible liquids, these quantities may be doubled.

(iii) Containers in a display area shall not be stacked more than 3 feet or two containers high, whichever is the greater, unless the stacking is done on fixed shelving or is otherwise satisfactorily secured.

(iv) Shelving shall be of stable construction, of sufficient depth and arrangement such that containers displayed thereon shall not be easily displaced.

(v) Leaking containers shall be removed to a storage room or taken to a safe location outside the building and the contents transferred to an undamaged container.

(e) General purpose public warehouses. Storage shall be in accordance with Table H-14 or H-15 and in buildings or in portions of such buildings cut off by standard firewalls. Material creating no fire exposure hazard to the flammable or combustible liquids may be stored in the same area.

TABLE H-14
INDOOR CONTAINER STORAGE

| Class liquid | Storage level | Protected storage maximum per pile | | Unprotected storage maximum per pile | |
|--------------|-------------------------|------------------------------------|--------------|--------------------------------------|--------------|
| | | Gal. | Ht. | Gal. | Ht. |
| IA | Ground and upper floors | 2,750 (50) | 3 ft. (1) | 660 (12) | 3 ft. (1) |
| | Basement | Not permitted | | Not permitted | |
| IB | Ground and upper floors | 5,500 (100) | 6 ft. (2) | 1,375 (25) | 3 ft. (1) |
| | Basement | Not permitted | | Not permitted | |
| IC | Ground and upper floors | 16,500 (300) | 6 ft. (2) | 4,125 (75) | 3 ft. (1) |
| | Basement | Not permitted | | Not permitted | |
| II | Ground and upper floors | 16,500 (300) | 9 ft. (3) | 4,125 (75) | 9 ft. (3) |
| | Basement | 5,500 (100) | 9 ft. (3) | Not permitted | |

| Class liquid | Storage level | Protected storage maximum per pile | | Unprotected storage maximum per pile | |
|--------------|-------------------------|------------------------------------|---------------|--------------------------------------|---------------|
| | | Gal. | Ht. | Gal. | Ht. |
| III | Ground and upper floors | 55,000 (1,000) | 15 ft. (5) | 13,750 (250) | 12 ft. (4) |
| | Basement | 8,250 (450) | 9 ft. (3) | Not permitted | |

Note 1: When 2 or more classes of materials are stored in a single pile, the maximum gallonage permitted in that pile shall be the smallest of the 2 or more separate maximum gallonages.

Note 2: Aisles shall be provided so that no container is more than 12 ft. from an aisle. Main aisles shall be at least 8 ft. wide and side aisles at least 4 ft. wide. (Numbers in parentheses indicate corresponding number of 55-gal. drums.)

Note 3: Each pile shall be separated from each other by at least 4 ft.

TABLE H-15
INDOOR PORTABLE TANK STORAGE

| Class liquid | Storage level | Protected storage maximum per pile | | Unprotected storage maximum per pile | |
|--------------|-------------------------|------------------------------------|--------|--------------------------------------|-------|
| | | Gal. | Ht. | Gal. | Ht. |
| IA | Ground and upper floors | Not permitted | | Not permitted | |
| | Basement | Not permitted | | Not permitted | |
| IB | Ground and upper floors | 20,000 | 7 ft. | 2,000 | 7 ft. |
| | Basement | Not permitted | | Not permitted | |
| IC | Ground and upper floors | 40,000 | 14 ft. | 5,500 | 7 ft. |
| | Basement | Not permitted | | Not permitted | |
| II | Ground and upper floors | 40,000 | 14 ft. | 5,500 | 7 ft. |
| | Basement | 20,000 | 7 ft. | Not permitted | |
| III | Ground and upper floors | 60,000 | 14 ft. | 22,000 | 7 ft. |
| | Basement | 20,000 | 7 ft. | Not permitted | |

Note 1: When 2 or more classes of materials are stored in a single pile, the maximum gallonage permitted in that pile shall be the smallest of the 2 or more separate maximum gallonages.

Note 2: Aisles shall be provided so that no portable tank is more than 12 ft. from an aisle. Main aisles shall be at least 8 ft. wide and side aisles at least 4 ft. wide.

Note 3: Each pile shall be separated from each other by at least 4 ft.

(f) Flammable and combustible liquid warehouses or storage buildings.

(i) If the storage building is located 50 feet or less from a building or line of adjoining property that may be built upon, the exposing wall shall be a blank wall having a fire-resistance rating of at least 2 hours.

(ii) The total quantity of liquids within a building shall not be restricted, but the arrangement of storage shall comply with Table H-14 or H-15.

(iii) Containers in piles shall be separated by pallets or dunnage where necessary to provide stability and to prevent excessive stress on container walls.

(iv) Portable tanks stored over one tier high shall be designed to nest securely, without dunnage and adequate

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materials handling equipment shall be available to handle tanks safely at the upper tier level.

(v) No pile shall be closer than 3 feet to the nearest beam, chord, girder, or other obstruction, and shall be 3 feet below sprinkler deflectors or discharge orifices of water spray, or other overhead fire protection systems.

(vi) Aisles of at least 3 feet wide shall be provided where necessary for reasons of access to doors, windows or stand-pipe connections.

(6) Storage outside buildings.

(a) General. Storage outside buildings shall be in accordance with Table H-16 or H-17, and (6)(b) and (d) of this section.

TABLE H-16
OUTDOOR CONTAINER STORAGE

| 1 | 2 | 3 | 4 | 5 |
|-----------|-------------------------------|-------------------------------------|--------------------------------------|---------------------------|
| Class | Maximum per pile (see note 1) | Distance between piles (see note 2) | Distance to | Distance to |
| | | | property line that can be built upon | street, alley, public way |
| | gal. | ft. | ft. | ft. |
| IA _____ | 1,100 | 5 | 20 | 10 |
| IB _____ | 2,200 | 5 | 20 | 10 |
| IC _____ | 4,400 | 5 | 20 | 10 |
| II _____ | 8,800 | 5 | 10 | 5 |
| III _____ | 22,000 | 5 | 10 | 5 |

- Note 1: When 2 or more classes of materials are stored in a single pile, the maximum gallonage in that pile shall be the smallest of the 2 or more separate gallonages.
- Note 2: Within 200 ft. of each container, there shall be 12-ft. wide access way to permit approach of fire control apparatus.
- Note 3: The distances listed apply to properties that have protection for exposures as defined. If there are exposures, and such protection for exposures does not exist, the distances in column 4 shall be doubled.
- Note 4: When total quantity stored does not exceed 50 percent of maximum per pile, the distances in columns 4 and 5 may be reduced 50 percent, but not less than 3 ft.

(b) Maximum storage. A maximum of 1,100 gallons of flammable or combustible liquids may be located adjacent to buildings located on the same premises and under the same management provided the provisions of (6)(b)(i) and (ii) are complied with.

(i) The building shall be a one-story building devoted principally to the handling and storing of flammable or combustible liquids or the building shall have 2 hour fire-resistive exterior walls having no opening within 10 feet of such storage.

(ii) Where quantity stored exceeds 1,100 gallons, or provisions of (6)(b)(i) cannot be met, a minimum distance of 10 feet between buildings and nearest container of flammable or combustible liquid shall be maintained.

TABLE H-17
OUTDOOR PORTABLE TANK STORAGE

| 1 | 2 | 3 | 4 | 5 |
|-----------|------------------|------------------------|--------------------------------------|---------------------------|
| Class | Maximum per pile | Distance between piles | Distance to | Distance to |
| | | | property line that can be built upon | street, alley, public way |
| | gal. | ft. | ft. | ft. |
| IA _____ | 2,200 | 5 | 20 | 10 |
| IB _____ | 4,400 | 5 | 20 | 10 |
| IC _____ | 8,800 | 5 | 20 | 10 |
| II _____ | 17,600 | 5 | 10 | 5 |
| III _____ | 44,000 | 5 | 10 | 5 |

- Note 1: When 2 or more classes of materials are stored in a single pile, the maximum gallonage in that pile shall be the smallest of the 2 or more separate gallonages.
- Note 2: Within 200 ft. of each portable tank, there shall be a 12-ft. wide access way to permit approach of fire control apparatus.
- Note 3: The distances listed apply to properties that have protection for exposures as defined. If there are exposures, and such protection for exposures does not exist, the distances in column 4 shall be doubled.
- Note 4: When total quantity stored does not exceed 50 percent of maximum per pile, the distances in columns 4 and 5 may be reduced 50 percent, but not less than 3 ft.

(c) Spill containment. The storage area shall be graded in a manner to divert possible spills away from buildings or other exposures or shall be surrounded by a curb at least 6 inches high. When curbs are used, provisions shall be made for draining of accumulations of ground or rain water or spills of flammable or combustible liquids. Drains shall terminate at a safe location and shall be accessible to operation under fire conditions.

(d) Security. The storage area shall be protected against tampering or trespassers where necessary and shall be kept free of weeds, debris and other combustible material not necessary to the storage.

(7) Fire control.

(a) Extinguishers. Suitable fire control devices, such as small hose or portable fire extinguishers, shall be available at locations where flammable or combustible liquids are stored.

(i) At least one portable fire extinguisher having a rating of not less than 12-B units shall be located outside of, but not more than 10 feet from, the door opening into any room used for storage.

(ii) At least one portable fire extinguisher having a rating of not less than 12-B units must be located not less than 10 feet, nor more than 25 feet, from any Class I or Class II liquid storage area located outside of a storage room but inside a building.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

(b) Sprinklers. When sprinklers are provided, they shall be installed in accordance with chapter 296-24 WAC, Part G-3.

(c) Open flames and smoking. Open flames and smoking shall not be permitted in flammable or combustible liquid storage areas.

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(d) Water reactive materials. Materials which will react with water shall not be stored in the same room with flammable or combustible liquids.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-37013 Operations and maintenance.

(1) Spraying. Spraying shall not be conducted outside of pre-determined spraying areas.

(2) Cleaning. All spraying areas shall be kept as free from the accumulation of deposits of combustible residues as practical, with cleaning conducted daily if necessary. Scrapers, spuds, or other such tools used for cleaning purposes shall be of nonsparking material.

(3) Residue disposal. Residue scrapings and debris contaminated with residue shall be immediately removed from the premises and properly disposed of. Approved metal waste cans shall be provided wherever rags or waste are impregnated with finishing material and all such rags or waste deposited therein immediately after use. The contents of waste cans shall be properly disposed of at least once daily or at the end of each shift.

(4) Clothing storage. Spray finishing employees' clothing shall not be left on the premises overnight unless kept in metal lockers.

(5) Cleaning solvents. The use of solvents for cleaning operations shall be restricted to those having flashpoints not less than 100°F; however, for cleaning spray nozzles and auxiliary equipment, solvents having flashpoints not less than those normally used in spray operations may be used. Such cleaning shall be conducted inside spray booths and ventilating equipment operated during cleaning.

(6) Hazardous materials combinations. Spray booths shall not be alternately used for different types of coating materials, where the combination of the materials may be conducive to spontaneous ignition, unless all deposits of the first used material are removed from the booth and exhaust ducts prior to spraying with the second used material.

(7) "No smoking" signs. "No smoking" signs in large letters on contrasting color background shall be conspicuously posted at all spraying areas and paint storage rooms. ((See WAC 296-24-140.))

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

WAC 296-24-980 Safeguards for personnel protection. (1) Use of protective equipment.

(a) Personal protective equipment.

(i) Employees working in areas where there are potential electrical hazards shall be provided with, and shall use, electrical protective equipment that is appropriate for the specific parts of the body to be protected and for the work to be performed.

Note: Personal protective equipment requirements are contained in chapter 296-24 WAC Part L, and WAC 296-800-160.

(ii) Protective equipment shall be maintained in a safe, reliable condition and shall be periodically inspected or

tested, as required by chapter 296-24 WAC Part L, and WAC 296-800-160.

(iii) If the insulating capability of protective equipment may be subject to damage during use, the insulating material shall be protected. (For example, an outer covering of leather is sometimes used for the protection of rubber insulating material.)

(iv) Employees shall wear nonconductive head protection wherever there is a danger of head injury from electric shock or burns due to contact with exposed energized parts.

(v) Employees shall wear protective equipment for the eyes or face wherever there is danger of injury to the eyes or face from electric arcs or flashes or from flying objects resulting from electrical explosion.

(b) General protective equipment and tools.

(i) When working near exposed energized conductors or circuit parts, each employee shall use insulated tools or handling equipment if the tools or handling equipment might make contact with such conductors or parts. If the insulating capability of insulated tools or handling equipment is subject to damage, the insulating material shall be protected.

(A) Fuse handling equipment, insulated for the circuit voltage, shall be used to remove or install fuses when the fuse terminals are energized.

(B) Ropes and handlines used near exposed energized parts shall be nonconductive.

(ii) Protective shields, protective barriers, or insulating materials shall be used to protect each employee from shock, burns, or other electrically related injuries while that employee is working near exposed energized parts which might be accidentally contacted or where dangerous electric heating or arcing might occur. When normally enclosed live parts are exposed for maintenance or repair, they shall be guarded to protect unqualified persons from contact with the live parts.

(2) Alerting techniques. The following alerting techniques shall be used to warn and protect employees from hazards which could cause injury due to electric shock, burns, or failure of electric equipment parts:

(a) Safety signs and tags. Safety signs, safety symbols, or accident prevention tags shall be used where necessary to warn employees about electrical hazards which may endanger them((, as required by chapter 296-24 WAC Part B-2)).

(b) Barricades. Barricades shall be used in conjunction with safety signs where it is necessary to prevent or limit employee access to work areas exposing employees to uninsulated energized conductors or circuit parts. Conductive barricades may not be used where they might cause an electrical contact hazard.

(c) Attendants. If signs and barricades do not provide sufficient warning and protection from electrical hazards, an attendant shall be stationed to warn and protect employees.

(3) Design requirements. Insulating blankets, matting, covers, line hose, gloves, and sleeves made of rubber shall meet the following requirements:

(a) Manufacture and marking.

(i) Blankets, gloves, and sleeves shall be produced by a seamless process.

(ii) Each item shall be clearly marked as follows:

(A) Class 0 equipment shall be marked Class 0.

(B) Class 1 equipment shall be marked Class 1.

(C) Class 2 equipment shall be marked Class 2.

(D) Class 3 equipment shall be marked Class 3.

(E) Class 4 equipment shall be marked Class 4.

(F) Nonozone-resistant equipment other than matting shall be marked Type I.

(G) Ozone-resistant equipment other than matting shall be marked Type II.

(H) Other relevant markings, such as the manufacturer's identification and the size of the equipment, may also be provided.

(iii) Markings shall be nonconducting and shall be applied in such a manner as not to impair the insulating qualities of the equipment.

(iv) Markings on gloves shall be confined to the cuff portion of the glove.

(b) Electrical requirements.

(i) Equipment shall be capable of withstanding the a-c proof-test voltage specified in Table A-2 or the d-c proof-test voltage specified in Table A-3.

(A) The proof-test shall reliably indicate that the equipment can withstand the voltage involved.

(B) The test voltage shall be applied continuously for three minutes for equipment other than matting and shall be applied continuously for one minute for matting.

(C) Gloves shall also be capable of withstanding the a-c proof-test voltage specified in Table A-2 after a sixteen-hour water soak. (See the note following (c)(ii)(B) of this subsection.)

(ii) When the a-c proof-test is used on gloves, the 60 hertz proof-test current may not exceed the values specified in Table A-2 at any time during the test period.

(A) If the a-c proof-test is made at a frequency other than 60 hertz, the permissible proof-test current shall be computed from the direct ratio of the frequencies.

(B) For the test, gloves (right side out) shall be filled with tap water and immersed in water to a depth that is in accordance with Table A-4. Water shall be added to or removed from the glove, as necessary, so that the water level is the same inside and outside the glove.

(C) After the sixteen-hour water soak specified in (b)(i)(C) of this subsection, the 60-hertz proof-test current may exceed the values given in Table A-2 by not more than 2 milliamperes.

(iii) Equipment that has been subjected to a minimum breakdown voltage test may not be used for electrical protection. (See the note following (c)(ii)(B) of this subsection.)

(iv) Material used for Type II insulating equipment shall be capable of withstanding an ozone test, with no visible effects. The ozone test shall reliably indicate that the material will resist ozone exposure in actual use. Any visible signs of ozone deterioration of the material, such as checking, cracking, breaks, or pitting, is evidence of failure to meet the requirements for ozone-resistant material. (See the note following (c)(ii)(B) of this subsection.)

(c) Workmanship and finish.

(i) Equipment shall be free of harmful physical irregularities that can be detected by the tests or inspections required under this section.

(ii) Surface irregularities that may be present on all rubber goods because of imperfections on forms or molds or because of inherent difficulties in the manufacturing process and that may appear as indentations, protuberances, or imbedded foreign material are acceptable under the following conditions:

(A) The indentation or protuberance blends into a smooth slope when the material is stretched.

(B) Foreign material remains in place when the insulating material is folded and stretches with the insulating material surrounding it.

Note: Rubber insulating equipment meeting the following national consensus standards is deemed to be in compliance with subsection (1) of this section:

American Society for Testing and Materials (ASTM) D 120-87, Specification for Rubber Insulating Gloves.

ASTM D 178-93, Specification for Rubber Insulating Matting.

ASTM D 1048-93, Specification for Rubber Insulating Blankets.

ASTM D 1049-93, Specification for Rubber Insulating Covers.

ASTM D 1050-90, Specification for Rubber Insulating Line Hose.

ASTM D 1051-87, Specification for Rubber Insulating Sleeves.

These standards contain specifications for conducting the various tests required in subsection (1) of this section. For example, the a-c and d-c proof-tests, the breakdown test, the water soak procedure, and the ozone test mentioned in this paragraph are described in detail in the ASTM standards.

(4) In-service care and use.

(a) Electrical protective equipment shall be maintained in a safe, reliable condition.

(b) The following specific requirements apply to insulating blankets, covers, line hose, gloves, and sleeves made of rubber:

(i) Maximum use voltages shall conform to those listed in Table A-5.

(ii) Insulating equipment shall be inspected for damage before each day's use and immediately following any incident that can reasonably be suspected of having caused damage. Insulating gloves shall be given an air test, along with the inspection.

(iii) Insulating equipment with any of the following defects may not be used:

(A) A hole, tear, puncture, or cut;

(B) Ozone cutting or ozone checking (the cutting action produced by ozone on rubber under mechanical stress into a series of interlacing cracks);

(C) An embedded foreign object;

(D) Any of the following texture changes: Swelling, softening, hardening, or becoming sticky or inelastic.

(E) Any other defect that damages the insulating properties.

(iv) Insulating equipment found to have other defects that might affect its insulating properties shall be removed from service and returned for testing under (b)(viii) and (ix) of this subsection.

(v) Insulating equipment shall be cleaned as needed to remove foreign substances.

(vi) Insulating equipment shall be stored in such a location and in such a manner as to protect it from light, temper-

ature extremes, excessive humidity, ozone, and other injurious substances and conditions.

(vii) Protector gloves shall be worn over insulating gloves.

(viii) Electrical protective equipment shall be subjected to periodic electrical tests. Test voltages and the maximum intervals between tests shall be in accordance with Table A-5 and Table A-6.

(ix) The test method used under (b)(viii) and (xi) of this subsection shall reliably indicate whether the insulating equipment can withstand the voltages involved.

Note: Standard electrical test methods considered as meeting this requirement are given in the following national consensus standards:
 American Society for Testing and Materials (ASTM) D 120-87, Specification for Rubber Insulating Gloves.
 ASTM D 1048-93, Specification for Rubber Insulating Blankets.
 ASTM D 1049-93, Specification for Rubber Insulating Covers.
 ASTM D 1050-90, Specification for Rubber Insulating Line Hose.
 ASTM D 1051-87, Specification for Rubber Insulating Sleeves.
 ASTM F 478-92, Specification for In-Service Care of Insulating Line Hose and Covers.
 ASTM F 479-88a, Specification for In-Service Care of Insulating Blankets.

ASTM F 496-93b, Specification for In-Service Care of Insulating Gloves and Sleeves.

(x) Insulating equipment failing to pass inspections or electrical tests shall not be used by employees, except as follows:

(A) Rubber insulating line hose could be used in shorter lengths with the defective portion cut off.

(B) Rubber insulating blankets could be repaired using a compatible patch that results in physical and electrical properties equal to those of the blanket.

(C) Rubber insulating blankets could be salvaged by severing the defective area from the undamaged portion of the blanket. The resulting undamaged area shall not be smaller than twenty-two inches by twenty-two inches (560 mm by 560 mm) for Class 1, 2, 3, and 4 blankets.

(xi) Repaired insulating equipment shall be retested before it may be used by employees.

(xii) The employer shall certify that equipment has been tested in accordance with the requirements of (b)(viii), (ix), and (xi) of this subsection. The certification shall identify the equipment that passed the test and the date it was tested.

Note: Marking of equipment and entering the results of the tests and the dates of testing onto logs are two acceptable means of meeting this requirement.

| Class of equipment | Proof-test voltage rms V | 267-mm (10.5-in) glove | 356-mm (14-in) glove | 406-mm (16-in) glove | 457-mm (18-in) glove |
|--------------------|--------------------------|------------------------|----------------------|----------------------|----------------------|
| 0 | 5,000 | 8 | 12 | 14 | 16 |
| 1 | 10,000 | | 14 | 16 | 18 |
| 2 | 20,000 | | 16 | 18 | 20 |
| 3 | 30,000 | | 18 | 20 | 22 |
| 4 | 40,000 | | | 22 | 24 |

| Class of equipment | Proof-test voltage | |
|--------------------|--------------------|---|
| 0 | 20,000 | ¹ The water level is given as the clearance from the cuff of the glove to the water line, with a tolerance of 13 mm. (0.5 in.). ² If atmospheric conditions make the specified clearances impractical, the clearances may be increased by a maximum of 25 mm. (1 in.). |
| 1 | 40,000 | |
| 2 | 50,000 | |
| 3 | 60,000 | |
| 4 | 70,000 | |

Note: The d-c voltages listed in this table are not appropriate for proof-testing rubber insulating line hose or covers. For this equipment, d-c proof-tests shall use a voltage high enough to indicate that the equipment can be safely used at the voltages listed in Table A-4. See ASTM D 1050-90 and ASTM D 1049-88 for further information on proof-tests for rubber insulating line hose and covers.

| Class of equipment | Maximum use voltage ¹ a-c-rms | Retest voltage ² a-c-rms | Retest voltage ² d-c-rms |
|--------------------|--|-------------------------------------|-------------------------------------|
| 0 | 1,000 | 5,000 | 20,000 |
| 1 | 7,500 | 10,000 | 40,000 |
| 2 | 17,000 | 20,000 | 50,000 |
| 3 | 26,500 | 30,000 | 60,000 |
| 4 | 36,000 | 40,000 | 70,000 |

Note: Rubber gloves shall only be used on voltages of 5000 volts phase-to-phase or less.

¹The maximum use voltage is the a-c voltage (rms) classification of the protective equipment that designates the maximum nominal design/voltage of the energized system that may be safely worked. The nominal design voltage is equal to the phase-to-phase voltage on multiphase circuits. However, the phase-to-ground potential is considered to be the nominal design/voltage:

| Class of glove | mm. | A-C proof-test in. | mm. | D-C proof-test in. |
|----------------|-----|--------------------|-----|--------------------|
| 0 | 38 | 1.5 | 38 | 1.5 |
| 1 | 38 | 1.5 | 51 | 2.0 |
| 2 | 64 | 2.5 | 76 | 3.0 |
| 3 | 89 | 3.5 | 102 | 4.0 |
| 4 | 127 | 5.0 | 153 | 6.0 |

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1. If there is no multiphase exposure in a system area and if the voltage exposure is limited to the phase-to-ground potential, or
2. If the electrical equipment and devices are insulated or isolated or both so that the multiphase exposure on a grounded wye circuit is removed.

² The proof-test voltage shall be applied continuously for at least one minute, but no more than three minutes.

Table A-6. -Rubber Insulating Equipment Test Intervals

| Type of equipment | When to test |
|-----------------------------|---|
| Rubber insulating line hose | Upon indication that insulating value is suspect. |
| Rubber insulating covers | Upon indication that insulating value is suspect. |
| Rubber insulating blankets | Before first issue and every 12 months thereafter. ¹ |
| Rubber insulating gloves | Before first issue and every 6 months thereafter. ¹ |
| Rubber insulating sleeves | Before first issue and every 12 months thereafter. ¹ |

If the insulating equipment has been electrically tested but not issued for service, it may not be placed into service unless it has been electrically tested within the previous 12 months.

(5) Where switches or fuses of more than 150 volts to ground are not guarded during ordinary operations, suitable insulating floors, mats or platforms shall be provided on which the operator must stand while handling the switches.

REPEALER

The following sections of the Washington Administrative Code are repealed:

| | |
|------------------|--|
| WAC 296-24-135 | Safety color code for marking physical hazards. |
| WAC 296-24-13501 | Color identification. |
| WAC 296-24-140 | Specifications for accident prevention signs and tags. |
| WAC 296-24-14001 | Scope. |
| WAC 296-24-14003 | Definitions. |
| WAC 296-24-14005 | Classification of signs according to use. |
| WAC 296-24-14007 | Sign design and colors. |
| WAC 296-24-14009 | Sign wordings. |
| WAC 296-24-14011 | Accident prevention tags. |

AMENDATORY SECTION (Amending WSR 03-06-076, filed 3/4/03, effective 8/1/03)

WAC 296-78-71001 General. (1) Construction when not specifically covered in these standards shall be governed

by such other standards adopted by the department of labor and industries as may apply.

(2) All buildings, docks, tramways, walkways, log dumps and other structures shall be so designed, constructed, and maintained as to provide a safety factor of four. This means that all members shall be capable of supporting four times the maximum load to be imposed. This provision refers to buildings, docks and so forth designed and constructed subsequent to the effective date of these standards and also refers in all cases where either complete or major changes or repairs are made to such buildings, docks, tramways, walkways, log dumps and other structures.

(3) Basements on ground floors under mills shall be evenly surfaced, free from unnecessary obstructions and debris, and provided with lighting facilities in compliance with the requirements of the safety and health core rules, WAC 296-800-210.

(4) All engines, motors, transmission machinery or operating equipment installed in mill basements or ground floors shall be equipped with standard safeguards for the protection of workers.

~~(5) ((Hazard marking. Physical hazard marking shall be as specified in WAC 296-24-13501 of the general safety and health standards.~~

~~(6))~~ (6)) Flooring of buildings, ramps and walkways not subject to supporting motive equipment shall be of not less than two-inch wood planking or material of equivalent structural strength.

~~((7))~~ (6) Flooring of buildings, ramps, docks, trestles and other structure required to support motive equipment shall be of not less than full two and one-half inch wood planking or material of equivalent structural strength. However, where flooring is covered by steel floor plates, two inch wood planking or material of equivalent structural strength may be used.

~~((8))~~ (7) Walkways, docks, and platforms.

(a) Walkways, docks and platforms shall be constructed and maintained in accordance with the requirements of WAC 296-24-735 through 296-24-75011 and WAC 296-800-270.

(b) Maintenance. Walkways shall be evenly floored and kept in good repair.

(c) Where elevated platforms are used they shall be equipped with stairways or ladders in accordance with WAC 296-24-765 through 296-24-81013, and WAC 296-800-250 and 296-800-290.

REPEALER

The following section of the Washington Administrative Code is repealed:

| | |
|-----------------|-------------------------------------|
| WAC 296-155-300 | Accident prevention signs and tags. |
|-----------------|-------------------------------------|

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

WAC 296-301-020 General safety requirements. (1) Means of stopping machines. Every textile machine shall be provided with individual mechanical or electrical means for stopping such machines. On machines driven by belts and

EXPEDITED

shafting a locking-type shifter or an equivalent positive device shall be used. On operations where injury to the operator might result if motors were to restart after power failures, provision shall be made to prevent machines from automatically restarting upon restoration of power.

(2) Handles. Stopping and starting handles shall be designed to the proper length to prevent the worker's hand or fingers from striking against any revolving part, gear guard, or any other part of the machine.

(3) Machine guarding. An employer must ensure that power transmission parts are guarded according to the requirements of WAC 296-24-205 through 296-24-20527.

(4) Housekeeping. Aisles and working spaces shall be kept in good order in accordance with requirements of WAC 296-24-735 through 296-24-73505 and WAC 296-800-220.

(5) Inspection and maintenance. All guards and other safety devices, including starting and stopping devices, shall be properly maintained.

(6) Lighting and illumination. Lighting and illumination shall conform to the safety and health core rule book, WAC 296-800-210.

(7) Identification of piping systems. Identification of piping systems shall conform to American National Standard A13.1-1956.

~~(8) (Identification of physical hazards. Identification of physical hazards shall be in accordance with the requirements of WAC 296-24-135 through 296-24-13503, of the general safety and health standards.~~

(9) Steam pipes. All pipes carrying steam or hot water for process or servicing machinery, when exposed to contact and located within seven feet of the floor or working platform shall be covered with a heat-insulating material, or guarded with equivalent protection.

AMENDATORY SECTION (Amending WSR 02-16-047, filed 8/1/02, effective 10/1/02)

WAC 296-800-11045 Protect employees from biological agents.

You must:

(*) (1) Protect employees from exposure to hazardous concentrations of biological agents that may result from processing, handling or using materials or waste.

Note: Potential exposure to biological agents occurs during cleanup, or other tasks, where employees handle:

- Animals or animal waste
- Body fluids
- Biological agents in a medical research lab
- Mold or mildew

Check The Center of Disease Control website (www.cdc.gov) to find published guidelines and information on safe handling and protection from specific biological agents (examples: Hanta virus, TB).

You must:

(2) Warn employees of biohazards.

• Use signs, tags, or labels to identify:

- The actual or potential presence of a biohazard;

AND

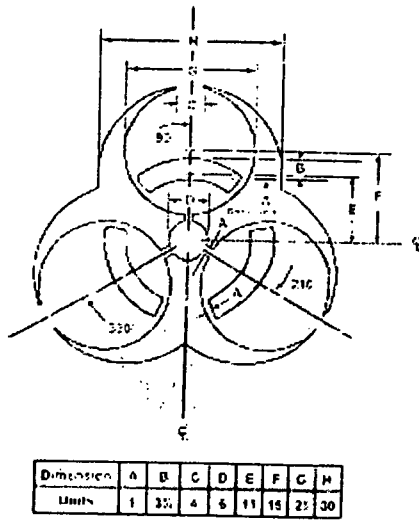
- Equipment, containers, rooms, materials, experimental animals, or any combinations of these that contain viable hazardous agents.

Definition:

Biohazard means those infectious agents presenting a risk or potential risk of death, injury or illness to employees.

You must:

• Make sure the sign, tag, or label includes the biohazard symbol that is designed and proportioned in the illustration that follows.



You must:

• Make sure that there is sufficient contrast for the symbol to be clearly defined, if the sign, tag, or label has a background color.

Reference: Additional requirements for biohazard signs, tags, and labels may apply. See WAC 296-823-14025 and 296-823-18040 of the *Bloodborne Pathogens* book.

Note: • It's recommended that the sign, tag, or label have a key color of fluorescent orange or orange-red and lettering or symbols in a contrasting color.

• Appropriate wording may be used in association with the symbol to indicate:

- The nature or identity of the hazard;
- Name of individual responsible for its control;
- Precautionary information;

OR

- Other information.

• This information should not be written on the symbol.

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

WAC 296-800-35052 Tag cited moveable equipment to warn employees of a hazard. You must:

• Tag cited moveable equipment to warn employees of a hazard if it has not been abated.

- Attach a warning tag or a copy of the citation to the equipment's operating controls or to the cited component:

- For hand-held equipment, tag it immediately after you receive a citation

- For other equipment, tag it before moving it within the worksite or between worksites

- The tag should properly warn employees about the nature of the violation and tell them where the citation is

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posted (see the Helpful Tools Section for a sample tag that can be used to meet this requirement)

- Make sure that the tag or copy of the citation attached to movable equipment is not altered, defaced, or covered by other materials

- Make sure that the tag or copy of the citation attached to movable equipment remains attached until:

- You have abated the violation and submitted all abatement certification documents required by the department
- You have permanently removed the cited equipment from service
- You no longer have control over the cited equipment
- A final order sets aside the violation

Note: Chapter 296-155 WAC, Safety Standards for Construction Work ((and chapter 296-24 WAC, General Safety and Health Standards have)) has information on warning tags. You can use warning tags that meet the requirements in those rules instead of the warning tags required by this rule.

WSR 04-12-073
EXPEDITED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed June 1, 2004, 10:46 a.m.]

Title of Rule: Fishing definitions.

Purpose: Amend definition of "wild" fish.

Other Identifying Information: See WSR 04-11-120 for personal use definitions.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: The definition of a "wild" fish was modified through the North of Falcon process. This conforms sport and nonsport definitions.

Reasons Supporting Proposal: Definition consistency.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation: Lew Atkins, 1111 Washington Street, Olympia, 902-2651; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, 902-2373.

Name of Proponent: Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Certain stocks of salmon are ventral fin clipped, but are treated as wild stocks for purposes of salmon recovery. For ease of identification and consistency, hatchery salmon are those with clipped adipose fins.

Proposal Changes the Following Existing Rules: Amend definition.

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 THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Evan Jacoby, Department of Fish and Wildlife, 600 Capitol Way North, Olympia, WA 98501-1091, AND RECEIVED BY August 2, 2004.

June 2, 2004

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending WSR 97-18-035, filed 8/27/97, effective 9/27/97)

WAC 220-16-470 Wild. "Wild" when used to describe the difference between a hatchery fish and a nonhatchery fish, except salmon, means a fish with all fins intact. A fish missing an adipose or ventral fin with a healed scar at the site is not a wild fish. When "wild" is used to describe a salmon "wild" means a salmon with an intact adipose fin, regardless of whether the fish is ventral fin clipped.

WSR 04-12-129
EXPEDITED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed June 2, 2004, 11:47 a.m.]

Title of Rule: Commercial fishing rules.

Purpose: Set Puget Sound commercial salmon seasons.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Sets Puget Sound commercial salmon net seasons for the 2004 fishery.

Reasons Supporting Proposal: Provide commercial fishing opportunity.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation: Lew Atkins, 1111 Washington Street, Olympia, 902-2651; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, 902-2373.

Name of Proponent: Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Puget Sound commercial salmon seasons are set each year based on preseason forecasts and agreement with other user groups through the North of Falcon process. These rules will allow harvest of salmon while conserving threatened and endangered fish.

Proposal Changes the Following Existing Rules: Amend Puget Sound commercial salmon seasons.

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

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ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Evan Jacoby, Department of Fish and Wildlife, 600 Capitol Way North, Olympia, WA 98501-1091, AND RECEIVED BY August 2, 2004.

June 2, 2004
Evan Jacoby
Rules Coordinator

AMENDATORY SECTION (Amending Order 03-34, filed 2/18/03, effective 3/21/03)

WAC 220-47-301 Puget Sound—Lawful gear—Purse seine. (1) Lawful purse seine salmon nets in Puget Sound shall not exceed 1,800 feet in length along the cork line while wet and purse seine and lead combined shall not exceed 2,200 feet. Neither shall contain meshes of a size less than 3-1/2 inches, nor shall the meshes of the seine and lead be lashed together to form one continuous piece of webbed gear. It shall be lawful as part of the purse seine to have a bunt not more than 10 fathoms long which may contain mesh of a size not less than 3-1/2 inches.

(2) It shall be unlawful to take or fish for salmon with purse seine gear in Puget Sound which contains mesh webbing constructed of a twine size smaller than 210/30d nylon, 12 thread cotton or the equivalent diameter in any other material.

(3) It shall be unlawful for any purse seine vessel to carry an extra lead or portion thereof unless stowed below decks during the fishing operation, nor may an extra lead or portion thereof be carried aboard its skiff.

(4) Purse seine mesh size shall be defined as the distance between the inside of one knot to the outside of the opposite vertical knot of one mesh. Minimum mesh size is met if a wedge of legal size can be passed without undue force through the mesh while wet.

(5) A purse seine will not be considered to be fishing once both ends of the seine are attached to the primary vessel.

(6) It shall be unlawful to take or fish for salmon with purse seine gear in Puget Sound unless at least four sections, each measuring no less than 12 inches in length, along the corkline in the bunt and within 75 fathoms of the bunt have no corks or floats attached. These four sections must be spaced such that one section is along the corkline in the bunt, within 5 fathoms of the seine net, and the other three sections must be spaced at least 20 fathoms apart along the corkline within 75 fathoms of the bunt.

(7) It is unlawful to fish for salmon with purse seine gear in Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in possession of a department-issued certification card.

AMENDATORY SECTION (Amending Order 03-210, filed 8/20/03, effective 9/20/03)

WAC 220-47-302 Puget Sound—Lawful gear—Gill net. (1) Lawful drift gill net salmon gear in Puget Sound shall

not exceed 1,800 feet in length nor contain meshes of a size less than 5 inches, except in Area 9A, where gill nets may not exceed 600 feet in length, or be more than 60 mesh deep, or contain mesh size less than 5 inches.

(2) Lawful skiff gill net salmon nets in Puget Sound shall not exceed 300 feet in length and 90 meshes in depth nor contain meshes of a size less than 5 inches, except in Area 9A, where gill nets may not exceed 600 feet in length, or be more than 60 meshes deep, or contain mesh size less than 5 inches. Nets must be retrieved by hand (no hydraulics may be used). Nets must be attended by the fisher at all times.

(3) Drift gill nets and skiff gill nets shall be operated substantially in a straight line. Circle setting or setting other than substantially in a straight line shall be unlawful.

(4) It is unlawful to take or fish for salmon with gill net gear in Areas 7 or 7A sockeye or pink fisheries unless said gill net gear is constructed so that the first 20 meshes below the corkline are composed of five-inch mesh white opaque minimum 210d/30 (#12) diameter nylon twine.

(5) It is unlawful to take or fish for salmon with gill net gear in Areas 7 or 7A between the dates of September 30 and October ((20)) 17 unless the gill net vessel has aboard and uses operable recovery boxes as described in this subsection.

(a) Dimensions and capacities of required recovery boxes:

(i) Recovery boxes must have two chambers, if one box, or it may be two boxes with one chamber in each box.

(ii) Each recovery box chamber must have an inside length measurement of ~~((not less than 39 1/2 inches nor more than))~~ 48 inches, an inside width measurement of ~~((not less than 8 inches nor more than))~~ 10 inches, and an inside height measurement of ~~((not less than 14 inches nor more than))~~ 16 inches.

(iii) Each chamber of the recovery box must have an inlet hole measuring between 3/4 inch and 1 inch in diameter, and the inlet hole must be centered horizontally across the door or wall of the chamber and the bottom of the hole must be located 1 3/4 inches above the floor of the chamber.

(iv) Each chamber of the recovery box must include a water outlet hole on the opposite wall from the inlet hole, and the outlet hole must be at least 1 1/2 inches in diameter with the bottom of the outlet hole located 12 inches above the floor of the chamber.

(v) Flow of water through each chamber of the recovery boxes must be not less than 16 gallons per minute nor more than 20 gallons per minute.

(b) Each box and chamber must be operating during any time that the net is being retrieved or picked.

(c) The vessel operator must demonstrate to department employees, upon request, that the pumping system is delivering the proper volume of fresh seawater into each chamber.

(d) All salmon not to be retained must be released immediately with care and the least possible injury to the fish, or placed into the operating recovery box.

(e) Any fish that is bleeding or lethargic must be placed in the recovery box prior to being released.

(f) All fish placed in the recovery boxes must be released within the same catch area as the area of capture, and the release must occur prior to landing or docking.

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(6) It is unlawful to fish for salmon with gill net gear in Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in possession of a department-issued certification card.

AMENDATORY SECTION (Amending Order 988, filed 4/28/72)

WAC 220-47-303 Puget Sound—Lawful gear—Reef nets. (1) Lawful reef net salmon nets in Puget Sound shall not exceed 300 meshes on any side nor contain meshes of a size less than 3-1/2 inches nor utilize more than two leads. Each of said leads shall not exceed 200 feet in length measured from the bows of the reef net boats to the nearest end of the head buoys. The use of any false, detached or auxiliary lead shall be unlawful.

(2) It is unlawful to fish for salmon with reef net gear in Areas 7 and 7A unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and is in possession of a department-issued certification card.

AMENDATORY SECTION (Amending Order 03-210, filed 8/20/03, effective 9/20/03)

WAC 220-47-307 Closed areas—Puget Sound salmon. It is unlawful at any time, unless otherwise provided, to take, fish for, or possess salmon taken for commercial purposes with any type of gear from the following portions of Puget Sound Salmon Management and Catch Reporting Areas, except that closures listed in this section shall not apply to reef net fishing areas listed in RCW 77.50.050:

Areas 4B, 5, 6, 6B, and 6C - The Strait of Juan de Fuca Preserve as defined in WAC 220-47-266.

Area 6D - That portion within 1/4 mile of each mouth of the Dungeness River.

Area 7 - (1) The San Juan Island Preserve as defined in WAC 220-47-262.

(2) Those waters within 1,500 feet of shore on Orcas Island from Deer Point northeasterly to Lawrence Point thence west to a point intercepting a line projected from the northernmost point of Jones Island thence 90° true to Orcas Island.

(3) Those waters within 1,500 feet of the shore of Cypress Island from Cypress Head to the northernmost point of Cypress Island.

(4) Those waters easterly of a line projected from Iceberg Point to Iceberg Island, to the easternmost point of Charles Island, then true north from the northernmost point of Charles Island to the shore of Lopez Island.

(5) Those waters northerly of a line projected from the southernmost point of land at Aleck Bay to the westernmost point of Colville Island, thence from the easternmost point of Colville Island to Point Colville.

(6) Those waters easterly of a line projected from Biz Point on Fidalgo Island to the Williamson Rocks Light, thence to the Dennis Shoal Light, thence to the light on the westernmost point of Burrows Island, thence to the southwesternmost point of Fidalgo Head, and including those waters within 1,500 feet of the western shore of Allan Island, those waters within 1,500 feet of the western shore of Bur-

rows Island, and those waters within 1,500 feet of the shore of Fidalgo Island from the southwesternmost point of Fidalgo Head northerly to Shannon Point.

(7) Additional Fraser sockeye and pink seasonal closure: Those waters within 1,500 feet of the shore of Fidalgo Island from the Initiative 77 marker northerly to Biz Point.

(8) Those waters within 1,500 feet of the eastern shore of Lopez Island from Point Colville northerly to Lopez Pass, and those waters within 1,500 feet of the eastern shore of Decatur Island from the southernmost point of land northerly to Fauntleroy Point, and including those waters within 1,500 feet of the shore of James Island.

Area 7A - The Drayton Harbor Preserve as defined in WAC 220-47-252.

Area 7B - That portion south and east of a line from William Point on Samish Island to Saddlebag Island to the southeastern tip of Guemes Island, and that portion northerly of the railroad trestle in Chuckanut Bay.

Area 7C - That portion southeasterly of a line projected from the mouth of Oyster Creek 237° true to a fishing boundary marker on Samish Island.

Area 8 - (1) That portion of Skagit Bay easterly of a line projected from Brown Point on Camano Island to a white monument on the easterly point of Ika Island, thence across the Skagit River to the terminus of the jetty with McGlinn Island.

(2) Those waters within 1,500 feet of the western shore of Camano Island south of a line projected true west from Rocky Point.

Area 8A - (1) Those waters easterly of a line projected from Mission Point to Buoy C1, excluding the waters of Area 8D, thence through the green light at the entrance jetty of the Snohomish River and across the mouth of the Snohomish River to landfall on the eastern shore, and those waters northerly of a line from Camano Head to the northern boundary of Area 8D.

(2) Additional pink and coho seasonal closure prior to October 3: Those waters southerly of a line projected from the Clinton ferry dock to the Mukilteo ferry dock.

Area 8D - Those waters easterly of a line projected from Mission Point to Hermosa Point.

Area 9 - Those waters lying inside and westerly of a line projected from the Point No Point light to Sierra Echo buoy thence to Forbes Landing wharf, east of Hansville.

Area 10 - (1) Those waters easterly of a line projected from Meadow Point to West Point.

(2) Those waters of Port Madison northwest of a line from the Agate Pass entrance light to the light on the end of the Indianola dock.

(3) Additional coho seasonal closure: Those waters of Elliott Bay east of a line from Alki Point to the light at Four-mile Rock and those waters northerly of a line projected from Point Wells to "SF" Buoy then west to President's Point.

Area 10E - Those waters of Liberty Bay north of a line projected due east from the southernmost Keyport dock, those waters of Dyes Inlet north of the Manette Bridge, and those waters of Sinclair Inlet southwest of a line projected true east from the Bremerton ferry terminal.

Area 11 - (1) Those waters northerly of a line projected true west from the light at the mouth of Gig Harbor and those

waters south of a line from Browns Point to the northernmost point of land on Point Defiance.

(2) Additional coho seasonal closure: Those waters south of a line projected from the light at the mouth of Gig Harbor to the Tahlequah ferry dock then south to the Point Defiance ferry dock, and those waters south of a line projected from the Point Defiance ferry dock to Dash Point.

Area 12 - Those waters inside and easterly of a line projected from Lone Rock to the navigation light off Big Beef Creek, thence southerly to the tip of the outermost northern headland of Little Beef Creek.

Area 12A - Those waters north of a line projected due east from Broad Spit.

Area 12B - Those waters within 1/4 mile of the mouths of the Dosewallips, Duckabush, and Hamma Hamma rivers and Anderson Creek.

Areas 12, 12A, and 12B - Additional chinook seasonal closure: Those waters north and east of a line projected from Tekiu Point to Triton Head.

Areas 12, 12B and 12C - Those waters within 1,000 feet of the eastern shore.

Area 12C - (1) Those waters within 2,000 feet of the western shore between the dock at Glen Ayr R.V. Park and the Hoodspout marina dock.

(2) Those waters south of a line projected from the Cushman Powerhouse to the public boat ramp at Union.

(3) Those waters within 1/4 mile of the mouth of the Dewatto River.

Areas 12 and 12D - Additional coho and chum seasonal closure: Those waters of Area 12 south and west of a line projected 94 degrees true from Hazel Point to the light on the opposite shore, bounded on the west by the Area 12/12B boundary line, and those waters of Area 12D.

Area 13A - Those waters of Burley Lagoon north of State Route 302, those waters within 1,000 feet of the outer oyster stakes off Minter Creek Bay including all waters of Minter Creek Bay, those waters westerly of a line drawn due north from Thompson Spit at the mouth of Glen Cove, and those waters within 1/4 mile of Green Point.

AMENDATORY SECTION (Amending Order 03-210, filed 8/20/03, effective 9/20/03)

WAC 220-47-311 Purse seine—Open periods. It is unlawful to take, fish for or possess salmon taken with purse seine gear for commercial purposes from Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the periods provided for hereinafter in each respective Management and Catch Reporting Area:

| ((AREA | TIME | DATE |
|--------|-----------|-------------|
| 7, 7A: | 7AM - 7PM | 10/16 |
| | 7AM - 6PM | 10/23 |
| | 6AM - 5PM | 10/29 |
| | 7AM - 5PM | 11/6 |
| 7B, 7C | 6AM - 9PM | 8/20 |
| 7B: | 6AM-9/8 | - 8PM-9/10 |
| | 6AM-9/15 | - 8PM-9/17 |
| | 7AM-9/21 | - 7PM-10/25 |

| ((AREA | TIME | DATE |
|--|--|---|
| | 6AM-10/27 | - 4PM-10/31 |
| | 6AM-11/3 | - 4PM-11/7 |
| | 7AM-11/10 | - 4PM-11/14 |
| | 7AM-11/17 | - 4PM-11/21 |
| | 7AM-11/24 | - 4PM-11/28 |
| | 8AM-12/1 | - 4PM-12/5 |
| <i>Note: That portion of Area 7B east of a line from Post Point to the flashing red light at the west entrance to Squalicum Harbor is open to purse seines beginning 12:01 a.m. on the last Monday in October and is open until 4:00 p.m. on the first Friday in December.</i> | | |
| 8: | 6AM - 8PM | 8/28 |
| | 6AM - 8PM | 9/3 |
| | 7AM - 5PM | 11/6 |
| 8A: | 6AM - 9PM | 8/18, 8/20 |
| | 6AM - 8PM | 8/26, 8/28 |
| | 7AM - 7PM | 10/6, 10/13, 10/20 |
| | 6AM - 5PM | 10/27, 10/29 |
| | 7AM - 5PM | 11/5, 11/10, 11/12, 11/19, 11/24, 11/26 |
| 8D: | 7AM - 7PM | 9/25, 10/2, 10/6, 10/13, 10/20 |
| | 6AM - 5PM | 10/27, 10/29 |
| | 7AM - 5PM | 11/3, 11/10, 11/12, 11/19, 11/24, 11/26 |
| 10, 11: | 7AM - 7PM | 10/13, 10/20 |
| | 6AM - 5PM | 10/27 |
| | 7AM - 5PM | 11/5, 11/10 |
| 12, 12B: | 7AM - 7PM | 10/20 |
| | 6AM - 5PM | 10/27, 10/29 |
| | 7AM - 5PM | 11/5, 11/10 |
| 12C: | 7AM - 5PM | 11/10, 11/17, 11/24)) |
| <u>AREA</u> | <u>TIME</u> | <u>DATE</u> |
| <u>7, 7A:</u> | <u>7AM - 6PM with use of recovery box</u> | <u>10/13, 10/14</u> |
| | <u>7AM - 3:15 PM without use of recovery box</u> | |
| | <u>8AM - 6 PM with use of recovery box</u> | <u>10/20, 10/21, 10/27, 10/28</u> |
| | <u>8AM - 3:30 PM without use of recovery box</u> | |
| | <u>7AM - 5 PM with use of recovery box</u> | <u>11/3, 11/4</u> |
| | <u>7AM - 2:30 PM without use of recovery box</u> | |
| <u>7B, 7C:</u> | <u>6AM - 8PM</u> | <u>8/18, 8/25, 9/1 Limited participation, 4 boats to be selected by lottery</u> |
| <u>7B:</u> | <u>7AM 9/7</u> | <u>= 8PM 9/9</u> |
| | <u>7AM 9/13</u> | <u>= 7PM 9/15</u> |
| | <u>7AM 9/19</u> | <u>= 4PM 10/23</u> |
| | <u>7AM 10/25</u> | <u>= 4PM 10/29</u> |
| | <u>7AM 11/1</u> | <u>= 4PM 11/5</u> |
| | <u>7AM 11/8</u> | <u>= 4PM 11/12</u> |
| | <u>7AM 11/15</u> | <u>= 4PM 11/19</u> |
| | <u>7AM 11/22</u> | <u>= 4PM 11/26</u> |
| | <u>8AM 11/29</u> | <u>= 4PM 12/3</u> |

EXPEDITED

| AREA | TIME | DATE |
|--|-----------|---|
| <u>Note: That portion of Area 7B east of a line from Post Point to the flashing red light at the west entrance to Squalicum Harbor is open to purse seines beginning 12:01 a.m. on the last Monday in October and is open until 4:00 p.m. on the first Friday in December.</u> | | |
| 8A: | 7AM - 7PM | 9/27, 10/4 Limited participation, 2 boats to be selected by lottery |
| | 7AM - 6PM | 10/11 |
| | 8AM - 6PM | 10/18, 10/25, 10/27 |
| | 7AM - 5PM | 11/3, 11/8, 11/10, 11/17 |
| | 7AM - 4PM | 11/22, 11/24 |
| 8D: | 7AM - 7PM | 9/23, 10/4 |
| | 7AM - 6PM | 10/11 |
| | 8AM - 6PM | 10/18, 10/25, 10/27 |
| | 7AM - 5PM | 11/3, 11/8, 11/10, 11/17 |
| | 7AM - 4PM | 11/22, 11/24 |
| 10, 11: | 7AM - 6PM | 10/11 |
| | 8AM - 6PM | 10/18, 10/25, 10/26 |
| | 7AM - 5PM | 11/1, 11/8, 11/15 |
| | 7AM - 4PM | 11/22 |
| 12, 12B: | 8AM - 6PM | 10/18, 10/25, 10/26 |
| | 7AM - 5PM | 11/1, 11/8, 11/15 |
| 12C: | 7AM - 5PM | 11/9, 11/16 |
| | 7AM - 4PM | 11/23 |

It is unlawful to retain the following salmon species taken with purse seine gear within the following areas during the following periods:

- Chinook salmon - at all times in Areas 7, 7A, 8, 8A, 8D, 10, 11, 12, 12B, and 12C
- Coho salmon - at all times in Areas 7, 7A, 10, and 11, and prior to September 8 in Area 7B
- Sockeye salmon - prior to September 8 in Area 7B
- Chum salmon - prior to October 1 in Areas 7 and 7A. All other saltwater and freshwater areas - closed.

AMENDATORY SECTION (Amending Order 03-210, filed 8/20/03, effective 9/20/03)

WAC 220-47-325 Purse seine—Release of incidentally caught fish. (1) It is unlawful for any purse seine vessel operator landing salmon to land salmon directly into the hold. All salmon must be landed to the deck, or sorting tray or table, of the harvesting vessel with the hold hatch cover(s) closed until release of salmon that may not be retained is complete and additionally:

(2) In Areas 7 and 7A and prior to September ((8)) 5 in Areas 7B and 7C, it is unlawful for any purse seine vessel operator to bring salmon aboard a vessel unless all salmon captured in the seine net are removed from the seine net using a brailer or dip net meeting the specifications in this section prior to the seine net being removed from the water.

(3) The brailer shall be constructed in the following manner and with the following specifications:

- (a) A bag of web hung on a rigid hoop attached to a handle;
- (b) The bag shall be opened by releasing a line running through rings attached to the bottom of the bag; and

(c) The web shall be of soft knotless construction and the mesh size may not exceed 57 mm (2.25 inches) measured along two contiguous sides of a single mesh.

(4) Hand held dip nets shall be constructed of a shallow bag of soft, knotless web attached to a handle.

(5) If fishers are enrolled in the "rolling wedge" evaluation program, they may use the rolling wedge in lieu of brailing provided they comply with the following conditions:

(a) Have enrolled by contacting the department at 360-902-2717 prior to June 1, 2004;

(b) Pay the funding fee of \$100 per day of the opening;

(c) Allow WDFW observer on board for all fishing activities;

(d) No more than 125 fish may be on deck at any one time;

(e) Place all lethargic or injured fish in the operating recovery box until they appear recovered or they are dead;

(f) Dimensions and capacities of required recovery boxes:

(i) Recovery boxes must have two chambers, if one box, or it may be two boxes with one chamber in each box;

(ii) Each recovery box chamber must have an inside length measurement of not less than 39 1/2 inches nor more than 48 inches, an inside width measurement of not less than 8 inches nor more than 10 inches, and an inside height measurement of not less than 14 inches nor more than 16 inches;

(iii) Each chamber of the recovery box must have an inlet hole measuring between 3/4 inch and 1 inch in diameter, and the inlet hole must be centered horizontally across the door or wall of the chamber and the bottom of the hole must be located 1 3/4 inches above the floor of the chamber;

(iv) Each chamber of the recovery box must include a water outlet hole on the opposite wall from the inlet hole, and the outlet hole must be at least 1 1/2 inches in diameter with the bottom of the outlet hole located 12 inches above the floor of the chamber;

(v) Flow of water through each chamber of the recovery boxes must be not less than 16 gallons per minute nor more than 20 gallons per minute;

(g) Each box and chamber must be operating during any time that the net is being retrieved or picked;

(h) The vessel operator must demonstrate to department employees, upon request, that the pumping system is delivering the proper volume of fresh seawater into each chamber;

(i) All salmon not to be retained must be released immediately with care and the least possible injury to the fish, or placed into the operating recovery box.

AMENDATORY SECTION (Amending Order 03-210, filed 8/20/03, effective 9/20/03)

WAC 220-47-401 Reef net open periods. (1) It is unlawful to take, fish for or possess salmon taken with reef net gear for commercial purposes in Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas, during the periods provided for hereinafter in each respective area:

| AREA | TIME | DATE(S) |
|-------|-----------------|-----------------------------|
| 7, 7A | 7AM - 7PM Daily | ((9/16-11/15)) 9/12 - 11/13 |

EXPEDITED

(2) ~~((It is unlawful to take, fish for, or possess salmon taken with reef net gear during the period September 16 through September 30 unless the reef net license holder provides the department with 24-hour notice prior to each day of fishing and assists the department with collection of DNA tissue samples from chum salmon. The daily fishing notice to the department must include the reef net license holder's name and a telephone number where they can be contacted, and the notice must be given by one of the following three means:~~

- (a) Fax transmission to 360-902-2949;
- (b) E-mail to psfishtickets@dfw.wa.gov; or
- (c) Toll-free telephone call to 1-866-791-1279.

(3)) It is unlawful to retain chinook salmon taken with reef net gear at all times, and it is unlawful to retain wild coho salmon taken with reef net gear prior to October 1. All other saltwater and freshwater areas - closed.

AMENDATORY SECTION (Amending Order 03-179, filed 8/6/03, effective 9/6/03)

WAC 220-47-411 Gill net—Open periods. It is unlawful to take, fish for or possess salmon taken with gill net gear for commercial purposes from Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the seasons provided for hereinafter in each respective fishing area:

| (AREA | TIME | - | DATE(S) | MINIMUM MESH |
|---|-----------|---|--|--------------|
| 6D: | 7AM | - | 7PM 9/29, 9/30, 10/1, 10/2, 10/3, 10/6, 10/7, 10/8, 10/9, 10/10, 10/13, 10/14, 10/15, 10/16, 10/17, 10/20, 10/21, 10/22, 10/23, 10/24, 10/27, 10/28, 10/29, 10/30, 10/31 | 5" |
| Note: In Area 6D it is unlawful to use other than 5 inch minimum and 5 1/2 inch maximum mesh in the skiff gill net fishery. It is unlawful to retain chinook or pink salmon taken in Area 6D at any time, or any chum salmon taken in Area 6D prior to October 16. In Area 6D, any chinook, chum or pink salmon required to be released, must be removed from the net by cutting the meshes ensnaring the fish. | | | | |
| 7, 7A: | 7AM | - | 8PM 10/15, 10/22 | 6-1/4" |
| Note: In Areas 7 and 7A after September 30 but prior to October 20, it is unlawful to use a net soak time of more than 45 minutes. Net soak time is defined as the time elapsed from when the first of the gill net web enters the water until the gill net is fully retrieved from the water. | | | | |
| | 7AM | - | 7PM 10/30, 11/5 | 6-1/4" |
| 7B/7C: | 7PM | - | 8AM NIGHTLY 8/18, 8/24, 8/26, 8/28, 8/31, 9/2, 9/4 | 7" |
| 7B: | 7PM | - | 9AM NIGHTLY 9/7, 9/9, 9/11 | 5" |
| | 6PM | - | 8AM NIGHTLY 9/14, 9/16, 9/18 | |
| | 7AM-9/21 | - | 4PM 10/25 | |
| | 7AM-10/27 | - | 4PM-10/31 | 6-1/4" |
| | 7AM-11/3 | - | 4PM-11/7 | |
| | 7AM-11/10 | - | 4PM-11/14 | |
| | 7AM-11/17 | - | 4PM-11/21 | |
| | 7AM-11/24 | - | 4PM-11/28 | |
| | 8AM-12/1 | - | 4PM-12/5 | |
| Note: That portion of Area 7B east of a line from Post Point to the flashing red light at the west entrance to Squalicum Harbor is open to gill nets using 6-1/4-inch minimum mesh beginning 12:01AM on the last day in October and is open until 4:00 PM on the first Friday in December. | | | | |
| 8: | 6AM | - | 8PM 8/28, 9/3 | 5" |
| Note: In Area 8 openings it is unlawful to use other than 5 inch minimum mesh, maximum 60 meshes in depth. | | | | |
| | 7AM | - | 7PM 11/6 | 6-1/4" |
| 8A: | 7PM | - | 8AM NIGHTLY 8/18, 8/20, 8/25, 8/27 | 6-1/4" |
| Note: In Area 8A openings on 8/18, 8/20, 8/25, and 8/27, it is unlawful to use other than 5 inch minimum and 5 1/2 maximum mesh gill nets. | | | | |
| | 6PM | - | 8AM NIGHTLY 10/7 | |
| | 5PM | - | 8AM NIGHTLY 10/12, 10/14, 10/16, 10/19, 10/21, 10/23 | |
| | 4PM | - | 8AM NIGHTLY 10/27, 10/28, 10/29, 10/30, 11/2, 11/4, 11/6, 11/10, 11/11, 11/12, 11/13, 11/16, 11/18, 11/20, 11/24, 11/25, 11/26, 11/27 | |
| 8D: | 6PM | - | 8AM NIGHTLY 9/21, 9/23, 9/25, 9/28, 9/30, 10/2, 10/5, 10/7, 10/9, 10/12, 10/14, 10/16, 10/19, 10/21, 10/23 | 5" |
| | 4PM | - | 8AM NIGHTLY 10/27, 10/28, 10/29, 10/30, 11/2, 11/4, 11/6, 11/10, 11/11, 11/12, 11/13, 11/16, 11/18, 11/20, 11/24, 11/25, 11/26, 11/27 | 6-1/4" |
| 9A: | 6AM | - | 9PM 8/26, 8/28 | 5" |
| | 6AM-8/31 | - | 4PM-10/25 | |

Note: It is unlawful to retain chum salmon taken in Area 9A prior to October 1 and unlawful to retain chinook salmon at any time. Any salmon not to be retained must be released from the net by cutting the meshes ensnaring the fish. Logbooks required in accordance with WAC 220-47-430.

EXPEDITED

| (AREA | TIME | - | DATE(S) | MINIMUM MESH |
|----------|------|---|---|--------------|
| 10, 11: | 5PM | - | 8AM NIGHTLY 10/12, 10/14, 10/16, 10/19, 10/21, 10/23 | 6 1/4" |
| | 4PM | - | 8AM NIGHTLY 10/26, 10/28, 10/30, 11/2, 11/4, 11/6, 11/9, 11/11, 11/13 | |
| 12, 12B: | 7AM | - | 8PM 10/21, 10/22, 10/23 | 6 1/4" |
| | 7AM | - | 7PM 10/28, 10/30, 10/31, 11/3, 11/4, 11/6, 11/11, 11/12, 11/13 | |
| | 7AM | - | 6PM 11/18, 11/19, 11/20 | |

Note: It is unlawful to fish for or possess salmon taken with gill net gear in that part of Area 12B south of a line from Quatsap Point to Hood Point on the following dates: 10/22, 10/23, 10/30, 10/31, 11/3, 11/4, 11/12, 11/13, 11/19, and 11/20.

| | | | | |
|------|-----|---|--|--------|
| 12C: | 7AM | - | 7PM 11/11. Openings on these dates are subject to further discussions with tribe. If openings do occur, they will be by emergency regulation. | 6 1/4" |
| | 7AM | - | 6PM 11/18, 11/25. Openings on these dates are subject to further discussions with tribe. If openings do occur, they will be by emergency regulation. | |

All other saltwater and freshwater areas — closed.

Nightly openings refer to the start date.

Within an area or areas, a mesh size restriction remains in effect from the first date indicated until a mesh size change is shown, and the new mesh size restriction remains in effect until changed.)

| AREA | TIME | - | DATE(S) | MINIMUM MESH |
|------|------|---|---|--------------|
| 6D: | 7AM | - | 7PM 9/21, 9/22, 9/23, 9/24, 9/27, 9/28, 9/29, 9/30, 10/1, 10/4, 10/5, 10/6, 10/7, 10/8, 10/11, 10/12, 10/13, 10/14, 10/15, 10/18, 10/19, 10/20, 10/21, 10/22, 10/25, 10/26, 10/27, 10/28, 10/29 | 5" |

Note: In Area 6D it is unlawful to use other than 5-inch minimum and 5 1/2-inch maximum mesh in the skiff gill net fishery. It is unlawful to retain chinook or pink salmon taken in Area 6D at any time, or any chum salmon taken in Area 6D prior to October 16. In Area 6D, any chinook, chum or pink salmon required to be released, must be removed from the net by cutting the meshes ensnaring the fish.

| | | | | |
|--------|-----|---|---|--------|
| 7, 7A: | 7AM | = | 8PM Use of recovery box 10/13, 10/14 required | 6 1/4" |
| | 8AM | = | 8PM Use of recovery box 10/20, 10/21, 10/27, 10/28 not required | |
| | 7AM | = | 7PM 11/3, 11/4 | |

Note: In Areas 7 and 7A after September 30 but prior to October 20, it is unlawful to use a net soak time of more than 45 minutes. Net soak time is defined as the time elapsed from when the first of the gill net web enters the water until the gill net is fully retrieved from the water.

| | | | | |
|--------|-----------|---|---|--------|
| 7B/7C: | 7PM | = | 7AM NIGHTLY 8/16, 8/22, 8/24, 8/26, 8/29, 8/31, 9/2 | 7" |
| 7B: | 7PM | = | 8AM NIGHTLY 9/6, 9/7, 9/9 | 5" |
| | 6PM | = | 8AM NIGHTLY 9/12, 9/14, 9/16 | |
| | 7AM 9/19 | = | 8PM 10/23 | |
| | 8AM 10/25 | = | 4PM 10/29 | 6 1/4" |
| | 7AM 11/1 | = | 4PM 11/5 | |
| | 7AM 11/8 | = | 4PM 11/12 | |
| | 7AM 11/15 | = | 4PM 11/19 | |
| | 7AM 11/22 | = | 4PM 11/26 | |
| | 8AM 11/29 | = | 4PM 12/3 | |

Note: That portion of Area 7B east of a line from Post Point to the flashing red light at the west entrance to Squalicum Harbor is open to gill nets using 6 1/4-inch minimum mesh beginning 12:01AM on the last day in October and is open until 4:00 PM on the first Friday in December.

| | | | | |
|-----|-----|---|--|--------|
| 8A: | 6PM | = | 8AM NIGHTLY 10/5 | 5" |
| | 5PM | = | 8AM NIGHTLY 10/12, 10/14, 10/15 | |
| | 8AM | = | 8PM 10/19, 10/21, 10/22, 10/25, 10/26, 10/27, 10/28 | 6 1/4" |
| | 7AM | = | 7PM 11/2, 11/4, 11/5, 11/9, 11/11, 11/12, 11/16, 11/18, 11/19 | |
| | 7AM | = | 6PM 11/23, 11/25, 11/26 | |
| 8D: | 6PM | = | 8AM NIGHTLY 9/19, 9/21, 9/23, 9/26, 9/28, 9/30, 10/3, 10/5, 10/7 | 5" |
| | 5PM | = | 8AM NIGHTLY 10/10, 10/12, 10/14 | |

EXPEDITED

| AREA | TIME | : | DATE(S) | MINIMUM MESH |
|------|----------|---|-----------|--|
| | 5PM | : | 9AM | NIGHTLY 10/17, 10/19, 10/21 |
| | 5PM | : | 9AM | NIGHTLY 10/25, 10/26, 10/27, 10/28 |
| | 4PM | : | 8AM | NIGHTLY 10/31, 11/2, 11/4, 11/8, 11/9, 11/10, 11/11, 11/14, 11/16, 11/18 |
| | 3PM | : | 8AM | NIGHTLY 11/22, 11/23, 11/24, 11/25 |
| 9A: | 7PM | : | 7AM | NIGHTLY 8/24, 8/26 |
| | 6AM 8/29 | : | 8PM 10/30 | 5" |

Note: It is unlawful to retain chum salmon taken in Area 9A prior to October 1 and unlawful to retain chinook salmon at any time. Any salmon not to be retained must be released from the net by cutting the meshes ensnaring the fish.

| | | | | | |
|----------|-----|---|-----|---|--------|
| 10, 11: | 5PM | : | 8AM | NIGHTLY 10/10, 10/12, 10/14 | 6 1/4" |
| | 5PM | : | 9AM | NIGHTLY 10/17, 10/19, 10/21, 10/24, 10/26, 10/28 | |
| | 4PM | : | 8AM | NIGHTLY 10/31, 11/2, 11/4, 11/7, 11/9, 11/11 | |
| 12, 12B: | 8AM | : | 8PM | 10/19, 10/20, 10/21, 10/26, 10/28, 10/29 | 6 1/4" |
| | 7AM | : | 7PM | 11/1, 11/2, 11/4, 11/9, 11/10, 11/11, 11/16, 11/17, 11/18 | |
| 12C: | 7AM | : | 7PM | 11/9, 11/10, 11/11, 11/16, 11/17, 11/18 | 6 1/4" |
| | 7AM | : | 6PM | 11/23, 11/24, 11/25 | |

All other saltwater and freshwater areas - closed.

Nightly openings refer to the start date.

Within an area or areas, a mesh size restriction remains in effect from the first date indicated until a mesh size change is shown, and the new mesh size restriction remains in effect until changed.

AMENDATORY SECTION (Amending Order 03-210, filed 8/20/03, effective 9/20/03)

WAC 220-47-428 Beach seine—Open periods. It is unlawful to take, fish for, or possess salmon taken with beach seine gear for commercial purposes from Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the periods provided hereinafter in each respective Management and Catch Reporting Area:

| AREA | TIME | : | DATE(S) |
|------|-----------------|---|---|
| 7B | 7AM - 7PM Daily | : | 10/11, 10/12, 10/13, 10/14, 10/15, ((10/16, 10/17,)) 10/18, 10/19, 10/20, 10/21, 10/22, ((10/23, 10/24,)) 10/25, 10/26, 10/27, 10/28, 10/29, ((10/30, 10/31,)) 11/1, 11/2, 11/3, 11/4, 11/5, ((11/6, 11/7,)) 11/8, 11/9, 11/10, 11/11, 11/12((11/13, 11/14)) |
| 12A | 7AM - 7PM Daily | : | 8/23, 8/24, 8/25, 8/26, 8/27, ((8/28, 8/29,)) 8/30, 8/31, 9/1, 9/2, 9/3, ((9/4, 9/5,)) 9/6, 9/7, 9/8, 9/9, 9/10, ((9/11, 9/12,)) 9/13, 9/14, 9/15, 9/16, 9/17, ((9/18, 9/19,)) 9/20, 9/21, 9/22, 9/23, 9/24, ((9/25, 9/26,)) 9/27, 9/28, 9/29, 9/30, 10/1((10/2, 10/3)) |

Note: By condition of the salmon experimental beach seine permit, only the following waters of Area 7B and Area 12A are open to beach seine fishing for salmon during the open dates designated in WAC 220-47-428:

Area 7B - Those waters of Area 7B lying northerly and easterly of a line extending from Governors Point to the Red #2 bell buoy to the point where the pipeline from Tilbury Cement Pier contacts the shore.

Area 12A - Those waters of Area 12A lying northerly of a line extending from Whitney Point to the flashing light off Fishermans Point then to Fishermans Point on the Bolton Peninsula (excluding waters within 1000 feet of the western shoreline, as the shoreline is defined by the mean higher high stage of the tide, between Whitney Point and mouth of the Little Quilkeena River)).

It is unlawful to retain chinook taken with beach seine gear in all areas, and unlawful to retain chum from Area 12A.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-47-430 Puget Sound commercial salmon—Log book required.

EXPEDITED



WSR 04-11-045

PERMANENT RULES

PERSONNEL RESOURCES BOARD

[Filed May 13, 2004, 3:07 p.m., effective May 13, 2004]

Date of Adoption: May 13, 2004.

Purpose: The purpose of this rule is to show the modifications to chapters 251-30 and 356-60 WAC made by SB 5156 in 2003. This will bring the current WAC up to date with the current law.

Citation of Existing Rules Affected by this Order: Chapter 251-30 WAC, Combined fund drive and chapter 356-60 WAC, Combined fund drive; repealing 6 and amending 10.

Statutory Authority for Adoption: RCW 41.06.150.

Adopted under notice filed as WSR 04-07-188 on March 24, 2004.

Changes Other than Editing from Proposed to Adopted Version: WAC 356-60-010(10) and 251-30-010(10) were changed to specify the determination of reasonable uses is made by agency directors and institutional presidents. WAC 356-60-030 (7)(d) and 251-60-030 (7)(d) added language about people with disabilities to replace outdated references to handicapped individuals.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 4, Amended 10, Repealed 6.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 4, Amended 10, Repealed 6.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: In accordance with RCW 34.05.380 (3)(a), May 13, 2004, effective date is proposed to prevent further delay of enacting statutory provisions of SB 5156, effective July 27, 2003. Hearings for comments and discussion were held in March and May. No objections to the May 13, 2004, effective date were received. Efforts and planning for combined fund drive campaign for fall 2004 is now taking place.

Effective Date of Rule: May 13, 2004.

May 13, 2004

E. C. Matt

Director

AMENDATORY SECTION (Amending WSR 02-17-114, filed 8/21/02, effective 9/30/02)

WAC 251-30-010 Combined Fund Drive Committee established. (1) In accordance with RCW ((41-04-035; 41-04-036)) 41.04.033 through 41.04.039 and RCW 41.04.-230 ((and in order to implement Senate Bill 6372)) and Executive Order EO 01-01, a committee is established to conduct

a single, annual, consolidated effort to secure funds for distribution to ((agencies)) not-for-profit organizations engaged in charitable, ((and)) public health, public welfare and social services, environmental or arts purposes.

(2) The committee shall be known as the Washington ((employee)) state combined fund drive committee and referred to in these rules as the CFD committee.

(3) The CFD committee shall be composed of not more than twelve members appointed by the governor for three year terms. Appointments shall be consistent with Executive Order 01-01. ((The members shall be selected from the following groups:

(a) Public employees' unions;

(b) The legislative branch;

(c) The judicial branch;

(d) State agencies;

(e) Higher education institutions;

(f) Elected officials;

(g) Retired public employees;

(h) Other groups as may be recommended by the director of the department of personnel.))

(4) The CFD committee shall have the following responsibilities:

((4)) (a) ((The committee shall)) Meet to conduct necessary business, elect a chairperson annually, and elect such other officers as may be needed. Fifty percent of the appointed members shall constitute a quorum for the conduct of business. A majority vote of the quorum will be needed to carry a motion.

(b) Organize and effect one solicitation effort for charitable donations each year.

(c) Establish standards and criteria for participation in the fund drive. The standards and criteria will be incorporated into the application printed and distributed by the CFD. The application will be completed and submitted by those not-for-profit organizations and federations seeking approval to participate in the CFD campaign. Changes in the standards and criteria shall be made only after 60 days notice is given.

(d) Evaluate each application, based on its standards and criteria, and determine which not-for-profit organizations or federations are approved to participate in the annual CFD campaign.

(e) Establish staff and volunteer positions and committees as necessary to assist in the annual CFD campaign. An organizational chart is available from the CFD Committee through the Department of Personnel, P.O. Box 47500, Olympia WA 98504-7500.

(f) Determine and recover its reasonable administrative expenses to conduct the CFD campaign.

(g) Develop the official CFD campaign and publicity materials. The CFD committee may contract for marketing services to develop the CFD campaign material in a manner that is consistent with RCW 41.04.0332.

(h) Establish a procedure for CFD staff to collect, process and deposit individual employee contributions during the annual fundraising. Contributions from fundraising efforts shall be deposited into the CFD account in the custody of the state Treasurer according to state laws.

(i) Engage a CFD program manager to exercise general supervision over all operations of the CFD and strive to take

necessary steps for the achievement of CFD campaign objectives. The CFD program manager establishes and maintains the official list of agency, higher education institutions and local CFD campaign committee volunteers and the geographical area each covers. The CFD program manager will forward all disputes to the CFD committee for resolution.

(5) Based on pledges received for an annual CFD campaign, when the annual net contribution for any participating organization or federation is estimated at two hundred fifty dollars or less, the CFD committee may direct the contributions be made in a lump sum at the end of the CFD campaign year to the recipient organization or federation.

(6) The CFD Committee shall direct that payments originally pledged to an organization or federation that has been decertified, is in receivership, has filed for or been placed in bankruptcy, or has been or is in the process of being dissolved, shall be returned to donors. If the CFD committee determines it is not feasible to return such funds to donors, it shall determine the appropriate disposition of the funds.

((5)) (7) Members of the CFD committee shall serve without additional salary, but shall be reimbursed by their ((employing agencies)) state employers for travel, lodging and meals in accordance with state law and regulations. Public retirees, who qualify, will receive normal travel, lodging and meal expenses reimbursed or paid by CFD.

((6) The committee shall be a policy committee which shall organize and effect one solicitation effort each year.

(7) The committee shall establish standards and criteria for participation in the fund drive. (WAC 251-30-040 and 251-30-050.)

(8) The committee shall print and distribute an application form which agencies shall use to apply for participation in the fund drive.

(9) The committee shall evaluate each application, based on its criteria, and determine which agencies engaged in charitable and public health, welfare and social service purposes shall participate in one annual combined effort to secure funds from state employees through payroll deduction or other payment method.

((10) The committee may establish departmental combined fund drive leaders, local combined fund drive coordinators, local campaign steering committees and local campaign managers to assist in the fund drive.))

(8) The CFD committee may enter into contracts and partnerships with a private institution, persons, firms or corporations for the benefit of the beneficiaries of the CFD. The CFD committee may also engage in advertising activities for the support of the administrative duties of the CFD. However, CFD activities shall not result in the direct commercial solicitation of state employees or in a benefit or advantage that would violate one or more provisions of chapter 42.52 RCW, the state ethics law.

((11)) (9) Agency directors, elected officials, and higher education presidents may allow employees the opportunity to serve as CFD campaign executives to assist in the conduct of the ((state's annual charitable)) CFD campaign. The CFD campaign executive opportunity is a rotational assignment that develops leadership, communication, and teamwork skills that will benefit the employing organization upon the employee's return. Those appointed as CFD cam-

aign executives remain on the payroll of their employing organization during this assignment.

((12)) (10) State agencies and higher education institutions, at their discretion, are authorized to use reasonable state resources to support, promote, and conduct the annual combined fund drive campaign within their organization. Reasonable uses are not excessive in volume or frequency as determined by the agency director or institution president.

((13)) (11) The department of personnel shall provide the administrative support for the operation of the committee.

((14) All costs such as printing of brochures, preparation of slide presentations, and other promotional costs shall be the responsibility of those organizations designated to participate in the distribution of all funds collected. In circumstances where promotional costs cannot be associated with an individual charitable service organization, the costs shall be shared in a percentage relating to the total funds distributed.))

AMENDATORY SECTION (Amending WSR 02-17-114, filed 8/21/02, effective 9/30/02)

WAC 251-30-020 Purposes and scope. (1) The following rules are promulgated to implement a ((payroll deduction plan)) charitable CFD campaign for the efficient, long-term collection of voluntary employee and public agency retiree contributions to qualifying charitable, ((human health and welfare)) not-for-profit organizations. By establishing a uniform policy toward charitable fund raising efforts among state employees and public agency retirees, the state hopes to encourage generosity in voluntary financial support for the charitable services of the qualified participating organizations and participating federations.

(2) The intent of these ((regulations)) rules is to:

(a) Lessen the burdens of government and of local communities in meeting the needs of human health and welfare;

(b) Provide a convenient channel through which state employees and public agency retirees may contribute to the efforts of the ((qualifying voluntary health and welfare)) participating organizations and federations providing services in the community or region where the employees and public agency retirees live and work and overseas;

(c) Minimize both the disruption of the state work place and the costs to taxpayers ((that)) caused by multiple charitable fund drives ((have caused)); and

(d) Ensure that ((recipient agencies)) participating organizations and federations are fiscally responsible in the uses of the moneys so raised.

(3) The CFD campaign is the only authorized formal solicitation of Washington state employees in the workplace on behalf of participating not-for-profit organizations and federations. A CFD campaign may be conducted during a seven-week period, from September 1 to December 15, as determined by each state agency and higher education institution in accordance with these rules. In extraordinary circumstances, the CFD committee may consider granting approval for solicitations at other times.

(4) These rules in WAC 251-30 do not apply to the collection of gifts-in-kind, such as food, clothing and toys.

AMENDATORY SECTION (Amending WSR 02-17-114, filed 8/21/02, effective 9/30/02)

WAC 251-30-030 Definitions. (1) CFD Committee - The Washington state combined fund drive (CFD) committee described in WAC ((251-30-010)) 251-30-030.

~~((2) State combined fund drive campaign - An arrangement by which the committee provides one or more other participating organizations with the opportunity to receive funds contributed to them in the annual campaign, based on their compliance with the regulations herein.))~~

(2) CFD - Washington state combined fund drive.

(3) CFD campaign - The annual period of organized solicitation of state employees and public agency retirees. This solicitation is conducted to obtain voluntary contributions, donations and charitable commitments to be allocated to approved, not-for-profit participating organizations and federations, during the ensuing year of contributions.

~~((3) Participating organization - A health and welfare agency whose application has been accepted by the committee.))~~

(4) Participating organization - A public 170 (c)(1) or private 501 (c)(3) not-for-profit organization whose application is approved by the CFD committee to participate in the CFD campaign.

~~((4) Annual campaign - The once a year period of organized solicitation of state employees and public agency retirees conducted annually to obtain voluntary contributions from state employees and public agency retirees for charitable commitments to be allocated during the ensuing year of contributions.))~~

(5) Federation - A public or private not-for-profit umbrella organization made up of five or more individual member organizations approved by the CFD committee to participate in the CFD campaign.

~~((5)) (6) Year of contributions - The annual calendar year for collection of the voluntary payroll deductions for charitable contributions authorized by state employees and public agency retirees pursuant to these ((regulations)) rules. The normal, full annual calendar year of contributions shall begin with January and end with the ensuing December.~~

~~((6)) (7) ((Health and welfare agency)) Not-for-profit organization - ((The terms "voluntary agency," "voluntary health and welfare agency," "voluntary charitable agency," and "voluntary charitable health and welfare agency" mean an)) An organization that is ((organized and)) operated for the purpose of rendering, or of materially or financially supporting the rendering of, one or more of the following services ((for the benefit of human beings)):~~

- (a) Delivery of health care to ill or infirm individuals;
- (b) Education and training of personnel for the delivery of health care to ill or infirm individuals;
- (c) Health research for the benefit of ill or infirm individuals;
- (d) Delivery of education, training, and care to ((physically and mentally handicapped individuals)) people with disabilities;
- (e) Treatment, care, rehabilitation, and counseling of juvenile delinquents, criminals, released convicts, persons who abuse drugs or alcohol, persons who are victims of intra-family violence or abuse, persons who are otherwise in need

of social adjustment and rehabilitation, and the families of such persons;

(f) Relief of victims of crime, war, casualty, famine, natural disasters, and other catastrophes and emergencies;

(g) Neighborhood and community-wide social services that directly assist needy, poor, and indigent individuals, including provision of emergency relief and shelter, recreation, transportation, the preparation and delivery of meals, educational opportunities, and job training;

(h) Protection of families that, on account of economic or other need, poverty, indigence, or emergency, are in long-term or short-term need of family, child((-))_care, and maternity services, child and marriage counseling, foster care, and guidance or assistance in the management and maintenance of the home and household;

(i) Relief of needy, poor, and indigent infants and children, and of orphans, including the provision of adoption services;

(j) Relief of needy, poor, and indigent adults and of the elderly;

(k) Delivery of services or assistance that conserve, protect, or restore the environment;

(l) Delivery of services or assistance to threatened or endangered species;

(m) Delivery of services in the performing, visual, literary and media arts.

~~((7)) (8) Local presence - Demonstration of direct and substantial presence in the local CFD campaign community through:~~

(a) The availability of services, such as examinations, treatments, inoculations, preventive care, counseling, training, scholarship assistance, transportation, feeding, institutionalization, shelter, and clothing to persons working or residing in the local CFD campaign community((-)); or

(b) The presence within the local CFD campaign community, or within reasonable commuting distance thereof, of a facility at which services may be obtained, such as an office, clinic, mobile unit, field agency, or direct provider, or specific demonstrable effects of research, such as personnel or facilities engaged therein or specific local applications thereof((-)); or

(c) The availability to persons working or residing in the local CFD campaign community of communication with the voluntary charitable agency by means of home visits, transportation, or telephone calls, provided by the voluntary agency at no charge to the recipient or beneficiary of the service.

(d) Any not-for-profit federation or charitable organization whose services are rendered exclusively or in substantial preponderance overseas, and that meets all the criteria set forth in these rules, except for the requirement of local presence, and is approved by the CFD committee, shall be eligible to be a participating federation or participating organization.

~~((8)) (9) Overseas - Areas outside of the District of Columbia and the fifty states of the United States of America.~~

(10) State employer - Washington state agencies and higher education institutions.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 251-30-032 Establishing a local CFD campaign. (1) Each state employer may establish local CFD campaigns within the geographical area it covers.

(2) Each state employer and local county committee may develop promotional and fundraising events, provide training and recognition to CFD local coordinators, develop marketing plans, supervise CFD campaign executives, and expend state or CFD funds to conduct the local CFD campaign.

(3) The annual CFD campaign begins on September 1 and ends on December 15. Each year the director of each state agency and president of each higher education institution may determine the time period of the CFD campaign within the September 1 to December 15 timeframe. Each annual CFD campaign normally is conducted for a seven-week period. However in unusual circumstances, the individual state employers may extend the seven week period as local conditions require. The CFD campaign shall not extend beyond December 15.

(4) Employees and public agency retirees may be solicited for contributions using payroll deduction, checks, money orders, credit cards, cash or electronic methods.

(5) State employers may grant permission to participating organizations and federations to distribute material related to the CFD campaign during work hours. During the CFD campaign, participating not-for-profit organizations may distribute or orally share bonafide educational materials describing their services or programs. All CFD participating organizations must be given an equal opportunity for communication in a state employer's local CFD campaign. The local state employer may grant sharing of oral information by participating organizations if the agency or institution determines such communication is not disruptive to the local state office or institution.

(6) This section shall not be construed to require a state employer to distribute or arrange for oral or written information other than the official CFD campaign and publicity material.

(7) Solicitations of employees shall be conducted during duty hours using methods that permit true voluntary giving and shall reserve to the individual the option of disclosing any gift or keeping it confidential to the extent confidentiality is permitted by law. Campaign kick-offs, recognition events, awards and other non-solicitation events to build support for the CFD are encouraged.

(8) Special CFD fundraising events, such as drawings, auctions, bake sales, carnivals, athletic events, or other activities not specifically provided for in these rules are permitted 30 days prior to and during the annual CFD campaign if approved, in advance, by the state employer.

(9) At the discretion of each state employer, state employees may be authorized to attend CFD promotional and fundraising events on state work time.

NEW SECTION

WAC 251-30-034 CFD campaign expenses. (1) The CFD committee shall recover from the gross receipts of the CFD campaign, or state appropriations, its reasonable administrative expenses to conduct the CFD campaign. The CFD

committee will approve an annual budget to determine the administrative fee to be charged to the beneficiaries of the CFD.

(2) Fundraising expenses shall not be taken or deducted from donations collected during a fundraising event. These fundraising expenses may be paid by the state agency or higher education institution and, then, upon request and submission of proper documentation, reimbursed by the CFD.

(3) The CFD campaign expenses will be shared proportionately by all the participating not-for-profit organizations and federations reflecting their individual percentage share of gross CFD campaign receipts.

AMENDATORY SECTION (Amending WSR 02-17-114, filed 8/21/02, effective 9/30/02)

WAC 251-30-055 Determination of eligibility—Procedure for reconsideration. (1) Using the information supplied under this chapter and the standards and criteria set forth in ~~((WAC 251-30-040 and 251-30-050))~~ the application form, the CFD committee will determine which ~~((agencies and which federated organizations))~~ not-for-profit organizations and federations are eligible to participate in annual ~~((state combined fund drive))~~ CFD campaigns. ~~((Any agency or federated organization determined not to be eligible may, within fifteen days after receiving notice of noneligibility, request reconsideration in writing, submitting responsive materials relating to the noneligibility notice in support of the request at the same time. The committee will duly reconsider the eligibility of the requesting agency or federated organization and will issue written notice of its final decision on eligibility within thirty days of receiving the request. Any decision on reconsideration will be a final determination of eligibility.))~~ If a not-for-profit organization or federation is determined not to be eligible, the CFD committee will provide written notice of its determination, including a description of the determination made, the date and by whom it was made, the basis for the determination, and the procedure for requesting reconsideration.

(2) The following process will be used for requests for reconsideration of noneligibility:

(a) Within fifteen calendar days after receiving notice of noneligibility, an affected organization or federation may submit a written request for reconsideration to the CFD committee. Requests for reconsideration and any supporting materials must be based solely on new or additional information that was not available to the CFD committee at the time the initial determination was made.

(b) Within thirty calendar days of receiving the request for reconsideration, the CFD committee will issue a written decision. The CFD committee's reconsideration decision is final.

(c) The CFD committee may extend the time periods established in this section if it determines there is good cause to do so.

(d) Any written requests or notices made under this section will be deemed received three business days after deposit in the United States mail, properly stamped and addressed.

~~((For the purposes of this section, any written requests or notices will be presumed to be received no more than three business days after mailing.))~~

AMENDATORY SECTION (Amending WSR 02-17-114, filed 8/21/02, effective 9/30/02)

WAC 251-30-057 Decertification and disqualification. (1) Once approved for participation, any ~~((health and welfare agency))~~ participating organization or ~~((federated organization))~~ federation may be decertified and disqualified from participation in the ~~((state employee))~~ combined fund drive campaign by majority vote of the CFD committee for ~~((any))~~ one or more of the following reasons:

(a) ~~((Failure))~~ Failing to comply with the rules contained in this chapter;

(b) Filing an application to participate in the state combined fund drive campaign which contains false or intentionally misleading information; or

(c) ~~((An))~~ Receiving an annual contribution pledge from an annual CFD campaign of two hundred fifty dollars or less.

~~((Any decertified health and welfare agency or federated organization shall be disqualified from participating in the next state employee combined fund drive campaign.))~~ The CFD committee will provide written notice of the decertification decision, including a description of the determination made, the date and by whom it was made, the basis for the determination, and the procedure for requesting reconsideration.

(a) Decertification is effective on the first day of the following year's CFD campaign. A decertified organization or federation is disqualified from participating in the CFD campaign as of that effective date.

(b) Payments of contributions to a decertified organization or federation will cease on the last day of the current year's CFD campaign. Payments received after that date, but originally pledged to an organization or federation that is decertified, shall be disbursed as directed by the CFD committee.

~~((The committee may order that the annual net estimated contribution for any health and welfare agency or federated organization receiving an annual pledge of two hundred fifty dollars or less in an annual campaign may be made in a lump sum at the end of the year of contributions.))~~ Requests for reconsideration of a decertification decision shall be governed by the procedures set forth for reconsideration of eligibility in WAC 251-30-055.

~~((4))~~ Any health and welfare agency or federated organization decertified under subsection (1)(a) or (b) of this section shall have any further payment of contributions terminated. The committee shall determine the method of disbursement of any future payments originally pledged in an annual campaign to such health and welfare agency or federated organization.

~~((5))~~ Any decertified health and welfare agency or federated organization may request reconsideration of the committee's action using the procedures described under WAC 251-30-055.))

NEW SECTION

The following sections of the Washington Administrative Code are recodified as follows:

| <u>Old WAC Number</u> | <u>New WAC Number</u> |
|-----------------------|-----------------------|
| WAC 251-30-010 | WAC 251-30-030 |
| WAC 251-30-020 | WAC 251-30-010 |
| WAC 251-30-030 | WAC 251-30-020 |

REPEALER

The following sections of the Washington Administrative Code are repealed:

| | |
|----------------|--|
| WAC 251-30-040 | Basic standards and criteria for agency membership applicable to all agencies. |
| WAC 251-30-050 | Required characteristics of eligible federations (umbrella organizations). |
| WAC 251-30-060 | Qualifications for local campaign manager. |

AMENDATORY SECTION (Amending WSR 02-17-114, filed 8/21/02, effective 9/30/02)

WAC 356-60-010 Combined Fund Drive Committee established. (1) In accordance with RCW ~~((41.04.035, 41.04.036))~~ 41.04.033 through 41.04.039 and RCW 41.04.-230 ~~((and in order to implement Senate Bill 6372))~~ and Executive Order EO 01-01, a committee is established to conduct a single, annual, consolidated effort to secure funds for distribution to ~~((agencies))~~ not-for-profit organizations engaged in charitable, ~~((and))~~ public health, public welfare and social services, environmental or arts purposes.

(2) The committee shall be known as the Washington state combined fund drive committee and referred to in these rules as the CFD committee.

(3) The CFD committee shall be composed of not more than twelve members appointed by the governor for three year terms. Appointments shall be consistent with Executive Order 01-01. ~~((The members shall be selected from the following groups:~~

- ~~((a))~~ Public employees' unions;
- ~~((b))~~ The legislative branch;
- ~~((c))~~ The judicial branch;
- ~~((d))~~ State agencies;
- ~~((e))~~ Higher education institutions;
- ~~((f))~~ Elected officials;
- ~~((g))~~ Retired public employees;
- ~~((h))~~ Other groups as may be recommended by the director of the department of personnel.))

(4) The CFD committee shall have the following responsibilities:

~~((4))~~ (a) ~~((The committee shall))~~ Meet to conduct necessary business, elect a chairperson annually, and elect such other officers as may be needed. Fifty percent of the appointed members shall constitute a quorum for the conduct

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of business. A majority vote of the quorum will be needed to carry a motion.

(b) Organize and effect one solicitation effort for charitable donations each year.

(c) Establish standards and criteria for participation in the fund drive. The standards and criteria will be incorporated into the application printed and distributed by the CFD. The application will be completed and submitted by those not-for-profit organizations and federations seeking approval to participate in the CFD campaign. Changes in the standards and criteria shall be made only after 60 days notice is given.

(d) Evaluate each application, based on its standards and criteria, and determine which not-for-profit organizations or federations are approved to participate in the annual CFD campaign.

(e) Establish staff and volunteer positions and committees as necessary to assist in the annual CFD campaign. An organizational chart is available from the CFD Committee through the Department of Personnel, P.O. Box 47500, Olympia WA 98504-7500.

(f) Determine and recover its reasonable administrative expenses to conduct the CFD campaign.

(g) Develop the official CFD campaign and publicity materials. The CFD committee may contract for marketing services to develop the CFD campaign material in a manner that is consistent with RCW 41.04.0332.

(h) Establish a procedure for CFD staff to collect, process and deposit individual employee contributions during the annual fundraising. Contributions from fundraising efforts shall be deposited into the CFD account in the custody of the state Treasurer according to state laws.

(i) Engage a CFD program manager to exercise general supervision over all operations of the CFD and strive to take necessary steps for the achievement of CFD campaign objectives. The CFD program manager establishes and maintains the official list of agency, higher education institutions and local CFD campaign committee volunteers and the geographical area each covers. The CFD program manager will forward all disputes to the CFD committee for resolution.

(5) Based on pledges received for an annual CFD campaign, when the annual net contribution for any participating organization or federation is estimated at two hundred fifty dollars or less, the CFD committee may direct the contributions be made in a lump sum at the end of the CFD campaign year to the recipient organization or federation.

(6) The CFD Committee shall direct that payments originally pledged to an organization or federation that has been decertified, is in receivership, has filed for or been placed in bankruptcy, or has been or is in the process of being dissolved, shall be returned to donors. If the CFD committee determines it is not feasible to return such funds to donors, it shall determine the appropriate disposition of the funds.

((5)) (7) Members of the CFD committee shall serve without additional salary, but shall be reimbursed by their ((employing agencies)) state employers for travel, lodging and meals in accordance with state law and regulations. Public retirees, who qualify, will receive normal travel, lodging and meal expenses reimbursed or paid by CFD.

((6) The committee shall be a policy committee which shall organize and effect one solicitation effort each year.

~~(7) The committee shall establish standards and criteria for participation in the fund drive. (WAC 356-60-040 and 356-60-050.)~~

~~(8) The committee shall print and distribute an application form which agencies shall use to apply for participation in the fund drive.~~

~~(9) The committee shall evaluate each application, based on its criteria, and determine which agencies engaged in charitable and public health, welfare and social service purposes shall participate in one annual combined effort to secure funds from state employees through payroll deduction or other payment method.~~

~~(10) The committee may establish departmental combined fund drive leaders, local combined fund drive coordinators, local campaign steering committees and local campaign managers to assist in the fund drive.)~~

(8) The CFD committee may enter into contracts and partnerships with a private institution, persons, firms or corporations for the benefit of the beneficiaries of the CFD. The CFD committee may also engage in advertising activities for the support of the administrative duties of the CFD. However, CFD activities shall not result in the direct commercial solicitation of state employees or in a benefit or advantage that would violate one or more provisions of chapter 42.52 RCW, the state ethics law.

((11)) (9) Agency directors, elected officials, and higher education presidents may allow employees the opportunity to serve as CFD campaign executives to assist in the conduct of the ((state's annual charitable)) CFD campaign. The CFD campaign executive opportunity is a rotational assignment that develops leadership, communication, and teamwork skills that will benefit the employing organization upon the employee's return. Those appointed as CFD campaign executives remain on the payroll of their employing organization during this assignment.

((12)) (10) State agencies and higher education institutions, at their discretion, are authorized to use reasonable state resources to support, promote, and conduct the annual combined fund drive campaign within their organization. Reasonable uses are not excessive in volume or frequency as determined by the agency director or institution president.

((13)) (11) The department of personnel shall provide the administrative support for the operation of the committee.

((14) All costs such as printing of brochures, preparation of slide presentations, and other promotional costs shall be the responsibility of those organizations designated to participate in the distribution of all funds collected. In circumstances where promotional costs cannot be associated with an individual charitable service organization, the costs shall be shared in a percentage relating to the total funds distributed.))

AMENDATORY SECTION (Amending WSR 02-17-114, filed 8/21/02, effective 9/30/02)

WAC 356-60-020 Purposes and scope. (1) The following rules are promulgated to implement a ((payroll deduction plan)) charitable CFD campaign for the efficient, long-term collection of voluntary employee and public agency retiree contributions to qualifying charitable, ((human health and welfare)) not-for-profit organizations. By establishing a uni-

form policy toward charitable fund raising efforts among state employees and public agency retirees, the state hopes to encourage generosity in voluntary financial support for the charitable services of the qualified participating organizations and participating federations.

(2) The intent of these ~~((regulations))~~ rules is to:

(a) Lessen the burdens of government and of local communities in meeting the needs of human health and welfare;

(b) Provide a convenient channel through which state employees and public agency retirees may contribute to the efforts of the ~~((qualifying voluntary health and welfare))~~ participating organizations and federations providing services in the community or region where the employees and public agency retirees live and work and overseas;

(c) Minimize both the disruption of the state work place and the costs to taxpayers ~~((that))~~ caused by multiple charitable fund drives ~~((have caused))~~; and

(d) Ensure that ~~((recipient agencies))~~ participating organizations and federations are fiscally responsible in the uses of the moneys so raised.

(3) The CFD campaign is the only authorized formal solicitation of Washington state employees in the workplace on behalf of participating not-for-profit organizations and federations. A CFD campaign may be conducted during a seven-week period, from September 1 to December 15, as determined by each state agency and higher education institution in accordance with these rules. In extraordinary circumstances, the CFD committee may consider granting approval for solicitations at other times.

(4) These rules in WAC 356-60 do not apply to the collection of gifts-in-kind, such as food, clothing and toys.

AMENDATORY SECTION (Amending WSR 02-17-114, filed 8/21/02, effective 9/30/02)

WAC 356-60-030 Definitions. (1) CFD Committee - The Washington state combined fund drive (CFD) committee described in WAC ~~((356-60-010))~~ 356-60-030.

~~((2))~~ State combined fund drive campaign - An arrangement by which the committee provides one or more other participating organizations with the opportunity to receive funds contributed to them in the annual campaign, based on their compliance with the regulations herein.

(2) CFD - Washington state combined fund drive.

(3) CFD campaign - The annual period of organized solicitation of state employees and public agency retirees. This solicitation is conducted to obtain voluntary contributions, donations and charitable commitments to be allocated to approved, not-for-profit participating organizations and federations, during the ensuing year of contributions.

~~((3))~~ Participating organization - A health and welfare agency whose application has been accepted by the committee.

(4) Participating organization - A public 170 (c)(1) or private 501 (c)(3) not-for-profit organization whose application is approved by the CFD committee to participate in the CFD campaign.

~~((4))~~ Annual campaign - The once a year period of organized solicitation of state employees and public agency retirees conducted annually to obtain voluntary contributions

~~from state employees and public agency retirees for charitable commitments to be allocated during the ensuing year of contributions.~~)

(5) Federation - A public or private not-for-profit umbrella organization made up of five or more individual member organizations approved by the CFD committee to participate in the CFD campaign.

~~((5))~~ (6) Year of contributions - The annual calendar year for collection of the voluntary payroll deductions for charitable contributions authorized by state employees and public agency retirees pursuant to these ~~((regulations))~~ rules. The normal, full annual calendar year of contributions shall begin with January and end with the ensuing December.

~~((6))~~ (7) ~~((Health and welfare agency))~~ Not-for-profit organization - ~~((The terms "voluntary agency," "voluntary health and welfare agency," "voluntary charitable agency," and "voluntary charitable health and welfare agency" mean an))~~ An organization that is ~~((organized and))~~ operated for the purpose of rendering, or of materially or financially supporting the rendering of, one or more of the following services ~~((for the benefit of human beings))~~:

(a) Delivery of health care to ill or infirm individuals;

(b) Education and training of personnel for the delivery of health care to ill or infirm individuals;

(c) Health research for the benefit of ill or infirm individuals;

(d) Delivery of education, training, and care to ~~((physically and mentally handicapped individuals))~~ people with disabilities;

(e) Treatment, care, rehabilitation, and counseling of juvenile delinquents, criminals, released convicts, persons who abuse drugs or alcohol, persons who are victims of intra-family violence or abuse, persons who are otherwise in need of social adjustment and rehabilitation, and the families of such persons;

(f) Relief of victims of crime, war, casualty, famine, natural disasters, and other catastrophes and emergencies;

(g) Neighborhood and community-wide social services that directly assist needy, poor, and indigent individuals, including provision of emergency relief and shelter, recreation, transportation, the preparation and delivery of meals, educational opportunities, and job training;

(h) Protection of families that, on account of economic or other need, poverty, indigence, or emergency, are in long-term or short-term need of family, child care, and maternity services, child and marriage counseling, foster care, and guidance or assistance in the management and maintenance of the home and household;

(i) Relief of needy, poor, and indigent infants and children, and of orphans, including the provision of adoption services;

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(k) Delivery of services or assistance that conserve, protect, or restore the environment;

(l) Delivery of services or assistance to threatened or endangered species;

(m) Delivery of services in the performing, visual, literary and media arts.

~~((7))~~ (8) Local presence - Demonstration of direct and substantial presence in the local CFD campaign community through:

(a) The availability of services, such as examinations, treatments, inoculations, preventive care, counseling, training, scholarship assistance, transportation, feeding, institutionalization, shelter, and clothing to persons working or residing in the local CFD campaign community~~((:))~~; or

(b) The presence within the local CFD campaign community, or within reasonable commuting distance thereof, of a facility at which services may be obtained, such as an office, clinic, mobile unit, field agency, or direct provider, or specific demonstrable effects of research, such as personnel or facilities engaged therein or specific local applications thereof~~((:))~~; or

(c) The availability to persons working or residing in the local CFD campaign community of communication with the voluntary charitable agency by means of home visits, transportation, or telephone calls, provided by the voluntary agency at no charge to the recipient or beneficiary of the service.

(d) Any not-for-profit federation or charitable organization whose services are rendered exclusively or in substantial preponderance overseas, and that meets all the criteria set forth in these rules, except for the requirement of local presence, and is approved by the CFD committee, shall be eligible to be a participating federation or participating organization.

~~((8))~~ (9) Overseas - Areas outside of the District of Columbia and the fifty states of the United States of America.

(10) State employer - Washington state agencies and higher education institutions.

NEW SECTION

WAC 356-60-032 Establishing a local CFD campaign. (1) Each state employer may establish local CFD campaigns within the geographical area it covers.

(2) Each state employer and local county committee may develop promotional and fundraising events, provide training and recognition to CFD local coordinators, develop marketing plans, supervise CFD campaign executives, and expend state or CFD funds to conduct the local CFD campaign.

(3) The annual CFD campaign begins on September 1 and ends on December 15. Each year the director of each state agency and president of each higher education institution may determine the time period of the CFD campaign within the September 1 to December 15 timeframe. Each annual CFD campaign normally is conducted for a seven-week period. However in unusual circumstances, the individual state employers may extend the seven week period as local conditions require. The CFD campaign shall not extend beyond December 15.

(4) Employees and public agency retirees may be solicited for contributions using payroll deduction, checks, money orders, credit cards, cash or electronic methods.

(5) State employers may grant permission to participating organizations and federations to distribute material related to the CFD campaign during work hours. During the CFD campaign, participating not-for-profit organizations

may distribute or orally share bonafide educational materials describing their services or programs. All CFD participating organizations must be given an equal opportunity for communication in a state employer's local CFD campaign. The local state employer may grant sharing of oral information by participating organizations if the agency or institution determines such communication is not disruptive to the local state office or institution.

(6) This section shall not be construed to require a state employer to distribute or arrange for oral or written information other than the official CFD campaign and publicity material.

(7) Solicitations of employees shall be conducted during duty hours using methods that permit true voluntary giving and shall reserve to the individual the option of disclosing any gift or keeping it confidential to the extent confidentiality is permitted by law. Campaign kick-offs, recognition events, awards and other non-solicitation events to build support for the CFD are encouraged.

(8) Special CFD fundraising events, such as drawings, auctions, bake sales, carnivals, athletic events, or other activities not specifically provided for in these rules are permitted 30 days prior to and during the annual CFD campaign if approved, in advance, by the state employer.

(9) At the discretion of each state employer, state employees may be authorized to attend CFD promotional and fundraising events on state work time.

NEW SECTION

WAC 356-60-034 CFD campaign expenses. (1) The CFD committee shall recover from the gross receipts of the CFD campaign, or state appropriations, its reasonable administrative expenses to conduct the CFD campaign. The CFD committee will approve an annual budget to determine the administrative fee to be charged to the beneficiaries of the CFD.

(2) Fundraising expenses shall not be taken or deducted from donations collected during a fundraising event. These fundraising expenses may be paid by the state agency or higher education institution and, then, upon request and submission of proper documentation, reimbursed by the CFD.

(3) The CFD campaign expenses will be shared proportionately by all the participating not-for-profit organizations and federations reflecting their individual percentage share of gross CFD campaign receipts.

AMENDATORY SECTION (Amending WSR 02-17-114, filed 8/21/02, effective 9/30/02)

WAC 356-60-055 Determination of eligibility—Procedure for reconsideration. (1) Using the information supplied under this chapter and the standards and criteria set forth in ~~((WAC 356-60-040 and 356-60-050))~~ the application form, the CFD committee will determine which ~~((agencies and which federated))~~ not-for-profit organizations and federations are eligible to participate in annual ~~((state combined fund drive))~~ CFD campaigns. ~~((Any agency or federated organization determined not to be eligible may, within fifteen days after receiving notice of noneligibility, request reconsideration in writing, submitting responsive materials relating to~~

~~the noneligibility notice in support of the request at the same time. The committee will duly reconsider the eligibility of the requesting agency or federated organization and will issue written notice of its final decision on eligibility within thirty days of receiving the request. Any decision on reconsideration will be a final determination of eligibility.)~~ If a not-for-profit organization or federation is determined not to be eligible, the CFD committee will provide written notice of its determination, including a description of the determination made, the date and by whom it was made, the basis for the determination, and the procedure for requesting reconsideration.

(2) The following process will be used for requests for reconsideration of noneligibility:

(a) Within fifteen calendar days after receiving notice of noneligibility, an affected organization or federation may submit a written request for reconsideration to the CFD committee. Requests for reconsideration and any supporting materials must be based solely on new or additional information that was not available to the CFD committee at the time the initial determination was made.

(b) Within thirty calendar days of receiving the request for reconsideration, the CFD committee will issue a written decision. The CFD committee's reconsideration decision is final.

(c) The CFD committee may extend the time periods established in this section if it determines there is good cause to do so.

(d) Any written requests or notices made under this section will be deemed received three business days after deposited in the United States mail, properly stamped and addressed.

~~((For the purposes of this section, any written requests or notices will be presumed to be received no more than three business days after mailing.))~~

AMENDATORY SECTION (Amending WSR 02-17-114, filed 8/21/02, effective 9/30/02)

WAC 356-60-057 Decertification and disqualification. (1) Once approved for participation, any ~~((health and welfare agency))~~ participating organization or ~~((federated organization))~~ federation may be decertified and disqualified from participation in the ~~((state employee))~~ combined fund drive campaign by majority vote of the CFD committee for ~~((any))~~ one or more of the following reasons:

~~((Failure))~~ (a) Failing to comply with the rules contained in this chapter;

(b) Filing an application to participate in the state combined fund drive campaign which contains false or intentionally misleading information; or

~~((An))~~ (c) Receiving an annual contribution pledge from an annual CFD campaign of two hundred fifty dollars or less.

~~((Any decertified health and welfare agency or federated organization shall be disqualified from participating in the next state employee combined fund drive campaign.))~~ The CFD committee will provide written notice of the decertification decision, including a description of the determination made, the date and by whom it was made, the basis for

the determination, and the procedure for requesting reconsideration.

(a) Decertification is effective on the first day of the following year's CFD campaign. A decertified organization or federation is disqualified from participating in the CFD campaign as of that effective date.

(b) Payments of contributions to a decertified organization or federation will cease on the last day of the current year's CFD campaign. Payments received after that date, but originally pledged to an organization or federation that is decertified, shall be disbursed as directed by the CFD committee.

~~((The committee may order that the annual net estimated contribution for any health and welfare agency or federated organization receiving an annual pledge of two hundred fifty dollars or less in an annual campaign may be made in a lump sum at the end of the year of contributions.))~~ Requests for reconsideration of a decertification decision shall be governed by the procedures set forth for reconsideration of eligibility in WAC 356-60-055.

~~((4)) Any health and welfare agency or federated organization decertified under subsection (1)(a) or (b) of this section shall have any further payment of contributions terminated. The committee shall determine the method of disbursement of any future payments originally pledged in an annual campaign to such health and welfare agency or federated organization.~~

~~((5)) Any decertified health and welfare agency or federated organization may request reconsideration of the committee's action using the procedures described under WAC 356-60-055.))~~

NEW SECTION

The following sections of the Washington Administrative Code are recodified as follows:

| <u>Old WAC Number</u> | <u>New WAC Number</u> |
|-----------------------|-----------------------|
| WAC 356-60-010 | WAC 356-60-030 |
| WAC 356-60-020 | WAC 356-60-010 |
| WAC 356-60-030 | WAC 356-60-020 |

REPEALER

The following sections of the Washington Administrative Code are repealed:

| | |
|----------------|--|
| WAC 356-60-040 | Basic standards and criteria for agency membership applicable to all agencies. |
| WAC 356-60-050 | Required characteristics of eligible federations (umbrella organizations). |
| WAC 356-60-060 | Qualifications for local campaign manager. |

PERMANENT

**WSR 04-12-014
PERMANENT RULES**

**BOARD OF
PILOTAGE COMMISSIONERS**

[Filed May 24, 2004, 11:16 a.m., effective July 1, 2004]

Date of Adoption: May 13, 2004.

Purpose: To establish a Puget Sound pilotage district annual tariff for pilotage services.

Citation of Existing Rules Affected by this Order: Amending WAC 363-116-300.

Statutory Authority for Adoption: RCW 88.16.035.

Adopted under notice filed as WSR 04-08-008 on March 25, 2004.

Changes Other than Editing from Proposed to Adopted Version: The proposed version reflects a decrease of 15.5%. The adopted version reflects a decrease of 16.42%. Therefore the adopted rule reflects a decrease of 0.92% more than was proposed, in all tariff categories except transportation.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 1, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: July 1, 2004.

May 20, 2004
Peggy Larson
Administrator

AMENDATORY SECTION (Amending WSR 03-12-019, filed 5/28/03, effective 7/1/03)

WAC 363-116-300 Pilotage rates for the Puget Sound pilotage district. Effective 0001 hours July 1, ~~((2003))~~ 2004, through 2400 hours June 30, ~~((2004))~~ 2005.

| CLASSIFICATION | RATE |
|---|---|
| Ship length overall (LOA) | |
| Charges: | per LOA rate schedule in this section |
| Boarding fee: | \$ ((40.00)) <u>33.00</u> |
| Per each boarding/deboarding at the Port Angeles pilot station. | |
| Harbor shift - Live ship (Seattle Port) | LOA Zone I |

| CLASSIFICATION | RATE |
|--|-------------------|
| Harbor shift - Live ship (other than Seattle Port) | LOA Zone I |
| Harbor shift Dead ship | Double LOA Zone I |
| Dead ship towing charge: | Double LOA Zone |
| LOA of tug + LOA of tow + beam of tow | Zone |

Any tow exceeding seven hours, two pilots are mandatory. Harbor shifts shall constitute and be limited to those services in moving vessels from dock to dock, from anchorage to dock, from dock to anchorage, or from anchorage to anchorage in the same port after all other applicable tariff charges for pilotage services have been recognized as payable.

Waterway and bridge charges:

Ships up to 90' beam:

A charge of \$~~((211.00))~~ 176.00 shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street in Seattle, south of Eleventh Street in any of the Tacoma waterways, in Port Gamble, or in the Snohomish River. Any vessel movements required to transit through bridges shall have an additional charge of \$~~((101.00))~~ 84.00 per bridge.

Ships 90' beam and/or over:

A charge of \$~~((286.00))~~ 239.00 shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street in Seattle and south of Eleventh Street in any of the Tacoma waterways. Any vessel movements required to transit through bridges shall have an additional charge of \$~~((200.00))~~ 167.00 per bridge.

(The above charges shall not apply to transit of vessels from Shilshole Bay to the limits of Lake Washington.)

Two or three pilots required:

In a case where two or three pilots are employed for a single vessel waterway or bridge transit, the second and/or third pilot charge shall include the bridge and waterway charge in addition to the harbor shift rate.

| | |
|--|--|
| Compass adjustment | \$ ((285.00)) <u>238.00</u> |
| Radio direction finder calibration | \$ ((285.00)) <u>238.00</u> |
| Launching vessels | \$ ((428.00)) <u>358.00</u> |
| Trial trips, 6 hours or less (Minimum \$ ((804.00)) <u>672.00</u>) | \$ ((134.00)) <u>112.00</u> per hr. |
| Trial trips, over 6 hours (two pilots) | \$ ((268.00)) <u>224.00</u> per hr. |
| Shilshole Bay – Salmon Bay | \$ ((167.00)) <u>140.00</u> |

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| | |
|--|--|
| Salmon Bay – Lake Union | \$((131.00)) <u>109.00</u> |
| Lake Union – Lake Washington (plus LOA zone from Webster Point) | \$((167.00)) <u>140.00</u> |
| Cancellation charge | LOA Zone I |

Cancellation charge—Port Angeles (when a pilot is ordered and vessel proceeds to a port outside the Puget Sound pilotage district without stopping for pilot or when a pilot order is cancelled less than twelve hours prior to the original ETA.)

LOA Zone II

Docking delay after anchoring: \$((~~134.00~~))
112.00
per hr.

Applicable harbor shift rate to apply, plus \$((~~134.00~~)) 112.00 per hour standby. No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is \$((~~134.00~~)) 112.00 for every hour or fraction thereof.

Sailing delay: \$((~~134.00~~))
112.00
per hour

No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is \$((~~134.00~~)) 112.00 for every hour or fraction thereof. The assessment of the standby fee shall not exceed a period of twelve hours in any twenty-four hour period.

Slowdown: \$((~~134.00~~))
112.00
per hour

When a vessel chooses not to maintain its normal speed capabilities for reasons determined by the vessel and not the pilot, and when the difference in arrival time is one hour, or greater, from the predicted arrival time had the vessel maintained its normal speed capabilities, a charge of \$((~~134.00~~)) 112.00 per hour, and each fraction thereof, will be assessed for the resultant difference in arrival time.

Tonnage charges:

0 to 20,000 gross tons:
Additional charge to LOA zone mileage of \$((~~0.0067~~)) 0.0056 a gross ton for all gross tonnage up to 20,000 gross tons.

20,000 to 50,000 gross tons:
Additional charge to LOA zone mileage of \$((~~0.0690~~)) 0.0577 a gross ton for all gross tonnage in excess of 20,000 gross tons up to 50,000 gross tons.

50,000 gross tons and up:
In excess of 50,000 gross tons, the charge shall be \$((~~0.0827~~)) 0.0691 per gross ton.

For vessels where a certificate of international gross tonnage is required, the appropriate international gross tonnage shall apply.

Delayed arrival-Port Angeles: \$((~~134.00~~))
112.00
per hour

When a pilot is ordered for an arriving inbound vessel at Port Angeles and the vessel does not arrive within two hours of its ETA, or its ETA is amended less than six hours prior to the original ETA, a charge of \$((~~134.00~~)) 112.00 for each hour delay, or fraction thereof, shall be assessed in addition to all other appropriate charges.

When a pilot is ordered for an arriving inbound vessel at Port Angeles and the ETA is delayed to six hours or more beyond the original ETA, a cancellation charge shall be assessed, in addition to all other appropriate charges, if the ETA was not amended at least twelve hours prior to the original ETA.

Transportation to vessels on Puget Sound:

| | |
|-------------------------------|-----------|
| March Point or Anacortes | \$ 144.00 |
| Bangor | 84.00 |
| Bellingham | 158.00 |
| Bremerton | 44.00 |
| Cherry Point | 175.00 |
| Dupont | 85.00 |
| Edmonds | 27.00 |
| Everett | 52.00 |
| Ferndale | 173.00 |
| Manchester | 66.00 |
| Mukilteo | 52.00 |
| Olympia | 108.00 |
| Point Wells | 27.00 |
| Port Gamble | 77.00 |
| Port Townsend (Indian Island) | 109.00 |
| Seattle | 15.00 |
| Semiahmoo (Blaine) | 196.00 |
| Tacoma | 56.00 |
| Tacoma Smelter | 66.00 |
| Winslow | 42.00 |

- (a) Intraharbor transportation for the Port Angeles port area - transportation between Port Angeles pilot station and Port Angeles harbor docks - \$15.00.
- (b) Interport shifts: Transportation paid to and from both points.
- (c) Intraharbor shifts: Transportation to be paid both ways. If intraharbor shift is cancelled on or before scheduled reporting time, transportation paid one way only.
- (d) Cancellation: Transportation both ways unless notice of cancellation is received prior to scheduled reporting time in which case transportation need only be paid one way.
- (e) Any new facilities or other seldom used terminals, not covered above, shall be based on mileage x \$1.80 per

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mile. Delinquent payment charge: 1 1/2% per month after 45 days from first billing.

Delinquent payment charge: 1 1/2% per month after 45 days from first billing.

Nonuse of pilots: Ships taking and discharging pilots without using their services through all Puget Sound and adjacent inland waters shall pay full pilotage fees on the LOA zone mileage basis from Port Angeles to destination, from place of departure to Port Angeles, or for entire distance between two ports on Puget Sound and adjacent inland waters.

LOA rate schedule

The following rate schedule is based upon distances furnished by National Oceanic and Atmospheric Administration, computed to the nearest half-mile and includes retirement fund contributions.

| ((LOA | ZONE I | ZONE II | ZONE III | ZONE IV | ZONE V | ZONE VI |
|-----------|--------------|------------|-------------|-------------|--------------|------------------|
| | Intra-Harbor | 0-30 Miles | 31-50 Miles | 51-75 Miles | 76-100 Miles | 101 Miles-& Over |
| Up to 449 | 209 | 322 | 552 | 822 | 1,107 | 1,436 |
| 450-459 | 216 | 329 | 555 | 834 | 1,125 | 1,443 |
| 460-469 | 219 | 333 | 563 | 848 | 1,140 | 1,449 |
| 470-479 | 227 | 342 | 571 | 865 | 1,143 | 1,452 |
| 480-489 | 233 | 349 | 573 | 881 | 1,150 | 1,459 |
| 490-499 | 236 | 353 | 581 | 897 | 1,165 | 1,465 |
| 500-509 | 248 | 359 | 590 | 908 | 1,173 | 1,475 |
| 510-519 | 250 | 366 | 596 | 921 | 1,185 | 1,479 |
| 520-529 | 253 | 378 | 604 | 925 | 1,195 | 1,493 |
| 530-539 | 261 | 383 | 612 | 935 | 1,215 | 1,509 |
| 540-549 | 265 | 388 | 626 | 946 | 1,234 | 1,522 |
| 550-559 | 270 | 402 | 630 | 959 | 1,243 | 1,537 |
| 560-569 | 280 | 418 | 643 | 967 | 1,256 | 1,552 |
| 570-579 | 286 | 422 | 645 | 972 | 1,268 | 1,562 |
| 580-589 | 297 | 429 | 660 | 980 | 1,276 | 1,578 |
| 590-599 | 312 | 437 | 664 | 984 | 1,294 | 1,596 |
| 600-609 | 322 | 450 | 672 | 988 | 1,310 | 1,604 |
| 610-619 | 341 | 455 | 686 | 993 | 1,323 | 1,618 |
| 620-629 | 354 | 461 | 691 | 1,004 | 1,338 | 1,637 |
| 630-639 | 371 | 468 | 699 | 1,006 | 1,350 | 1,651 |
| 640-649 | 385 | 480 | 707 | 1,009 | 1,361 | 1,664 |
| 650-659 | 413 | 488 | 719 | 1,017 | 1,378 | 1,681 |
| 660-669 | 421 | 493 | 725 | 1,022 | 1,392 | 1,694 |
| 670-679 | 435 | 506 | 733 | 1,040 | 1,408 | 1,704 |
| 680-689 | 442 | 515 | 743 | 1,050 | 1,421 | 1,721 |
| 690-699 | 455 | 523 | 753 | 1,068 | 1,436 | 1,756 |
| 700-719 | 475 | 540 | 767 | 1,081 | 1,463 | 1,776 |
| 720-739 | 504 | 555 | 786 | 1,096 | 1,493 | 1,806 |

| ((LOA | ZONE I | ZONE II | ZONE III | ZONE IV | ZONE V | ZONE VI |
|-------------|--------------|------------|-------------|-------------|--------------|------------------|
| | Intra-Harbor | 0-30 Miles | 31-50 Miles | 51-75 Miles | 76-100 Miles | 101 Miles-& Over |
| 740-759 | 523 | 581 | 801 | 1,107 | 1,522 | 1,838 |
| 760-779 | 544 | 601 | 821 | 1,125 | 1,552 | 1,863 |
| 780-799 | 571 | 627 | 834 | 1,140 | 1,578 | 1,895 |
| 800-819 | 594 | 645 | 851 | 1,146 | 1,604 | 1,924 |
| 820-839 | 612 | 668 | 871 | 1,165 | 1,637 | 1,946 |
| 840-859 | 638 | 695 | 886 | 1,177 | 1,663 | 1,979 |
| 860-879 | 662 | 719 | 904 | 1,208 | 1,694 | 2,008 |
| 880-899 | 686 | 740 | 921 | 1,236 | 1,721 | 2,037 |
| 900-919 | 705 | 763 | 937 | 1,267 | 1,756 | 2,066 |
| 920-939 | 727 | 786 | 959 | 1,294 | 1,774 | 2,093 |
| 940-959 | 753 | 807 | 973 | 1,323 | 1,806 | 2,120 |
| 960-979 | 771 | 831 | 990 | 1,350 | 1,838 | 2,151 |
| 980-999 | 797 | 851 | 1,007 | 1,378 | 1,863 | 2,177 |
| 1000-1019 | 844 | 906 | 1,052 | 1,450 | 1,950 | 2,272 |
| 1020-1039 | 867 | 932 | 1,085 | 1,493 | 2,009 | 2,339 |
| 1040-1059 | 893 | 955 | 1,117 | 1,537 | 2,067 | 2,409 |
| 1060-1079 | 921 | 989 | 1,149 | 1,584 | 2,131 | 2,481 |
| 1080-1099 | 948 | 1,017 | 1,184 | 1,630 | 2,194 | 2,555 |
| 1100-1119 | 975 | 1,047 | 1,219 | 1,680 | 2,259 | 2,632 |
| 1120-1139 | 1,005 | 1,080 | 1,257 | 1,729 | 2,327 | 2,710 |
| 1140-1159 | 1,035 | 1,111 | 1,293 | 1,781 | 2,397 | 2,792 |
| 1160-1179 | 1,065 | 1,143 | 1,332 | 1,835 | 2,468 | 2,875 |
| 1180-1199 | 1,098 | 1,178 | 1,371 | 1,889 | 2,543 | 2,961 |
| 1200-1219 | 1,131 | 1,214 | 1,412 | 1,946 | 2,618 | 3,049 |
| 1220-1239 | 1,165 | 1,250 | 1,454 | 2,004 | 2,696 | 3,140 |
| 1240-1259 | 1,199 | 1,286 | 1,497 | 2,064 | 2,778 | 3,234 |
| 1260-1279 | 1,234 | 1,324 | 1,542 | 2,125 | 2,861 | 3,331 |
| 1280-1299 | 1,270 | 1,365 | 1,588 | 2,190 | 2,946 | 3,431 |
| 1300-1319 | 1,309 | 1,404 | 1,635 | 2,254 | 3,035 | 3,533 |
| 1320-1339 | 1,349 | 1,446 | 1,685 | 2,322 | 3,125 | 3,640 |
| 1340-1359 | 1,388 | 1,490 | 1,735 | 2,391 | 3,218 | 3,749 |
| 1360-1379 | 1,430 | 1,534 | 1,787 | 2,463 | 3,314 | 3,860 |
| 1380-1399 | 1,472 | 1,579 | 1,841 | 2,536 | 3,413 | 3,977 |
| 1400-1419 | 1,517 | 1,627 | 1,894 | 2,612 | 3,515 | 4,095 |
| 1420-1439 | 1,561 | 1,676 | 1,952 | 2,690 | 3,621 | 4,218 |
| 1440-1459 | 1,609 | 1,726 | 2,011 | 2,770 | 3,729 | 4,344 |
| 1460-1479 | 1,655 | 1,778 | 2,069 | 2,853 | 3,841 | 4,474 |
| 1480-1499 | 1,705 | 1,830 | 2,132 | 2,938 | 3,955 | 4,607 |
| 1500 & Over | 1,756 | 1,886 | 2,196 | 3,028 | 4,073 | 4,745)) |

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| LOA | ZONE | ZONE | ZONE | ZONE | ZONE | ZONE |
|--------------------|--------------|------------|-------------|--------------|--------------|------------------|
| | I | II | III | IV | V | VI |
| | Intra Harbor | 0-30 Miles | 31-50 Miles | 51-75 Miles | 76-100 Miles | 101 Miles & Over |
| <u>Up to 449</u> | <u>175</u> | <u>269</u> | <u>461</u> | <u>687</u> | <u>925</u> | <u>1,200</u> |
| <u>450 - 459</u> | <u>181</u> | <u>275</u> | <u>464</u> | <u>697</u> | <u>940</u> | <u>1,206</u> |
| <u>460 - 469</u> | <u>183</u> | <u>278</u> | <u>471</u> | <u>709</u> | <u>953</u> | <u>1,211</u> |
| <u>470 - 479</u> | <u>190</u> | <u>286</u> | <u>477</u> | <u>723</u> | <u>955</u> | <u>1,214</u> |
| <u>480 - 489</u> | <u>195</u> | <u>292</u> | <u>479</u> | <u>736</u> | <u>961</u> | <u>1,219</u> |
| <u>490 - 499</u> | <u>197</u> | <u>295</u> | <u>486</u> | <u>750</u> | <u>974</u> | <u>1,224</u> |
| <u>500 - 509</u> | <u>207</u> | <u>300</u> | <u>493</u> | <u>759</u> | <u>980</u> | <u>1,233</u> |
| <u>510 - 519</u> | <u>209</u> | <u>306</u> | <u>498</u> | <u>770</u> | <u>990</u> | <u>1,236</u> |
| <u>520 - 529</u> | <u>211</u> | <u>316</u> | <u>505</u> | <u>773</u> | <u>999</u> | <u>1,248</u> |
| <u>530 - 539</u> | <u>218</u> | <u>320</u> | <u>512</u> | <u>781</u> | <u>1,015</u> | <u>1,261</u> |
| <u>540 - 549</u> | <u>221</u> | <u>324</u> | <u>523</u> | <u>791</u> | <u>1,031</u> | <u>1,272</u> |
| <u>550 - 559</u> | <u>226</u> | <u>336</u> | <u>527</u> | <u>802</u> | <u>1,039</u> | <u>1,285</u> |
| <u>560 - 569</u> | <u>234</u> | <u>349</u> | <u>537</u> | <u>808</u> | <u>1,050</u> | <u>1,297</u> |
| <u>570 - 579</u> | <u>239</u> | <u>353</u> | <u>539</u> | <u>812</u> | <u>1,060</u> | <u>1,306</u> |
| <u>580 - 589</u> | <u>248</u> | <u>359</u> | <u>552</u> | <u>819</u> | <u>1,066</u> | <u>1,319</u> |
| <u>590 - 599</u> | <u>261</u> | <u>365</u> | <u>555</u> | <u>822</u> | <u>1,082</u> | <u>1,334</u> |
| <u>600 - 609</u> | <u>269</u> | <u>376</u> | <u>562</u> | <u>826</u> | <u>1,095</u> | <u>1,341</u> |
| <u>610 - 619</u> | <u>285</u> | <u>380</u> | <u>573</u> | <u>830</u> | <u>1,106</u> | <u>1,352</u> |
| <u>620 - 629</u> | <u>296</u> | <u>385</u> | <u>578</u> | <u>839</u> | <u>1,118</u> | <u>1,368</u> |
| <u>630 - 639</u> | <u>310</u> | <u>391</u> | <u>584</u> | <u>841</u> | <u>1,128</u> | <u>1,380</u> |
| <u>640 - 649</u> | <u>322</u> | <u>401</u> | <u>591</u> | <u>843</u> | <u>1,138</u> | <u>1,391</u> |
| <u>650 - 659</u> | <u>345</u> | <u>408</u> | <u>601</u> | <u>850</u> | <u>1,152</u> | <u>1,405</u> |
| <u>660 - 669</u> | <u>352</u> | <u>412</u> | <u>606</u> | <u>854</u> | <u>1,163</u> | <u>1,416</u> |
| <u>670 - 679</u> | <u>364</u> | <u>423</u> | <u>613</u> | <u>869</u> | <u>1,177</u> | <u>1,424</u> |
| <u>680 - 689</u> | <u>369</u> | <u>430</u> | <u>621</u> | <u>878</u> | <u>1,188</u> | <u>1,438</u> |
| <u>690 - 699</u> | <u>380</u> | <u>437</u> | <u>629</u> | <u>893</u> | <u>1,200</u> | <u>1,468</u> |
| <u>700 - 719</u> | <u>397</u> | <u>451</u> | <u>641</u> | <u>903</u> | <u>1,223</u> | <u>1,484</u> |
| <u>720 - 739</u> | <u>421</u> | <u>464</u> | <u>657</u> | <u>916</u> | <u>1,248</u> | <u>1,509</u> |
| <u>740 - 759</u> | <u>437</u> | <u>486</u> | <u>669</u> | <u>925</u> | <u>1,272</u> | <u>1,536</u> |
| <u>760 - 779</u> | <u>455</u> | <u>502</u> | <u>686</u> | <u>940</u> | <u>1,297</u> | <u>1,557</u> |
| <u>780 - 799</u> | <u>477</u> | <u>524</u> | <u>697</u> | <u>953</u> | <u>1,319</u> | <u>1,584</u> |
| <u>800 - 819</u> | <u>496</u> | <u>539</u> | <u>711</u> | <u>958</u> | <u>1,341</u> | <u>1,608</u> |
| <u>820 - 839</u> | <u>512</u> | <u>558</u> | <u>728</u> | <u>974</u> | <u>1,368</u> | <u>1,626</u> |
| <u>840 - 859</u> | <u>533</u> | <u>581</u> | <u>741</u> | <u>984</u> | <u>1,390</u> | <u>1,654</u> |
| <u>860 - 879</u> | <u>553</u> | <u>601</u> | <u>756</u> | <u>1,010</u> | <u>1,416</u> | <u>1,678</u> |
| <u>880 - 899</u> | <u>573</u> | <u>618</u> | <u>770</u> | <u>1,033</u> | <u>1,438</u> | <u>1,703</u> |
| <u>900 - 919</u> | <u>589</u> | <u>638</u> | <u>783</u> | <u>1,059</u> | <u>1,468</u> | <u>1,727</u> |
| <u>920 - 939</u> | <u>608</u> | <u>657</u> | <u>802</u> | <u>1,082</u> | <u>1,483</u> | <u>1,749</u> |
| <u>940 - 959</u> | <u>629</u> | <u>674</u> | <u>813</u> | <u>1,106</u> | <u>1,509</u> | <u>1,772</u> |
| <u>960 - 979</u> | <u>644</u> | <u>695</u> | <u>827</u> | <u>1,128</u> | <u>1,536</u> | <u>1,798</u> |
| <u>980 - 999</u> | <u>666</u> | <u>711</u> | <u>842</u> | <u>1,152</u> | <u>1,557</u> | <u>1,820</u> |
| <u>1000 - 1019</u> | <u>705</u> | <u>757</u> | <u>879</u> | <u>1,212</u> | <u>1,630</u> | <u>1,899</u> |

| LOA | ZONE | ZONE | ZONE | ZONE | ZONE | ZONE |
|------------------------|--------------|--------------|--------------|--------------|--------------|------------------|
| | I | II | III | IV | V | VI |
| | Intra Harbor | 0-30 Miles | 31-50 Miles | 51-75 Miles | 76-100 Miles | 101 Miles & Over |
| <u>1020 - 1039</u> | <u>725</u> | <u>779</u> | <u>907</u> | <u>1,248</u> | <u>1,679</u> | <u>1,955</u> |
| <u>1040 - 1059</u> | <u>746</u> | <u>798</u> | <u>934</u> | <u>1,285</u> | <u>1,728</u> | <u>2,013</u> |
| <u>1060 - 1079</u> | <u>770</u> | <u>827</u> | <u>960</u> | <u>1,324</u> | <u>1,781</u> | <u>2,074</u> |
| <u>1080 - 1099</u> | <u>792</u> | <u>850</u> | <u>990</u> | <u>1,362</u> | <u>1,834</u> | <u>2,135</u> |
| <u>1100 - 1119</u> | <u>815</u> | <u>875</u> | <u>1,019</u> | <u>1,404</u> | <u>1,888</u> | <u>2,200</u> |
| <u>1120 - 1139</u> | <u>840</u> | <u>903</u> | <u>1,051</u> | <u>1,445</u> | <u>1,945</u> | <u>2,265</u> |
| <u>1140 - 1159</u> | <u>865</u> | <u>929</u> | <u>1,081</u> | <u>1,489</u> | <u>2,003</u> | <u>2,334</u> |
| <u>1160 - 1179</u> | <u>890</u> | <u>955</u> | <u>1,113</u> | <u>1,534</u> | <u>2,063</u> | <u>2,403</u> |
| <u>1180 - 1199</u> | <u>918</u> | <u>985</u> | <u>1,146</u> | <u>1,579</u> | <u>2,125</u> | <u>2,475</u> |
| <u>1200 - 1219</u> | <u>945</u> | <u>1,015</u> | <u>1,180</u> | <u>1,626</u> | <u>2,188</u> | <u>2,548</u> |
| <u>1220 - 1239</u> | <u>974</u> | <u>1,045</u> | <u>1,215</u> | <u>1,675</u> | <u>2,253</u> | <u>2,624</u> |
| <u>1240 - 1259</u> | <u>1,002</u> | <u>1,075</u> | <u>1,251</u> | <u>1,710</u> | <u>2,322</u> | <u>2,703</u> |
| <u>1260 - 1279</u> | <u>1,031</u> | <u>1,107</u> | <u>1,289</u> | <u>1,776</u> | <u>2,391</u> | <u>2,784</u> |
| <u>1280 - 1299</u> | <u>1,061</u> | <u>1,141</u> | <u>1,327</u> | <u>1,830</u> | <u>2,462</u> | <u>2,868</u> |
| <u>1300 - 1319</u> | <u>1,094</u> | <u>1,173</u> | <u>1,367</u> | <u>1,884</u> | <u>2,537</u> | <u>2,953</u> |
| <u>1320 - 1339</u> | <u>1,127</u> | <u>1,209</u> | <u>1,408</u> | <u>1,941</u> | <u>2,612</u> | <u>3,042</u> |
| <u>1340 - 1359</u> | <u>1,160</u> | <u>1,245</u> | <u>1,450</u> | <u>1,998</u> | <u>2,690</u> | <u>3,133</u> |
| <u>1360 - 1379</u> | <u>1,195</u> | <u>1,282</u> | <u>1,494</u> | <u>2,059</u> | <u>2,770</u> | <u>3,226</u> |
| <u>1380 - 1399</u> | <u>1,230</u> | <u>1,320</u> | <u>1,539</u> | <u>2,120</u> | <u>2,853</u> | <u>3,324</u> |
| <u>1400 - 1419</u> | <u>1,268</u> | <u>1,360</u> | <u>1,583</u> | <u>2,183</u> | <u>2,938</u> | <u>3,423</u> |
| <u>1420 - 1439</u> | <u>1,305</u> | <u>1,401</u> | <u>1,631</u> | <u>2,248</u> | <u>3,026</u> | <u>3,525</u> |
| <u>1440 - 1459</u> | <u>1,345</u> | <u>1,443</u> | <u>1,681</u> | <u>2,315</u> | <u>3,117</u> | <u>3,631</u> |
| <u>1460 - 1479</u> | <u>1,383</u> | <u>1,486</u> | <u>1,729</u> | <u>2,385</u> | <u>3,210</u> | <u>3,739</u> |
| <u>1480 - 1499</u> | <u>1,425</u> | <u>1,530</u> | <u>1,782</u> | <u>2,456</u> | <u>3,306</u> | <u>3,851</u> |
| <u>1500 & Over</u> | <u>1,468</u> | <u>1,576</u> | <u>1,835</u> | <u>2,531</u> | <u>3,404</u> | <u>3,966</u> |

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WSR 04-12-015
PERMANENT RULES
CENTRAL WASHINGTON UNIVERSITY
 [Filed May 24, 2004, 11:18 a.m.]

Date of Adoption: April 28, 2004.

Purpose: Regulate tobacco use in university academic and administrative buildings.

Statutory Authority for Adoption: RCW 28B.10.528.

Other Authority: RCW 28B.35.120(12).

Adopted under notice filed as WSR 04-06-014 on March 17 [February 23], 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 3, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

May 17, 2004

Jerilyn S. McIntyre

President

NEW SECTION

WAC 106-124-910 Tobacco regulations. (1) The act(s) of smoking or chewing tobacco shall not be permitted inside any Central Washington University administrative or academic building or in identified external areas that may affect those people inside the administrative and academic buildings.

(2) Smoking is prohibited within twenty feet of administrative and academic buildings, except in designated areas determined by the vice-president for business and financial affairs or his or her designee.

(3) Smoking will be allowed in identified outdoor smoking areas on campus. Signs will be posted to identify smoke-free buildings and, if a smoking area is designated, the location of that area. Smokers can request a designated area through the office of the vice-president for business and financial affairs.

NEW SECTION

WAC 106-124-900 Tobacco use. In order to provide a healthful environment for Washington state citizens and university employees and students, the use of tobacco products by students, employees, and visitors in any university academic or administrative building is prohibited. This prohibition includes all smoking materials and chewing tobacco.

NEW SECTION

WAC 106-124-920 Tobacco use violations. Violations of tobacco use regulations may result in a fifty-dollar infraction and will be handled in accordance with RCW 70.160-.070.

**WSR 04-12-020
PERMANENT RULES
DEPARTMENT OF
RETIREMENT SYSTEMS**

[Filed May 25, 2004, 1:56 p.m.]

Date of Adoption: May 24, 2004.

Purpose: To amend provisions for calculating final average compensation for Teachers Retirement System, Plan 1 and 2 members who teach in extended school year programs.

To rewrite the rule in clear language to comply with regulatory reform goals.

Citation of Existing Rules Affected by this Order: Amending WAC 415-112-430.

Statutory Authority for Adoption: RCW 41.50.050(5).

Other Authority: RCW 41.32.010.

Adopted under notice filed as WSR 04-05-063 on February 17, 2004.

Changes Other than Editing from Proposed to Adopted Version: The proposed rule provided that final average compensation could be based on compensation earned during "two consecutive complete (extended) year contract periods," or two consecutive fiscal years, whichever provides the greater benefit. The adopted version provides that members may use any "two-year period ending on the last day of service in the official school calendar" (which may include: One extended school year and one fiscal year, two fiscal years; or two extended school years). The option that provides the greatest benefit to the member will be used.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 1, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

May 24, 2004

John F. Charles

Director

AMENDATORY SECTION (Amending Order IV, filed 2/15/78)

WAC 415-112-430 ((Computing the average earnable compensation.)) How is average final compensation calculated? ((In computing a member's average earnable compensation, the computations shall include only the service during which a member was employed for salary or wages by a state of Washington employer and for which he established Washington membership service credit with the teachers' retirement system. This excludes out of state service, military service and professional preparation or other service for which credit may have been established but for which no salary or wages were paid to the member by a state of Washington employer. Contributions based on sabbatical leave, paid sick leave, or other leave paid for by a state of Washington employer and for which credit has been established with the teachers' retirement system shall be included in computing the earnable compensation.)) (1) Plan 1. Except as provided in subsection (2) of this section, to calcu-

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late average final compensation for a member of TRS Plan 1, the department will:

(a) Determine the two consecutive fiscal years in which the member's total earnable compensation is the highest.

(b) Divide the total earnable compensation for this period by twenty-four to determine the member's average monthly compensation during this period.

(2) Plan 1 alternative. Certain members of TRS who have taught in an extended school year program may use an alternate two-year period for the calculation of average final compensation. An alternate period may be used only if a TRS member has rendered service under contract in an extended school year program at any time during the member's career, and under such contract, the member rendered some service in the extended school year program after June 30. The following process is used to determine whether the alternate period is advantageous to the member:

(a) If a member rendered contracted service in an extended school year program after June 30, the department will identify the last day of required service in the district's official calendar for the extended school year.

(b) The alternate period is a two-year period ending on the last day of service in the official calendar.

(c) The department will total the member's compensation for services rendered during the alternate period.

(d) The department will repeat steps (a) through (c) of this subsection for all alternate periods.

(e) To calculate the member's average final compensation, the department will use the member's highest two-year period, as calculated in either subsection (1)(a) or (2)(c) of this section.

(3) Plans 2 and 3. To calculate average final compensation for a member of TRS Plans 2 or 3, the department will:

(a) Determine the sixty consecutive service creditable months in which the member's total earnable compensation is the highest.

(b) Divide the total earnable compensation for this period by sixty to determine the member's average monthly compensation during this period.

WSR 04-12-023

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed May 26, 2004, 10:19 a.m., effective July 1, 2004]

Date of Adoption: May 26, 2004.

Purpose: As a self-supporting program under RCW 43.240.086, the security guard program adjusts fee to be in alignment with expenses. Based on projected revenue and expenditures, the program is decreasing fees.

Citation of Existing Rules Affected by this Order: Amending WAC 308-18-150.

Statutory Authority for Adoption: Chapter 18.170 RCW.

Adopted under notice filed as WSR 04-07-031 on March 9, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: July 1, 2004.

May 7, 2004
Mykel D. Gable
Assistant Director

AMENDATORY SECTION (Amending WSR 02-07-068, filed 3/18/02, effective 7/1/02)

WAC 308-18-150 Private security guard company, private security guard, and armed private security guard fees. ((The following fees for a one-year period shall be charged by professional licensing services of the department of licensing:)) Licenses issued to private security guard companies and private security guards expire one year from the date of issuance and must be renewed each year. The fees are as follows:

| <u>Title of Fee</u> | <u>Fee</u> |
|--|--------------------|
| <u>Private security guard company/principal:</u> | |
| Application/ <u>includes first examination</u> | \$250.00 |
| Reexamination | 25.00 |
| License renewal | 250.00 |
| Late renewal with penalty | 350.00 |
| <u>Change of principal/includes first examination</u> | <u>65.00</u> |
| <u>Principal armed endorsement</u> | <u>30.00</u> |
| ((<u>Certification</u> | <u>25.00</u>)) |
| <u>Private security guard:</u> | |
| Original license | ((<u>65.00</u>)) |
| | <u>53.00</u> |
| <u>Armed endorsement</u> | <u>30.00</u> |
| Transfer fee | ((<u>30.00</u>)) |
| | <u>20.00</u> |
| ((<u>Certified trainer examination/reexamination</u> | <u>25.00</u> |
| <u>Certified trainer renewal</u> | <u>15.00</u>)) |
| License renewal | ((<u>45.00</u>)) |
| | <u>40.00</u> |
| Late renewal with penalty | ((<u>65.00</u>)) |
| | <u>45.00</u> |
| <u>Certified trainer endorsement examination/reexamination</u> | <u>25.00</u> |

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| Title of Fee | Fee |
|--|------------------|
| <u>Certified trainer endorsement renewal</u> | 15.00 |
| ((Certification | 25.00 |
| Armed private security guard: | |
| Original license | 30.00 |
| Transfer fee | 30.00 |
| Certified trainer examination/reexamination | |
| Certified trainer renewal | 25.00 |
| License renewal | 15.00 |
| Late renewal with penalty | 60.00 |
| Certification | 75.00 |
| Change of principal: | |
| Unarmed principal | 65.00 |
| Armed principal | 30.00 |
| Duplicate license | 10.00 |

Effective Date of Rule: July 1, 2004.

May 7, 2004
Mykel D. Gable
Assistant Director

AMENDATORY SECTION (Amending WSR 02-11-098, filed 5/20/02, effective 10/1/02)

WAC 308-17-150 Private investigative agency, private investigator, and armed private investigator fees. ~~((The following fees for a one-year period shall be charged by professional licensing services of the department of licensing*))~~ Licenses issued to private investigator agencies and private investigators expire one year from the date of issuance and must be renewed each year. The fees are as follows:

| Title of Fee | Fee |
|--|-------------------------------------|
| Private investigative agency/ <u>principal fee:</u> | |
| Application/examination/ <u>includes first examination</u> | \$ ((550.00)) 500.00 |
| <u>Principal armed endorsement</u> | 100.00 |
| Reexamination | 25.00 |
| License renewal | ((450.00)) 300.00 |
| Late renewal ((with)) penalty | ((600.00)) See below* |
| <u>Change of principal/includes</u> <u>first examination</u> | 150.00 |
| ((Certification | 25.00)) |
| Private investigator: | |
| Original license | 150.00 |
| <u>Armed endorsement</u> | 100.00 |
| Transfer fee | 25.00 |
| ((Certified trainer examination/ reexamination | 25.00 |
| Certified trainer renewal | 15.00)) |
| License renewal | 150.00 |
| Late renewal with penalty | 200.00 |
| ((Certification | 25.00 |
| Armed private investigator: | |
| Original license | 100.00 |
| Transfer fee | 25.00)) |
| Certified trainer <u>endorsement</u> examination/ reexamination | 25.00 |
| Certified trainer <u>endorsement</u> renewal | 15.00 |
| ((License renewal | 150.00 |
| Late renewal with penalty | 250.00 |
| Certification | 25.00 |
| Change of unarmed qualified agent | 150.00 |
| Change of armed qualified agent | 100.00)) |

WSR 04-12-024

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed May 26, 2004, 10:22 a.m., effective July 1, 2004]

Date of Adoption: May 26, 2004.

Purpose: As a self-supporting program under RCW 43.240.086, the private investigator program adjusts fee[s] to be in alignment with expenses. Based on projected revenue and expenditures, the program is decreasing fees.

Citation of Existing Rules Affected by this Order: Amending WAC 308-17-150.

Statutory Authority for Adoption: Chapter 18.165 RCW.

Adopted under notice filed as WSR 04-07-032 on March 9, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

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*Private investigative agency license renewals filed after the license expiration date will be charged the master license service late renewal fee in compliance with RCW 19.02.085.

WSR 04-12-025

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed May 26, 2004, 11:38 a.m.]

Date of Adoption: May 26, 2004.

Purpose: This rule-making order amends chapter 16-662 WAC, Weights and measures—National handbooks, by adopting the 2004 Edition of NIST Handbook 44 (Specifications, Tolerances and other Technical Requirements for Weighing and Measuring Devices) as required by RCW 19.94.195. In addition, this order also adopts the Packaging and Labeling Regulation and the Method of Sale Regulation in the 2004 Edition of NIST Handbook 130 (Uniform Laws and Regulations in the Areas of Legal Metrology and Engine Fuel Quality).

Citation of Existing Rules Affected by this Order: Amending WAC 16-662-105.

Statutory Authority for Adoption: Chapter 19.94 RCW.

Other Authority: Chapter 34.05 RCW.

Adopted under notice filed as WSR 04-07-044 on March 10, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

May 26, 2004

Valoria H. Loveland
Director

AMENDATORY SECTION (Amending WSR 03-08-017, filed 3/25/03, effective 4/25/03)

WAC 16-662-105 Adoption—Weighing and measuring equipment requirements—Package checking—Packaging and labeling—Method of sale—Price verification.

(1) The specifications, tolerances, and other technical requirements for the design, manufacture, installation, performance test, and use of weighing and measuring equipment shall be those contained in the ((2003)) 2004 Edition of the National Institute of Standards and Technology (NIST)

Handbook 44, published by the U.S. Department of Commerce, entitled the *National Institute of Standards and Technology Handbook 44 - Specifications, Tolerances, and Other Technical Requirements for Commercial Weighing and Measuring Devices*.

(2) The procedures for checking the accuracy of the net contents of packaged goods shall be those contained in the Fourth Edition of National Institute of Standards and Technology (NIST) Handbook 133 published by the United States Department of Commerce, entitled *NIST Handbook 133 - Fourth Edition - Checking the Net Contents of Packaged Goods - Fourth Edition, 2003 Edition*.

(3) The requirements for packaging and labeling, method of sale of commodities, and the examination procedures for price verification shall be those contained in the ((2003)) 2004 Edition of National Institute of Standards and Technology Handbook 130, entitled the *NIST Handbook 130 - Uniform Laws And Regulations in the areas of legal metrology and motor fuel quality*, specifically:

(a) Weights and measures requirements for all food and nonfood commodities in package form shall be the *Uniform Packaging and Labeling Regulation* requirements as adopted by the National Conference on Weights and Measures and published in NIST (National Institute of Standards and Technology) Handbook 130, ((2003)) 2004 Edition.

(b) Weights and measures requirements for the method of sale of food and nonfood commodities shall be those found in the *Uniform Regulation for the Method of Sale of Commodities* as adopted by the National Conference on Weights and Measures and published in NIST (National Institute of Standards and Technology) Handbook 130, ((2003)) 2004 Edition.

(c) Weights and measures requirements for price verification shall be the *Examination Procedures for Price Verification* as adopted by the National Conference on Weights and Measures and published in NIST (National Institute of Standards and Technology) Handbook 130, ((2003)) 2004 Edition.

WSR 04-12-026

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed May 26, 2004, 11:40 a.m.]

Date of Adoption: May 26, 2004.

Purpose: This rule-making order amends chapter 16-324 WAC, Rules for the certification of seed potatoes, by (1) allowing multiple varieties on field plot applications, (2) reducing two land use restrictions, (3) changing the pest and disease tolerances, and (4) repealing the plant pathology laboratory fee schedule.

Citation of Existing Rules Affected by this Order: Repealing WAC 16-324-720, 16-324-730, 16-324-740 and 16-324-750; and amending WAC 16-324-375, 16-324-393, and 16-324-398.

Statutory Authority for Adoption: Chapters 15.13 and 15.14 RCW.

Other Authority: Chapter 34.05 RCW.

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Adopted under notice filed as WSR 04-07-170 on March 24, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 4.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 3, Repealed 4.

Effective Date of Rule: Thirty-one days after filing.

May 26, 2004

Valoria H. Loveland
Director

AMENDATORY SECTION (Amending WSR 02-12-010, filed 5/23/02, effective 6/23/02)

WAC 16-324-375 Application and withdrawal. (1) To apply for certification, applicants must use the form provided by the department and furnish all information requested, including the date, name, signature and address of the applicant, lot number, seed source identification number, variety, class planted, acres, date planted, seed spacing at planting, average length of rows, year the field was last cropped to potatoes, along with their variety and lot number, and a map of the field location. Applications for certification must reach the department on or before June 15 of each year, accompanied by the appropriate fee, field location maps and evidence of eligibility such as tags or certificates. A North American Certified Seed Potato Health Certificate is required for evidence of eligibility for seed lots originating in other states or Canada, and must be submitted with the application. Unless prior approval has been granted, late applications will be assessed a late fee of twenty dollars per application. The department will not accept applications after July 10.

(2) Separate applications are required for each variety, seed source, and seed lot except as described in subsection (5) of this section.

(3) Separate applications are required for each field location that is separated by more than one hundred feet.

(4) Growers may withdraw a seed potato lot from certification for any reason by notifying the department in writing.

(5) Growers may use a single application for multiple varieties planted in a field plot totaling 1/8 acre or less. The application must contain the information required in subsection (1) of this section for each variety. Growers shall use one identification number for the field plot with a separate letter designation for each variety in the field plot.

AMENDATORY SECTION (Amending WSR 00-20-070, filed 10/3/00, effective 11/3/00)

WAC 16-324-393 Land requirements. (1) The department will not accept any field infested with nematodes.

(2) Detection of ring rot in a field will make that field ineligible for production of certified seed potatoes for three years. Presence of volunteer potato plants in a field with ring rot history will disqualify the current field crop for certification. Plants outside of the defined row are considered volunteers.

(3) Nuclear class seed potatoes must be produced in a field that has not been planted with potatoes for at least ~~((six))~~ four years. (New ground is preferred.)

(4) Generation 1 class seed potatoes must be produced in a field that has not been planted with potatoes for at least ~~((four))~~ three years.

(5) Generation 2, 3, 4, and 5 class seed potatoes must be produced in a field that has not been planted with potatoes during the previous year unless the prior potato crop was certified seed potatoes of an earlier class of the same variety. Volunteer plants from a previously planted seed potato crop will cause the class designation of the current crop to be changed to the appropriate generation of the volunteer plants.

AMENDATORY SECTION (Amending WSR 02-12-010, filed 5/23/02, effective 6/23/02)

WAC 16-324-398 Field inspection disease tolerance.

(1) Compliance with a 0.0% tolerance is not intended, nor should it be construed, to mean that the lot inspected is free from the disease. It means that the disease was not detected during visual inspections of the seed lot.

(2) First and second field inspection tolerances, expressed as percentages.

| Factor | Nuclear | | G 1 | | G 2 | | G 3 | | G 4 | | G 5 | |
|---------------------|------------------|---------------------|------|-------------------|-------------------|-------------------|---------------------|------|---------------------|------|---------------------|---------------------------|
| | ((1st | 2nd | 1st | 2nd | 1st | 2nd | 1st | 2nd | 1st | 2nd | 1st | 2nd)) |
| Varietal mixture | 0.00 | ((0.00)) | 0.00 | ((0.00 | 0.02)) | 0.01 | ((0.25)) | 0.25 | ((0.25)) | 0.25 | ((0.25)) | 0.25 |
| Mosaic | 0.00 | ((0.00)) | 0.10 | ((0.10 | 0.20)) | 0.20 | ((0.50)) | 0.50 | ((1.00)) | 1.00 | ((2.00 | 1.00)) 2.00 |
| Leafroll | 0.00 | ((0.00)) | 0.05 | ((0.05 | 0.10)) | 0.10 | ((0.25)) | 0.25 | ((0.25)) | 0.25 | ((0.40)) | 0.25 |
| Total visible virus | 0.00 | ((0.00)) | 0.10 | ((0.00 | 0.50 | 0.50)) | ((0.75)) | 0.75 | ((1.25)) | 1.25 | ((2.40 | 1.25)) 2.25 |
| Phytoplasmas | 0.00 | ((0.00)) | 0.00 | ((0.00 | 0.10)) | 0.10 | ((0.20)) | 0.20 | ((0.50)) | 0.50 | ((1.00)) | 1.00 |
| Black leg | 0.00 | ((0.00)) | 0.10 | ((0.10 | 0.50)) | 0.50 | ((1.00)) | 1.00 | ((2.00)) | 2.00 | ((4.00 | 2.00)) * |

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| Factor | Nuclear | | G 1 | | G 2 | | G 3 | | G 4 | | G 5 | |
|--|---------|----------|------|--------|--------|------|----------|------|----------|------|----------|-------|
| | (1st | 2nd | 1st | 2nd | 1st | 2nd | 1st | 2nd | 1st | 2nd | 1st | 2nd)) |
| Ring rot | 0.00 | ((0.00)) | 0.00 | ((0.00 | 0.00)) | 0.00 | ((0.00)) | 0.00 | ((0.00)) | 0.00 | ((0.00)) | 0.00 |
| Nematode | 0.00 | ((0.00)) | 0.00 | ((0.00 | 0.00)) | 0.00 | ((0.00)) | 0.00 | ((0.00)) | 0.00 | ((0.00)) | 0.00 |
| Spindle tuber viroid and other quarantined pests | 0.00 | ((0.00)) | 0.00 | ((0.00 | 0.00)) | 0.00 | ((0.00)) | 0.00 | ((0.00)) | 0.00 | ((0.00)) | 0.00 |

*Tolerance for black leg does not apply to G5.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 16-324-720 Laboratory testing—Fees.
- WAC 16-324-730 ELISA testing for the presence of bacteria—Fees.
- WAC 16-324-740 Entry level primary test—Fees.
- WAC 16-324-750 Tests for bacterial ring rot—Fees.

WSR 04-12-027

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed May 26, 2004, 11:52 a.m., effective July 1, 2004]

Date of Adoption: May 26, 2004.

Purpose: Amend chapter 308-129 WAC, regulating sellers of travel, to amend the rule with fee reductions, while still ensuring there is a sufficient level of revenue to defray program administration costs as required under RCW 43.24.086.

Citation of Existing Rules Affected by this Order: Amending WAC 308-129-110 Seller of travel registration fees.

Statutory Authority for Adoption: RCW 19.138.170, 43.24.023.

Adopted under notice filed as WSR 04-09-096 on April 20, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: July 1, 2004.

May 26, 2004
Mykel D. Gable
Assistant Director

AMENDATORY SECTION (Amending WSR 00-01-128, filed 12/20/99, effective 1/20/00)

WAC 308-129-110 Seller of travel registration fees. The following fees shall be charged by the business and professions division of the department of licensing:

| Title of Fee | Fee |
|---------------------------|-------------------------------|
| Original registration fee | \$((234.00)) <u>199.00</u> |
| Registration renewal | ((234.00)) <u>199.00</u> |
| Service of process fee | 20.00 |

Branch offices are subject to a duplicate registration fee. The duplicate registration fee for each branch office shall be an amount equal to the original registration fee.

WSR 04-12-028

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed May 26, 2004, 11:55 a.m., effective July 1, 2004]

Date of Adoption: May 26, 2004.

Purpose: Amend chapter 308-127 WAC regulating timeshares, to amend the rule with fee reductions, while still ensuring there is a sufficient level of revenue to defray program administration costs as required under RCW 43.24.086.

Citation of Existing Rules Affected by this Order: Amending WAC 308-127-160 Fees.

Statutory Authority for Adoption: RCW 64.36.270, 43.24.023.

Adopted under notice filed as WSR 04-09-095 on April 20, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

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Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: July 1, 2004.

May 26, 2004
Mykel D. Gable
Assistant Director

AMENDATORY SECTION (Amending WSR 04-08-003, filed 3/24/04, effective 4/24/04)

WAC 308-127-160 Fees. The following fees shall be charged under the authority of RCW 64.36.081 and 43.24.086:

- (1) Registration application fees:
 - Start up timeshare program including one project. ~~\$(1500.00)~~
1000.00
 - Each additional project in program. ~~((500.00))~~
200.00
 - Each apartment unit in program. ~~((50.00))~~
20.00
 - The first unit of personal property in the timeshare program. ~~((1000.00))~~
500.00
 - Each additional unit of personal property in the timeshare program. 100.00
 - Businesses of listing or brokering resale intervals. 500.00
- (2) Interval Fees:
 - For each interval through one thousand. 1.00
 - Intervals beyond one thousand. 0.00
 - Each monthly filing of listings of resale intervals (in lieu of interval fees for resale intervals). 10.00
- (3) Renewal fees:
 - Timeshare program including one project. ~~((1000.00))~~
500.00
 - Late renewal fee for timeshare program. 2000.00
 - Each additional project to a maximum of five projects. ~~((350.00))~~
200.00
 - Each apartment unit - to maximum of twenty-five apartment units. ~~((50.00))~~
20.00

- (4) Consolidation fees:
 - Each additional project added. ~~((500.00))~~
200.00
 - Each additional apartment unit. ~~((50.00))~~
20.00
 - The first additional unit of personal property being consolidated. ~~((500.00))~~
250.00
 - Each additional unit of personal property added in one consolidation. 100.00
- (5) Exemption fees:
 - Programs consisting of a single apartment unit in a single project with fifty-two or fewer intervals. 250.00
 - All other types of programs. 1000.00
- (6) Impound fees:
 - Initial establishment of an impound, escrow, trust, or other arrangement requiring a depository. 500.00
 - Each required periodic report. 50.00
- (7) Advertising fees:
 - Each initial submission of advertisement whether or not submitted in a timely manner, and whether or not in use at the time of payment. ~~((100.00))~~
25.00
 - Examination of advertisement which are for the purpose of marketing surveys and not involving an examination of project or program instruments. 150.00
- (8) Fees for persons in the business of offering commercial promotional programs:
 - Registration of individual. 500.00
- (9) Salespersons fees:
 - Registration. ~~((50.00))~~
25.00
 - Renewal. ~~((50.00))~~
25.00
 - Transfer. ~~((50.00))~~
25.00

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(10) Fees for amendment of registration:

For a timely submission of an amendment filing. ((50.00))
25.00

Penalty fee for failure to file an amendment within twenty days of the occurrence of a materially adverse change. 500.00

(11) Inspection fees:

Applicants and registrants shall pay the cost of inspections conducted pursuant to chapter 64.36 RCW. The inspection fees shall be paid prior to the granting of a registration or consolidation. The inspection fee shall be the actual cost to the department for conducting of the inspection.

**WSR 04-12-029
PERMANENT RULES
DEPARTMENT OF
SERVICES FOR THE BLIND**

[Filed May 26, 2004, 1:13 p.m., effective July 1, 2004]

Date of Adoption: May 25, 2004.

Purpose: The Department of Services for the Blind (DSB) plans to institute a new chapter in its WAC which will authorize criminal background checks for employees, interns, volunteers, employment applicants, contractors, and service providers who have or may have unsupervised access to vulnerable clients or potential clients.

Statutory Authority for Adoption: Chapter 74.18 RCW.

Adopted under notice filed as WSR 04-07-110 on March 18, 2004.

Changes Other than Editing from Proposed to Adopted Version: Changed section reference under WAC 67-16-040 (2)(C); changed wording in WAC 67-16-040(5); and deleted subsections (5)(a), (5)(b) and (10).

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 3, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 3, Amended 0, Repealed 0.

Effective Date of Rule: July 1, 2004.

May 25, 2004
Ellen Drumheller
Rules Coordinator

NEW SECTION

WAC 67-16-020 Purpose and definition. The authority for conducting background checks on contractors and service providers is established in Chapter 74.18 RCW. The purpose for background checks is to ensure the suitability, character and competence of contractors and service providers to work with clients with a visual disability defined in WAC 67-75-040 (3)(a).

NEW SECTION

WAC 67-16-030 Background check process. (1) The director of the department of services for the blind (DSB) shall investigate the conviction records, pending charges and disciplinary board final decisions for contractors and service providers who will or may have unsupervised access to DSB clients.

(2) The investigation shall consist of a background check as allowed under the Washington State Criminal Records Privacy Act, RCW 10.97.050; the Washington state patrol criminal identification system under RCW 43.43.832 through 43.43.834, and the Federal Bureau of Investigation. The background check shall include a fingerprint check using a complete Washington state criminal identification fingerprint card.

(3) The director may waive the requirement for a background check if the contractor or service provider has been cleared in a background check within the previous two years.

(4) When necessary, the director may engage a service provider or contractor on a conditional basis, pending completion of the background check.

(5) The investigation shall include an examination of state and national criminal identification data. The Director shall use the information solely for the purpose of determining the character, suitability and competence of the individual contractor or service provider to work with the department of services for the blind clients.

(6) The director shall provide the results of the background check in writing to the contractor or service provider within ten working days from receipt of the finding.

(7) The office of the director shall maintain confidential records of all background check information. Such information shall be limited to only those individuals processing the information within the department.

(8) The fingerprint criminal history records checks will be at the expense of the contractor or service provider.

(9) Current contractors or service providers for whom disqualifying crimes are discovered in the background check process will be notified in writing within ten working days from receipt of the finding. The written notification shall include notice of termination of the contract or service provider agreement and give the individual the right to request a review by the director of the department of services for the blind.

NEW SECTION

WAC 67-16-040 Department of services for the blind—Background check requirements for employees, applicants, volunteers and student interns. (1) The execu-

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tive director of the department of services for the blind shall conduct background checks on all employees in covered positions and applicants under final consideration for a covered position. A covered position is one in which a person will or may have unsupervised access to vulnerable clients or potential clients with vision disability. These clients or potential clients may also have other disabilities, such as developmental disabilities or mental health disabilities. Employees and applicants shall authorize the executive director of the department of services for the blind to conduct a background check.

(2) The requirement for background checks shall include the following:

(a) Current employees as of July 1, 2004.

(b) Any employee seeking a covered position because of a reduction in force, reallocation, transfer, promotion or demotion.

(c) Any applicant prior to appointment into a covered position, except when appointment is made on a conditional basis under subsection ~~(6)~~ (7)b).

(3) A background check will be conducted on the final preferred candidate prior to appointment.

(4) The executive director of the department of services for the blind shall use the results of a background check solely to determine the character, competence and suitability of a person for a covered position. The background check information shall consist of:

(a) A fingerprint check using a complete Washington State criminal identification fingerprint card.

(b) Conviction records, pending charges, and disciplinary board final decisions (if applicable).

(c) Evidence that substantiates or mitigates convictions, pending charges, and disciplinary board final decisions including, but not limited to:

(i) The employee or applicant's background check authorization and disclosure form;

(ii) The employee or applicant's age at the time of conviction, charge, or disciplinary board final decision;

(iii) The nature and severity of the conviction, charge, or disciplinary board final decision;

(iv) The length of time since the conviction, charge, or disciplinary board final decisions;

(v) The nature and number of previous offenses; and

(vi) The relationship between the nature of the conviction, pending charge, or disciplinary board final decision and the duties of the employee or applicant.

~~(5) A permanent employee with a background check disqualification may voluntarily resign, or be subject to any of the following:~~

~~(a) Nondisciplinary separation. The employee shall be separated by the executive director after fifteen calendar days written notice unless the employee requests a shorter notice period;~~

~~(b) Disciplinary action for any of the causes listed in WAC 356-34-010; and/or~~

(5) A permanent employee with a background check disqualification may voluntarily resign, or be subject to disciplinary action for any of the causes listed in WAC 356-34-010.

(6) Interim measures that may be used while the executive director explores availability of actions (not to exceed 30 calendar days except in cases where there are investigations of pending charges):

(a) Voluntary use of accrued vacation, exchange, and/or compensatory time.

(b) Authorized leave without pay, if there is no paid leave available, or if the employee chooses not to use paid leave.

When considering the above actions, the agency will consider the least restrictive means necessary to prevent unsupervised access.

(7) The executive director of the department of services for the blind shall:

(a) Notify employees and applicants that a background check is required for covered positions;

(b) Develop procedures specifying when employees and applicants may be hired on a conditional basis pending the results of a background check; and

(c) Develop policies and procedures pertaining to background checks;

(d) Provide the employee/applicant with the results of the background check in writing;

(e) Notify employees of their promotional register rights when they have been separated from their position, either voluntarily or involuntarily due to a background disqualification.

(8) Failure to authorize the executive director of the department of services for the blind to conduct a background check disqualifies an employee or applicant from consideration for any covered position including an employee's current covered position.

(9) An applicant for a covered position who is denied employment due to a disqualifying finding, shall be given the right to request a review of the decision by the executive director.

(a) Requests for review must be in writing and received by the executive director within fifteen calendar days of the postmark date of the notification or date of hand-delivery.

~~(10) A separation under subsection (5)(a) shall not be considered a disciplinary action as set forth in WAC 356-34-010.~~

~~(11)~~ (10) Permanent employees may appeal to the personnel appeals board in accordance with RCW 41.06.170 and rules promulgated thereunder including WAC 358-20-101 and 358-20-020.

(12) (11) Nothing in this rule shall limit the department of services for the blind executive director's use of other authorities to conduct background checks.

(13) (12) Information pertaining to background checks is confidential and shall be used solely for the purpose of determining the character, suitability and competence of the applicant and/or employee. Access to background check information shall be limited to only those individuals processing the information for the department. Misuse of background check information is a criminal offense and may result in prosecution and/or disciplinary action as provided under WAC 356-34-010.

~~(14)~~ (13) The department of services for the blind will pay the costs associated with the background checks for current employees, applicants, volunteers, and student interns.

Reviser's note: The unnecessary strikethrough in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

WSR 04-12-043

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Health and Rehabilitative Services Administration)

[Filed May 28, 2004, 8:33 a.m.]

Date of Adoption: May 20, 2004.

Purpose: The Mental Health Division is amending WAC 388-865-0465 to correct an incorrect WAC cross reference.

Citation of Existing Rules Affected by this Order: Amending WAC 388-865-0465.

Statutory Authority for Adoption: RCW 71.05.560.

Adopted under notice filed as WSR 04-05-081 on February 17, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

May 20, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 04-01-091, filed 12/16/03, effective 1/16/04)

WAC 388-865-0465 Adult residential treatment facility certification—Additional standards. In order to be certified to provide services at an adult residential treatment facility, the licensed mental health agency must assure that all general minimum standards for community support are met, and in addition:

(1) Be licensed as a mental health adult residential treatment facility by the department of health under chapter ((246-377)) 246-337 WAC; and

(2) Be certified to provide services to a consumer on a less restrictive alternative court order consistent with WAC 388-865-0466.

WSR 04-12-044

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed May 28, 2004, 8:38 a.m., effective July 1, 2004]

Date of Adoption: May 24, 2004.

Purpose: To meet legislative requirements, the department is adding two new sections that establish the SRHIAAPDSH (small rural hospital indigent adult assistance program disproportionate share hospital) and NRHIAAPDSH (nonrural hospital indigent adult assistance program disproportionate share hospital) programs and establishing payment calculation methods for these programs. The rules also clarify and update payment methods for other disproportionate share hospital (DSH) programs.

Citation of Existing Rules Affected by this Order: Amending WAC 388-550-4900, 388-550-5100, and 388-550-5200.

Statutory Authority for Adoption: RCW 74.08.090 and 74.04.050.

Other Authority: Chapter 25, Laws of 2003 1st sp.s.

Adopted under notice filed as WSR 04-08-124 on April 7, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 2, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 2, Amended 3, Repealed 0.

Effective Date of Rule: July 1, 2004.

May 24, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 03-13-055, filed 6/12/03, effective 7/13/03)

WAC 388-550-4900 Disproportionate share payments. As required by section 1902 (a)(13)(A) of the Social Security Act, the medical assistance administration (MAA) gives consideration to hospitals that serve a disproportionate number of low-income clients with special needs by making

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a payment adjustment to eligible hospitals per legislative direction and established prospective payment methods. MAA considers this adjustment a disproportionate share hospital (DSH) payment.

(1) To qualify for a DSH payment for each state fiscal year (SFY), an in-state or border area hospital provider must submit to MAA ~~((by certified mail))~~, the hospital's completed and final DSH application by the due date specified in that year's application letter. The application due date will not be less than sixty days after MAA makes the application available.

(2) A hospital is a disproportionate share hospital eligible for the low-income disproportionate share hospital (LIDSH) program for a specific ~~((state fiscal year-))~~ SFY ~~(())~~ if the hospital submits a DSH application for that ~~((respective))~~ specific year in compliance with subsection (1) and if both the following apply:

(a) The hospital's Medicaid inpatient utilization rate (MIPUR) is at least one standard deviation above the mean Medicaid inpatient utilization rate for hospitals receiving Medicaid payments in the state, or its low-income utilization rate (LIUR) exceeds twenty-five percent; and

(b) ~~((The hospital has))~~ At least two obstetricians who have staff privileges at the hospital and ~~((who))~~ have agreed to provide obstetric services to eligible individuals at the hospital. For the purpose of establishing DSH eligibility, "obstetric services" is defined as routine nonemergency delivery of babies. This requirement for two obstetricians with staff privileges does not apply to a hospital:

(i) ~~((The inpatients of which are))~~ That provides inpatient services predominantly to individuals under eighteen years of age; or

(ii) ~~((Which))~~ That did not offer nonemergency obstetric services to the general public as of December 22, 1987, when section 1923 of the Social Security Act was enacted.

(3) For hospitals located in rural areas, "obstetrician" means any physician with staff privileges at the hospital to perform nonemergency obstetric procedures.

(4) MAA may consider a hospital a disproportionate share hospital for programs other than the LIDSH program if the hospital submits a DSH application ~~((and complies with the following for the respective year))~~ for the specific year and meets the following criteria for the year specified in the application:

(a) The hospital has a MIPUR of not less than one percent; and

(b) The hospital meets the requirement of subsection (2)(b) of this section.

(5) MAA administers the low-income disproportionate share (LIDSH) program and may administer any of the following DSH programs:

(a) Medically indigent disproportionate share hospital (MIDSH);

(b) General assistance-unemployable disproportionate share hospital (GAUDSH);

(c) Small rural hospital assistance program disproportionate share hospital (SRHAPDSH);

(d) Small rural hospital indigent adult assistance program disproportionate share hospital (SRHIAAPDSH);

(e) Nonrural hospital indigent adult assistance program disproportionate share hospital (NRHIAAPDSH);

(f) Teaching hospital assistance program disproportionate share hospital (THAPDSH);

~~((e))~~ (g) State teaching hospital financing program disproportionate share hospital (STHFPDSH);

~~((f))~~ (h) County teaching hospital financing program disproportionate share hospital (CTHFPDSH); and

~~((g))~~ (i) Public hospital district disproportionate share hospital (PHDDSH).

(6) MAA allows a hospital to receive any one or all of the DSH payment adjustments discussed in subsection (5) of this section when the hospital:

(a) Meets the requirements in subsection (4) of this section; and

(b) Meets the eligibility requirements for the particular DSH payment program, as discussed in WAC 388-550-5000 through 388-550-5400.

(7) MAA ensures each hospital's total DSH payments do not exceed the individual hospital's DSH limit, defined as:

(a) The cost to the hospital of providing services to Medicaid clients, including clients served under Medicaid managed care programs;

(b) Less the amount paid by the state under the non-DSH payment provision of the state plan;

(c) Plus the cost to the hospital of providing services to uninsured patients; ~~((and))~~

(d) Less any cash payments made by uninsured clients; and

(e) Plus any adjustments required and/or authorized by federal regulation.

(8) MAA's total annual DSH payments must not exceed the state's DSH allotment for the federal fiscal year.

If the MAA statewide allotment is exceeded, MAA may adjust future DSH payments to each hospital to compensate for the amount overpaid. Adjustments will be made in the following program order:

(a) PHDDSH;

(b) THAPDSH;

(c) CTHFPDSH;

(d) STHFPDSH;

(e) SRHAPDSH;

(f) NRHIAAPDSH;

(g) SRHIAAPDSH;

(h) MIDSH;

~~((g))~~ (i) GAUDSH; and

~~((h))~~ (j) LIDSH.

AMENDATORY SECTION (Amending WSR 03-13-055, filed 6/12/03, effective 7/13/03)

WAC 388-550-5100 Payment method—MIDSH. (1) The medical assistance administration (MAA) considers a hospital eligible for the medically indigent disproportionate share hospital (MIDSH) payment if the hospital:

(a) Meets the criteria in WAC 388-550-4900 (2)(b) and (4);

(b) Is an in-state or border area hospital;

(c) ~~((Provides))~~ Provided services to clients under the medically indigent program for dates of services before July 1, 2003; and

(d) Has a low-income utilization rate of one percent or more.

(2) MAA determines the MIDSH payment for each eligible hospital, using a prospective payment method, in accordance with WAC 388-550-4800.

AMENDATORY SECTION (Amending WSR 03-13-055, filed 6/12/03, effective 7/13/03)

WAC 388-550-5200 Payment method—SRHAPDSH. (1) The medical assistance administration (MAA) makes small rural hospital assistance program disproportionate share hospital (SRHAPDSH) payments to qualifying small rural hospitals through the disproportionate share (DSH) program.

(2) To qualify for a SRHAPDSH payment, a hospital must:

(a) Meet the criteria in WAC 388-550-4900 (2)(b) and (4);

(b) Be an in-state hospital;

(c) Be a small rural hospital with fewer than seventy-five acute licensed beds; and

(d) ~~((Be located in a city or town that meets the following criteria:~~

(i)) For the SRHAPDSH program year to be implemented for state fiscal year (SFY) beginning July 1, 2002, the city or town must have a nonstudent population of fifteen thousand five hundred or less.

~~((ii)) For each SRHAPDSH program year to be implemented))~~ For each subsequent SFY ~~((subsequent to July 1, 2002))~~, the nonstudent population ~~((in (d)(i) of this subsection))~~ requirement is increased cumulatively by two percent.

(3) MAA pays hospitals qualifying for SRHAPDSH payments from a ~~((legislative))~~ legislatively appropriated pool. MAA determines each hospital's individual SRHAPDSH payment from the total dollars in the pool using percentages established through the following prospective payment method:

(a) At the time the SRHAPDSH payment is to be made, MAA ~~((identifies from historical data considered to be complete, each individual qualifying hospital's most current Medicaid reimbursement amount; then))~~ calculates each hospital's profitability margin based on the most recent, completed year-end data using audited financial statements from the hospital.

(b) ~~((Divides the Medicaid reimbursement amount by the total Medicaid payments made to all qualifying hospitals during the same period))~~ MAA determines the average profitability margin for the qualifying hospitals.

(c) Any hospital with a profitability margin of less than one hundred ten percent of the average profitability margin for qualifying hospitals receives a profit factor of 1.1. All other hospitals receive a profit factor of 1.0.

(d) MAA:

(i) Identifies the individual hospital's most recent, completed SFY Medicaid reimbursement amounts. These

amounts are based on historical data considered to be complete; then

(ii) Multiplies the Medicaid reimbursement amount by the individual hospital's assigned profit factor (1.1 or 1.0) to identify a revised Medicaid reimbursement amount; then

(iii) Divides the revised Medicaid reimbursement amount by the sum of the revised Medicaid reimbursement amounts for all qualifying hospitals during the same period.

(4) MAA's SRHAPDSH payments to a hospital may not exceed one hundred percent of the projected cost of care for Medicaid clients and uninsured indigent patients for that hospital unless an exception is identified by federal regulation. MAA reallocates dollars as defined in the state plan.

NEW SECTION

WAC 388-550-5210 Payment method—SRHIAAPDSH. (1) The medical assistance administration (MAA) makes small rural hospital indigent adult assistance program disproportionate share hospital (SRHIAAPDSH) payments to qualifying small rural hospitals through the disproportionate share (DSH) program.

(2) To qualify for an SRHIAAPDSH payment, a hospital must:

(a) Meet the criteria in WAC 388-550-4900 (2)(b) and (4);

(b) Be an in-state hospital that provided services to clients eligible under the medically indigent (MI) program during the most recent, completed fiscal year;

(c) Be a small rural hospital with fewer than seventy-five acute licensed beds; and

(d) For state fiscal year (SFY) beginning July 1, 2003, be located in a city or town that has a nonstudent population of fifteen thousand eight hundred ten or less. For each subsequent SFY, the nonstudent population requirement is increased cumulatively by two percent.

(3) MAA pays hospitals qualifying for SRHIAAPDSH payments from a legislatively appropriated pool. MAA determines each hospital's individual SRHIAAPDSH payment from the total dollars in the pool using percentages established through the following prospective payment method:

(a) At the time the SRHIAAPDSH payment is to be made, MAA calculates each hospital's profitability margin based on the most recent, completed year-end data using audited financial statements from the hospital.

(b) MAA determines the average profitability margin for the qualifying hospitals.

(c) Any hospital with a profitability margin of less than one hundred ten percent of the average profitability margin for qualifying hospitals receives a profit factor of 1.1. All other hospitals receive a profit factor of 1.0.

(d) MAA:

(i) Identifies from historical data considered to be complete, each individual qualifying hospital's inpatient and outpatient allowed charges for MAA's MI clients; then

(ii) Multiplies the total allowed charges by the hospital's ratio of costs-to-charges (RCC) to determine the hospital's MI costs; then

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(iii) Multiplies the hospital's MI costs by the hospital's profit factor assigned in (c) of this subsection to identify a revised cost amount; then

(iv) Determines the hospital's percentage of revised costs by dividing its revised cost amount by the sum of the revised MI cost amounts for all qualifying hospitals during the same period.

(4) MAA's SRHIAAPDSH payments to a hospital may not exceed one hundred percent of the projected cost of care for Medicaid clients and uninsured indigent patients for that hospital unless an exception is identified by federal regulation. MAA reallocates dollars as defined in the state plan.

NEW SECTION

WAC 388-550-5220 Payment method—NRHIAAPDSH. (1) The medical assistance administration (MAA) makes nonrural hospital indigent adult assistance program disproportionate share hospital (NRHIAAPDSH) payments to qualifying nonrural hospitals through the disproportionate share (DSH) program.

(2) To qualify for an NRHIAAPDSH payment, a hospital must:

(a) Meet the criteria in WAC 388-550-4900 (2)(b) and (4);

(b) Be an in-state or border area hospital that provided services to clients eligible under the medically indigent (MI) program during the most recent, completed fiscal year; and

(c) Be a hospital that does not qualify as a small rural hospital as defined in WAC 388-550-5210.

(3) MAA pays hospitals qualifying for NRHIAAPDSH payments from a legislatively appropriated pool. MAA determines each hospital's individual NRHIAAPDSH payment from the total dollars in the pool using percentages established through the following prospective payment method:

(a) At the time the NRHIAAPDSH payment is to be made, MAA calculates each hospital's profitability margin based on the most recent, completed year-end data using audited financial statements from the hospital.

(b) MAA determines the average profitability margin for the qualifying hospitals.

(c) Any hospital with a profitability margin of less than one hundred ten percent of the average profitability margin for qualifying hospitals receives a profit factor of 1.1. All other hospitals receive a profit factor of 1.0.

(d) MAA:

(i) Identifies from historical data considered to be complete, each individual qualifying hospital's inpatient and outpatient allowed charges for MAA's MI clients; then

(ii) Multiplies the total allowed charges by the hospital's ratio of costs-to-charges (RCC) to determine the hospital's MI costs; then

(iii) Multiplies the hospital's MI costs by the hospital's profit factor assigned in (c) of this subsection to identify a revised cost amount; then

(iv) Determines the hospital's percentage of the NRHIAAPDSH revised costs by dividing the hospital's revised cost amount by the total MI costs for all qualifying hospitals during the same period.

(4) MAA's NRHIAAPDSH payments to a hospital may not exceed one hundred percent of the projected cost of care for Medicaid clients and uninsured indigent patients for the hospital unless an exception is identified by federal regulation. MAA reallocates dollars as defined in the state plan.

**WSR 04-12-046
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed May 28, 2004, 10:07 a.m., effective June 30, 2004]

Date of Adoption: May 28, 2004.

Purpose: Chapter 296-400A WAC, Certification of competency for journeyman plumbers.

The purpose of this rule making is to adopt substantive changes to the plumber certification rules (chapter 296-400A WAC) in response to the passage of chapter 82, Laws of 2002 (ESHB 2470) and chapter 399, Laws of 2003 (ESSB 5713) from the 2002 and 2003 legislative sessions. Also, this rule adoption will increase the fees associated with plumber certification by the fiscal growth factor for fiscal year 2004 of 3.2% rounded down to the nearest tenth of a dollar. This is the maximum allowable amount established by the Office of Financial Management. These fee increases are necessary to maintain the financial health and operational effectiveness of the plumber program.

These changes are necessary to:

- Establish necessary provisions associated with the department's new audit authority;
- Establish necessary provisions associated with the new continuing education requirements;
- Increase fees by the fiscal growth factor established by the Office of Financial Management of 3.2% rounded down to the nearest tenth of a dollar; and
- Make necessary housekeeping changes.

Citation of Existing Rules Affected by this Order: Amending WAC 296-400A-005, 296-400A-020, 296-400A-021, 296-400A-026, 296-400A-030, 296-400A-031, 296-400A-035, 296-400A-045, 296-400A-120, 296-400A-121, 296-400A-122, 296-400A-130, 296-400A-140, 296-400A-300, 296-400A-400, and 296-400A-425.

Statutory Authority for Adoption: RCW 18.106.040, 18.106.140, chapter 82, Laws of 2002 (ESHB 2470), and chapter 399, Laws of 2003 (ESSB 5713).

Adopted under notice filed as WSR 04-08-089 on April 6, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 8, Amended 15, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

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Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 8, Amended 15, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 8, Amended 15, Repealed 0.

Effective Date of Rule: June 30, 2004.

May 28, 2004

Paul Trause

Director

AMENDATORY SECTION (Amending WSR 02-14-074, filed 6/28/02, effective 7/1/02)

WAC 296-400A-005 What definitions do I need to know to understand these rules? Unless a different meaning is clearly required by the context, the following terms and definitions are important:

"Advisory board" is the state advisory board of plumbers.

"Audit" means an assessment, evaluation, examination or investigation of contractor's accounts, books and records for the purpose of verifying the contractor's compliance with RCW 18.106.320.

"Backflow assembly" or "backflow prevention assembly" or "backflow preventer" is a device as described in the Uniform Plumbing Code ((that is)) used to prevent the ((undesirable)) undesired reversal of flow of water or other substances through a cross-connection into the public water system or consumer's potable water system.

"Backflow assembly tester" is an individual certified by the department of health to perform tests to backflow assemblies.

"Continuing education" is approved plumbing and electrical courses for journeyman and residential specialty plumbers, to meet the requirements to maintain their plumbing certification and for trainees or individuals to become certified plumbers in Washington.

"Continuing education course provider" is an entity approved by the department, in consultation with the state advisory board of plumbers, to provide continuing education training for journeyman, specialty residential plumbers and trainees. All training course providers must comply with the requirements in WAC 296-400A-028.

"Continuity affidavit" is a form developed by the department that is used to verify whether medical gas pipe installation work has been performed. This form is provided to the department annually by the person holding the medical gas piping installer endorsement and requires the signature of the employer of the medical gas piping installer.

"Contractor" means any person, corporate or otherwise, who engages in, or offers or advertises to engage in, any work covered by the provisions of chapter 18.106 RCW by way of trade or business, or any person, corporate or otherwise, who employs anyone, or offers or advertises to employ anyone, to engage in any work covered by the provisions of chapter 18.106 RCW and is registered as a contractor under chapter 18.27 RCW.

"Dispatcher" means the contractor's employee who authorized the work assignment of the person employed in violation of chapter 18.106 RCW.

"Department" is the department of labor and industries.

"Director" is the director of the department of labor and industries.

"Journeyman plumber" is anyone who has learned the commercial plumbing trade and has been issued a journeyman certificate of competency by the department. A journeyman plumber may work on plumbing projects including residential, commercial and industrial worksite locations.

"Medical gas piping installer" is anyone who has been issued a medical gas piping installer endorsement of competency by the department.

"Medical gas piping systems" are piping systems that convey or involve oxygen, nitrous oxide, high pressure nitrogen, medical compressed air and medical vacuum systems.

"Plumbing" is that craft involved in installing, altering, repairing and renovating potable water systems, liquid waste systems and medical gas piping systems within a building. The installation of water softening or water treatment equipment into a water system is not considered plumbing.

~~("Plumbing contractor" means any person, corporate or otherwise, who engages in, or offers or advertises to engage in, any work covered by the provisions of chapter 18.106 RCW and these rules by way of trade or business, or any person, corporate or otherwise, who employs anyone, or offers or advertises to employ anyone, to engage in any work covered by the provisions of chapter 18.106 RCW and these rules and is registered as a contractor under chapter 18.27 RCW.)~~

"Records" include, but are not limited to, all bids, invoices, billing receipts, time cards and payroll records that show the work was performed, advertised, or bid.

"Specialty plumber" is anyone who has been issued a specialty plumbers certificate of competency by the department limited to:

(a) Installation, maintenance and repair of plumbing for single-family dwellings, duplexes and apartment buildings which do not exceed three stories; or

(b) Maintenance and repair of backflow assemblies located within a residential or commercial building or structure. For the purposes of this subsection, "maintenance and repair" includes cleaning and replacing internal parts of an assembly, but does not include installing or replacing backflow assemblies.

"Supervision" for the purpose of these rules means within sight or sound. Supervision requirements are met when the supervising plumber is on the premises and within sight or sound of the individual who is being trained.

"Training course provider" is an entity approved by the department, in consultation with the state advisory board of plumbers, to provide medical gas piping installer training. All training course providers must comply with the requirements in WAC 296-400A-026.

"Trainee plumber" is anyone who has been issued a trainee certificate and is learning or being trained in the plumbing trade with direct supervision of either a journeyman plumber or specialty plumber working in their specialty.

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AMENDATORY SECTION (Amending WSR 02-14-074, filed 6/28/02, effective 7/1/02)

WAC 296-400A-020 How do I obtain a certificate of competency? You can obtain a certificate of competency by completing the following requirements for:

(1) Journeyman and specialty plumber certificate (excluding backflow assembly maintenance and repair specialty certification):

(a) Submitting a competency examination application to the department;

(b) Paying the examination fee shown in WAC 296-400A-045(1);

(c) Submitting the required evidence of competency and experience to the department as required under WAC 296-400A-120 and 296-400A-121; ~~((and))~~

(d) Passing the competency examination; and

(e) Providing documentation to the department with continuing education requirements.

(2) Backflow assembly maintenance and repair specialty certificate:

(a) Submitting a competency examination application to the department;

(b) Paying the application and certificate fee shown in WAC 296-400A-045(2); and

~~(c) ((Submitting the required evidence of competency to the department as required by WAC 296-400A-122; and~~

~~(d)))~~ Passing the competency examination.

AMENDATORY SECTION (Amending WSR 98-13-126, filed 6/17/98, effective 7/20/98)

WAC 296-400A-021 How do I obtain a medical gas piping installer endorsement? *(Only journeyman plumbers holding active state of Washington certification may apply for this endorsement.)*

You can obtain a medical gas piping installer endorsement by completing the following requirements:

(1) Submit an application to the department; and

(2) Pay the examination application fee shown in WAC 296-400A-045; and

(3) Submit the required evidence of approved training to the department; and

(4) Pass the written and practical competency examination;* and

(5) Pay the endorsement issuance fee shown in WAC 296-400A-045 to the department.

At the effective date of these medical gas piping installer rules, you may apply for the state of Washington medical gas piping installer endorsement in lieu of taking the medical gas piping installer examination, if you hold a current medical gas piping installers certificate issued by a department recognized training course provider ~~((you may apply for the state of Washington medical gas piping installer endorsement in lieu of taking the medical gas piping installer examination))~~. This opportunity to obtain your endorsement without taking the examination will expire one year from the effective date of these medical gas piping installer rules.

*The written and practical competency examination is performed under contract with a nationally recognized testing

agency. The results of the competency examination will be forwarded to the department for processing.

NEW SECTION

WAC 296-400A-023 What process is required for renewal of journeyman and residential specialty plumber certificates of competency? (1) An individual must apply for renewal of their plumbing certificate before the expiration date of the certificate. The individual may not apply for renewal more than ninety days prior to the expiration date. Renewed certificates are valid for two years.

(2) An individual may renew their certificate within ninety days after the expiration date without reexamination if the individual pays the late renewal fee listed in WAC 296-400A-045.

(3) All applications for renewal received more than ninety days after the expiration date of the plumbing certificate require that the plumber pass the appropriate competency examination before being recertified.

(4) All applicants for plumbing certificate renewal must:

(a) Submit a complete renewal application;

(b) Pay all appropriate fees; and

(c) Provide accurate evidence on the renewal form that the individual has completed the continuing education requirements described in WAC 296-400A-028.

If an individual files inaccurate or false evidence of continuing education information when renewing a plumbing certificate, the individual's plumbing certificate may be suspended or revoked.

(5) A journeyman or residential specialty plumber certificate holder who has not completed the required hours of continuing education prior to the renewal date must pay a doubled fee according to RCW 18.106.070. Also, if the required hours of continuing education are not completed within ninety days after the expiration date the applicant will be required to retake the examination and pay the appropriate fees prior to being placed in active status.

(6) An individual may renew a suspended plumbing certificate by submitting a complete renewal application including obtaining and submitting the continuing education required for renewal. However, the certificate will remain in a suspended status for the duration of the suspension period.

(7) An individual may not renew a revoked plumbing certificate.

AMENDATORY SECTION (Amending WSR 98-13-126, filed 6/17/98, effective 7/20/98)

WAC 296-400A-026 What training course approval procedures for medical gas will the department follow?

(1) The department will review and approve courses submitted by training course providers that offer medical gas piping systems training. Course approvals will be decided in consultation with the state advisory board of plumbers.

(2) All providers seeking course approval, must submit the required information (see subsection (5) of this section) to the department at least thirty days before a regularly scheduled advisory board meeting. **No course can be offered as meeting the requirements of a medical gas endorsement until it has been approved.**

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(3) All material required for approval will be reviewed without testimony and the review will be based solely upon the information submitted. Once reviewed, the department has five working days to give a provider written notification of acceptance or rejection. In the case of rejection, the department must specify its reasons.

(4) If a provider has a course rejected, it may request a hearing before the advisory board at the next regularly scheduled meeting. Any information supporting the provider's position, which was not included with the original approval request, must be submitted to the board at least twenty days before the meeting at which the hearing will be held.

At the hearing, the department and the provider may produce witnesses and give testimony. The hearing must be conducted according to chapter 34.05 RCW. The board must base its decision upon the testimony and evidence presented and must notify the parties immediately upon reaching its decision. A majority of the board is necessary to render a decision.

(5) Specific course approval criteria:

(a) All training courses must conform to and be based upon current standards and requirements governing the installation of medical gas piping systems.

(b) All course approval requests must include:

(i) A general description of the course(s) including its scope, the instructional materials to be used and the instructional methods to be followed; and

(ii) A copy of the complete medical gas piping installer training curriculum; and

(iii) A detailed course outline; and

(iv) The name and qualifications of the course instructor(s); and

(v) The locations where the course will be taught; and

(vi) The days and hours the course will be offered; and

(vii) The specific fees associated with the course, as well as, the total cost of the course.

(c) All fees for approved training courses must be reasonable and in line with fees charged for other comparable code based training courses.

(6) Training courses are approved for a three-year period.

(7) A provider, whose courses are approved, must give the department literature describing the courses so the department can ((disseminate)) share this information to prospective applicants.

(8) It is the responsibility of the provider to annually review and update its courses and to notify the department of any changes.

(9) The department may withdraw its approval of any training course if it determines the provider is no longer in compliance with the requirements of this chapter. If the department withdraws its approval of a training course, it must give the provider written notification of the withdrawal((;)) specifying the reasons for its decision. If the department withdraws its approval of a training course((;)) the provider may request a hearing before the advisory board at the next regularly scheduled meeting. Any information supporting the provider's position must be submitted to the board at least twenty days before the meeting at which the hearing will be held. At the hearing((;)) the department and

the provider may produce witnesses and give testimony. The hearing must be conducted according to chapter 34.05 RCW. The board must base its decision upon the testimony and evidence presented and must notify the parties immediately upon reaching its decision. A majority of the board is necessary to render a decision.

NEW SECTION

WAC 296-400A-028 What are the requirements for continuing education and classroom training?

What are the general and continuing education course requirements for journeyman, residential specialty plumbers and plumber trainees?

(1) Journeyman, residential specialty plumber and plumber trainee.

(a) To be eligible for renewal of a journeyman plumber or residential specialty plumber certificate, the individual must have completed at least sixteen hours of approved continuing education for each two years of the prior certification period. Individuals will be required in the prior two-year period to have completed at least eight hours of plumbing code and at least four hours of electrical code from the currently adopted Washington state plumbing and electrical codes. The remaining four hours may be plumbing or electrical trade related classes.

(b) Plumber trainees must complete at least eight hours per year of classroom training from an approved continuing education course for each year of the prior certification period. Trainee will be required during a two-year period to complete at least eight hours of plumbing code and at least four hours of electrical code from the currently adopted Washington state plumbing and electrical codes. The remaining four hours may be plumbing or electrical trade related classes.

(c) Any portion of a year of a prior plumber certification period is equal to one year for the purposes of the required continuing education.

(2) An individual will not be given credit for the same approved continuing education course taken more than once in the two years prior to the renewal date. No credit will be granted for any course not approved by the department.

(3) Continuing education requirements do not apply to backflow specialty plumbers under chapter 18.106 RCW and this chapter.

Note: Subsections (1), (2) and (3) of this section take effect July 1, 2005.

Approval process - continuing education course.

(4) The advisory board of plumbers or plumbing board subcommittee will review each continuing education course. The advisory board of plumbers or plumbing board subcommittee will recommend approval or disapproval to the department. The department will either approve or disapprove the course.

(5) To be considered for approval, a continuing education course must consist of not less than two hours of instruction and must be open to monitoring by a representative of the department and/or the plumbing board at no charge. If the

department determines that the continuing education course does not meet or exceed the minimum requirements for approval, the department may revoke the course approval or reduce the number of credited hours.

(6) Approved courses must be based on:

(a) Currently adopted edition of the *Uniform Plumbing Code and National Electrical Code*;

(b) Chapters 18.106 or 19.28 RCW or chapters 296-400A or 296-46B WAC; or

(c) Materials and methods as they pertain to the industrial practices of plumbing or electrical construction, building management systems, plumbing or electrical maintenance, or workplace health and safety.

(7) Code-update courses must be based on the entire currently adopted Uniform Plumbing Code or National Electrical Code.

Application - for continuing education course approval.

(8) All applications for course approval must be on forms provided by the department. The plumbing board and the department will only consider the written information submitted with the application when considering approval of the continuing education training course.

(9) The department will provide continuing education application forms to sponsors upon request. The course sponsor must submit an original completed application for course approval and three copies (unless submitted electronically using department prescribed technology) to the department. The department must receive the complete course application from the sponsor in writing at least forty-five days before the first class requested for approval is offered.

(10) A complete application for course approval must include:

(a) The appropriate course application fee;

(b) Course title, number of classroom instruction hours, and whether the training is open to the public;

(c) Sponsor's name, address, contact's name and phone number;

(d) Course outline (general description of the training, including specific Uniform Plumbing Code or National Electrical Code articles referenced);

(e) Lists of resources (texts, references, visual aids);

(f) Names and qualifications of instructors. Course instructors must show prior instructor qualification and experience similar to that required by the work force training and education coordinating board under chapter 28C.10 RCW;

(g) Any additional documentation to be considered; and

(h) A sample copy of the completion certificate issued to the course participants.

(11) The course sponsor seeking approval of a continuing education course will be notified of the subcommittee's decision within five days of the completed review of the application.

(12) If the application is not approved, the rejection notice will include an explanation of the reason(s) for rejection. If the course sponsor disagrees with the subcommittee's decision, the course sponsor may request a reconsideration hearing by the full plumbing board. A request to appeal course rejection must be received by the department forty-five days before a regularly scheduled board meeting. The

course sponsor must submit, to the department, any additional information to be considered during the hearing, in writing, at least thirty days before the board hearing. The course sponsor must provide at least twenty copies of any written information to be submitted to the board.

Offering - continuing education course.

(13) The course sponsor may offer an approved course for up to three years without additional approval. However, if the course is classified as code-update or code-related and a new edition of the *Uniform Plumbing Code* or *National Electrical Code* is adopted within the course approval period, the course approval will be considered automatically revoked and the course sponsor must submit a new application for review by the department and approval by the plumbing board subcommittee.

(14) A continuing education course attended or completed by an individual before final approval by the plumbing board subcommittee cannot be used to meet the plumbing certificate renewal requirements.

Documentation - Washington approved training course attendance/completion.

(15) The department is not responsible for providing verification of an individual's continuing education history with the course sponsor.

(16) The course sponsor must provide the department with an accurate and typed course attendance/completion roster for each course given.

(a) The attendance/completion roster must be provided within thirty days of course completion.

(b) In addition, the course sponsor must provide the attendance/completion roster in an electronic format provided by the department.

(c) The attendance/completion roster must show each participant's name, Washington certificate number, course number, location of course, date of completion, and instructor's name. The typed roster must contain the signature of the course sponsor's authorized representative.

(17) If the course sponsor fails to submit the required attendance/completion rosters within thirty days of the course completion, the department may revoke or suspend the course approval.

(18) Course sponsors must award a certificate to each participant completing the course from which the participant will be able to obtain:

(a) Name of course sponsor;

(b) Name of course;

(c) Date of course;

(d) Course approval number;

(e) The number of continuing education units; and

(f) The type of continuing education units.

(19) The department will only use a copy of the sponsor's attendance/completion roster as final evidence that the participant completed the training course.

(20) The department will keep submitted rosters of the continuing education courses on file only for audit purposes. The department is not responsible for the original of any completion certificate issued.

Documentation - out-of-state training course attendance/ completion.

(21) To apply continuing education units earned out-of-state from course sponsors who do not have state of Washington approved courses, one of the following conditions must be met:

(a) The individual must request that the course sponsor submit a complete continuing education course application and requirements as described in this section for in-state courses.

Application for course approval will not be considered more than three years after the date of the course.

(b) The department must have entered into a reciprocal agreement with the state providing course approval.

The participant must provide a copy of an accurate and completed award or certificate from the course sponsor identifying the course location, date of completion, participant's name, and Washington certificate number. The department will only accept a copy of the sponsor's certificate or form as evidence that the participant attended and completed the course.

NEW SECTION

WAC 296-400A-029 What is the implementation schedule for the continuing education course requirements?

• Individuals that renew between July 1, 2005, and June 30, 2006, are required to complete eight hours of continuing education courses.

• Effective July 1, 2006, all renewals will require sixteen hours of continuing education.

AMENDATORY SECTION (Amending WSR 02-14-074, filed 6/28/02, effective 7/1/02)

WAC 296-400A-030 Do I need a temporary permit?

You need a temporary permit if you are an active out-of-state journeyman plumber or a residential specialty plumber residing in a state that does not have a reciprocal agreement with Washington and you would like to work as a plumber in Washington (~~(, you need a temporary permit)~~). Temporary permits are not issued for installers of medical gas piping systems.

Temporary permits are not issued for the backflow assembly maintenance and repair specialty (~~(-This))~~ Therefore, WAC 296-400A-030 through 296-400A-033 do not apply to this specialty.

Type of Fee

Period Covered by Fee

Dollar Amount of Fee

| | | |
|--|---|--------------------------------------|
| Examination application | Per examination | \$(111.80)) <u>115.30</u> |
| ((*))Reciprocity application* | Per application | \$(111.80)) <u>115.30</u> |
| Trainee certificate** | One year | \$(33.50)) <u>34.50</u> |
| Temporary permit (not applicable for backflow assembly maintenance and repair specialty) | 90 days | \$(55.70)) <u>57.40</u> |
| Journeyman or residential specialty certificate*** | Two years (fee may be prorated based on months) | \$(89.60)) <u>92.40</u> |

AMENDATORY SECTION (Amending WSR 02-14-074, filed 6/28/02, effective 7/1/02)

WAC 296-400A-031 How do I qualify for a temporary permit? To qualify for a temporary permit, you must:

(1) Have an active state-issued journeyman plumbers or a residential specialty plumber certificate;

(2) Give the department sufficient qualifying evidence for a journeyman plumber or a residential specialty plumber certificate of competency;

(3) Never have taken the journeyman or a residential specialty plumber competency examination in Washington state; and

(4) Not be an apprentice plumber.

AMENDATORY SECTION (Amending WSR 02-14-074, filed 6/28/02, effective 7/1/02)

WAC 296-400A-035 How can I be placed on inactive status? To be placed on inactive status, you must meet these three requirements:

(1) You must currently be a (~~(currently))~~ certified plumber;

(2) Have your inactive status request submitted and approved by the department prior to the expiration date of your plumbing certificate; and

(3) Not be working in the plumbing trade.

Inactive status means that you are not currently working in the plumbing trade and you are not required to pay the annual certificate renewal fee. If you have been in inactive status for less than five years, you may return to active status, without reexamination, by paying the reinstatement fee shown in WAC 296-400A-045. If you have been in inactive status for five or more years, you are required to reapply and pass the competency examination pursuant to WAC 296-400A-020 and pay the appropriate fees shown in WAC 296-400A-045.

(4) Required to meet a minimum of sixteen hours continuing education with four of the hours being in electrical training before being reinstated.

AMENDATORY SECTION (Amending WSR 03-12-045, filed 5/30/03, effective 6/30/03)

WAC 296-400A-045 What fees will I have to pay? The following are the department's plumbers fees:

(1) Fees related to journeyman and specialty plumber certification:

PERMANENT

| | | |
|---|---|---|
| Backflow assembly maintenance and repair specialty certificate | Two years (fee may be prorated based on months) | \$(61.90) <u>63.80</u> |
| Medical gas endorsement examination application | Per application | \$(41.30) <u>42.60</u> |
| Medical gas endorsement*** | One year | \$(30.90) <u>31.80</u> |
| ((Medical gas endorsement | Less than one year | \$2.50 per month with a minimum fee of \$18.00)) |
| Medical gas endorsement examination fee**** | | See note below. |
| Medical gas endorsement training course fee***** | | See note below. |
| Reinstatement fee for residential and journeyman certificates | | \$(179.20) <u>184.90</u> |
| Reinstatement fee for backflow assembly maintenance and repair specialty certificates | | \$(103.20) <u>106.50</u> |
| Replacement fee for all certificates | | \$(15.40) <u>15.80</u> |
| <u>Refund processing fee</u> | | <u>\$25.00</u> |
| <u>Unsupervised trainee endorsement</u> | | <u>\$25.00</u> |
| <u>Inactive status fee</u> | | <u>\$25.00</u> |
| <u>Certified letter fee</u> | | <u>\$25.00</u> |
| <u>Continuing education new course fee*****</u> | | <u>\$150.00</u> |
| <u>Continuing education renewal course fee*****</u> | | <u>\$75.00</u> |
| <u>Continuing education classes provided by the department</u> | | <u>\$12 per continuing education training hour</u> <u>\$8 per continuing education training hour for correspondence and internet courses</u> |

PERMANENT

- * Reciprocity application is only allowed for applicants that are applying work experience toward certification that was obtained in state(s) ~~((that))~~ with which the department has a reciprocity agreement ~~((with))~~.
- ** The trainee certificate shall expire one year from the date of issuance and must be renewed on or before the date of expiration.
- *** This fee applies to either the original issuance or a renewal of a certificate. If you have passed the plumbers certificate of competency examination or the medical gas piping installer endorsement examination and paid the certificate fee, you will be issued a plumber certificate of competency or a medical gas endorsement that will expire on your birth date.
The annual renewal of a Medical Gas Piping Installer Endorsement shall include a continuity affidavit verifying that brazing work has been performed within the past year.
- **** This fee is paid directly to a nationally recognized testing agency under contract with the department. It covers the cost of preparing and administering the written competency examination and the materials necessary to conduct the practical competency examination required for the medical gas piping system installers endorsement. This fee is not paid to the department.
- ***** This fee is paid directly to a training course provider approved by the department, in consultation with the state advisory board of plumbers. It covers the cost of providing training courses required for the medical gas piping system installer endorsement. This fee is not paid to the department.
- ***** ~~((If more than 90 days the applicant must reapply and pay the applicable fees.))~~ This fee is for a three-year period or code cycle.

(b) In an odd-numbered year, your certificate will expire on your birth date in the next odd-numbered year.

AMENDATORY SECTION (Amending WSR 02-14-074, filed 6/28/02, effective 7/1/02)

WAC 296-400A-120 What do I need to know about plumber trainee certificates (excluding backflow assembly maintenance and repair specialty certification)? (1) Journeyman and specialty plumber trainee certification ~~((excluding backflow assembly maintenance and repair specialty certification))~~:

(a) The department issues separate trainee certificates ~~((according to the following schedule:~~

| Certificate Year | Hours Employed As Plumber Trainee |
|-----------------------------|---|
| First | Less than 2,000 hours |
| Second | More than 1,999 hours but less than 4,000 hours |
| Third | More than 3,999 hours but less than 6,000 hours |
| Fourth | More than 5,999 hours |

~~((b) You may apply for the next year's trainee certificate whenever you have the required documented work hours.~~

~~((c))~~ once a year.

- (2) If your birth year is:
 - (a) In an even-numbered year, your certificate will expire on your birth date in the next even-numbered year.

(b) The plumbing trainee may not apply for renewal more than ninety days prior to the expiration date. Renewed certificates are valid for one year.

(c) All applicants for trainee certificate of renewal must:

(i) Submit a complete renewal application;

(ii) Pay all appropriate fees; and

(iii) Provide accurate evidence on the renewal form that the individual has completed the continuing education requirements described in chapter 296-400A WAC.

(d) If an individual files inaccurate or false evidence of continuing education information when renewing a plumbing trainee certificate, the individual's certificate may be suspended or revoked.

(e) An individual who has not completed the required hours of continuing education cannot renew a trainee certificate.

(f) Individuals will not be able to apply to test for journeyman or specialty residential plumber certificates until the continuing education requirements have been met.

(g) If continuing education hours have not been met, trainee certificates will become expired and any experience obtained by the trainee in expired status will not be credited toward plumbing certificate application.

(h) An individual may renew an expired certificate of competency by submitting a complete renewal application including obtaining and submitting the continuing education required for renewal. However, the certificate will remain in an expired status for the duration of the expired period.

(i) An individual may not renew a revoked trainee certificate.

(j) Apprentices registered in an approved program according to chapter 49.04 RCW who are obtaining class-room training consistent with the continuing education requirements under chapter 18.106 RCW and this chapter, as approved by the department, are deemed to have met the continuing education requirements necessary to renew a trainee certificate.

(k) If you are a trainee applying for a journeyman certificate, you must complete a minimum of two of the required four years in commercial plumbing experience.

((d)) (l) A certified residential specialty plumber working on a commercial job site may work as a journeyman trainee only if they have a current trainee certificate on their person while performing commercial plumbing work.

((e)) (m) On a job site, the ratio of certified plumbers to noncertified plumbers must be:

(i) One residential specialty plumber or journeyman working on a ((specialty)) residential plumbing job site may supervise no more than two trainees.

(ii) One journeyman plumber working on a commercial job site may supervise no more than one trainee or one residential specialty plumber who holds a current trainee certificate.

((f)) (n) A plumber trainee who has a current trainee certificate with the state of Washington and has successfully completed or is enrolled in an approved medical gas piping installer training course may work on medical gas piping systems. Work may only occur when there is direct supervision by an active Washington state certified journeyman plumber with an active medical gas piping installer endorsement

issued by the department. Supervision must be one hundred percent of the working day on a one-to-one ratio.

(2) (~~Backflow assembly maintenance and repair specialty certification.~~ A trainee certificate must be obtained by an individual performing backflow assembly maintenance and repair work that is not a certified plumber provided the individual works under the direct supervision of a certified backflow assembly maintenance and repair specialty, journeyman plumber, or specialty plumber for a minimum of one hundred percent of the time spent performing maintenance and repair work to backflow assemblies located within a residential or commercial building or structure.) Trainee work hours. Trainees shall renew the certificate annually but not more than ninety days before the expiration date.

(a) An annual fee shall be charged for the issuance or renewal of the certificate.

(b) The trainee will not be issued a renewed or reinstated training certificate if the individual owes the department money as a result of an outstanding final judgment.

(c) Trainee hours will not be credited if the trainee owes outstanding penalties for violations of this chapter.

(3) At the time of renewal, the holder shall provide the department with an accurate list of the holder's employers in the plumbing construction industry for the previous annual period. The individual must submit a completed, signed, and notarized affidavit(s) of experience. The affidavit of experience must accurately attest to:

(a) The plumbing installation work performed for each employer the individual worked for in the plumbing trade during the previous period;

(b) The correct plumbing category the individual worked in; and

(c) The actual number of hours worked in each category, worked under the proper supervision of a Washington certified journeyman plumber or residential specialty plumber.

(4) The trainee should ask each employer and/or apprenticeship-training director for an accurately completed, signed, and notarized affidavit of experience for the previous certification period. The employer(s) or apprenticeship training director(s) must provide the previous period's affidavit of experience to the individual within twenty days of the request.

(5) If hours for previous period are not submitted within the thirty days after renewing a plumbing training certificate, the individual may not receive credit for these previous period hours.

AMENDATORY SECTION (Amending WSR 02-14-074, filed 6/28/02, effective 7/1/02)

WAC 296-400A-121 What do I need to know about trainee experience and plumber examination requirements for the journeyman and specialty plumber (excluding the backflow assembly maintenance and repair specialty)? (1) If you possess a trainee certificate:

(a) You may take the residential specialty plumber examination after completing 6,000 hours of documented training.

(b) You may take the journeyman examination after completing 8,000 hours of documented training which must include 4,000 hours of commercial plumbing experience.

(2) All journeyman trainees must work under the direct supervision of a journeyman plumber until they have completed ~~((7,500))~~ 8,000 hours of training. ~~((After completing the 7,500 supervised hours, a trainee may work without direct supervision until they complete 8,000 hours. (See RCW 18.106.070(3).))~~

When 8,000 training hours have been completed, the trainee must take the journeyman examination. Any trainee who has failed the journeyman plumber examination cannot retake the examination for at least one month and must work under the direct supervision of a journeyman plumber until the examination is passed.

(3) To be eligible for the residential specialty plumber's examination, a residential specialty trainee must complete 6,000 hours of training under the direct supervision of either a certified specialty plumber or a journeyman plumber. Any residential specialty trainee who has failed the residential specialty examination, cannot retake the examination for at least one month and must work under the direct supervision of a certified plumber until the examination is passed.

(4) ~~((Any applicant (trainee, specialty plumber or journeyman) who fails an examination, will be required to wait at least one month before retaking the examination. If an applicant fails the second attempt, the waiting period for reexamination will be extended to at least two months. An applicant who fails the examination a third time will have a mandatory waiting period of at least four months.))~~ Effective January 1, 2005, all plumber trainees will be required to meet the current hour requirements to test.

(5) **Apprentice/trade school endorsement requirements.** An individual who has a current journeyman or residential specialty plumber trainee certificate and who has successfully completed or is currently enrolled in an approved apprenticeship program or in a technical school program in the plumbing construction trade in a school approved by the work force training and education coordinating board, may work without direct on-site supervision during the last six months of meeting the practical experience requirements of this chapter. In order to work without direct on-site supervision applicable to the type (residential or journeyman) of training hours for which certification is being sought by the individual. This individual must obtain an apprentice/trade school trainee endorsement by submitting the applicable forms provided by the department and paying the applicable fees. This individual may work without direct on-site supervision until he or she receives the remaining hours required to be eligible to take the applicable examination. This individual may not supervise trainees. (See RCW 18.106.070.)

(6) **Any applicant** (trainee, specialty plumber or journeyman) who fails an examination, will be required to wait at least until the next scheduled examination date and location. Examinations are held the first Thursday of every month, unless that date falls on a holiday. Applications shall be submitted and received by the plumbing certification program office two weeks before the next scheduled date.

AMENDATORY SECTION (Amending WSR 02-14-074, filed 6/28/02, effective 7/1/02)

WAC 296-400A-122 What do I need to know about trainee experience and the backflow assembly maintenance and repair specialty examination requirements?

(1) A trainee certificate must be obtained by an individual performing backflow assembly maintenance and repair work ~~((that))~~ who is not a certified plumber ~~((provided))~~. The individual must work~~((s))~~ under the direct supervision of a certified backflow assembly maintenance and repair specialty, journeyman plumber, or residential specialty plumber for a minimum of one hundred percent of each working day while the backflow assembly maintenance and repair work is being performed.

(2) Each applicant for a backflow assembly maintenance and repair specialty certificate must furnish written evidence that he or she has a valid backflow assembly tester certification administered and enforced by the department of health.

(3) Any applicant who fails an examination~~((;))~~ will be required to wait at least ~~((one month before retaking the examination. If an applicant fails the second attempt, the waiting period for reexamination will be extended to at least two months. An applicant who fails the examination a third time will have a mandatory waiting period of at least four months))~~ until the next scheduled examination date and location. Examinations are held the first Thursday of every month, unless that date falls on a holiday. In the event of a holiday, the examination will be held on the second Thursday of the month. Applications shall be submitted and received by the plumbing certification program office two weeks before the next scheduled examination date.

AMENDATORY SECTION (Amending WSR 02-14-074, filed 6/28/02, effective 7/1/02)

WAC 296-400A-130 What if I make a false statement or a material misrepresentation on an application, an employment report or a trainee certificate? (1) All required applications and annual statements of employment hours are made under oath. Making false statements and/or material misrepresentations carry serious consequences. Any person who knowingly makes a false statement or material misrepresentation on an application, an affidavit of experience or a trainee certificate may have their certificate suspended, revoked, and/or be referred to the county prosecutor for criminal prosecution. In addition, the department may ~~((subtract a maximum of 2,000 employment hours from a trainee's acceptable total hours))~~ issue an infraction for a violation of this chapter.

(2) ~~((The department's decisions, under this section, can be appealed to the advisory board. The appeal hearing will be conducted according to the appropriate provisions of chapter 34.05 RCW.~~

~~((3))~~ The annual statements of employment described in subsection (1) of this section do not apply to the backflow assembly maintenance and repair specialty certification.

NEW SECTION

WAC 296-400A-135 How does the department enforce trainee supervision? (1) A journeyman plumber on each and every commercial job site shall supervise either a residential specialty plumber with a current plumber trainee card or trainee with a current plumber trainee card.

(a) The ratio on each commercial site shall be not more than one residential plumber or one plumber trainee working on any one job site for every certified journeyman plumber working as a journeyman plumber on that site.

(b) The time of supervision shall be a minimum of seventy-five percent of the time spent on each and every job site.

(2) A journeyman plumber or residential specialty plumber on each and every residential specialty job site shall supervise a plumber trainee with a current plumber trainee card.

(a) The ratio on each residential specialty job site shall be not more than two trainees with current plumber trainee cards on any one residential specialty job site for every certified journeyman plumber or residential specialty plumber on that site.

(b) The time of supervision shall be a minimum of seventy-five percent of the time spent on each and every job site.

(3) A journeyman plumber with current medical gas endorsement may supervise either a residential specialty plumber with a current trainee card or a plumber trainee with a current trainee card.

(a) The residential specialty plumber or the plumber trainee has to have successfully completed or is currently enrolled in an approved medical gas piping installer training course approved by the department.

(b) The residential specialty plumber or other plumber trainee is under the direct supervision of a certified medical gas journeyman plumber on one-to-one ratio for one hundred percent of the time on each and every medical gas site.

(4) A backflow specialty plumber, a journeyman plumber or a residential specialty plumber shall supervise a backflow trainee to do maintenance and repair work on every backflow assembly on potable water systems, inside every commercial or residential building. The ratio shall be one-to-one for one hundred percent of the time on every job site.

AMENDATORY SECTION (Amending WSR 02-14-074, filed 6/28/02, effective 7/1/02)

WAC 296-400A-140 How does the department enforce plumbers certification requirements? The department enforces plumber certification requirements by means of job-site inspections conducted by an authorized representative of the department (~~(compliance inspectors)~~). The ~~(inspector)~~ representative must determine whether:

(1) Each person doing plumbing work has a proper certificate on their person; and

(2) The ratio of certified specialty and/or journeyman plumbers to certified trainees is correct; and

(3) Each certified trainee is directly supervised by either a certified specialty plumber or a certified journeyman; and

(4) Persons who are installing medical gas piping systems have active medical gas piping installer endorsements in addition to their active plumber certification.

(5) Persons who are certified as backflow assembly maintenance and repair specialties must have an active backflow assembly tester certification from the department of health.

NEW SECTION

WAC 296-400A-150 May the department audit the records of a contractor? Yes, for any reason such as: Dispatching, ratio, supervision, excessive hours, and certification. The department may audit the records of contractors as authorized under RCW 18.106.320 when the department has reason to believe that a violation of the plumbing certification laws has occurred.

NEW SECTION

WAC 296-400A-155 Audit of trainee hours. (1) The department, under RCW 18.106.320, may audit the employment records of the plumbing contractor or employer who verified the plumbing trainee hours.

(2) Every contractor must keep a record of trainee employment so the department may obtain the necessary information to verify plumbing trainee work experience.

(a) The contractor must keep the records of jobs performed for a least five years.

(b) Upon request, these records must be made available to the department for inspection within seven business days.

(3) The contractor must maintain time cards or similar records to verify:

(a) The number of hours the trainee worked as a supervised trainee by category.

(b) The type of plumbing work the trainee performed (e.g., commercial or residential).

(4) Any information obtained from the trainee's contractor or employer during the audit under the provisions of RCW 18.106.320 is confidential and is not open to public inspection under chapter 42.17 RCW.

(5) The department's audit may include, but will not be limited to, the following:

(a) An audit to determine whether the trainee was employed by the contractor or employer during the period for which the hours were submitted, the actual number of hours the trainee worked, and the category of plumbing work performed; and

(b) An audit covering a specific time period and examination of a contractor's or employer's books and records which may include their reporting of the trainee's payroll hours required for industrial insurance, employment security or prevailing wage purposes.

AMENDATORY SECTION (Amending WSR 98-13-126, filed 6/17/98, effective 7/20/98)

WAC 296-400A-300 What procedures does the department follow when issuing a notice of infraction? (1) If ~~(a compliance inspector)~~ an authorized representative of the department determines that an individual has violated plumber certification requirements, including medical gas piping installer endorsement requirements, the department

must issue a notice of infraction describing the reasons for the infraction.

(2) For plumber certification violations, the department may issue a notice of infraction to either:

(a) An individual who is plumbing without a current plumber certificate; or

(b) The employer of the individual who is plumbing without a current plumber certificate; or

(c) The employer's authorizing agent or foreman that made the work assignment to the individual who is plumbing without a current plumber certificate.

(3) For medical gas piping installer endorsement violations, the department may issue a notice of infraction to either:

(a) An individual who is installing medical gas piping systems without a current plumber certificate and a current medical gas piping installer endorsement; or

(b) The employer of the individual who is installing medical gas piping systems without a current plumber certificate and a current medical gas piping installer endorsement; or

(c) The employer's authorizing agent or foreman that made the work assignment to the individual who is installing medical gas piping systems without a current plumber certificate and a current medical gas piping installer endorsement.

(4) The department may issue an infraction to a contractor advertising or performing work under this chapter or chapter 18.27 RCW who is not properly registered under chapter 18.27 RCW.

(5) An individual may appeal a notice of infraction by complying with the appropriate provisions of RCW 18.106-220.

~~((5))~~ (6) If good cause is shown, an administrative law judge may waive, reduce or suspend any monetary penalties resulting from the infraction.

~~((6))~~ (7) Any monetary penalties collected under this chapter, must be deposited in the plumbing certificate fund.

AMENDATORY SECTION (Amending WSR 97-11-052, filed 5/20/97, effective 6/30/97)

WAC 296-400A-400 What are the monetary penalties for violating certification requirements? (1) A person cited for an infraction under RCW 18.106.020 ~~((3)(a), (b) or (e)-must))~~ or 18.106.320 shall be assessed a monetary penalty based upon the following schedule:

(a) Individual

| | |
|---|--------------------------|
| First Infraction | \$250.00 |
| Second Infraction | \$500.00 |
| Third Infraction | \$750.00 |
| Fourth ((Infraction)) and each additional infraction | Not more than \$1,000.00 |

(b) Contractor or Dispatcher

| | |
|---|---------------------------------|
| <u>First Infraction</u> | <u>\$250.00</u> |
| <u>Second Infraction</u> | <u>\$500.00</u> |
| <u>Third and each additional infraction</u> | <u>Not more than \$1,000.00</u> |

(2) Each day a person is in violation ~~((must be))~~ is considered a separate infraction.

(3) Each job site at which a person is in violation ~~((must be))~~ is considered a separate infraction.

AMENDATORY SECTION (Amending WSR 97-11-052, filed 5/20/97, effective 6/30/97)

WAC 296-400A-425 What if I owe outstanding penalties related to a department issued plumber infraction? The department may deny your application or renewal of your certificate ~~((of competency))~~ or endorsement if you owe outstanding penalties. The department must notify you of their denial by registered mail, return receipt requested. This notice of denial will be mailed to the address on your application.

Upon receipt of the notice, you have twenty days to file a notice of appeal with the department. Your notice of appeal must be accompanied by a certified check for two hundred dollars. This amount will be returned to you if the department's decision is not upheld by the hearings officer. If the hearings officer upholds the department's decision, the two hundred dollars ~~((must))~~ will be applied to the cost of the hearing.

The office of administrative hearings shall conduct the hearing under chapter 34.05 RCW.

WSR 04-12-047

PERMANENT RULES

DEPARTMENT OF

LABOR AND INDUSTRIES

[Filed May 28, 2004, 10:09 a.m., effective June 30, 2004]

Date of Adoption: May 28, 2004.

Purpose: Safety regulations and fees for all elevators, dumbwaiters, escalators and other conveyances, chapter 296-96 WAC.

This rule making adopts the following:

- Changes to the elevator rules in response to the following legislation that passed in the 2002, 2003 and 2004 legislative sessions:
 - Chapter 98, Laws of 2002 (SHB 2629)
 - Chapter 143, Laws of 2003 (ESSB 5942)
 - Chapter 66, Laws of 2004 (SB 6650)
- Most recent versions of the American Society of Mechanical Engineers national standards for elevators, escalators, and other conveyances, with exceptions and state specific requirements;
- Necessary policy into rule;
- Feedback and recommendations of the Elevator Safety Advisory Committee and various other stakeholders;
- Clarifying and housekeeping changes.

Citation of Existing Rules Affected by this Order: Repealing WAC 296-96-01080, 296-96-02365 and 296-96-11000; and amending WAC 296-96-00500, 296-96-00600, 296-96-00650, 296-96-00700, 296-96-00800, 296-96-01000, 296-96-01005, 296-96-01010, 296-96-01027, 296-96-01035,

PERMANENT

296-96-01070, 296-96-02240, 296-96-02275, 296-96-02277, 296-96-02278, 296-96-02280, 296-96-02281, 296-96-02310, 296-96-02315, 296-96-02320, 296-96-02325, 296-96-02330, 296-96-02340, 296-96-02350, 296-96-02360, 296-96-05010, 296-96-05030, 296-96-05070, 296-96-05160, 296-96-05170, 296-96-05230, 296-96-05290, 296-96-07010, 296-96-07080, 296-96-07100, 296-96-07170, 296-96-07180, 296-96-07190, 296-96-07200, 296-96-07230, 296-96-07250, 296-96-08010, 296-96-08020, 296-96-08030, 296-96-08050, 296-96-08060, 296-96-08090, 296-96-08100, 296-96-08110, 296-96-08140, 296-96-08150, 296-96-08160, 296-96-08170, 296-96-08175, 296-96-08180, 296-96-08190, 296-96-08200, 296-96-08220, 296-96-08230, 296-96-08250, 296-96-09002, 296-96-11001, 296-96-11016, 296-96-11019, 296-96-11022, 296-96-11045, 296-96-11057, 296-96-11078, 296-96-14045, 296-96-14060, 296-96-14070, 296-96-14080, 296-96-16040, 296-96-16150, 296-96-23100, 296-96-23101, 296-96-23151, 296-96-23240, 296-96-23270, 296-96-23287, and 296-96-23610.

Statutory Authority for Adoption: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185, 70.87.190, chapter 98, Laws of 2002 (SHB 2629), chapter 143, Laws of 2003 (ESSB 5942) and chapter 66, Laws of 2004 (SB 6650).

Adopted under notice filed as WSR 04-08-087 on April 6, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 66, Amended 81, Repealed 3.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 66, Amended 81, Repealed 3.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 66, Amended 81, Repealed 3.

Effective Date of Rule: June 30, 2004.

May 28, 2004
Paul Trause
Director

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-00500 Scope, purpose, and authority.

This chapter is authorized by chapter 70.87 RCW covering elevators, lifting devices, ~~((and))~~ moving walks, and other conveyances. The purpose of this chapter is to:

(1) Provide for the safe design, mechanical and electrical operation, ~~((construction, installation, alteration, inspection, relocation, and repair of conveyances))~~ and inspection of conveyances, and performance of conveyance work;

(2) Ensure that all such operation, ~~((construction, installation, alteration, inspection, and repair))~~ design inspection, and conveyance work subject to the provisions of this chapter will be reasonably safe to persons and property and in conformity with the provisions of this chapter and the applicable statutes of the state of Washington.

(3) Establish and ensure compliance with the minimum standards for becoming a licensed elevator contractor and/or licensed elevator mechanic performing work on elevators or other conveyances covered by chapter 70.87 RCW and this chapter.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-00600 What rules apply to your conveyance? Elevators and other conveyances must comply with the rules adopted by the department that were in effect at the time the conveyance was permitted, regardless of whether the rule(s) has been repealed, unless any new rule specifically states that it applies to all ~~((elevators))~~ conveyances, regardless of when the ~~((elevator))~~ conveyance was permitted. Copies of previous rules adopted by the department are available upon request.

Please note, if the ~~((elevator))~~ conveyance is altered ~~((it))~~ the components associated with the alteration must comply with all of the applicable rules adopted by the department in effect at the time the conveyance was altered. If the department determines that a conveyance was altered without a permit and inspection, the alteration will be required to comply with the applicable rules adopted by the department at the time the noncompliant alteration was identified.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-00650 Which National Elevator Codes and Supplements has the department adopted?

| NATIONAL ELEVATOR CODES AND SUPPLEMENTS ADOPTED | | | | |
|---|---|--------------------|------------|---|
| TYPE OF CONVEYANCE | NATIONAL CODE AND SUPPLEMENTS | DATE INSTALLED | | COMMENTS |
| | | FROM | TO | |
| Elevators, Dumbwaiters, Escalators | American Standard Safety Code (ASA) A17.1, 1960 | Prior to 11/1/1963 | | Adopted Standard Part X of ASA applies to all installations in existence prior to 11/1/63. |
| Elevators, Dumbwaiters, Escalators | American Standard Safety Code (ASA) A17.1, 1960 | 11/1/1963 | 12/29/1967 | Adopted Standard |
| Moving Walks | American Safety Association A17.1.13, 1962 | 11/1/1963 | 12/29/1967 | Adopted Standard |

| NATIONAL ELEVATOR CODES AND SUPPLEMENTS ADOPTED | | | | |
|--|---|--------------------------------------|---|---|
| TYPE OF CONVEYANCE | NATIONAL CODE AND SUPPLEMENTS | DATE INSTALLED | | COMMENTS |
| | | FROM | TO | |
| Elevators, Dumbwaiters, Escalators, and Moving Walks | U.S.A. Standards (USAS) USAS A17.1, 1965; Supplements A17.1a, 1967; A17.1b, 1968; A17.1c, 1969; | 12/30/1967 | 2/24/1972 | Adopted Standard USAS 1965 includes revision and consolidation of A17.1-1, 1960, A17.1a, 1963, and A17.1-13, 1962. Adopted code and supplements, excluding Appendix E and ANSI 17.1d, 1970. |
| Elevators, Dumbwaiters, Escalators, and Moving Walks | American National Standard Institute ANSI A17.1, 1971 | 2/25/1972 | 6/30/1982 | Adopted Standard as amended and revised through 1971. |
| Elevators, Dumbwaiters, Escalators, and Moving Walks | ANSI A17.1, 1971; A17.1a, 1972 | 2/25/1972 | 6/30/1982 | Adopted Supplement |
| Elevators, Dumbwaiters, Escalators, and Moving Walks | ANSI A17.1, 1981 | 7/1/1982 | 1/9/1986 | Adopted Standard |
| Elevators, Dumbwaiters, Escalators, and Moving Walks | ANSI A17.1a, 1982 | 3/1/1984 | 1/9/1986 | Adopted Supplement |
| Elevators, Dumbwaiters, Escalators, and Moving Walks | ANSI A17.1b, 1983 | 12/1/1984 | 1/9/1986 | Adopted Supplement, except portable escalators covered by Part VIII of A17.1b, 1983. |
| Elevators, Dumbwaiters, Escalators, and Moving Walks | ANSI A17.1, 1984 | 1/10/1986 | 12/31/1988 | Adopted Standard Except Part XIX. After 11/1/1988 Part II, Rule 211.3b was replaced by WAC 296-81-275. |
| Elevators, Dumbwaiters, Escalators, and Moving Walks | ANSI A17.1a, 1985 | 1/10/1986 | 12/31/1988 | Adopted Supplement |
| Elevators, Dumbwaiters, Escalators, and Moving Walks | ANSI A17.1b, 1985; A17.1c, 1986; A17.1d, 1986; and A17.1e, 1987 | 12/6/1987 | 12/31/1988 | Adopted Supplement |
| Elevators, Dumbwaiters, Escalators, and Moving Walks | ANSI A17.1, 1987 | 1/1/1989 | 12/31/1992 | Adopted Standard Except Part XIX and Part II, Rule 211.3b. WAC 296-81-275 replaced Part II, Rule 211.3b. |
| Elevators, Dumbwaiters, Escalators, and Moving Walks | ANSI A17.1, 1990 | 1/1/1993 | 2/28/1995 | Adopted Standard Except Part XIX and Part V, Section 513. Chapter 296-94 WAC replaced Part V, Section 513. |
| Elevators, Dumbwaiters, Escalators, and Moving Walks | ANSI A17.1, 1993 | 3/1/1995 | 6/30/1998 | Adopted Standard Except Part XIX and Part V, Section 513. Chapter 296-94 WAC replaced Part V, Section 513. |
| Elevators, Dumbwaiters, Escalators, and Moving Walks | ASME A17.1, 1996 | 6/30/1998 | ((Current)) <u>Effective date of these rules</u> | Adopted Standard Except Part V, Section 513. |
| <u>Elevators, Dumbwaiters, Escalators, and Moving Walks</u> | <u>ASME A17.1, 2000; A17.1a, 2002; A17.1b, 2003</u> | <u>Effective date of these rules</u> | <u>Current</u> | <u>Adopted Standards and Addenda Except Rules 2.4.12.2, 8.6.5.8 and Sections 5.4, 7.4, 7.5, 7.6, 7.9, 7.10, 8.10.1.1.3 and 8.11.1.1.</u> |
| <u>Safety Standards for Platform Lifts and Stairway Chairlifts</u> | <u>ASME A18.1, 1999; A18.1a, 2001; A18.1b, 2001</u> | <u>Effective date of these rules</u> | <u>Current</u> | <u>Adopted Standards and Addenda.</u> |

Note: Copies of codes and supplements can be obtained from The American Society of Mechanical Engineers, Order Department, 22 Law Drive, Box 2900, Fairfield, New Jersey, 07007-2900 or by visiting www.asme.org.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-00700 Chapter definitions. The following ((general)) definitions apply to this chapter (see RCW 70.87.010 for additional definitions necessary for use with this chapter):

"ANSI" means the American National Standard Institute.

"ASA" means the American Safety Association.

"ASME" means the American Society of Mechanical Engineers.

~~("Automobile parking elevator" means an elevator that is located in either a stationary or horizontally moving hoistway and is used exclusively for parking automobiles.~~

~~(a) During the parking process, each automobile moves onto or off of the elevator under its own power or by a power driven transfer device into parking spaces or cubicles directly in line with the elevator.~~

~~(b) Normally, no person is stationed on any level except the receiving level.~~

~~"Belt manlift" means a power driven endless belt with steps or platforms and handholds used for the transportation of personnel from floor to floor.~~

~~"Boat launching elevator" means an elevator that:~~

~~(a) Serves a boat launching structure and a beach or water surface; and~~

~~(b) Is used for carrying or handling boats in which people ride.~~

~~"Casket lift" means a lift that:~~

~~(a) Is installed at a mortuary;~~

~~(b) Is designed exclusively for carrying caskets;~~

~~(c) Moves in guides in basically a vertical direction; and~~

~~(d) Serves two or more floors or landings.~~

~~"Code" refers to nationally accepted codes (i.e. ASME, ANSI, ASA, and NEC) and/or the Washington Administrative Code.~~

~~"Conveyance" means an elevator, escalator, dumbwaiter, belt manlift, automobile parking elevator, moving walk, as well as, other elevating devices defined in this chapter.~~

~~"Department" means the department of labor and industries.~~

~~"Director" means the director of the department or the director's representative.~~

~~"Direct plunger hydraulic elevator" means a hydraulic elevator with a plunger or cylinder attached to the car frame or platform.~~

~~"Dumbwaiter" means a hoisting and lowering mechanism equipped with a car that:~~

~~(a) Moves in guides in substantially a vertical direction;~~

~~(b) Has a floor area that does not exceed 9 square feet;~~

~~(c) Has an inside height that does not exceed 4 feet;~~

~~(d) Has a capacity that does not exceed 500 pounds; and~~

~~(e) Is used exclusively for carrying materials.~~

~~"Electric elevator" means an elevator powered by an electric driving machine.~~

~~"Electro hydraulic elevator" means a direct plunger elevator where a pump driven by an electric motor pumps liquid, under pressure, directly into the cylinder.~~

~~"Elevator" means:~~

~~(1) A hoisting or lowering machine;~~

~~(2) Equipped with a car or platform that moves in guides; and~~

~~(3) Serves two or more floors or landings of a building or structure.~~

~~"Escalator" means a power driven, inclined, continuous stairway used for raising and lowering passengers.~~

~~"Freight elevator" means an elevator:~~

~~(a) Used primarily for carrying freight; and~~

~~(b) Whose passengers are limited to the operator, people needed to load and unload freight, and other employees approved by the department.~~

~~"Hand elevator" means an elevator where manual energy moves the car.~~

~~"Hydraulic elevator" means an elevator powered by a plunger or piston moved by pressurized liquid in a cylinder.~~

~~"Inclined elevator" means an elevator that travels at an inclined angle of 70 degrees or less from the horizontal.~~

~~"Inspector" means a department elevator inspector or an inspector in a municipality with an elevator ordinance in effect according to RCW 70.87.200.~~

~~"Limited use/limited application elevator (LULA)" means a powered passenger elevator whose use and application is limited by size, capacity, speed, and rise. It is principally used for vertically transporting people with physical disabilities.~~

~~"Maintained pressure hydraulic elevator" means a direct plunger elevator where pressurized liquid is always available for transfer into the cylinder.~~

~~"Material hoist" means a hoist that is:~~

~~(a) Not part of a permanent structure;~~

~~(b) Installed inside or outside buildings during construction, alteration, or demolition;~~

~~(c) Used to raise or lower materials associated with the building project; and~~

~~"Material lift" means a lift that is not part of a conveying system and is:~~

~~(a) Permanently installed in a commercial or industrial area;~~

~~(b) Not accessible to the general public or intended to be operated by the general public.~~

~~"Moving walk" means a passenger carrying device on which:~~

~~(a) Passengers stand or walk; and~~

~~(b) The carrying surface remains parallel to its direction of motion.~~

~~"Multideck elevator" means an elevator having two or more compartments located one immediately above the other.~~

~~"NEC" means the National Electrical Code.~~

~~"Observation elevator" means an elevator designed for exterior viewing by passengers while the car is traveling.~~

~~"One man capacity manlift" means a single passenger device that:~~

~~(a) Is either hand powered counterweighted or electric powered;~~

~~(b) Travels vertically in guides; and~~

~~(c) Serves two or more landings.~~

~~"Owner" means any person having title to or control of a conveyance, as guardian, trustee, lessee, or otherwise.~~

"Passenger elevator" means an elevator used to carry passengers but may also be used to carry freight or materials if the load does not exceed the capacity of the elevator.

"Permit" means a permit issued by the department to construct, alter, install, relocate, or operate a conveyance.

"Person" means an individual, this state, a political subdivision of this state, any public or private corporation, any firm, or any other entity.

"Personnel hoist" means a hoist that is:

- (a) Not part of a permanent structure;
- (b) Installed inside or outside buildings during construction, alteration or demolition;
- (c) Used to raise or lower workers and other persons associated with the building project; and
- (d) Used for the transportation of materials when necessary.

"Power elevator" means an elevator using energy, other than gravitational or manual energy, to move the car.

"Private residence conveyance" means a conveyance installed in or on the premises of a single family dwelling and used to transport people or property from one elevation to another.

"Rack and pinion elevator" means a power elevator, with or without counterweights, supported, raised and lowered by a motor(s) driving a pinion(s) on a stationary rack mounted in the hoistway.

"Rooftop elevator" means a powered passenger or freight elevator that operates between a roof level landing and a landing below and opens, horizontally, onto a building roof.

"Roped hydraulic elevator" means a hydraulic elevator with its plunger or piston coupled to the car by wire ropes and sheaves.

"Screw column elevator" means a powered elevator with a non-counterweighted car supported, raised and lowered by a screw thread.

"Sidewalk elevator" means a freight elevator that operates between the sidewalk or other areas outside a building and the building floor levels below; and

- (a) At its upper travel limit, has no landing opening into the building; and
- (b) Is not used to carry automobiles.

"Special purpose personnel elevator" means an elevator that is limited in size, capacity, and speed and is:

- (a) Permanently installed in grain elevators, radio antennas, bridge towers, underground facilities, dams, power plants and similar structures; and
- (b) Used to vertically transport authorized personnel, their tools and equipment.

"Stairway chair lift" means a lift that travels in an inclined direction and is designed for use by disabled persons.

"USAS" means the U.S.A. Standards.

"WAC" means the Washington Administrative Code.

"Wheelchair lift" means a lift that travels in a vertical or inclined direction and is designed for use by wheelchair users.

"Workmen's construction elevator" means a permanent elevator used temporarily during construction for personnel and materials.)) **"Acceptable proof"** refers to the documentation that must be provided to the department dur-

ing the elevator contractor and mechanic license application and renewal process. Acceptable proof may include department-approved forms documenting years of experience, affidavits, letters from previous employers, declarations of experience, education credits, copies of contractor registration information, etc. Additional documentation may be requested by the department to verify the information provided on the application.

"Code" refers to nationally accepted codes (i.e., ASME, ANSI, ASA, and NEC) and/or the Washington Administrative Code.

"Decommissioned conveyance" means an installation whose power feed lines have been disconnected and:

(a) A traction elevator, dumbwaiter, or material lift whose suspension ropes have been removed, whose car and counterweight rests at the bottom of the hoistway, and whose hoistway doors have been permanently barricaded or sealed in the closed position on the hoistway side;

(b) A hydraulic elevator, dumbwaiter, or material lift whose: Car rests at the bottom of the hoistway, pressure piping has been disassembled and a section removed from the premises, hoistway doors have been permanently barricaded or sealed in the closed position on the hoistway side, suspension ropes have been removed and counterweights, if provided, landed at the bottom of the hoistway; or

(c) An escalator or moving walk whose entrances have been permanently barricaded.

"Final judgment" means any money that is owed the department as the result of an individual's or firm's unsuccessful appeal of a civil penalty. Final judgment also includes any penalties assessed against an individual or firm owed the department as a result of an unappealed civil penalty or any outstanding fees due under chapter 70.87 RCW and this chapter.

"General direction—Installation and alteration work" means the necessary education, assistance, and supervision provided by a licensed elevator mechanic (in the appropriate category) who is on the same job site as the helper/apprentice at least seventy-five percent of each working day. The ratio of helper to mechanic shall be one-to-one.

"General direction—Maintenance work" means the necessary education, assistance, and supervision provided by a licensed elevator mechanic (in the appropriate category) to ensure that the maintenance work is performed safely and to code.

"Lockout" means the placement of a lockout device on an energy isolating device, in accordance with an established procedure, ensuring that the energy isolating device and the equipment being controlled cannot be operated until the lockout device is removed.

"Primary point of contact" is the designated individual employed by a licensed elevator contractor.

"Red tag" or **"red tag status"** means an elevator or other conveyance that has been removed from service and operation because of noncompliance with chapter 70.87 RCW and this chapter or at the request of the owner.

"Private residence elevator" (residential elevator) means a power passenger elevator which is limited in size, capacity, rise and speed and is installed in a private residence or multiple dwelling as a means of access to a private resi-

dence provided the elevators are so installed that they are not accessible to the general public or to other occupants in the building.

"RCW" means the Revised Code of Washington.

"Tagout" means the placement of a tagout device on an energy isolating device, in accordance with an established procedure, to indicate that the energy isolating device and the equipment being controlled may not be operated until the tagout device is removed.

"Traction elevator" means an elevator in which the friction between the hoist ropes and the machine sheave is used to move the elevator car.

"USAS" means the U.S.A. Standards.

"WAC" means the Washington Administrative Code.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-00800 Advisory committee on conveyances. (1) The purpose of the advisory committee is to advise the department on the adoption of regulations that apply to conveyances; methods of enforcing and administering the elevator law, chapter 70.87 RCW; and matters of concern to the conveyance industry and to the individual installers, owners and users of conveyances.

(2) The advisory committee consists of ~~((five persons))~~ seven members appointed by the director ~~((of the department with the advice of the chief of the elevator section))~~ or his or her authorized representative.

(3) The committee members shall serve four years. However, if a member is unable to fulfill his or her obligations, a new member may be appointed.

(4) The committee shall meet on the third Tuesday of February, May, August, and November of each year, and at other times at the discretion of the chief of the elevator section. ~~((The committee members shall serve without per diem or travel expenses.))~~

(5) The chief of the elevator section shall be the secretary for the advisory committee.

(6) An advisory committee member may appoint an alternate to attend meetings in case of conflict or illness.

NEW SECTION

WAC 296-96-00805 Appeal rights and hearings. (1) Chapter 70.87 RCW provides the authority for the duties and responsibilities of the department. Except as provided in chapter 70.87 RCW and this chapter, all appeals and hearings will be conducted according to chapter 34.05 RCW, the Administrative Procedure Act and chapter 10-08 WAC, Model Rules of Procedure.

(2) A person who contests a notice of violation or infraction issued by the department may request a hearing. The request for a hearing must be:

(a) In writing;

(b) Accompanied by a certified or cashier's check, payable to the department, for two hundred dollars; and

(c) Postmarked or received by the department within fifteen days after the person receives the department's violation notice.

(3) In all appeals of chapter 70.87 RCW and this chapter the appellant has the burden of proof by a preponderance of the evidence.

PART B - ((REGULATIONS)) LICENSES AND FEES FOR ALL ELEVATORS, DUMBWAITERS, ESCALATORS AND OTHER CONVEYANCES

NOTE: Total fees include the sum of the permit cost plus plan check fees.

NEW SECTION

WAC 296-96-00900 In general, who is required to be licensed under this chapter? (1) Any person, firm, or company wishing to engage in the business of conveyance work regulated under chapter 70.87 RCW and this chapter must be a licensed elevator contractor.

(2) Any person wishing to perform conveyance work regulated under chapter 70.87 RCW and this chapter must be a licensed elevator mechanic employed by a licensed elevator contractor.

NEW SECTION

WAC 296-96-00902 Are there exceptions from the elevator mechanic licensing requirements? Yes.

(1) Elevator mechanic licenses issued under chapter 70.87 RCW and this chapter are not required for:

(a) Individuals who install signal systems, fans, electric light fixtures, illuminated thresholds and feed wires to the terminals on the elevator main line control provided that the individual does not require access to the pit, hoistway, or top of the car for the installation of these items.

(b) An owner or regularly employed employee of the owner performing only maintenance work of conveyances in accordance with RCW 70.87.270.

(2) Elevator mechanic licenses may not be required for certain types of incidental work that is performed on conveyances when the appropriate lockout and tagout procedures have been performed by a licensed elevator mechanic in the appropriate category. The department must be notified and must approve the scope of work prior to it being performed.

NEW SECTION

WAC 296-96-00903 Are there exceptions from the elevator contractor licensing requirements? Yes. Elevator contractor licenses issued under chapter 70.87 RCW and this chapter are not required for:

(1) An owner or regularly employed employee of the owner performing only maintenance work of conveyances in accordance with RCW 70.87.270.

(2) A public agency that employs licensed elevator mechanics to perform maintenance.

NEW SECTION

WAC 296-96-00904 What must you do to become and remain a licensed elevator contractor? (1) Obtain and maintain a valid specialty or general contractor registration

PERMANENT

under chapter 18.27 RCW to engage in the business of conveyance work.

(2) Complete and submit a department-approved application. As part of the application:

(a) Specify the employee who is the licensed elevator contractor's primary point of contact.

(b) The person, firm or company who is applying for the elevator contractor's license must:

(i) Provide acceptable proof to the department that shows that the person, firm, or company has five years of work experience in performing conveyance work as verified by current and previous elevator contractor licenses to do business; or

(ii) Pass a written examination administered by the department on chapter 70.87 RCW and this chapter. (In the case of a firm or company, the exam will be administered to the designated primary point of contact.)

(iii) Failure to pass the examination will require the submittal of a new application.

(3) Pay the fees specified in WAC 296-96-00922.

(4) The department may deny application of a license under this section if the applicant owes outstanding final judgments to the department.

(5) If the primary point of contact identified in subsection (2)(a) of this section separates employment, his/her relationship or designation is terminated, or death of the designated individual occurs, the elevator contractor must, within ninety days, designate a new individual who has successfully completed the elevator contractor examination and inform the department of the change in writing or the elevator contractor license will be automatically suspended.

NEW SECTION

WAC 296-96-00906 What must you do to become a licensed elevator mechanic? (1) Qualify for licensing:

(a) For conveyance work covered by all categories identified in WAC 296-96-00910 except material lifts (05), residential conveyances (06), residential inclined elevators (07) and temporary licenses (09), the applicant must comply with the applicable mechanic licensing requirements as follows:

(i) Test.

(A) The applicant must provide acceptable proof to the department that shows the necessary combination of documented experience and education credits in the applicable license category (see WAC 296-96-00910) of not less than three years' work experience in the elevator industry performing conveyance work as verified by current and previous employers licensed to do business in this state or as an employee of a public agency; and

(B) Pass an examination administered by the department on chapter 70.87 RCW and this chapter.

(ii) Grandfather.

(A) Before October 1, 2004, the applicant must provide acceptable proof to the department that shows the necessary combination of documented experience and education credits in the applicable license category (see WAC 296-96-00910) of not less than three years' work experience in the elevator industry, performing conveyance work, as verified by current

and previous employers licensed to do business in this state or as an employee of a public agency; and

(B) Have worked without direct and immediate supervision for an elevator contractor licensed to do business in this state or as an employee of a public agency. This employment may not be less than three years immediately before March 1, 2004.

(iii) National exam/education.

(A) Have obtained a certificate of completion and successfully passed the mechanic examination of a nationally recognized training program for the elevator industry such as the National Elevator Industry Educational Program or its equivalent; or

(B) Have obtained a certificate of completion of an apprenticeship program for an elevator mechanic, having standards substantially equal to those of chapter 70.87 RCW and this chapter, and registered with the Washington state apprenticeship and training council under chapter 49.04 RCW.

(iv) Reciprocity. The applicant must provide acceptable proof to the department that shows that the applicant is holding a valid license from a state having entered into a reciprocal agreement with the department and having standards substantially equal to those of chapter 70.87 RCW and this chapter.

(b) For conveyance work performed on material lifts as identified in WAC 296-96-00910(5):

(i) Test.

(A) The applicant and the licensed elevator contractor/employer must comply with the provisions of RCW 70.87-245; and

(B) The applicant must pass an examination administered by the department on chapter 70.87 RCW and this chapter;

(ii) Grandfather.

(A) Before October 1, 2004, the applicant must provide acceptable proof to the department that shows the necessary combination of documented experience and education credits in the material lift license category (see WAC 296-96-00910) performing conveyance work on material lifts, as verified by current and previous employers licensed to do business in this state; and

(B) Worked without direct and immediate supervision for an elevator contractor licensed to do business in this state. This employment may not be less than three years immediately before March 1, 2004.

(c) For residential conveyance work covered by category (06) as identified in WAC 296-96-00910:

(i) Test.

(A) The applicant must provide acceptable proof to the department that shows the necessary combination of documented experience and education credits in the applicable license category (see WAC 296-96-00910) of not less than two years' work experience in the elevator industry performing conveyance work as verified by current and previous employers licensed to do business in this state; and

(B) Pass an examination administered by the department on chapter 70.87 RCW and this chapter.

(ii) Grandfather.

(A) Before October 1, 2004, the applicant must provide acceptable proof to the department that shows the necessary combination of documented experience and education credits in the residential conveyance license category (see WAC 296-96-00910) performing conveyance work on residential inclined and vertical wheelchair lifts and stair chairlifts, as verified by current and previous employers licensed to do business in this state; and

(B) Worked without direct and immediate supervision for an elevator contractor licensed to do business in this state. This employment may not be less than two years immediately before March 1, 2004.

(d) For residential inclined conveyance work covered by category (07) as identified in WAC 296-96-00910;

(i) Test.

(A) The applicant must provide acceptable proof to the department that shows the necessary combination of documented experience and education credits in the applicable license category (see WAC 296-96-00910) of not less than one year's work experience in the elevator industry or not less than three years' documented experience and education credits in conveyance work as described in category (01) performing conveyance work as verified by current and previous employers licensed to do business in this state; and

(B) Pass an examination administered by the department on chapter 70.87 RCW and this chapter.

(ii) Grandfather.

(A) Before October 1, 2004, the applicant must provide acceptable proof to the department that shows the necessary combination of documented experience and education credits in the residential inclined conveyance license category (see WAC 296-96-00910) performing conveyance work on residential inclined conveyances, as verified by current and previous employers licensed to do business in this state; and

(B) Worked without direct and immediate supervision for an elevator contractor licensed to do business in this state. This employment may not be less than one year immediately before March 1, 2004.

(e) For temporary mechanic licenses as identified in WAC 296-96-00910 category (09) the applicant must provide acceptable proof from a licensed elevator contractor that attests that the temporary mechanic is certified as qualified and competent to perform work under chapter 70.87 RCW and this chapter.

(2) Complete and submit a department-approved application.

(a) **Applications received before October 1, 2004.** If an applicant who meets subsection (1)(d)(i)(A) of this section, who applies before October 1, 2004, and is required to take an examination under the provisions of this section, the applicant may perform the duties of a licensed elevator mechanic until the applicant has been provided notice by the department of the results of his/her examination.

(b) **Applications received on or after October 1, 2004.** An applicant who is required to take an examination under the provisions of this section may not perform the duties of a licensed elevator mechanic until the applicant has been notified by the department that he/she has passed the examination.

(3) Pay the fees specified in WAC 296-96-00922.

(4) The department may deny application of a license under this section if the applicant owes outstanding final judgments to the department.

NEW SECTION

WAC 296-96-00910 What are the elevator mechanic license categories? The following are the licensing categories for qualified elevator mechanics or temporary elevator mechanics:

(1) **Category (01):** A general elevator mechanic license encompasses mechanical and electrical operation, construction, installation, alteration, maintenance, inspection, relocation, and repair of all types of elevators and other conveyances in any location covered under chapter 70.87 RCW and this chapter.

(2) **Category (02):** This license is limited to the mechanical and electrical operation, construction, installation, alteration, maintenance, inspection, relocation, and repair of the following commercial and residential conveyances:

- (a) Wheelchair lifts;
- (b) Dumbwaiters; and
- (c) Incline chairlifts.

Note: Work experience on residential conveyances in (a)(i), (ii), and (iii) of this subsection may not be applied toward the category (02) license requirements.

(3) **Category (03):** This license is limited to the mechanical and electrical operation, construction, installation, alteration, maintenance, inspection, relocation, and repair of the following conveyances in industrial sites and grain terminals:

- (a) Electric and hand powered manlifts;
- (b) Special purpose elevators; and
- (c) Belt manlifts.

(4) **Category (04):** This license is limited to the mechanical and electrical operation, construction, installation, alteration, maintenance, inspection, relocation, and repair of the following conveyances:

- (a) Temporary personnel hoists;
- (b) Temporary material hoists; and
- (c) Special purpose elevators.

(5) **Category (05):** This license is limited to the mechanical and electrical operation, construction, installation, alteration, maintenance, inspection, relocation, and repair of material lifts.

(6) **Category (06):**

(a) This license is limited to the mechanical and electrical operation, construction, installation, alteration, maintenance, inspection, relocation, and repair of the following conveyances:

- (i) Residential wheelchair lifts;
- (ii) Residential dumbwaiters; and
- (iii) Residential incline chairlifts.

(b) Work experience on conveyances in (a)(i), (ii), and (iii) of this subsection may not be applied toward the category (02) license requirements.

Note: Maintenance work performed by the owner or at the direction of the owner is exempted from licensing requirements provided that the owner resides in the residence at which the conveyance is located and the conveyance is not acces-

sible to the general public. Such exempt work does not count toward work experience for licensure.

(7) **Category (07):** This license is limited to the mechanical and electrical operation, construction, installation, alteration, maintenance, inspection, relocation, and repair of residential inclined elevators.

Note: Maintenance work performed by the owner or at the direction of the owner is exempted from licensing requirements provided that the owner resides in the residence at which the conveyance is located and the conveyance is not accessible to the general public. Such exempt work does not count toward work experience for licensure.

(8) **Category (08):** This license is limited to maintenance of all conveyances and is further limited to employees of public agencies to obtain and maintain the license. This work should not count towards other licenses.

(9) **Category (09):** This temporary license is limited to the mechanical and electrical operation, construction, installation, alteration, maintenance, inspection, relocation, and repair of conveyances. This license is limited to individuals that are certified as qualified and competent by licensed elevator contractors. The individual must be an employee of the licensed elevator contractor. The contractor shall furnish acceptable proof of competency as the department may require. Each license must recite that it is valid for a period of thirty days from the date of issuance and for such particular elevators or geographical areas as the department may designate, and otherwise entitles the licensee to the rights and privileges of an elevator mechanic license issued under chapter 70.87 RCW and this chapter.

NEW SECTION

WAC 296-96-00912 How long is the elevator contractor, elevator mechanic, and temporary mechanics licensing period and what is required for renewal? (1) Elevator contractors.

(a) The renewal period is two years from the date of issuance.

(b) As part of the renewal process the elevator contractor must:

(i) Complete and submit a department-approved application.

(ii) Designate an employee as a primary point of contact.

(iii) Pay the fees specified in WAC 296-96-00922.

(2) Elevator mechanics.

(a) The renewal period is two years from the date of your birthday. The initial license may be for a shorter period as follows. If your birth year is:

(i) In an even-numbered year, your certificate will expire on your birth date in the next even-numbered year.

(ii) In an odd-numbered year, your certificate will expire on your birth date in the next odd-numbered year.

(b) As part of the renewal process you must:

(i) Complete and submit a department-approved application.

(ii) Have attended an approved continuing education course and submitted a certificate of completion for the course. The course must consist of not less than eight hours of instruction that must have been attended and completed within one year immediately preceding any license renewal.

(iii) Pay the fees specified in WAC 296-96-00922.

(3) Temporary elevator mechanics.

(a) The renewal period is thirty days from the date of issuance.

(b) As part of the renewal process you must:

(i) Complete and submit a department-approved application.

(ii) Pay the fees specified in WAC 296-96-00922.

(4) The department may deny renewals of licenses under this section if the applicant owes outstanding final judgments to the department.

NEW SECTION

WAC 296-96-00914 Where can you obtain information regarding department-approved continuing education course providers? The department will produce a list of all approved training course providers and/or course contact persons that provide continuing education courses required under chapter 70.87 RCW and this chapter. This list will be available to all renewal applicants who request it.

The department may also provide continuing education training.

NEW SECTION

WAC 296-96-00916 Who approves and what is the process for becoming a continuing education course provider? (1) The department approves continuing education course providers.

(2) The department will review and approve courses.

(a) All providers seeking course approval must submit the required information to the department on a form provided by the department.

(b) The courses must be taught by instructors through continuing education providers; courses may include but are not limited to, association seminars and labor training programs.

(c) All instructors must be approved by the department and are exempt from the requirements of WAC 296-96-00912 (2)(b)(ii) with regard to his or her application for license renewal, provided that such applicant was qualified as an instructor at any time during the one year immediately preceding the scheduled date for such renewal and the instructor must teach two or more courses in the year preceding the renewal.

(d) All training courses must conform to and be based upon current standards and requirements governing the operation, construction, installation, alteration, inspection and repair of elevators and other conveyances.

(e) All course approval requests must include:

(i) A general description of the course, including its scope, the instructional materials to be used and the instructional methods to be followed;

(ii) A detailed course outline;

(iii) The name and qualifications of the course instructor(s);

(iv) The locations where the course will be taught;

(v) The days and hours the course will be offered; and

(vi) The specific fees associated with the course, as well as, the total cost of the course.

(f) Training courses will be approved for a two-year period.

(g) It is the responsibility of the provider to annually review and update its courses and to notify the department of any changes.

(h) The department may withdraw its approval of any training course if it determines the provider is no longer in compliance with the requirements of this chapter. If the department withdraws its approval of a training course, it will give the provider written notification of the withdrawal, specifying the reasons for its decision.

(i) Approved training providers must keep uniform records, for a period of ten years, of attendance of licensees and these records must be available for inspection by the department at its request. The provider must submit a list of names of the attendees to the department on or before thirty days after the date of the course being held. Approved training providers are responsible for the security of all attendance records and certificates of completion. Falsifying or knowingly allowing another to falsify attendance records or certificates of completion constitutes grounds for suspension or revocation of the approval required under this section.

NEW SECTION

WAC 296-96-00918 Who is exempt from the continuing education requirements? The following individuals are exempt from continuing education requirements:

(1) A licensee who is unable to complete the continuing education course required under this section before the expiration of his or her license due to a temporary disability may apply for a waiver from the department. Application shall be made on a form provided by the department and signed under the penalty of perjury and accompanied by a certified statement from a competent physician attesting to the temporary disability. Upon the termination of the temporary disability, the licensee must submit to the department a certified statement from the same physician, if practicable, attesting to the termination of the temporary disability at which time a waiver sticker, valid for ninety days, must be issued to the licensee and affixed to his or her license.

The licensee can work during the time that a certified statement from the physician is submitted to the department. The licensee has ninety days from this date to take the required courses in order to renew his/her license. If the licensee has not taken the required courses on or before the ninetieth day from the date the certified statement was sent in to the department, he/she will no longer be able to perform work.

(2) Approved instructors under WAC 296-96-00916 with regard to his or her application for license renewal, provided that such applicant was qualified as an instructor at any time during the one year immediately preceding the scheduled date for such renewal and that the instructor must teach two or more courses in the year preceding the renewal.

NEW SECTION

WAC 296-96-00920 When and where are elevator licensing examinations held? Examinations shall be held at locations and times when considered necessary by the depart-

ment. The department will notify qualified applicants of the date, time, and location of the examination.

NEW SECTION

WAC 296-96-00922 What are the fees associated with licensing? The following are the department's elevator license fees:

| Type of Fee | Period Covered by Fee | Dollar Amount of Fee |
|--|-----------------------|----------------------|
| Elevator contractor/mechanic application fee (not required for renewal of valid license) | Per application | \$50.00 |
| Elevator contractor/mechanic examination fee | Per application | \$150.00 |
| Reciprocity application fee* | Per application | \$50.00 |
| Elevator mechanic license | 2 years | \$100.00 |
| Elevator contractor license | 2 years | \$100.00 |
| Temporary elevator mechanic license | 30 days | \$25.00 |
| Elevator mechanic/contractor timely renewal fee** | 2 years | \$100.00 |
| Elevator mechanic/contractor late renewal fee*** | 2 years | \$200.00 |
| Training provider application/renewal fee | 2 years | \$100.00 |
| Continuing education course fee by approved training provider**** | 1 year | Not applicable |
| Replacement of any licenses | | \$15.00 |
| Refund processing fee | | \$30.00 |

* Reciprocity application is only allowed for applicants who are applying for licensing based upon possession of a valid license that was obtained in state(s) with which the department has a reciprocity agreement.

** Renewals will be considered "timely" when the renewal application is received on or prior to the expiration date of the license.

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*** Late renewal is for renewal applications received no later than ninety days after the expiration of the licenses. If the application is not received within ninety days from license expiration, the licensee must reapply and pass the competency examination.

**** This fee is paid directly to the continuing education training course provider approved by the department.

NEW SECTION

WAC 296-96-00924 What procedures does the department follow when issuing a civil penalty for licensing violations? (1) If the department determines that an individual has violated the licensing requirements of chapter 70.87 RCW or this chapter, the department may issue a civil penalty describing the reasons for the violation(s). The department may issue a civil penalty to:

(a) A person who is advertising, offering to do work or submitting a bid to perform conveyance work, or employing elevator mechanics and does not have a valid elevator contractor's license as required under chapter 70.87 RCW or this chapter; or

(b) An individual who is working under chapter 70.87 RCW or this chapter and does not have a valid elevator mechanic license.

(2) A person may appeal a civil penalty issued under chapter 70.87 RCW or this chapter.

(3) The following enforcement schedule will be used for licenses issued under chapter 70.87 RCW and this chapter:

(a) **July 1, 2004, through September 30, 2004.** Any individual, firm, or company that is found in violation of the licensing requirements will be notified of the violation and be allowed ten calendar days to make application with the department to avoid being issued a civil penalty. If the individual, firm, or company does not make application within ten calendar days they will be issued a civil penalty.

(b) **On or after October 1, 2004.** Any individual, firm, or company that is found in violation of the licensing requirements may be issued a civil penalty.

NEW SECTION

WAC 296-96-00926 What are the civil (monetary) penalties for violating the licensing requirements of chapter 70.87 RCW or this chapter? (1) A person cited for a violation under chapter 70.87 RCW or this chapter may be assessed a civil (monetary) penalty based upon the following schedule:

| | |
|---------------------------|----------|
| First Violation | \$500.00 |
| Each additional Violation | \$500.00 |

(2) Each day a person, firm or company is in violation may be considered a separate violation.

(3) Each job site at which a person is in violation may be considered a separate violation.

(4) The department must serve notice by certified mail to a person for a violation of chapter 70.87 RCW or this chapter.

NEW SECTION

WAC 296-96-00930 What if I owe outstanding final judgments to the department? The department may deny renewal or application of, or suspend your license if you have an outstanding final judgment.

PART B-1 - REGULATIONS AND FEES FOR ALL ELEVATORS, DUMBWAITERS, ESCALATORS AND OTHER CONVEYANCES

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-01000 What is the permit process for conveyances? (1) Prior to the start of the construction, alteration, or relocation(;) of all conveyances (this includes both private residence and commercial conveyances) (~~your~~) plans must be submitted to and approved by the department. See WAC 296-96-01030.

(2) Prior to construction, alteration, or relocation of any conveyance, you must get an installation permit from the department. See WAC 296-96-01010 (~~and 296-96-01015~~) through 296-96-01025.

(3) Your conveyance must be inspected upon completion of the construction, alteration, or relocation. See WAC 296-96-01035.

(4) You must obtain and renew an annual operating permit for each conveyance that you own, except for residential conveyances. See WAC 296-96-01065.

(5) After initial purchase and inspection private residence conveyance(s) do not require an annual permit. However, annual inspections may be conducted upon request. See WAC 296-96-01065 for the associated fees.

AMENDATORY SECTION (Amending WSR 03-12-045, filed 5/30/03, effective 6/30/03)

WAC 296-96-01005 When do I need a permit? (1) You must obtain a permit from the department before you begin constructing, altering or relocating any conveyance (~~(as described in the definitions for this chapter)~~). To obtain your permit, you need to complete the permit application and pay the appropriate fee. Once your application is approved, a permit will be issued and you may begin work on your project.

(2) Construction and alteration permits are valid for one year from the date of issue(;) However, permits may be renewed if you:

(a) Apply for a renewal permit before your current permit expires;

(b) The department approves your request for a renewal permit; and

(c) You pay a fifty-dollar renewal fee to the department for each permit you renew; (~~and~~)

~~(d))~~ (3) If your permit has expired you must reapply for a new permit.

~~((3))~~ (4) You are not required to obtain permits and pay fees for repairs and replacement associated with normal functions and necessary maintenance done with parts of equiva-

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lent materials, strength and design; or for any conveyance exempted by RCW 70.87.200.

NEW SECTION

WAC 296-96-01006 What type of conveyance work requires permitting and inspection? (1) All installations and relocation of conveyances requires permitting and inspection. All conveyance work must be performed by an elevator mechanic licensed to perform work in the appropriate category. (See WAC 296-96-00910).

(2) All alterations and other conveyance work requires permitting and inspection and includes but is not limited to:

(a) Items identified in ASME A17.1.

(b) Any conveyance work that requires the conveyance to be tested prior to being returned to service, including:

(i) The replacement or repair of any parts, the installation of which would require recalibration or testing (e.g., brakes, hydraulic valves and piping, safeties, door reopening devices, governors, communication systems, cab interiors, car/hall buttons, etc.); or

(ii) Work performed on components or equipment affecting or necessary for fire and life safety (e.g., cab interiors, systems associated with fire recall, etc.).

Contact the department if you have any questions or need assistance determining if a permit and inspection are required.

NEW SECTION

WAC 296-96-01007 What is the inspection and approval process for alterations? (1) The following process must be followed when performing alterations:

(a) Obtain a permit from the department prior to performing the alteration. The permit application must include detailed information on the scope of the alteration.

(b) Take the conveyance out-of-service and perform the alteration.

(c)(i) If the conveyance requires an inspection prior to being returned to service (as identified on the alteration permit), you must contact the department to perform an inspection and:

(A) If the conveyance passes the inspection, the conveyance may be placed back into service.

(B) If the conveyance fails the inspection, the conveyance must remain out-of-service until the corrections are made and approved by the department.

(ii) If the conveyance is not required to be inspected prior to being returned to service, you must contact the department to perform an inspection and:

(A) If the conveyance passes the inspection, the conveyance may remain in service.

(B) If the conveyance fails the inspection, the conveyance will be placed out-of-service until the corrections are made and approved by the department.

(2) For certain types of alterations additional work may be required as part of the alteration and prior to approval of the conveyance. These alterations include, but are not limited to:

(a) Replacements of controllers:

(i) Fire fighter service requirements must be met in accordance with the most recent code adopted by the department.

(ii) Seismic requirements ("ring and string" or "shaker box") must be met in accordance with the most recent code adopted by the department. In addition, the car must be capable of moving away from the floor.

(iii) Lighting in the machine room and pit must comply with the most recent code adopted by the department.

(iv) Electrical outlets in the machine room and pit must be of the ground fault interrupter type.

(b) Replacement of controllers and a car operating panel and/or hall fixtures:

(i) The requirements of (a) of this subsection must be met.

(ii) All panels and fixtures must meet the applicable (e.g., height, sound, Braille, etc.) requirements in accordance with the Americans with Disabilities Act.

(c) Replacement of door operators and/or door equipment: Any changes to these items require the installation of door restrictors:

(d) Hydraulic piping: Replacement, repair, or relocation of hydraulic piping will require the installation of a rupture valve.

Note: The department may grant exceptions to the requirements identified in this section.

NEW SECTION

WAC 296-96-01009 Who can purchase a permit? The department may only issue a permit for conveyance work to a licensed elevator contractor.

Permits are only required for alterations and installations. Beginning with the effective date of these rules, the homeowner will no longer be allowed to purchase a permit.

AMENDATORY SECTION (Amending WSR 02-12-022, filed 5/28/02, effective 6/28/02)

WAC 296-96-01010 What are the installation permit fees for conveyances, material lifts, and hoists and how are they calculated? Installation permit fees are based on the total cost of the conveyance and the labor to install the conveyance. The following permit fees apply to the construction or relocation of all conveyances and material lifts:

| TOTAL COST OF CONVEYANCE | FEE |
|---|-------------|
| \$0 to and including \$1,000 | \$50.00 |
| \$1,001 to and including \$5,000 | 75.00 |
| \$5,001 to and including \$7,000 | 125.00 |
| \$7,001 to and including \$10,000 | 150.00 |
| \$10,001 to and including \$15,000 | 200.00 |
| OVER \$15,000 | 280.00 plus |
| Each additional \$1,000 or fraction thereof | 7.00 |

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AMENDATORY SECTION (Amending WSR 02-12-022, filed 5/28/02, effective 6/28/02)

WAC 296-96-01027 Are initial installation permit fees refundable? Your initial installation permit fees are refundable if the installation work has not been performed minus a processing fee unless your permits have expired. No refunds will be issued for expired permits. All requests for refunds must be submitted in writing to the elevator section and must identify the specific permits and the reasons for which the refunds are requested.

The processing fee for ((a)) each refund is \$30.00

AMENDATORY SECTION (Amending WSR 02-12-022, filed 5/28/02, effective 6/28/02)

WAC 296-96-01035 Are there inspection fees? Yes. The initial inspection of a conveyance or for the initial inspection of construction, alteration or relocation of a conveyance is included with your permit fee. Once the department has approved the initial installation of the conveyance you will be issued a temporary operating permit that is valid for 30 days. Prior to the expiration of the 30-day permit the application for an annual operating permit and the appropriate fees must be paid to the department. Once the department has received the appropriate fees and application you will be issued your first annual operating permit. You are required to renew your annual operating permit yearly.

The following ~~((exceptions do))~~ inspections require ((a)) an additional inspection fee:

(1) **Reinspection.** If a conveyance does not pass an initial inspection and an additional inspection is required, the fee for each reinspection of a conveyance is \$100.00 per conveyance plus \$50.00 per hour for each hour in addition to the first hour.

The department may waive reinspection fees.

(2) **Inspecting increases in the height (jumping) of personnel and material hoists.**

The fee for inspecting an increase in the height (jumping) of each personnel hoist or material hoist is \$100.00 plus \$50.00 per hour for each hour in addition to 2 hours. This fee is for inspections occurring during regular working hours.

(3) **Variance inspections.**

(a) The fee for an on-site variance inspection is \$150.00 per conveyance plus \$50.00 per hour for each hour in addition to 2 hours. This fee is for inspections occurring during regular working hours.

(b) The fee for a variance ~~((approval))~~ that does not require an on-site inspection is \$50.00 per conveyance. The individual requesting the variance ~~((approval))~~ must provide the department with pictures, documentation, or other information necessary for the department to review the variance. The department may conduct an on-site variance inspection to verify the information provided or if it determines that an inspection is necessary. If an on-site variance inspection is performed, the fees in (a) of this subsection will apply.

(4) **"Red tag" ~~((inspection))~~ status fee.** The annual fee for ~~((performing an annual inspection to))~~ a conveyance ~~((s that are))~~ in "Red tag" status is \$25.00.

Note: You must provide the department with written approval from the building official, indicating that the conveyance is not required for building occupancy, when you apply to have the conveyance placed in voluntary red tag status.

(5) **Decommission inspection.** The fee for performing a decommission inspection is \$50.00. Once the decommission inspection has been performed and approved, the conveyance will no longer require annual inspections until such time that the conveyance is brought back into service. Prior to operating the conveyance, a new inspection and annual operating permit must be obtained.

(6) **Voluntary inspections by request.** The owner or potential purchaser of a building within the department's jurisdiction may request a voluntary inspection of a conveyance. The fee for this inspection will be \$100.00 per conveyance and \$50.00 per hour for each hour in addition to 2 hours plus the standard per diem and mileage allowance granted to department inspectors. The owner/potential purchaser requesting the voluntary inspection will not be subject to any penalties based on the inspector's findings.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-01070 ~~((Are there penalties?))~~ What are the civil (monetary) penalties for violating the conveyance permit and operation requirements of chapter 70.87 RCW and this chapter? (1) Any licensee, installer, owner or operator of a conveyance who violates a provision of chapter 70.87 RCW or ~~((these rules))~~ this chapter shall be subject to the following civil penalties:

| | | |
|-----|--|----------|
| (a) | Operation of a conveyance without a permit: | |
| | First violation | \$150.00 |
| | Second violation | 300.00 |
| | Each additional violation | 500.00 |
| (b) | Installation of a conveyance without a permit: | |
| | First violation | \$150.00 |
| | Second violation | 300.00 |
| | Each additional violation | 500.00 |
| (c) | Relocation of a conveyance without a permit: | |
| | First violation | \$150.00 |
| | Second violation | 300.00 |
| | Each additional violation | 500.00 |
| (d) | Alteration of a conveyance without a permit: | |
| | First violation | \$150.00 |
| | Second violation | 300.00 |
| | Each additional violation | 500.00 |
| (e) | (i) Operation of a conveyance for which the department has issued a red tag or has revoked or suspended an operating permit ((:)) or operation of a decommissioned elevator | \$500.00 |

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(ii) Removal of a red tag from a conveyance \$500.00

- (f) Failure to comply with a correction notice:
 - Within 90 days \$100.00
 - Between 91 and 180 days 250.00
 - Between 181 and 270 days 400.00
 - Between 271 and 360 days 500.00
 - Each 30 days after 360 days 500.00

Note: Penalties cumulate

- (g) Failure to submit official written notification that all corrections have been completed:
 - Within 90 days \$100.00
 - Between 91 and 180 days 250.00
 - Between 181 and 270 days 400.00
 - Between 271 and 360 days 500.00
 - Each 30 days after 360 days 500.00

Note: Penalties cumulate

- (h) Failure to notify the department of each accident to a person requiring the services of a physician or resulting in a disability exceeding one day may result in a \$500 penalty per day. The conveyance must be removed from service until the department authorizes the operation of the conveyance. This may require an inspection and the applicable fees will be applied. Failure to remove the conveyance from service may result in an additional \$500 penalty per day.

(2) A violation as described in subsection (1)(a), (b), (c), and (d) of this section will be a "second" or "additional" violation only if it occurs within one year of the first violation.

(3) The department must ~~((use))~~ serve notice by certified mail to ((notify the)) an installer, licensee, owner, or operator ((of)) for a violation of chapter 70.87 RCW, or ~~((these rules))~~ this chapter.

NEW SECTION

WAC 296-96-01075 How does an owner or licensee receive a variance from the installation and alteration requirements of chapter 70.87 RCW and this chapter? Variances from the installation and alteration requirements of this chapter may be requested. The variance request shall be in writing on a form approved by the department accompanied with the required fee. The individual requesting the variance must provide the department with pictures, documentation, or other information necessary for the department to review the variance. The department may conduct an on-site variance inspection to verify the information provided or if it determines that an inspection is necessary. If an on-site

variance inspection is performed, the fees in WAC 296-96-01035 will also apply.

NEW SECTION

WAC 296-96-02230 When must the department be notified for a new or altered inspection? (1) The person or firm installing, relocating, or altering a conveyance shall notify the department in writing, at least seven days before requesting any inspection of the work, and shall subject the new, moved, or altered portions of the conveyance to the acceptance tests.

(2) The department may grant exceptions to this notice requirement.

NEW SECTION

WAC 296-96-02232 What are the conditions for obtaining a temporary operating permit? (1) Hydraulic elevators with less than four stops may not be issued a temporary operating permit unless preapproved by the department. In order to obtain a permit:

(a) The elevator must pass load tests and safety circuit inspections.

(b) Temporary or permanent lights in the cab, machine room and at the landings must be provided.

(c) Machine rooms must be fully enclosed and have a lockable door.

(d) Hoistways must be fully enclosed.

(e) A single means of disconnecting the elevator must be provided and related equipment must be identified by the use of numbers or letters on the disconnect, the controller, the drive machine, the cross head, and the car operating panel.

(f) Elevator cab interiors must be completed. Temporary cabs may be used and walls must be covered with fire retardant materials.

(g) The key operation of Phase I must recall the elevator.

(h) A means of emergency communication with the elevator must be provided. If there is no permanent method of emergency communication an operator with communication equipment must be provided.

(2) The person operating the permitted conveyance under this section must be properly trained in operation and safety and:

(a) The operator must be on the elevator whenever it is in use. The operator may be one of your employees.

(b) He or she must be designated to be the sole operator of the elevator.

(c) The operator must be trained in the proper operation of the elevator, the proper procedure to handle an emergency and must know who to contact in the event of an emergency involving the operation of the elevator.

(d) The operator must carry a means of two-way communication on his/her person at all times. (This may be in the form of a cell-phone, walkie-talkie, etc., providing proper reception is obtainable at all times.)

NEW SECTION

WAC 296-96-02235 What are the requirements for temporary operating permits? (1) A thirty-day temporary

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operating permit is for transportation of construction personnel and materials only, not for the transportation by the general public.

(2) Temporary operating permits are valid for thirty days.

(3) You must contact the department for a reinspection to renew the permit.

(4) All elevators with expired temporary operating permits that have not passed a final inspection may not be operated.

(5) Renewal of a temporary operating permit is at the discretion of the department.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-02240 **Where is a shut-off valve required for hydraulic elevators?** Two shut-off valves may be required.

(1) ASME requires that a shut-off valve be installed in the machine room.

(2) When the pit is lower than the machine a shut-off valve must be installed in the pit. A separate shut-off valve is not required in the pit for hydraulic elevators equipped with a safety/rupture valve that rotates no more than 180 degrees to stop the flow of hydraulic fluid and has a safety shut-off handle capable of being grasped.

EXCEPTION: Limited use/limited application (LULA), special purpose and residential elevators are exempt from this section.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-02275 **What are the requirements for Fireman's Service Phase I and Phase II recall?** Devices for deactivating recall must be in the line of sight of the elevator; be secure from tampering; and must be accessible to fire, inspection, and elevator service personnel only. Owner-designated patient express and emergency hospital service elevators may have a manual control in the car for use by authorized patient care personnel. When activated, it shall preclude Phase I recall.

The illuminated visual signal in the car that indicates when Phase I Emergency Recall Operation is in effect must stay illuminated until the car is taken off Phase I operation.

Once the car returns to the designated landing on Phase I recall and the doors have reached their full open position, the buzzer must be silenced within ten seconds.

Groups of elevators containing four or more cars shall be provided with two, three-position key switches per group. For purposes of this section, a group shall be defined as all elevators serving the same portion of a building. Hall call buttons common to a group will remain in service unless both Phase I recall switches of a four car or larger group are placed in the recall mode or a fire alarm recall signal is initiated.

EXCEPTION: Limited use/limited application (LULA), special purpose, and residential elevators are exempt from ((the Phase I recall requirement)) this section.

NEW SECTION

WAC 296-96-02276 **What are the requirements for sprinklers in hoistways and machine rooms?** (1) The machine room sprinkler piping must terminate in the machine room. The sprinkler piping must not run through the machine room to other spaces.

(2) The hoistway must not be used to supply sprinkler runs to more than one floor.

(3) The pit will be considered as a floor level.

(4) Sprinkler heads at the top of the shaft must terminate in the shaft. The sprinkler must not run through the hoistway to other spaces. "Other spaces" includes the machine room.

(5) All risers and returns must be located outside of the hoistway and machine room.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-02277 **How does the department enforce ASME requirements for sprinklers, smoke detectors, and heat detectors in hoistways and machine rooms?** ASME A17.1((+102.2(e)3)) 2.8.2.3.2 states: "Means shall be provided to automatically disconnect the mainline power supply to the affected elevator upon or prior to the application of water((-)) from sprinklers located in the machine room or in the hoistway more than 600 mm (24 inches) above the pit floor. This means shall be independent of the elevator control and shall not be self-resetting. The activation of sprinklers outside the hoistway or machine room shall not disconnect the main line power supply." This section applies to both new and altered elevators when sprinklers have been installed in the elevator machine room and/or hoistway.

(1) The department enforces this rule as follows:

(a) When sprinkler systems are installed in an elevator hoistway, fixed temperature heat detectors, set only at 135°F, must be located at the top of the hoistway. If sprinklers are installed in the machine room, the same rule applies to heat detectors in the machine room. If ~~((you install))~~ heat detectors are installed, ~~((you must also install a))~~ smoke detectors must also be installed for elevator recall. The purpose of ~~((these))~~ the heat detector~~((s))~~ is to automatically disconnect mainline power to the elevator before water flows from any sprinkler associated with the elevator system.

(b) ~~((Smoke detectors at the top of the hoistway shall not recall the elevator to the bottom landing.))~~ Activation of a smoke detector or other initiating device at the top of the hoistway shall cause all elevators having any equipment in that hoistway, and any associated elevators of a group automatic operation, to be returned nonstop to the designated level.

(c) Heat detectors must be:

(i) Located ~~((near))~~ within 18 inches of each sprinkler head, as required by the local building official, or as required by NFPA 13((;)).

(ii) ~~((Considered only as an auxiliary function of elevator equipment;~~

~~((iii) Identified as "elevator controls only—do not test"; and~~

~~((iv))~~) Ceiling mounted. However, pit detectors, if installed, may only be used as a signaling device and wall-mounted if they are so designed.

~~((+))~~ ~~(iii)~~ Heat detectors are not required in pits provided the automatic sprinkler heads are installed in such a way that the water spray pattern does not spray higher than three feet above the pit floor with a spray pattern directed level and down. The shunt trip disconnect must be installed in the machine room or machinery space and it must be easily identifiable.

(d) The shunt trip disconnect must be installed in the machine room or machinery space and it must be easily identifiable.

~~(e)~~ Power for the automatic disconnect control circuit must be derived from ~~((the load side of the elevator power main disconnecting means or from))~~ a 120 volt separate branch circuit. Circuit location must be identified on or next to the elevator disconnects. ~~((If a 120 volt separate branch circuit is used))~~ An illuminated visual device must be installed in the machine room adjacent to each elevator's disconnect. The purpose of this visual device is to indicate that power is available to the shunt trip activation mechanism.

~~((e))~~ ~~(f)~~ All electrical equipment and wiring associated with shunt trip devices must conform to the applicable ANSI/NFPA 70.

~~((f))~~ ~~(g)~~ The department does not require sprinkler shut-off valves. However, where they are installed, they must be located in an accessible place outside the hoistway, machine room or machinery space with their handles placed at no more than 6 feet above the floor.

~~((g))~~ ~~(h)~~ Emergency return units must be disabled when the shunt trip is activated.

(2) ~~((The department must approve))~~ Alternative methods used to achieve ASME A17.1-102.2(e)(3)) 2.8.2.3.2 must be approved by the department prior to installation.

EXCEPTION: Limited use/limited application (LULA), special purpose, and residential elevators are exempt from this section.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-02278 Are keys required to be on-site? Yes. The keys to the machine room and the keys that are necessary to operate the elevator must be ~~((readily available to authorized personnel-~~

NOTE: ~~The department recommends the use of a locked key retainer box in the elevator lobby at the designated level above the hall buttons or by machine room doors at no more than 6 feet above the floor. This key retainer box should be:~~

- ~~Readily accessible to authorized personnel;~~
- ~~Clearly labeled "Elevator"; and~~
- ~~Equipped with a 1 inch cylinder cam lock key #39504.~~

The department further recommends that:)) located in a locked key retainer box in the elevator lobby at the designated level above the hall buttons; or located by machine room doors at no more than six feet above the floor, provided access to the key box doesn't require passage through locked doors. The key retainer box must be:

- Readily accessible to authorized personnel;
- Clearly labeled "elevator";

- Securely mounted; and
- Equipped with a 1-inch cylinder cam lock key #39504 and securely mounted.

Further:

- Keys for access to elevator machine rooms and for operating elevator equipment ~~((are))~~ must be tagged and kept in the key box.
- The key box must contain~~((s))~~ all keys necessary for inspection of the elevator.
- Mechanical hoistway access devices ~~((are))~~ must be located in the key box or machine room.

EXCEPTION: Residential elevators are exempt from this section.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-02280 Can pipes and ducts be installed above a machine room? Electric conduit, pipes, and ducts may be installed in the upper space ("upper space" is defined as the space above the fire-rated ceiling) of the elevator machine room as long as they are installed above the required seven-foot clearance and they do not interfere with the elevator equipment which also must be installed to allow a seven-foot head clearance.

(1) Straight through runs of electrical conduit without junction boxes may be installed in this space.

(2) Pipes and ducts conveying gases, vapor, or liquids may be installed in the space above the machine room provided they are encased in a noncombustible secondary pipe without joints, or a moisture barrier without penetration.

EXCEPTION: Residential elevators are exempt from this section.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-02281 What is required for emergency escape hatches? Emergency escape hatches must be hinged and secured from the car top so that the cover opens from the top of the car only. The hatch must be able to be opened without the use of tools.

NEW SECTION

WAC 296-96-02282 What is required for fire fighters' service? It is the owner's responsibility to test fire fighters' service operation of Phase I and Phase II key switches quarterly. A log with dates and the initials of the person performing the test must be posted in the machine room.

EXCEPTION: Limited use/limited application (LULA), special purpose, and residential elevators are exempt from this section.

NEW SECTION

WAC 296-96-02283 What is the minimum working space required in machine rooms? (1) In machine rooms with equipment requiring maintenance and inspection, an eighteen-inch working space must be established.

(2) There must be a minimum of eighteen inches working space (other than the required controller panel clearances) on either side of the hydraulic tank.

PERMANENT

(3) The requirements in subsections (1) and (2) of this section do not supersede NFPA 70.

(4) The side with the hydraulic outlet pipe is not considered usable working space.

NEW SECTION

WAC 296-96-02285 Are there exceptions for correction facility elevators? Facilities that require special consideration to ensure the safety of security personnel and to prevent escapes must meet the relevant requirements of ASME A17.1, except that accessible "in-car" stop switches and signaling devices are not required when the elevator operation is:

- (1) Continually monitored by audio-visual equipment; and
- (2) Remotely controlled from a single location.
- (3) Controls necessary for an elevator's operation may be located inside a car when the operating panel has a locked cover.

NEW SECTION

WAC 296-96-02290 What are the requirements for underground hydraulic elevator pipes, fittings, and cylinders? All newly installed underground pressure cylinders and pipes containing hydraulic elevator fluids shall be encased in an outer plastic containment.

(1) The plastic casing shall be constructed of polyethylene or polyvinyl chloride (PVC). The plastic pipe wall thickness must not be less than 0.125 inches (3.175 mm). The casing shall be capped at the bottom and all joints must be solvent or heat welded.

(2) The casing shall be sealed and dry around hydraulic pipe and cylinder to contain any leakage into the ground and to prevent electrolysis to the hydraulic pipe and the cylinder. Dry sand may be used to stabilize the hydraulic cylinder.

(3) A one-half inch pipe nipple with a one-way check valve shall be located between the casing and cylinder for monitoring purposes.

(4) Alternate methods must receive approval from the department prior to installation.

(5) This rule shall apply to all conveyances with installation permits issued by the department on or after the effective date of these rules.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-02310 What is the minimum acceptable initial transfer time for an elevator door? "Initial transfer time" refers to the period of time between an elevator car receiving a call for service and when the car door begins to close. The minimum acceptable initial transfer time for an elevator is:

(1) For HALL CALLS, minimum acceptable initial transfer time is based upon the distance between a point in the center of the corridor or lobby (maximum 5 feet) that is directly opposite the farthest hall button controlling the car and the centerline of the hoist-way entrance. Minimum acceptable times for specific distances are:

- (a) 0-5 feet: 4 seconds;
- (b) 10 feet: 7 seconds;
- (c) 15 feet: 10 seconds; and
- (d) 20 feet: 13 seconds.

(2) For CAR CALLS, the minimum acceptable initial transfer time for doors to remain fully open is 3 seconds.

EXCEPTION: Limited use/limited application (LULA), special purpose, and residential elevators are exempt from this section.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-02315 What are the ((structural)) minimum cab size and other applicable requirements for car interiors? (1) All car interiors must be constructed to allow wheelchair users to enter the car, to maneuver within reach of the control panel and to exit the car.

(2) Minimum door width must be 36 inches.

(3) Minimum cab depth:

(a) From the rear wall to the return panel must be 51 inches; and

(b) From the rear wall to the inside face of the cab door must be 54 inches.

(4) For cabs with side-opening doors, the minimum cab width is 68 inches;

(5) For cabs with center-opening doors, the minimum cab width is 80 inches; ((and))

(6) Maximum clearance between a car platform sill and the edge of a hoistway landing sill must be 1 1/4 inch; and

(7) If the building official having jurisdiction determines the elevator must comply with accessibility requirements, the elevator must comply with subsections (1) through (6) of this section.

EXCEPTION 1: Elevators located in existing school buildings or other buildings specifically identified by local authorities may have a minimum clear distance between walls or between a wall and the door, including the return panel, of 54 inches, and a minimum distance from the wall to the return panel of 51 inches.

EXCEPTION 2: LULA, special purpose, and residential elevators must meet the specifications in ASME A17.1 pertaining to car size.

NEW SECTION

WAC 296-96-02317 When does the department require a local building official to sign off for the installation of LULAs, stair lifts, inclined wheelchair lifts and vertical wheelchair lifts? In existing buildings where LULAs, stair lifts, inclined wheelchair lifts and vertical wheelchair lifts are to be installed, the local building official must signify that he/she is allowing this type of conveyance on a form provided by the department.

NEW SECTION

WAC 296-96-02318 What are the general requirements for LULA elevators? (1) LULAs may be permitted in churches, private clubs, and buildings listed on the historical register that are not required to comply with accessibility requirements.

(2) Installation of LULAs in existing buildings that are not required to comply with accessibility requirements, will be considered on a case-by-case basis by the department.

(3) For LULAs installed according to subsections (1) and (2) of this section a form provided by the department must be signed by the local building official.

(4) LULAs must be equipped with an emergency communication device meeting the requirements of WAC 296-96-02330.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-02320 What is required for car controls? (1) The following requirements apply to the location of car controls:

- (a) Upon entering an elevator, at least one set of controls must be readily accessible from a wheelchair;
- (b) The centerline of the alarm button and emergency stop switch must be 35 inches;
- (c) Where a side approach is used, the highest floor buttons must be no higher than 54 inches from the floor;
- (d) Where a forward approach is used, the highest floor buttons must be no higher than 48 inches from the floor;
- (e) Emergency controls must be grouped together at the bottom of the control panel and centered at 35 inches; and
- (f) Controls unessential to the elevator's operation may be located in a convenient place.

(2) The following requirements apply to the construction of control panels:

- (a) Raised or flush floor registration buttons, exclusive of the panel border, must be at least 3/4 inch and arranged from left to right in ascending order.
- (b) When pushed, the depth of flush buttons must not exceed 3/8 inch.
- (c) Indicator lights must be installed to show each call registered and they must extinguish when a call is answered.
- (d) All markings must be located to the left of and adjacent to the car controls on a contrasting color background.
- (e) All letters or numbers must be at least 5/8 inches high and must be raised .030 of an inch.
- (f) Braille must be used to identify all control buttons. Permanently attached plates are acceptable.
- (g) Standard ASME A17.1 symbols must be used to identify essential controls.

EXCEPTION: Special purpose and residential elevators are exempt from this section.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-02325 What are the location and operation requirements for car position indicators in the car?

(1) A visual car position indicator must be located either above the car control panel or above the car door.

(2) As ((a)) the car passes or stops at a floor, the corresponding floor numbers must light up and a signal must sound.

(3) All numerals must be at least 1/2 inch high.

(4) All audible signals must be at least 20 decibels with a frequency no higher than 1500 Hz.

(5) The automatic announcement of a floor number may be substituted for an audible signal.

EXCEPTION: Limited use/limited application (LULA), special purpose, and residential elevators are exempt from this section.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-02330 What is required for installation and operation of emergency communication systems?

Every elevator must contain an emergency two-way communication system (~~(connecting the elevator with a point outside the hoistway)~~). The installation and operation of this emergency communication system must comply with the ASME A17.1 code in effect when the department issued the elevator's installation permit. In addition to the appropriate ASME A17.1 code, the following department requirements apply:

(1) The communication device located in the elevator car must comply with the following:

(a) The maximum height of any operable part of the communication system is 48 inches above the floor.

~~((2))~~ (b) Raised symbols and letters must identify the communication system. These symbols and letters must be located adjacent to the communication device. The characters used must be:

~~((a))~~ (i) At least 5/8 inches but no more than 2 inches high;

~~((b))~~ (ii) Raised 1/32 inch;

~~((c))~~ (iii) Upper case;

~~((d))~~ (iv) Sans serif or simple serif type; and

~~((e))~~ (v) Accompanied by Grade 2 Braille.

~~((3))~~ (c) If the system is located in a closed compartment, opening the door to the compartment must:

~~((a))~~ (i) Require the use of only one hand without tight grasping, pinching, or twisting of the wrist; and

~~((b))~~ (ii) Require a maximum force of 5 pounds.

~~((4))~~ (d) The emergency communication system must not be based solely upon voice communication since voice-only systems are inaccessible to people with speech or hearing impairments. An indicator light must be visible when the telephone is activated. This nonverbal means must enable the message recipient to determine the elevator's location address and, when more than one elevator is installed, the elevator's number.

~~((5))~~ (e) The emergency communication system must use a line that is capable of communicating with and signaling to a person or service that can respond appropriately to the emergency at all times.

(2) A communication device must be installed in the lobby adjacent to the Phase I key switch. This device must be a two-way communication device used to communicate with individuals in the elevator.

(a) The height of any communication device(s) located in the lobby must be located between 48-60 inches above the floor.

(b) Additional communication device(s) may also be located in other parts of the building in addition to the one located in the lobby.

(c) Exception: Elevators that have less than sixty feet of travel do not require an intercom.

(3) Subsections (1) and (2) of this section do not apply to special purpose elevators. However, residential, and special purpose elevators must have a means of communication located inside the elevator cab. This communication device must be available at all times.

EXCEPTION: Residential inclined elevators are exempt from this section.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-02340 What requirements apply to the size and location of car handrails? (1) A handrail must be installed on all car walls not used for normal exits. The hand rails must be:

((1)) (a) Attached to the wall at a height of between 32 and 35 inches from the floor.

((2)) (b) Attached to the wall with a 1 1/2 inch space between the wall and the rail;

((3)) (c) Constructed with the hand grip portion ((at least)) not less than 1 1/4 inches but not more than 2 inches wide;

((4)) (d) Constructed with a cross-section shape that is substantially oval or round;

((5)) (e) Constructed with smooth surfaces and no sharp corners.

Approaching handrail ends on a blank wall in the interior corners of a car do not have to return to the wall. However, if the handrail is located on the closing door wall of a single-slide or two-speed entrance elevator and it projects an abrupt end towards people entering the car, the handrail end must return to the wall.

(2) Residential elevators must have at least one handrail. The handrail must be installed on a car wall not used for normal exits.

EXCEPTION: Special purpose elevators are exempt from this section.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-02350 What requirements apply to floor designations on elevator door jambs? Floor designations must be:

(1) Located on both sides of the doorjamb at each hoistway entrance;

(2) Visible from within the car and from the lobby;

(3) Positioned on a centerline height of 60 inches above the floor;

(4) Two inches high and raised 3/10 inch;

(5) Placed on a contrasting color background; and

(6) Accompanied by Grade 2 Braille. Permanently attached plates are acceptable.

EXCEPTION: Special purpose and residential elevators are exempt from this section.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-02360 What are the requirements for installation and operation of hall lanterns? (1) A visual and audible signal must be installed at each hoistway

entrance. These signals must indicate, to the prospective passenger, which car is responding to the call and the direction the car is traveling.

(2) The visual signal for each direction must be at least 2 1/2 inches in size and must be visible from the vicinity of the hall call button.

(3) The audible signal must sound once for "up" and twice for "down."

(4) The centerline of the lantern fixture must be located at least 6 feet above the floor.

(5) ((Hall)) Car lanterns may be located either on the jamb or in the car.

EXCEPTION: Limited use/limited application (LULA), special purpose, and residential elevators are exempt from this section.

NEW SECTION

WAC 296-96-02361 What are the requirements for electrical main line disconnects? (1) The main line disconnect switch(es) or circuit breaker must be located inside the machine room door on the lock jamb side of the machine room door and not more than twenty-four inches from the jamb to the operating handle; and it must be at a height of not more than sixty-six inches above the finish floor.

(2) For multicar machine rooms the switches shall be grouped together as close as possible to that location.

(3) For machine rooms with double swing doors, the doors must swing out and the switch(es) must be on the wall adjacent to the hinge side of the active door panel.

(4) The switch(es) must be designed so that they may be locked out and tagged in the open position.

EXCEPTION: Special purpose and residential inclined elevators are exempt from this section.

NEW SECTION

WAC 296-96-02362 What are the requirements associated with elevator machine rooms? (1) Panels or doors for the purpose of accessing nonelevator equipment are not permitted in elevator machine rooms. Passage through the machine room may not be used to gain access to other parts of the building that do not contain elevator equipment.

(2) The lighting control switch must be located inside the machine room within twenty-four inches of the lock jamb side of the machine room door.

(3) Cooling or venting of the elevator machine room:

(a) When solid state equipment is used to operate the elevators, the elevator machine room must be provided with an independent ventilation or air conditioning system to prevent overheating of the electrical equipment.

(b) The operating temperature shall be established by the elevator equipment manufacturer's specifications. Where no specifications are available, the machine room temperature shall be maintained at no less than fifty-five degrees Fahrenheit and no more than one hundred degrees Fahrenheit.

(c) When standby power is connected to the elevators, the machine room ventilation or air conditioning system shall be connected to the standby power.

(i) All cooling and heating systems must be independent.

(ii) If air conditioners are used, they must service the elevator machine room only. If the air conditioner is mounted overhead, seven feet of headroom clearance must be provided from the underside of the unit to the machine room floor.

(iii) If air exchange is used, it must not draw air from or exhaust air into other parts of the building.

(d) Machine rooms located in underground parking garages must have a means to exchange the air in the machine room. An "exchange of air" is completed through separate intake and exhaust systems.

EXCEPTION: The air in an underground parking garage machine room can be exchanged directly into the parking garage area.

(4) All elevators that are provided with remote elevator machine and/or control rooms must be provided with a permanent means of communication between the elevator car and the remote machine room and/or control room.

(5) Elevator machine room doors must have signs with lettering at least two inches in height with "elevator equipment room authorized personnel only - no storage."

EXCEPTION: Residential conveyances, LULAs and special purpose elevators are exempted from these requirements.

NEW SECTION

WAC 296-96-02363 What are the requirements for fire doors installed in front of hoistway doors? If fire and/or smoke doors are required to be installed by the International Building Code or the local building official they must not:

- (1) Be permanently attached to the hoistway door assembly.
- (2) Encroach upon the full width and height of the hoistway door opening.

NEW SECTION

WAC 296-96-02364 What are the requirements for accessing elevated elevator pit equipment? Where elevated pit equipment requires assisted vertical access of more than five feet, a permanent noncombustible working platform shall be provided. Access to the platform must be by a fixed ladder or stair conforming to ANSI A14.3. The platform shall be of sufficient strength to support personnel and may be of open grillwork.

In residential installations where the pit depth exceeds three feet, a fixed vertical ladder, designed to the current adopted rules for commercial installations, must be provided.

NEW SECTION

WAC 296-96-02366 What are the requirements for submersible pumps or sumps? Sump pumps and drains are not required in elevator pits. Sump holes must be installed and measure a minimum of 18" x 18" x 18". If drains or sump pumps are installed they must not be directly connected to sewers and/or storm drains. P-traps and check valves are not allowed. All installations must meet the NEC and all plumbing codes.

Sump hole covers must be designed to withstand a load of three hundred pounds per square foot.

NEW SECTION

WAC 296-96-02367 What are the requirements for top of car lighting for freight and passenger elevators? A permanently wired work light and outlet shall be installed on the top of freight and passenger elevators. The light(s) shall provide illumination of 10-foot candles across the entire horizontal plane of the top of the car up to a height of six feet. The fixture(s) shall be protected from accidental breakage.

NEW SECTION

WAC 296-96-02370 What is required for physically handicapped lifts? (1) All inclined stairway chairlifts and inclined and vertical wheelchair lifts installed in buildings where the conveyance is not visible at all times must be equipped with a standard electric switch Chicago style lock and #2252 key.

(2) All inclined stairway chairlifts and inclined and vertical wheelchair lifts installed in residences licensed as group homes must be equipped with a standard electric key switch Chicago style lock and #2252 key.

(3) All inclined stairway chairlifts and inclined and vertical wheelchair lifts installed in schools, day care centers, churches and other facilities which typically accommodate or provide services for children must also be equipped with a standard electric key switch Chicago style lock and #2252 key.

(4) Where these conveyances are installed outdoors, they must be equipped with either a standard electric key switch Chicago style lock and #2252 key or a timing device. The timing device must not allow the conveyance to run outside of normal business hours.

(5) In locations where the conveyance is not visible at all times, the conveyance must be equipped with a means of two-way communication that is capable of communicating with and signaling to a person or service that can respond appropriately at all times.

EXEMPTION: Inclined stairway chairlifts and inclined and vertical wheelchair lifts in private residences are not required to be equipped with key switches.

(6) Beginning July 1, 2004, vertical wheelchair lifts in commercial installations must be equipped with low energy power-operated doors or gates complying with ANSI/BHMA A156.19. Doors and gates shall remain open for twenty seconds minimum. End doors shall be thirty-two inches minimum clear width. Side doors shall be forty-two inches minimum clear width.

EXCEPTION: Lifts having doors or gates on opposite sides shall be permitted to have manual doors and gates.

(7) For purposes of this section, "not visible at all times" includes, but is not limited to, conveyances located in stairwells, auditoriums, and other areas which are not generally in the normal path of travel during the hours that the building is occupied.

NEW SECTION

WAC 296-96-02371 Are private residence inclined stairway chairlifts required to be permanently wired? No. Private residence inclined stairway chairlifts are not required

to be permanently wired into a structure. These conveyances may be equipped with a cord and plug. The plug must be directly inserted into a wall receptacle that is protected by a fuse or a circuit breaker at its source and is capable of supporting the additional load on the circuit. The source must be identified either at the receptacle or at the feeder panel. The cord must be secured in a manner that will not create any tripping hazards.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-05010 What are the department's rules on material lifts? (1) These rules define a "material lift" as a fixed stationary conveyance that:

- (a) Has a car or platform moving in guides;
- (b) Serves two or more floors of a building or structure;
- (c) Has a vertical rise of at least 5 feet and no more than 60 feet;
- (d) Has a maximum speed of 50 feet per minute;
- (e) Is not part of a conveying system but is an isolated self-contained lift;
- (f) Travels only in an inclined or vertical direction;
- (g) Is operated or supervised by an individual designated by the employer;
- (h) Is installed in a commercial or industrial area not accessible to the general public; and
- (i) May not be operated from within the car.

(2) ~~((Material lift installation and operation must comply with chapter 296-155 WAC (Safety standards for construction work).~~

(3)) Material lifts must not carry people so their operation or failure will not endanger people working near them. WAC 296-96-05010 through 296-96-05290 establishes requirements for the construction, installation, and operation of material lifts. These rules allow certain conveyances designed solely to transport material and equipment to be constructed to less stringent and costly standards than ASME A17.1.

These rules do not apply to conveyances that lack a car (platform) and use rollers, belts, tracks, power conveyors, or similar carrying (loading) surfaces. (See ASME/ANSI B20.1.)

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-05030 What are the construction requirements for hoistway enclosure gates and doors? Enclosure gates (doors) must be constructed according to the following standards:

- (1) The gate must guard the full width of each opening on every landing.
- (2) It must be built in one of the following styles:
 - (a) Vertically sliding;
 - (b) Biparting;
 - (c) Counter-balanced;
 - (d) Horizontally swinging; or
 - (e) Horizontally sliding.
- (3) Be constructed of either solid material or material with openings that will reject a 2-inch diameter ball.

(4) Be constructed with a distance of not more than 2 1/2 inches between a hoistway gate or hoistway door face and a landing sill edge.

(5) Be designed and guided to withstand (without being broken, permanently deformed, or displaced from its guides or tracks) a 100 pound lateral pressure applied near its center.

(6) ~~((Employ a combination mechanical lock and electrical contact))~~ Be equipped with labeled and listed electrical interlock(s) that prevents the operation of the lift when the doors or gates are open.

(7) ~~((Construct))~~ Be constructed with balanced type vertically sliding gates that extend no more than 2 inches vertically from the landing threshold and no less than 66 inches above it.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-05070 What car enclosure requirements apply to lifts? Lift cars must have their sides enclosed with solid panels or openwork that will reject a 2-inch diameter ball. On the car sides where there is no gate (door), the enclosure must extend to a height of at least 48 inches from the floor or to a height necessary to enclose the materials that are being moved. On the car side next to the counterweight runway, the enclosure must extend vertically to the car top or underside of the car crosshead and horizontally to at least 6 inches on each side of the runway. Material lifts in unenclosed hoistways must have a car gate that is constructed of the same material as the car enclosure. The gate must be the same height as the sidewalls of the car enclosure and must be provided with a latching device.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-05160 What types of ropes, chains, and rope connections must be used on a lift? (1) The following general requirements apply:

(a) Iron (low carbon steel) or steel wire ropes with fiber cores must be used to suspend cars and counterweights.

(b) The minimum safety factor for suspension ropes must be 6 times the manufacturers rated breaking strength per rope.

(c) The car, the counterweight end of the car and the counterweight wire ropes (or the stationary hitch ends where multiple roping is used) must be fastened so that the looped ends of the turned back portion in the rope sockets are clearly visible. Fastenings must either be:

- (i) Individual tapered, babbitted rope sockets; or
- (ii) Other types of department approved rope fastenings.

(d) Rope sockets must develop at least 80 percent of the breaking strength of the strongest rope used in the sockets.

(e) U-bolt rope clips (clamps) cannot be used for load fastenings.

(f) A metal or plastic data tag must be securely attached to one of the wire rope fastenings each time the ropes are replaced or reshackled. The data tag must include:

- (i) The diameter of the ropes in inches; and
- (ii) The manufacturer's rated breaking strength.

(iii) All replacements of wire rope or chain must be in accordance with the lift manufacturer's specifications.

(2) The following requirements apply to specific types of material lifts:

(a) Traction type lifts must use at least three hoisting ropes.

(b) ~~((Owners, operators and installers of))~~ Lifts suspended by hoisting chains must comply with the chain manufacturer's specifications for maintenance, inspection, and application.

(c) Lifts using roller chain type lifting chains must use chains with a six to one safety factor based on ASME/ANSI B-29.1M minimum (not average) chain strength.

(d) Drum type lifts, must use either at least two hoisting ropes or a secondary as well as a primary load path to the hoist must be employed. Also, the cable secured to the drum must be at least one and one-half turns around the drum when the carrier is at its extreme limit of travel.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-05170 What requirements apply to lift control stations? Lift control stations must be located at each landing out of reach but within sight of the ~~((lift))~~ car. They must have controls that are permanently and clearly labeled by function. The controls must have a stop switch that will halt electrical power to the driving machine and brake. This stop switch must:

- (1) Be manually operated;
 - (2) Have red operating handles or buttons;
 - (3) Be conspicuously and permanently marked "STOP";
- and
- (4) Clearly indicate the stop and run position.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-05230 What safety regulations apply to exposed equipment? All exposed gears, sprockets, sheaves, drums, ropes and chains must be guarded to protect against accidental contact as required ~~((by chapter 296-24 WAC ()))~~ General safety and health standards ~~((s))~~ adopted according to chapter 49.17 RCW.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-05290 Under what conditions is a five-year test administered? A five-year test of the material lift car and counterweight safety devices must be conducted, and the test must be administered under the following conditions:

(1) Qualified people will conduct the test. A qualified person is either:

(a) An elevator mechanic licensed in the appropriate category for the conveyance being tested;

(b) The representative of a firm that ~~((manufactures, installs or services material lifts or a person approved by the department))~~ manufactured the particular material lift, and who holds a current temporary mechanic's license in this state;

(c) The representative of a firm that manufactured the particular material lift who is working under the direct supervision of an elevator mechanic licensed in the appropriate category for the conveyance being tested.

(2) The car safety devices must be tested while the car is carrying a 100 percent rated load and the counterweight is at no load.

(3) A report of the test results must be submitted to the department for approval.

PART C2 - CONSTRUCTION, OPERATION, MAINTENANCE AND INSPECTION OF INCLINED PRIVATE RESIDENCE ~~((CONVEYANCE))~~ ELEVATOR FOR TRANSPORTING PERSON(S) FOR RESIDENTIAL USE

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-07010 What is the scope of ~~((these regulations))~~ Part C-2? The rules in this part are the minimum standard for all new ~~((and altered))~~ inclined private residence elevators for single family use. The purpose of this part is to provide for the safety of all persons riding in or operating an inclined private residence elevator to ensure that no person in proximity of the elevator will be endangered by its operation or failure.

NEW SECTION

WAC 296-96-07021 What are the requirements for existing inclined private residence elevators? Inclined private residence elevators must comply with the rules adopted by the department that were in effect at the time the elevator was permitted, regardless of whether the rule(s) has been repealed, unless any new rule specifically states that it applies to all conveyances, regardless of when the conveyance was permitted. Copies of previous rules adopted by the department are available upon request.

If the department determines that an inclined private residence elevator was installed without a permit and/or without an inspection the conveyance will be required to comply with the current rules adopted by the department unless you are able to provide documentation determining the date the conveyance was installed (e.g., sales receipts, building permits, or other appropriate documentation).

NEW SECTION

WAC 296-96-07024 What rules apply to alterations of inclined private residence elevators? If the inclined private residence elevator is altered only the component(s) that was altered must comply with the applicable rules adopted by the department in effect at the time the conveyance was altered. If the department determines that an elevator was altered without a permit and inspection, the conveyance will be required to comply with the applicable rules adopted by the department at the time the noncompliant alteration was identified.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-07080 What are the load and size requirements for car platforms? ~~((1)) The rated load of a platform must not exceed 700 pounds.~~

~~(2) The inside net platform area must not exceed 12 square feet. exception: The net platform area may be increased by no more than 3 square feet provided that shelves or benches permanently affixed to the car structure reduce the standing area to 12 square feet.)~~ The minimum rated load shall be not less than the following:

(1) For net platform areas up to and including twelve square feet, the rated load shall be not less than forty pounds per square foot or three hundred fifty pounds whichever is greater.

(2) For net platform areas greater than twelve square feet, the rated load shall be based upon sixty-two and one-half pounds per square foot.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-07100 What construction requirements apply to ~~((incline))~~ inclined private residence elevators? (1) ~~((incline))~~ All of the components associated with inclined private residence elevators must be built to a minimum safety factor of five, unless otherwise specified in this part.

(2) Inclined private residence elevator car frames and platforms must:

- (a) Be built of metal, a combination of metal and wood or other materials of equal strength;
- ~~((b))~~ (b) Have a safety factor of at least five; and
- ~~((c))~~ (c) Be suitably prepared and/or protected for exposure to weather.

~~((2))~~ (3) Incline car chassis must:

- (a) Be built of metal, except for the guiding members, and
- ~~((b))~~ (b) Have a safety factor of at least 5, based upon the car's rated load.
- ~~((c))~~ (c) Chassis guiding members must be retained and/or enclosed in guides so that the chassis cannot be derailed.

~~((3))~~ (4) Cast iron may not be used in the construction of a car frame or chassis.

~~((4))~~ (5) A car may have only one compartment.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-07170 What are the requirements of safeties and governors? (1) All inclined private residence elevators must be equipped with a safety capable of stopping and sustaining a car carrying its rated load.

(a) Elevator safeties must be type "A" or "B" or other devices approved by the department and must be operated by a speed governor.

(b) Elevator safeties must operate independently of governor speed action and without delay when a hoist rope breaks.

~~(2) ((Speed))~~ Governors ((must)) shall operate ((with)) to set the safety ((set)) at a maximum ((speed)) of 140 percent of rated speed ((and)). Upon slackening of the hoist ropes the safety shall set without appreciable delay and independently of the speed governor. The governor shall be located where:

(a) If over-travel occurs, ~~((they))~~ the governor will not be struck by the car or counterweight;

(b) All parts can freely and fully move; ~~((and))~~

~~((They are))~~ The governor is accessible for a complete examination;

(d) Governors are required to be of the mechanical type; and

(e) Belt driven governors must be monitored. In the case of belt breakage or disengagement, the car must be shut down.

(3) If ropes are used, ~~((they))~~ the ropes must be made of iron, steel, Monel metal or phosphor bronze and be at least 1/4 inch in diameter. Tiller rope construction must not be used.

(4) Motor-control circuits and brake-control circuits must be opened either before the safety applies or at the time ~~((it))~~ the safety applies.

(5) All safeties must apply mechanically. Electrically operated safeties must not be used.

(6) All winding drum type ~~((incline))~~ inclined elevators that use rope suspensions must be equipped with a manually reset slack-rope device. During a car's descent, if ~~((it))~~ the travel of the car is obstructed and the hoisting ropes go slack, the slack-rope device must stop power to the elevator motor and brake

(7) Cast iron must not be used to build any elevator safety part that stops and sustains the elevator.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-07180 What are the construction requirements for driving machines and sheaves? (1)~~(a)~~ Winding drums, traction sheaves, overhead sheaves and deflecting sheaves must:

~~((a))~~ (i) Be made of cast iron or steel;

~~((b))~~ (ii) Have diameters at least 30 times the diameter of the wire hoisting ropes; and

~~((c))~~ (iii) Have machined rope grooves.

(b) EXCEPTION:

~~((1))~~ (i) If 8 x 19 steel ropes are used, drum and sheave diameters may be reduced to 21 times the diameter of the hoisting rope.

~~((2))~~ (ii) Existing incline lifts suspended by cables are not required to have machine grooves, except for the first row of cables wrapped on the drum and shall be required to have a tracking device.

~~((3))~~ (iii) On existing inclined lifts suspended by cables that do not have machine grooves on the drum, the first layer of ropes will be recognized as providing the same traction as grooves, provided that this layer remains on the drum at all times and is not allowed to wind out. Such lifts must be provided with a tracking device to ensure that the rope does not wind over itself on the drum.

PERMANENT

(2) The factor of safety, based on the static load (the rated load plus the weight of the car, ropes, counterweights, etc.) to be used in the design of driving machines and sheaves, must be at least:

(a) Eight for driving machines and sheaves built of wrought iron and steel; or

(b) Ten for driving machines built of cast iron, cast steel or other materials.

~~((4))~~ (3) Set screw type fastenings must not be substituted for keys or pins if connections are subject to torque or tension.

~~((5))~~ (4) Gears:

(a) When connecting drums or sheaves to the main driving gear, friction gears, clutch mechanisms or couplings must not be used.

(b) Worm gears having cast iron teeth must not be used.

~~((6))~~ (5) Brakes:

(a) Electric brakes must be of the friction type set by springs and must release electrically.

(b) All brakes must be able to stop and hold a elevator carrying 125 percent of its rated load.

(c) At least one brake must be mounted ~~((on the load side of the driving machine's worm shaft. On indirectly driven elevators, brakes must engage when the driving machine fails.))~~ so that in the case of gearbox failure, the drum will hold the rated load.

(d) If a single ground or short-circuit, a counter-voltage or a motor field discharge occurs and the operating device is set in the stop position, the brake magnet must set the brake.

~~((7))~~ (6) Driving machines:

(a) A driving machine may be mounted on a elevator chassis or in a remote location. However, if mounted in a remote location, all sheaves and sprockets must be guarded and positioned so the hoisting ropes and chains remain properly aligned while the elevator is in use.

(b) Screw type machines must not be used.

(c) Hydraulic driving machines must conform to ASME A17.1.

(d) Roped-hydraulic machines may be used.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-07190 What construction requirements apply to terminal stopping switches? A hoistway must be equipped with normal upper and lower terminal stopping switches that are activated by a elevator chassis. ~~((These))~~ Normal upper and lower terminal stopping switches must stop the elevator at the normal top and bottom terminals of travel.

(1) A hoistway must be equipped with final terminal stopping switches that are activated by a elevator chassis. These switches must stop the elevator ~~((from traveling))~~ if the elevator travels beyond the normal terminals and prevent ~~((it))~~ the elevator from moving in ~~((both))~~ either direction ~~((s)).~~

(2) Winding drum machines may use a slack cable switch instead of a bottom final terminal switch.

(3) Normal and final terminal stopping switches must not control the same switches on the controller unless at least two

separate and independent switches are used. At least two of these separate switches must be closed in order to complete the motor and brake circuits for each direction of travel.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-07200 What are the requirements for operation of an inclined private residence elevator? ~~((1))~~ An inclined private residence elevator must be operated by constant pressure or momentary pressure key switches located at each operating station and on the elevator:

~~((a))~~ The key or code must be entered each time to move the elevator.

~~((b))~~ Key-operated switches must be of the spring return type and must be operated by a weatherproof cylinder type lock having not less than five pin or five disc combination with the key removable only when the switch is in the off position.

~~((c))~~ On existing installations with key/button operations, the key must be activated each time to energize the operation.

(2) Emergency stop switches must be provided on or adjacent to the operating station. Stop switches must:

~~((a))~~ Be of a manually opened and manually closed type;

~~((b))~~ Have red handles or buttons and be conspicuously marked "stop;"

~~((c))~~ Open even if springs fail when springs are used.

(3) Design and installation of control and operating circuits must meet the following:

~~((a))~~ Control systems based upon the completion or maintenance of an electric circuit must not be used for interrupting power and applying machine brakes at terminals; stopping elevators when an emergency stop switch is open or when any electrical protective device operates; stopping a machine when the safety applies.

~~((b))~~ If springs are used to activate switches, contact, or circuit breaking relays to stop the elevator at a terminal, the springs must be a restrained compression type.

~~((c))~~ Hand rope operation must not be used.) (1) If the activation of the elevator is by key switch or key pad it must conform to the requirements of (a) and (b) of this subsection. The department may approve alternative methods of equal security such as key card or magnetic swipe card. Methods must conform to the following:

~~((a))~~ The key or code must be entered each time to move the elevator.

~~((b))~~ Key-operated switches must be of the spring return type and must be operated by a weatherproof cylinder type lock having not less than five pin or five disc combination with the key removable only when the switch is in the off position.

(2) If activation of the elevator is provided by a timing circuit that only allows the circuits to be initiated or unlocked for a sufficient amount of time to allow passengers to board the elevator and begin transit, a separate activation switch on the car is not required. The operating circuits must automatically relock:

~~((a))~~ If the elevator is not activated within its preset period of time;

~~((b))~~ When any landing stop button is activated;

(c) When the preset timing period has expired and the car has completed transit to another landing or returns to the departure landing.

(3) Emergency stop switches must be provided on or adjacent to the operating station.

(a) Stop switches in the car must:

(i) Be of a manually opened and manually closed type;

(ii) Have red handles or buttons and be conspicuously marked "STOP";

(iii) Open even if springs fail when springs are used.

(b) Stop switch at other operating stations:

(i) May be of a momentary type;

(ii) Must have red handles or buttons and be conspicuously marked "stop";

(iii) Must open even if springs fail when springs are used;

(iv) After initiation of stopping, the car may not automatically restart. Run condition must be manually initiated.

(4) Design and installation of control and operating circuits must meet the following:

(a) Control systems based upon the completion or maintenance of an electric circuit must not be used for interrupting power and applying machine brakes at terminals; stopping elevators when an emergency stop switch is open or when any electrical protective device operates; stopping a machine when the safety applies.

(b) If springs are used to activate switches, contact, or circuit breaking relays to stop the elevator at a terminal, the springs must be of the restrained compression type.

(5) Hand rope operation must not be used.

(6) Radio controls may be used in lieu of wiring for all car controls provided:

(a) The system is set up so that it is fail safe (if contact is lost, the unit will stop);

(b) In such installations, the stop button in the car shall interrupt the circuit of frequency; and

(c) The controls are permanently mounted and conform to code.

NEW SECTION

WAC 296-96-07215 What are the requirements for controllers? All controllers must be labeled and listed. In addition, controller covers must be locked.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-07230 What requirements apply to electrical wiring? (1) All wiring must conform to the National Electrical Code (NEC) in effect at the time of installation or major alteration.

(2) If a driving machine is mounted on the elevator chassis, the electrical connections between the elevator and the power source must be able to stop power if a traveling cable parts.

(3) All electrical connections between the elevator and the stationary connections must be insulated flexible conductors conforming to the applicable articles in the NEC ((Article 620)) relating to Elevators, Dumbwaiters, Escalators, Moving Walks, Wheelchair Lifts, and Stairway Chair Lifts.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-07250 What additional requirements apply to inclined private residence elevators? (1) All inclined private residence elevators must be equipped with:

(a) A ~~((hand crank capable))~~ Manual method of moving the elevator in accordance with ASME A17.1; and

(b) A machine brake with a lever to release the brake allowing use of the ~~((hand crank))~~ manual method.

(2) Machinery spaces must be protected from weather and accidental contact. Machinery spaces must be locked.

(3) Guiding members and moving parts of the inclined private residence elevator must be free of brush and other types of material that might either impede the travel or cause deterioration of the equipment over time.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-08010 What is the scope of ~~((these regulations))~~ Part C-3? The rules in this section are the minimum standard for all new~~((, altered,))~~ and existing inclined private residence ~~((elevators))~~ conveyances for transporting property for single family use in a private residence. The purpose of this section is to ensure that inclined private residence ~~((elevators))~~ conveyances will be used only for transporting materials and goods, not people, and that no person in proximity of the ~~((elevator))~~ conveyance will be endangered by its operation or failure.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-08020 What is the definition for inclined private residence ~~((elevator))~~ conveyances for transporting property? "Inclined private residence ~~((elevator))~~ conveyances for transporting property" means a device constructed and operated for transporting property from one elevation to another at an angle of inclination of 70 degrees or less from the horizontal. Essentially, it is a car or platform traveling on guides or guiding members in an inclined plane.

NEW SECTION

WAC 296-96-08022 What are the requirements for existing inclined private residence conveyances for transporting property? Inclined private residence conveyances for transporting property must comply with the rules adopted by the department that were in effect at the time the conveyance was permitted, regardless of whether the rule(s) has been repealed, unless any new rule specifically states that it applies to all conveyances, regardless of when the conveyance was permitted. Copies of previous rules adopted by the department are available upon request.

If the department determines that an inclined private residence conveyance for transporting property was installed without a permit and inspection the conveyance will be required to comply with the current rules adopted by the department unless you are able to provide documentation determining the date the conveyance was installed (e.g., sales

receipts, building permits, or other appropriate documentation).

NEW SECTION

WAC 296-96-08024 What rules apply to alterations of inclined private residence conveyances for transporting property? If the inclined private residence conveyance for transporting property is altered only the component(s) that was altered must comply with the applicable rules adopted by the department in effect at the time the conveyance was altered.

If the department determines that a conveyance was altered without a permit and inspection, the conveyance will be required to comply with the applicable rules adopted by the department at the time the noncompliant alteration was identified.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-08030 Does the department approve elevators plans and specifications for inclined private residence conveyances for transporting property? Yes. (1) Before commencing construction of any inclined private residence elevator for transporting property the owner must submit complete plans and specifications to the department for approval.

(2) Plans and specifications covering the installation of an inclined private residence ~~((elevator))~~ conveyance for transporting property must be endorsed by a professional engineer before the department will approve the plans.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-08050 What are the construction requirements for inclined private residence ~~((elevator))~~ conveyances for transporting property for cars, landing gates, and enclosures? (1) Any landing enclosure must have a railing at least 42 inches high to protect all landing platforms and those areas of a building used as landing platforms.

(2) Where gates are not provided at the entrance to the platform, a chain with a sign must be provided to block the landing entrance. The sign must state "Keep off landing until elevator has stopped at platform."

(3) If gates are provided, they must be:

(a) Either ~~((be))~~ a horizontally sliding type or a swing type; and

(b) Equipped with a latch that holds the gate closed and an electrical contact to prevent movement of the elevator when a gate is open.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-08060 What types of bumpers and buffers must be installed on inclined private residence ~~((elevator))~~ conveyances for transporting property? Solid bumpers or spring type buffers may be used. (1) Solid bumpers must:

(a) Be built of wood or other suitable resilient material;
(b) Have the ability to resist deterioration from weather;
and

(c) Have sufficient strength to withstand, without failure, the impact of a descending ~~((elevator))~~ conveyance carrying its rated load or counterweight and traveling at 115 percent of its rated speed.

(2) Spring type buffers, if used, must:

(a) Be built with a minimum stroke of 3/4 inch and with a maximum stroke of 1 1/2 inches; and

(b) Not fully compress when struck by the ~~((elevator))~~ conveyance carrying its rated load or counterweight and traveling at 115 percent of its rated speed.

(3) Inclined private residence ~~((elevators))~~ conveyances for transporting property are not required to have bumpers and buffers except when obstructions are encountered.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-08090 What is the maximum rated speed of an ~~((incline-elevator))~~ inclined conveyance? The maximum rated speed of an ~~((incline-elevator))~~ inclined conveyance, measured along the incline, is 75 feet per minute.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-08100 What requirements apply to ~~((incline-elevators))~~ inclined conveyance? (1) ~~((Incline))~~ Inclined conveyance elevator frames and platforms must:

(a) Be built of metal, a combination of metal and wood or other materials of equal strength;

(b) Have a safety factor of at least 5; and

(c) Be suitably prepared and/or protected ~~((for))~~ from exposure to weather.

(2) ~~((Incline-elevator))~~ Inclined conveyance chassis must:

(a) Be built of metal, except for the guiding members;

(b) Have a safety factor of at least 5, based upon the ~~((elevator's))~~ conveyance's rated load; and

(c) Have the chassis guiding members retained and/or enclosed in guides so that the chassis cannot be derailed.

(3) Cast iron may not be used in the construction of the ~~((elevator))~~ conveyance frame or chassis.

(4) A car may have only one compartment.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-08110 What requirements apply to car enclosures? (1) Car enclosures are not required; however, if provided, the car enclosure must be:

(a) Securely fastened to the car platform so that it cannot become loose or displaced due to ordinary service, application of the ~~((elevator))~~ conveyance safety, or from the ~~((elevator))~~ conveyance coming into contact with the buffer.

(b) Built to withstand a 75 pound pressure, horizontally applied at any point on the wall, without causing a wall deflection that reduces running clearance below 3/4 inch or above 1 inch.

(2) If glass or plastic is used in the car enclosure, it must be weather resistant plastic or tempered safety glass.

(3) Where there is no car enclosure, a means must be provided to secure all materials to the platform.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-08140 Are capacity and data plates required on inclined private residence ((elevator)) conveyances for transporting property? (1) The manufacturer must install a weather resistant capacity plate. It must be securely fastened to the ((elevator)) conveyance in a conspicuous place and state the ((elevator's)) conveyance's rated load in pounds using letters at least 1/4 inch high.

(2) The manufacturer must install a metal data plate showing the ((elevator's)) conveyance's weight, speed, suspension means data, manufacturer's name and date of installation. The data plate must be securely fastened in a conspicuous place in the machine area.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-08150 What are the requirements for guide rails, track supports and fastenings? (1) Guides, guide rails, guide rail brackets, splice plates, and fastenings must be made of steel or other metals conforming to the requirements of this section.

(2) Guides, guide rails, guide rail brackets, and their fastenings and supports must, at the point of support, deflect 1/8 inch or less while resisting horizontal forces encountered during loading. When horizontal force is measured at a midpoint between brackets, guide rails must deflect 1/4 inch or less in any direction.

(3) The top and bottom of each guide or guide rail run must not allow the ((elevator)) conveyance and counterweight guiding members to travel beyond the guide rail ends.

(4) Guides for inclined private residence ((elevators)) conveyances must have no more stresses and deflection than allowed by the manufacturer's specifications.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-08160 What requirements apply to counterweights? (1) Counterweights, where used, must be in a guide or track.

(2) Counterweights must not be of sufficient weight to cause undue slackening of any ((elevator)) conveyance hoisting rope or chain during acceleration or retardation of the ((elevator)) conveyance. Counterweight weight section must be mounted in structural or formed metal frames which are designed to retain weights securely in place.

exception: Counterweights may be constructed of a single metal plate.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-08170 What are the requirements of safeties and governors? (1) All inclined private residence ((elevators)) conveyances for transporting property must have a slack cable safety device capable of stopping and sustaining a car carrying its rated load.

(2) Other types of approved safety devices may be used. If so, such devices must meet the requirements of WAC 296-96-07170.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-08175 How and when are ((elevator)) conveyance safeties tested? The ((elevator-safety)) safeties must be tested before the inclined private residence ((elevators)) conveyances for transporting property is put into service. ((It)) Safeties must be tested while the ((elevator)) conveyance is carrying its rated load.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-08180 What are the requirements for driving machines and sheaves? (1) All new winding drums, traction sheaves, overhead sheaves and deflecting sheaves must:

(a) Be made of cast iron or steel;

(b) Have diameters at least 30 times the diameter of the wire hoisting ropes. EXCEPTION: If 8 x 19 steel ropes are used, drum and sheave diameters may be reduced to 21 times the diameter of the hoisting rope; and

(c) Have machined rope grooves.

(2) The factor of safety, based on the static load (the rated load plus the weight of the car, ropes, counterweights, etc.) to be used in the design of driving machines and sheaves, must be at least 5.

(3) Set screw type fastenings must not be substituted for keys or pins if connections are subject to torque or tension.

(4) Gears:

(a) When connecting drums or sheaves to the main driving gear, friction gears, clutch mechanisms or couplings must not be used.

(b) Worm gears having cast iron teeth must not be used.

(5) Brakes:

(a) Electric brakes must be of the friction type set by springs and must release electrically.

(b) All brakes must be able to stop and hold a car carrying 125 percent of its rated load.

(c) At least one brake must be mounted on the load side of the driving machine's worm shaft. On indirectly driven lifts, brakes must engage when the driving machine fails.

(d) If a single ground or short-circuit, a counter-voltage or a motor field discharge occurs and the operating device is set in the stop position, the brake magnet must set the brake.

(6) Driving machines:

(a) A driving machine may be mounted on a ((elevator)) conveyance chassis or in a remote location. However, if mounted in a remote location, all sheaves and sprockets must

be guarded and positioned so the hoisting ropes and chains remain properly aligned while the ((elevator)) conveyance is in use.

(b) Screw type machines must not be used.

(c) Hydraulic driving machines must conform to ASME A17.1.

(d) Roped-hydraulic machines may be used.

(e) Rack and pinion drive may be used.

EXCEPTION: Existing inclined private residence ((elevators)) conveyances for transporting property may use wrapped cable drums as long as they do not show signs of excessive wear.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-08190 What requirements apply to terminal stopping switches? A hoistway must be equipped with normal upper and lower terminal stopping switches that are activated by the ((elevator)) conveyance chassis. These switches must stop the ((elevator)) conveyance at the normal top and bottom terminals of travel.

(1) Winding drum machines may use a slack cable switch as a bottom final terminal switch.

(2) Normal and final terminal stopping switches must not control the same switches on the controller unless at least two separate and independent switches are used. At least two of these separate switches must be closed in order to complete the motor and brake circuits for each direction of travel.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-08200 What are the requirements for the activation and operation of an inclined private residence ((elevators)) conveyances for transporting property? ((1) An inclined private residence elevator for transporting property must be operated by constant pressure or momentary pressure key switches located at each operating station/landing:

~~(a) The key or code must be entered each time to move the elevator.~~

~~(b) Key operated switches must be of the spring return type and must be operated by a weatherproof cylinder type lock having not less than five pin or five disc combination with the key removable only when the switch is in the off position.~~

~~(c) On existing installations with key/button operations, the key must be activated each time to energize the operation.~~

~~(2) Emergency stop switches must be provided on or adjacent to the operating station. Stop switches must:~~

~~(a) Be of a manually opened and manually closed type;~~

~~(b) Have red handles or buttons and be conspicuously marked "stop;"~~

~~(c) Open even if springs fail when springs are used.~~

~~(3) Design and installation of control and operating circuits must meet the following:~~

~~(a) Control systems based upon the completion or maintenance of an electric circuit must not be used for interrupting power and applying machine brakes at terminals, stopping elevators when an emergency stop switch is open or when~~

~~any electrical protective device operates, or for stopping a machine when the safety applies.~~

~~(b) If springs are used to activate switches, contact, or circuit breaking relays to stop the elevator at a terminal, the springs must be a restrained compression type.~~

~~(4) Hand rope operation must not be used.)) (1) If activation of the conveyance is by key switch, key pad or swipe card, the activation and operation must conform to the requirements of (a) and (b) of this subsection. The department may approve alternative methods of equal security.~~

~~(a) The key or code must be entered each time to move the conveyance.~~

~~(b) Key-operated switches must be of the spring return type and must be operated by a weatherproof cylinder type lock having not less than five pin or five disc combination with the key removable only when the switch is in the off position.~~

~~(2) If activation is provided by a timing circuit that only permits the circuits to be initiated or unlocked for a sufficient amount of time to allow the loading of materials, the operating circuits must automatically relock:~~

~~(a) If the conveyance is not activated within its preset period of time;~~

~~(b) When any landing stop button is activated; or~~

~~(c) When the car has completed transit to another landing or returns to the departure landing.~~

~~(3) Emergency stop switches must be provided on or adjacent to the operating station. Stop switches:~~

~~(a) May be of a momentary type;~~

~~(b) Must have red handles or buttons and be conspicuously marked "STOP"; and~~

~~(c) Must open even if springs fail when springs are used.~~

~~(4) After initiation of stopping, the car may not automatically restart. Run condition must be manually initiated.~~

~~(5) Design and installation of control and operating circuits must meet the following:~~

~~(a) Control systems based upon the completion or maintenance of an electric circuit must not be used for interrupting power and applying machine brakes at terminals, stopping elevators when an emergency stop switch is open or when any electrical protective device operates, or for stopping a machine when the safety applies.~~

~~(b) If springs are used to activate switches, contact, or circuit breaking relays to stop the elevator at a terminal, the springs must be a restrained compression type.~~

~~(6) Hand rope operation must not be used.~~

~~(7) Radio controls may be used in lieu of wiring for all car controls provided:~~

~~(a) The system is set up so that it is fail safe (if radio contact is lost, the unit will stop);~~

~~(b) In such installations, the stop button in the car shall interrupt the circuit of frequency; and~~

~~(c) The controls are permanently mounted and comply with the applicable rules.~~

NEW SECTION

WAC 296-96-08215 What are the requirements for controllers? All controllers must be labeled and listed. In addition, controller covers must be locked.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-08220 What are the requirements for travelling cables? (1) All traveling cables must conform to the ~~((National Electrical Code-))~~NEC((~~{}))~~) in effect at the time of installation or major alteration.

(2) Where circuits through the traveling cable(s) exceed 30 volts, a means must be provided to stop the power automatically if the traveling cables part.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-08230 What requirements apply to electrical wiring? (1) All wiring must conform to the ~~((National Electrical Code-))~~NEC((~~{}))~~) in effect at the time of installation or major alteration.

(2) If a driving machine is mounted on the ~~((elevator))~~ conveyance chassis, the electrical connections between the ~~((elevator))~~ conveyance and the power source must be able to stop power if a traveling cable parts.

(3) All electrical connections between the ~~((elevator))~~ conveyance chassis and the stationary connections must be insulated flexible conductors conforming to the applicable articles of the NEC ~~((Article 620,))~~ relating to Elevators, Dumbwaiters, Escalators, Moving Walks, Wheelchair Lifts, and Stairway Chair Lifts.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-08250 What additional requirements apply to inclined private residence ~~((elevators))~~ conveyances for transporting property? (1) All inclined private residence ~~((elevators))~~ conveyances for transporting property must be equipped with:

(a) A ~~((hand-erank))~~ manual method capable of moving the ~~((elevator))~~ conveyance in accordance with ASME A17.1; and

(b) A machine brake with a lever to release the brake allowing use of the ~~((hand-erank))~~ manual method.

(2) Machinery spaces must be protected from weather and accidental contact. Machinery space must be locked.

(3) Metal signs stating "NO RIDERS" in two-inch letters must be conspicuously posted and permanently attached to the ~~((elevator))~~ conveyance and at each landing.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-09002 ~~((Can))~~ May a drop plate be used for temporary hoists? Drop plates for temporary hoists may be allowed provided that they are permanently attached to the elevator and the elevator may not operate unless the drop plate is retracted.

NEW SECTION

WAC 296-96-09003 What are the requirements for landing gates? Landing gates must be provided with electrical gate switches.

NEW SECTION

WAC 296-96-09004 Do jumps (increased travel) have to be inspected? Yes. Personnel hoists that have been increased in height (jumped) must be inspected before being allowed to run to the new landings.

NEW SECTION

WAC 296-96-10002 Do jumps (increased travel) have to be inspected? Yes. Material hoists that have been increased in height (jumped) must be inspected before being allowed to run to the new landings.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-11001 What regulations apply to belt manlifts ~~((prior to 1974))~~?

| ((BELT MANLIFT CODE | | | |
|------------------------|----------------|------|--|
| TITLE | DATE INSTALLED | | COMMENTS |
| | FROM | TO | |
| Existing Belt Manlifts | 1962 | 1974 | Used as existing standard for belt manlifts installed in years effective.) |

WAC 296-96-11010 through 296-96-11078 applies to all existing belt manlifts. After the effective date of these rules all belt manlifts must be installed according to Belt Manlifts USAS A90.1-1997.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-11016 What ~~((structural))~~ general requirements apply to belt manlift landings? (1) Vertical clearance between the floor or mounting platform and the lower edge of the conical guard above it must be at least 7 feet, 6 inches. When this clearance is not possible, access to the manlift must be prohibited and the space where the runway passes through the platform floor must be enclosed.

(2) Floor space adjacent to floor openings must be kept clear and free of obstructions at all times.

(3) Adequate lighting (not less than ~~((3))~~ 5 foot-candle power) must be provided at each floor landing whenever the lift is in use.

(4) The landing surfaces at all entrances and exits must provide safe footing and must have a coefficient of friction of at least 0.5 to help insure safe footing.

(5) Emergency landings must be provided so that the maximum distance a person must travel on the emergency ladder between an emergency landing and a floor landing is 25 feet. Emergency landings must:

- (a) Be accessible from both runs of the lift;
- (b) Give access to the emergency ladder; and

PERMANENT

(c) Be completely enclosed with a standard railing and toeboard.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-11019 What ~~((structural))~~ requirements apply to the guards and cones of belt manlift landings? (1) On the ascending side of the lift, all landings must have a beveled guard or cone that meets the following requirements:

(a) Where possible, a cone must make an angle with the horizontal of at least 45 degrees. A cone angle of 60 degrees or more must be used where ceiling heights permit.

(b) Where possible, ~~((a))~~ the guard or cone must extend at least 42 inches outward from any belt handhold. A guard or cone must not extend beyond the upper surface of the floor above.

(c) A cone must be built of sheet steel (at least No. 18 U.S. gauge) or any material of equivalent strength or stiffness. The lower edge of a cone must be rolled to a minimum diameter of 1/2 inch. The interior of a cone must be smooth with no protruding rivets, bolts or screws.

(2) All obstructions must be guarded just like floor openings with the same minimum distances observed.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-11022 What requirements apply to guarding lift entrances and exits? (1) All manlift floor or landing entrances and exits must be guarded by either a maze (staggered railing) or a handrail equipped with self-closing gates.

(2) When a maze is used:

(a) Maze or staggered openings must not allow direct passage between a platform enclosure and the outer floor space;

(b) Rails must be located between 2 and 4 feet from the edge of the opening as measured at right angles to the face of the belt; and

(c) At openings, the intersection of the top rail and the end post must form a bend or standard long sweep "ell."

(3) When a handrail is used:

(a) Rails must be standard guardrails with rounded corners, toeboards and meet the guard rail requirements ~~((located in chapter 296-24 WAC, General safety and health standards))~~ adopted according to chapter 49.17 RCW; and

(b) Gates must have rounded corners, open outward, and be self-closing.

(4) Unless prevented by building design, all entrances and exits at all landings must be in the same relative location.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-11045 What drive machine requirements apply to belt manlifts? (1) Belt manlifts must be driven either by directly connected machines or by multiple "V" belts.

(2) Cast iron gears must not be used.

(3) Brakes:

(a) On direct connected machines, the brake must be mechanically applied to the motor shaft and released electronically.

(b) On "V" belt driven machines, the brake must be mechanically applied to the input shaft and released electronically.

(c) All brakes must be capable of stopping and holding the lift while carrying its rated capacity.

(4) Belts:

(a) Belts may not have more than one splice per belt.

(b) There shall not be more than one inch of space between the opposing ends of the belt.

(c) A belt manlift that has evidence of severe belt damage must be removed from service immediately. Belts with severe belt damage may not be repaired and/or returned to service. "Severe belt damage" means that the protective outer cover of a belt becomes cut, cracked or separated exposing damaged inner fabric, and such damage extends across the full width of the belt, spans between adjacent bolt holes, or damage goes through the entire thickness of the inner fabric. A torn belt is also considered severe.

Exception: A lap splice that has become cracked or damaged may be converted to a butt splice and returned to service, provided that the damaged area on the splice is completely removed.

(d) The conversion of a lap splice to a butt splice does not constitute a repair.

(e) A belt that has evidence of superficial belt cover damage while in use on a manlift is not required to be replaced. "Superficial belt cover damage" means that the protective outer cover of a belt becomes scratched, cut or cracked exposing the inner fabric. Such damage may not be continuous across the full width of the belt.

(5) Belts fastening:

(a) Belts must be fastened either by a ~~((lapped))~~ lap splice or a butt splice with a strap on the belt side opposite the pulley.

(b) For lapped splices on manlifts with travel distances not exceeding 100 feet, the overlap of the belt at the splice must be at least 3 feet; or

(c) For lapped splices exceeding 100 feet, the overlap at the splice must be at least 4 feet.

(d) For butt splices on manlifts with travel distances not exceeding 100 feet, the strap must extend at least 3 feet on one side of the butt; or

(e) For butt splices not exceeding 100 feet, the strap must extend at least 4 feet on one side of the butt.

(f) For 12-inch belts, the joint must be fastened with a minimum of 20 special elevator bolts with minimum diameters of 1/4 inch. To effectively cover the belt joint area, these bolts must be arranged symmetrically in 5 rows.

(g) For a 14-inch belt, the minimum number of bolts is 23.

(h) For a 16-inch belt, the minimum number of bolts is 27.

~~((5))~~ (6) All installations must use machines designed and constructed to hold the driving pulley when there is shaft failure or overspeed.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-11057 What requirements apply to "up-limit stops"? (1) Two separate automatic stop devices must be provided to cut off the power and apply the brake when a loaded step passes the upper terminal landing. One of these devices must consist of a switch mechanically operated by the belt or stop roller. The second device must consist of any of the following:

(a) A roller switch located above but not in line with the first switch;

(b) A photocell and light source (an "electric eye"); or

(c) A switch activated by a lever, bar, rod or plate.

((c)) (i) If a plate is used, it should be positioned above the head pulley so it barely clears a passing step.((j))

(ii) If a bar is used, the bar must be of the "breakaway" type.

(2) The stop device must stop the lift before a loaded step reaches a point 24 inches above the top terminal landing.

(3) Once the lift has stopped, the automatic stop device must be manually reset. Therefore, this device must be located on the top landing where the reset person has a clear view of both the "up" and "down" runs of the lift; and it must be impossible to reset from a step.

(4) Electric stop devices must meet the following requirements:

(a) All electric switches that directly open the main motor circuit must be multiple type switches;

(b) Photoelectric devices must be designed and installed so that failure of the light source, the light sensitive element or any vacuum tube used in the circuit will result in shutting off power to the driving motor;

(c) In areas where flammable vapors or dust may be present, all electrical installations must be in accordance with the NEC requirements for those installations; and

(d) All controller contacts carrying main motor current must be copper to carbon types unless the circuit is simultaneously broken at two or more points or the contacts are immersed in oil.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-11078 What is required for belt manlift inspections? (1) All manlifts must be inspected by a qualified person, designated by the lift's owner, at least once every 30 days.

(2) The inspection must cover (but is not limited to) the following items:

- Belt and belt tension
- Bottom (boot) and pulley
- Brake
- Clearance
- Drive pulley
- Driving mechanism
- Electrical switches
- Guardrails
- Handholds and fastenings
- Lubrication
- Motor

- Pulley supports
- Rails, rail supports and fastenings
- Rollers and slides
- Signal equipment
- Steps and fastenings
- Warning signs and lights

(3) A written record must be kept of results of each inspection, and it must be made available to all inspectors. This information must be recorded under the monthly portion of the test log required by Appendix A of ASME A90.1-1997.

(4) For purposes of this section "adequate lighting" means five-foot candles.

NEW SECTION

WAC 296-96-11080 Under what conditions is a five-year test administered? A five-year test of the belt manlift must be conducted, and the test must be administered under the following conditions:

(1) Qualified people will conduct the test. A qualified person is either:

(a) An elevator mechanic licensed in the appropriate category of the conveyance being tested;

(b) The representative of a firm that manufactured the particular belt manlift who holds a current temporary mechanic's license in this state; or

(c) The representative of a firm that manufactured the particular belt manlift who is working under the direct supervision of an elevator mechanic licensed in the appropriate category of the conveyance being tested.

(2)(a) The up capacity of the belt manlift must be tested with two hundred pounds on each horizontal step. During the up-run portion of the test the belt manlift must not show appreciable slip of the belt when standing or running at rated speed.

(b) The down capacity of the belt manlift must be tested with two hundred pounds on each horizontal step. During the down-run portion of the test the belt manlift must not show appreciable slip of the belt when standing or running at the rated speed.

The brake shall stop and hold the belt with test load within a maximum of twenty-four inches of travel.

(3) After the five-year test has been performed a tag indicating the date of the test and name of the company performing the test must be attached in a visible area of the drive motor machine.

ELECTRIC MANLIFTS

NEW SECTION

WAC 296-96-13135 What are the requirements for electric manlifts? WAC 296-96-13135 through 296-96-13171 are the minimum requirements for all existing electric manlifts.

NEW SECTION

WAC 296-96-13139 What structural requirements apply to hoistway enclosures and landings? (1) A hoistway

must be fully enclosed, or enclosed on all landings to a height of six feet above the landing floor or six feet above the highest working level or stair level adjacent to the hoistway.

(2) Perforated enclosures can be used where fire resistance is not required. However, such an enclosure must use at least No. 13 U.S. gauge steel wire, if a steel wire grill or expanded metal grill type, and it must have openings that reject a one-inch diameter ball.

(3) All landings must be properly and adequately lighted.

(4) For purposes of this section "adequate lighting" means five-foot candles.

NEW SECTION

WAC 296-96-13143 What structural requirements apply to hoistway gates and doors? (1) Gates may be constructed of wood slat, steel wire grill, expanded metal or solid material provided that all openings reject a two-inch diameter ball and resist a two hundred fifty pound horizontal thrust.

(a) Steel wire and expanded metal gates must be constructed of at least No. 13 U.S. gauge steel.

(b) Wood slat gates must have slats at least two inches wide and one-half inch thick, nominal size.

(c) Solid material gates must be constructed of at least one-eighth inch reinforced sheet steel or one-half inch plywood.

(2) Gates may be horizontal swinging, vertical or horizontal sliding or biparting types, and must:

(a) Span the full width of the elevator car;

(b) Extend from one inch above the landing floor to at least six feet above it;

(c) Not swing into the hoistway; and

(d) Be equipped with interlocks or mechanical locks and electric contacts that prevent the gate from opening when a car is away from a landing.

(3) Hoistway doors must be closed before the car can leave the landing. Once the car leaves the landing, the door must be latched so that it will not open when the elevator is not at the landing.

NEW SECTION

WAC 296-96-13145 What structural requirements apply to elevator cars? Elevator cars must be fully enclosed to the car height or to a height of at least six feet six inches, whichever is greater.

(1) If constructed of solid materials, cars must be capable of withstanding a horizontal thrust of seventy-five pounds while deflecting no more than one-quarter inch.

(2) If constructed of perforated materials, all openings must be capable of rejecting at least a one-inch diameter ball.

(3) Cars frames must be of substantial metal or wood construction.

(a) Metal frames must have a safety factor of four.

(b) Wood frames must have a safety factor of six.

(c) Wood frames must be constructed with gussets and bolts secured with large washers, lock washers and nuts.

(4) Cars must have platforms whose inside dimensions do not exceed thirty inches on each side (six and one-quarter square feet area).

(5) Cars must have substantial protective tops. These tops:

(a) May have hinged front halves;

(b) May be made of No. 9 U.S. wire-gauge screen, No. 11 gauge expanded metal, No. 14 gauge sheet steel, or one-quarter inch or heavier plywood.

(c) If made of wire screen or metal with openings, must reject a one-half inch diameter ball.

NEW SECTION

WAC 296-96-13147 What structural requirements apply to elevator doors? All elevators must have car doors, except on fully enclosed hoistways equipped with hoistway gates and enclosed from the top of the hoistway opening to the ceiling on the landing side.

(1) Car doors must be:

(a) Constructed of solid or perforated material which is capable of resisting a seventy-five pound thrust without deflecting one-quarter inch. If perforated material is used, it must reject a one-inch diameter ball.

(b) Biparting or otherwise horizontally swung provided the door swings within the elevator car.

(c) Equipped with a positive locking latch device that resists a two hundred fifty pound thrust.

(2) Interlocks or a combination consisting of mechanical locks and electric contacts must be provided for all elevators having car doors. An electrical/mechanical interlock must be provided on car gates on elevators in unenclosed hoistways unless a safe means of self-evacuation is provided. Such means must be approved by the department.

NEW SECTION

WAC 296-96-13149 What are the structural requirements for counterweights, counterweight enclosures, and counterweight fastenings? All counterweights must be fully enclosed at landings or at the path of travel.

(1) At the bottom of a counterweight enclosure, there must be an inspection opening large enough to allow the inspection of cable fastenings, counterweight and buffer.

(2) Rectangular shaped counterweights must be secured by at least two and one-half inch mild steel bolts with lock nuts.

(3) Round counterweights must be fastened with a center bolt at least three quarter inch in diameter and secured with a lock nut.

(4) All bolt eyes must be welded closed.

(5) Cable fastenings shall be by babbitted tapered elevator sockets or other acceptable methods. If cable clamps are used, a minimum of three cable clamps must be provided. U-shaped clamps shall not be acceptable.

NEW SECTION

WAC 296-96-13151 What construction requirements apply to car guide rails? Each electric manlift must be equipped with at least two guide rails. Guide rails must:

(1) Extend at least six inches beyond the maximum travel distance of the car with the buffers compressed.

(2) Be securely fastened to a vertical support for the full length of the elevator's travel.

(3) Be constructed of vertical grain fir, angle iron:

(a) If constructed with vertical grain fir, the rails must be at least one and one-half inch by one and one-half inch and not vary in thickness by more than three-sixteenths inch on brake surfaces.

(b) If constructed with angle iron, the angle iron must be at least one-quarter inch by two inch by two inch.

(4) Be able to resist a two hundred fifty pound horizontal thrust.

(5) Be able to resist more than one-half inch total deflection when the car safety is applied.

NEW SECTION

WAC 296-96-13153 What construction requirements apply to hoisting ropes? There must be at least two hoisting ropes. Each rope must be:

(1) Made of a good grade of elevator traction wire rope;

(2) At least three-eighths inches in diameter and possessing a safety factor of five;

(3) Fastened by babbitted tapered elevator sockets or other acceptable methods. If cable clamps are used, a minimum of three cable clamps must be provided. U-shaped clamps shall not be acceptable.

(4) Long enough so the car platform will be no more than six inches above the top landing when the counterweight buffer is fully compressed, and at least six inches from the counterbalance sheave when the car buffer is fully compressed.

NEW SECTION

WAC 296-96-13155 What are the requirements for a hoistway space? There must not be habitable space below an elevator hoistway or counterweight shaft unless the floor above the space can withstand an impact one hundred twenty-five percent greater than the impact generated by a free falling car or counterweight falling from the full height of the hoistway.

NEW SECTION

WAC 296-96-13157 What requirements apply to car safeties? All cars suspended or operated from overhead machinery must be equipped with an approved car safety capable of stopping and holding the car while carrying its rated load.

(1) Car safeties must be mechanically operated and not be affected by any interruptions in the electrical circuit.

(2) Car safeties and governor controlled safeties must operate automatically and the control circuit must be broken in the event of cable breakage.

(3) A no-load annual safety test must be performed and a tag with the date and company conducting the test must be attached to the governor with a wire and seal. A safety tag must also be permanently affixed to the inside of the car.

(4) A five-year full load test must be performed and a safety tag with the date and company conducting the test must be permanently attached to the governor with a wire and

seal. A safety tag must also be permanently affixed to the inside of the car. Documentation must be submitted to the department.

Qualified people will conduct the test. A qualified person is either:

(a) An elevator mechanic licensed in the appropriate category for the conveyance being tested;

(b) The representative of a firm that manufactured the particular material lift and who holds a current temporary mechanic's license in this state; or

(c) The representative of a firm that manufactured the particular material lift who is working under the direct supervision of an elevator mechanic licensed in the appropriate category for the conveyance being tested.

(5) Separate safety tags must be used to distinguish the no-load annual safety test and the five-year full load test.

NEW SECTION

WAC 296-96-13159 What requirements apply to brakes? All elevators must be equipped with brakes that engage mechanically and release electrically.

(1) Brakes must be located on the final drive of all elevator machines.

(2) The brake activating circuit must be designed so that interruption of power by the slack cable switch, control switch, and limit switches activate the brake.

(3) The brakes must activate under short circuit, phase failure, or reverse phase conditions.

NEW SECTION

WAC 296-96-13161 What requirements apply to car controls and safety devices? (1) Car controls may be automatic push button, constant pressure push button or momentary push button types. **Hand rope and car switch controls must not be used.**

(2) If a car is not equipped with constant pressure push button controls, then it must be equipped with a manually operated emergency stop switch that is clearly marked "emergency stop."

(3) Terminal limiting devices must operate independently of car controls and must automatically stop the car at the top and bottom terminal landings.

(4) All winding drum machine type elevators must be equipped with top and bottom final limit switches.

(5) A manual-reset slack rope device that breaks the circuit to the drive motor and brake must be installed on all winding drum type machines.

(6) All electric manlifts lifts must be equipped with an overspeed governor that must not exceed one hundred seventy-five feet per minute and must deenergize the brake control and motor drive circuits simultaneously when the car safety mechanism is activated.

(7) Car speeds for electric lifts must not exceed one hundred twenty-five feet per minute.

(8) Elevator controls and disconnects must be accessible and marked.

NEW SECTION

WAC 296-96-13167 What requirements apply to elevator driving machines? (1) Elevator machines must be driven by approved-type units.

(a) On direct drive or approved worm gear driven type, a mechanically actuated, electrically released brake must be installed on the driving unit.

(b) On V belt driven types, a minimum of four belts, one-half inch minimum size, must be used to transmit power from the motor to the drive shaft and a mechanically activated, electrically released brake must be installed on the final drive shaft.

(2) Wherever practical, elevator machines must be installed on the top side of the supporting structure.

(3) All components of the driving mechanism and parts subject to stress involved in suspending the load or related equipment must be designed to withstand eight times the total weight to be suspended, including load, counterweight, car and cables.

(4) Gears must be made of steel or equivalent material. Cast iron gears are prohibited.

(5) A working platform, with railings complying with the applicable requirements adopted according to chapter 49.17 RCW, shall be provided to allow for safely working on equipment.

(6) A light with a switch must be located near the elevator driving machine or the machinery space.

(7) A means to lockout/tagout the elevator equipment must be located near the elevator driving machine or the machinery space.

(8) The elevator machinery shall be protected from the weather.

(9) All sheaves must be appropriately guarded per the requirements adopted according to chapter 49.17 RCW.

(10) Changes based on the requirement found in subsections (5) through (9) of this section must be completed within two years of the effective date of these rules.

NEW SECTION

WAC 296-96-13169 What requirements apply to car and counterweight buffers? (1) All elevator cars must be equipped with adequate car buffers.

(2) All elevators using counterweights must be equipped with adequate counterweight buffers.

NEW SECTION

WAC 296-96-13171 What other requirements apply to electric manlifts? (1) Adequate lighting must be provided at each landing and in the shaftway.

(2) A sign bearing the following information must be posted in a conspicuous place within the car:

(a) Total load limit in pounds;

(b) "Maximum capacity-one person"; and

(c) "For authorized personnel use only."

(3) A properly working fire extinguisher must be present in each car.

(4) For purposes of this section "adequate lighting" means five-foot candles.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-14045 What construction specifications apply to hoistway cars? (1) The car must be built to the following specifications:

(a) The car platform must be no greater than 30 inches on either side (6.25 square feet area).

(b) The car frame and platform must be of steel or sound seasoned wood construction and be designed with a safety factor of not less than 4 for metal and 6 for wood, based on a maximum capacity of 250 pounds.

(c) All frame members must be securely bolted, riveted or welded and braced. If bolted, lock washers or lock nuts must be used.

(d) Where wooden frame members are bolted, large washers or metal plates must be used to minimize the possibility of splitting or cracking the wood.

(2) The sides of the car must be enclosed by a minimum of 2 safety guard rails with the top rail not less than 36 inches nor more than 42 inches from the car floor. Rails must sustain a horizontal thrust of 250 pounds. If solid material is used, it must be smooth surfaced and not less than 1/2 inch thickness, if wood; not less than 16 gauge thickness, if steel; and must be constructed from the car floor to a height of not less than 3 feet.

(a) Where the hoistway is not enclosed on the entrance side of the car, a self-locking or drop bar gate must be provided. The car gate may be of the folding type, horizontally swung, provided it swings into the car enclosure. Drop bar gates must be of two bar construction, parallelogram type, and conform to requirements specified for car guard rails.

(b) The car gate must drop into locking slots or be provided with a positive locking type latch capable of withstanding 250 pounds horizontal thrust.

(3) Every car must have a substantial protective top. The front half may be hinged. The protective top may be made from No. 9 U.S. wire gauge screen, No. 11 gauge expanded metal, No. 14 gauge sheet steel, 3/4 inch or heavier plywood. If made of wire screen or metal, the openings must reject a 1/2 inch diameter ball.

(4) Every car must have a proper rack to hold the balance weights. Weights must be contained in the proper rack when the car is in motion.

(5) A sign bearing the following information must be conspicuously posted within the car:

(a) Total load limit in pounds;

(b) "Maximum capacity one person"; and

(c) "For authorized personnel use only."

(6) Every car must be equipped with a spring loaded foot brake which:

(a) Operates independently of the car safeties;

(b) Operates in both directions and will stop and hold the car and its load; and

(c) Locks the car in its position automatically whenever the operator releases the pressure on the foot pedal.

(7) Every car must be equipped with a car safety device which:

(a) Applies to the sides of the main guide rails; and

(b) Stops and holds the car and its load immediately when the hoisting rope breaks.

PERMANENT

(8) Every car must have a minimum clearance of 6 feet 6 inches from the top of the car platform to the bottom edge of the crosshead or any other obstruction.

(9) A tool box with minimum dimensions of 4 inches long by 3 inches deep must be provided and firmly attached to the car structure.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-14060 What requirements apply to hoisting ropes? (1) Hoisting ropes must be of good grade traction elevator wire rope and must:

- (a) Be not less than 3/8 inch in diameter(⊕);
- (b) Provide a safety factor of 5 based on the maximum weight supported(⊕);
- (c) Be of sufficient length to prevent the counterweight from striking the overhead structure when car is at the bottom, and prevent the car from striking the overhead before the counterweight is at its lower limit of travel(⊕);
- (d) ~~((Be fastened at each end by at least 3 or more clamps, with the "U" of the clamp bearing on the dead end of the rope; and))~~ Cable fastenings shall be by babbitted tapered elevator sockets or other acceptable methods approved by the department. If cable clamps are used, a minimum of three cable clamps must be provided. U-shaped clamps shall not be acceptable.

(e) Where passed around a metal or other object less than three times the diameter of the cable, have a thimble of the correct size inserted in the eye.

(2) Approved sockets or fittings with the wire properly turned back and babbitted may be used in place of clamps noted in subsection (1)(d) of this section.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-14070 Where must hoistway lights be located? Adequate lighting must be installed and operating at each landing and in the shaftway.

For purposes of this section "adequate lighting" means five-foot candles.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-14080 What additional requirements apply to the installation and operation of hand powered manlifts? (1) Only employees and other authorized personnel may ride in a lift car.

(2) Escape ladders must be installed extending the full length of the hoistway and must be located in a position so that in an emergency a person can safely transfer from the car platform to the ladder. Transfer is considered safe when a person can maintain three points of contact while making the transfer. An "IMPAIRED CLEARANCE" sign must be posted at the bottom of a ladder when the face of the ladder is less than 30 inches from any structure.

(3) An automatic safety device which will prevent the car from leaving the landing until manually released by the operator must be installed at the bottom landing.

(4) A fire extinguisher in proper working condition must be available in the car.

(5) A five-year full load test must be performed and a tag indicating the date and the company conducting the test must be permanently attached with a wire and a seal. Documentation of the test submitted to the department. Manlifts with wooden rails must ~~((perform))~~ have a no-load drop test performed on the equipment.

Qualified people will conduct the test. A qualified person is either:

(a) An elevator mechanic licensed in the appropriate category for the conveyance being tested;

(b) The representative of a firm that manufactured the particular material lift and who holds a current temporary mechanic's license in this state; or

(c) The representative of a firm that manufactured the particular material lift who is working under the direct supervision of an elevator mechanic licensed in the appropriate category for the conveyance being tested.

(6) ~~((An annual))~~ A no load annual safety test must be performed and a tag ((with)) indicating the date and company conducting the test must be attached to the conveyance with a wire and seal. A safety tag must also be permanently affixed to the inside of the car.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-16040 What requirements apply to the location of electrical wiring, pipes and ducts in hoistways and machine rooms? (1) Only electrical wiring raceways and cables directly related to an elevator's operation may be installed inside the hoistway.

(2) Pipes or ducts that convey gases, vapors, or liquids and are not used in connection with the elevator must not be installed in any hoistway, machine room, or machinery space.

(3) Machinery and sheave beams, supports, and foundations must comply with the American Standard Safety Code for Elevators, Dumbwaiters, Escalators and Moving Walks A17.1, Section ~~((405))~~ 2.9.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-16150 What is the load capacity of a casket lift car? (1) Driving machines, car and counterweight suspension mechanisms, and overhead beams and supports must be able to sustain a car with a structural load capacity based upon its inside net platform area as shown in American Standard Safety Code for Elevators, Dumbwaiters, Escalators and Moving Walks A17.1, Table ~~((207.4))~~ 216.1.

(2) A metal plate which gives the rated load in letters and figures not less than 1/4 inch high stamped, etched or raised on the surface of the plate must be fastened in a conspicuous place in the car.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-23100 Are keys required to be on-site? Yes. The keys to the machine room and the keys that are nec-

essary to operate the elevator must be ~~((readily available to authorized personnel.~~

~~note: The department recommends the use of)~~ located in a locked key retainer box in the elevator lobby ((at the designated level above the hall buttons or by machine room doors at no more than 6 feet above the floor. This)); or located by machine room doors at no more than six feet above the floor, provided access to the key box doesn't require passage through locked doors. The key retainer box ((should)) must be:

- Readily accessible to authorized personnel;
- Clearly labeled "Elevator"; and
- Equipped with a 1-inch cylinder cam lock key #39504.

~~((The department)) Further ((recommends that)):~~

• Keys for access to elevator machine rooms and for operating elevator equipment ~~((are))~~ must be tagged and kept in the key box.

• The key box must contain~~((s))~~ all keys necessary for inspections of the elevator.

• Mechanical hoistway access devices ~~((are))~~ must be kept in the key box or machine room.

The department may approve existing retainer boxes provided they are:

- Readily accessible to authorized personnel;
- Clearly labeled "elevator"; and
- The lock must be either a 1-inch cylinder cam lock key #39504 or a combination lock. The combination for the lock must be on record with the department.

must be on record with the department.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-23101 What is the scope of Subpart I?

(1) Subpart I, Hoistways and Related Construction for Electric and Hydraulic Elevators, is the minimum standard for all existing hydraulic and electric elevators. It applies to other equipment only as referenced in the applicable part.

(2) This subpart does not apply to elevators located in grain terminals, residential elevators, or special purpose elevators.

NEW SECTION

WAC 296-96-23117 What requirements apply to top of car railings for traction elevators? A standard railing must be installed on the top of all traction elevators where the perpendicular distance between the edges of the car top and the adjacent hoistway enclosure exceeds twelve inches horizontal clearance. The railing shall be substantially constructed of metal and shall consist of a top rail, intermediate rail and post. The top rail shall have a smooth surface and the upper surface shall be located at a vertical height of forty-two inches. The intermediate rail shall be located approximately halfway between the top rail and the car top. There must be a minimum of six inches of clearance above the top rail when the car is at its furthest point of travel on inspection mode.

NEW SECTION

WAC 296-96-23118 What requirements apply to top of car railings for hydraulic elevators in unenclosed hoistways? A standard railing must be installed on the top of hydraulic elevators installed in unenclosed hoistways. The railing shall be substantially constructed of metal and shall consist of a top rail, intermediate rail and post. The top rail shall have a smooth surface and, where practical, the upper surface shall be located at a vertical height of forty-two inches. The intermediate rail shall be located approximately halfway between the top rail and the car top. There must be a minimum of six inches of clearance above the top rail when the car is at its furthest point of travel on inspection mode.

NEW SECTION

WAC 296-96-23119 What signage requirements apply to traction elevators with minimal overhead clearance? Traction elevators that do not have a minimum of twenty-four inches of clearance from the crosshead, or any equipment mounted on the crosshead, to the lowest member of the overhead structure in the hoistway when the car has reached its maximum upward movement must have signage. A sign must be located near the top of car inspection station. An additional sign must be posted on the hoistway wall. This sign must be visible when accessing the car top. The sign shall consist of alternating four-inch diagonal red and white stripes and must clearly state "danger low clearance" in lettering not less than four inches in height.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-23151 What requirements apply to hoistway door closing devices? (1) Horizontally sliding doors on automatic-operation elevators must be equipped with door closers that automatically close an open door if the car for any reason leaves the landing zone.

(2) Horizontal swinging single or center-opening doors on automatic-operation elevators must be self-closing.

(3) Door closers are not required for the swinging portion of combination horizontally sliding and swinging doors.

(4) On center-opening doors that utilize relating cables if the cabling fails or when the cabling is replaced a method shall be provided to ensure that both doors automatically close if the car for any reason leaves the landing zone.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-23240 What is the minimum rated load for passenger elevators? The rated load in pounds for passenger elevators must be based on the inside net platform areas and must be not less than shown in the table below. The inside net platform areas must be determined as shown in ~~((Table 3-7-1))~~ the table below which shows the maximum inside net platform areas for the various common rated loads. If other rated loads are used, they must be at least the following:

(1) For an elevator with an inside net platform area of no more than 50 feet squared, $W = 0.667A \text{ squared} + 66.7A$.

(2) For an elevator with an inside net platform area of more than 50 feet squared, $W = 0.0467A \text{ squared} + 125A - 1367$.

NOTE: A = inside net platform area, ft. squared
W = minimum rated load, lb.

| MAXIMUM* INSIDE NET PLATFORM AREAS FOR THE VARIOUS RATED LOADS | | | |
|--|---|-----------------|---|
| Rated Load, lb. | Inside Net Platform Area, ft ² | Rated Load, lb. | Inside Net Platform Area, ft ² |
| 500 | 7.0 | 5,000 | 50.0 |
| 600 | 8.3 | 6,000 | 57.7 |
| 700 | 9.6 | 7,000 | 65.3 |
| 1,000 | 13.25 | 8,000 | 72.9 |
| 1,200 | 15.6 | 9,000 | 80.5 |
| 1,500 | 18.9 | 10,000 | 88.0 |
| 1,800 | 22.1 | 12,000 | 103.0 |
| 2,000 | 24.2 | 15,000 | 125.1 |
| 2,500 | 29.1 | 18,000 | 146.9 |
| 3,000 | 33.7 | 20,000 | 161.2 |
| 3,500 | 38.0 | 25,000 | 196.5 |
| 4,000 | 42.2 | 30,000 | 231.0 |
| 4,500 | 46.2 | | |

*To allow for variations in cab designs, an increase in the maximum inside net platform area not exceeding 5% will be permitted for the various rated loads.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-23270 What requirements apply to car top operating devices? (1) Elevators with automatic or continuous-pressure operation must have a continuous-pressure button operating switch mounted on the car top for the purpose of operating the car solely from the top of the car. The device must operate the car at a speed not exceeding 150 feet per minute.

(2) The means for transferring the control of the elevator to the top-of-car operating device must be on the car top and located between the car crosshead and the side of the car nearest the hoistway entrance normally used for access to the car top.

(3) A top of car operating station must be installed on all existing elevators which have more than fifteen feet of travel.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-23287 What requirements apply to suspension rope equalizers? Suspension rope equalizers, where provided, must be of the individual-compression spring type.

Equalizers of other types may be used with traction elevators provided the equalizers and fastenings are approved by the authority having jurisdiction on the basis of adequate tensile and fatigue tests made by a qualified laboratory. Such tests must show the ultimate strength of the equalizer and its fastenings in its several parts and assembly, which must be no

less than 10 percent in excess of the strength of suspension ropes, provided that equalizers of the single-bar type, or springs in tension, must not be used to attach suspension ropes to cars or counterweights or to dead-end hitch plates.

EXCEPTION: The requirements of this section do not apply to rope equalizers that meet Rule 2.20.5 in ASME A17.1-2000.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-23610 What requirements apply to routine periodic inspections and tests? The owner or the owner's agent must ensure that her/his conveyances are inspected and tested periodically by a person qualified to perform such services ~~(, and a report indicating the date of inspection with all pertinent data included must be posted in the machine room unless otherwise specified in ASME A17.1, Part X.~~

The inspection and tests must be in compliance with the following sections of ASME A17.1, Part X:

- ~~(a) Section 1000, Rule 1000.1, Rule 1000.2, Rule 1000.3;~~
- ~~(b) Section 1001, Rule 1001.1, Rule 1001.2;~~
- ~~(c) Section 1002, Rule 1002.1, Rule 1002.2, Rule 1002.3;~~
- ~~(d) Section 1004, Rule 1004.2;~~
- ~~(e) Section 1005, Rule 1005.1, Rule 1005.2, Rule 1005.3, Rule 1005.4;~~
- ~~(f) Section 1007, Rule 1007.2;~~
- ~~(g) Section 1008, Rule 1008.1, Rule 1008.2; and~~
- ~~(h) Section 1010, Rule 1010.1, Rule 1010.2, Rule 1010.3, Rule 1010.4, Rule 1010.5, Rule 1010.6, Rule 1010.7).~~ All conveyances must be tested to the applicable code(s) by an elevator mechanic licensed in the appropriate category for the conveyance being tested.

(1) For annual testing of electric, hydraulic, and roped hydraulic elevators, a log indicating the date of testing with all pertinent data included must be posted in the machine room. The log must be completed by the qualified person performing the test.

Note: The fire service and smoke detector testing may be performed and logged by the building owner.

(2)(a) For five-year testing of electric, hydraulic and roped hydraulic elevators a full load safety test must be performed with weights.

(b) For roped hydraulic elevators a static load test with the full load on the car must also be performed.

(c) For tests administered under this subsection:

(i) A log indicating the date of testing with all pertinent data included must be posted in the machine room. The log must be completed by the licensed elevator mechanic performing the test.

(ii) A safety tag with the date and company conducting the test must be permanently attached to the governor, safeties, and the rupture valves with a wire and seal.

(iii) Documentation must be submitted to the department.

Note: Separate safety tags must be used to distinguish the no-load annual safety test and the five-year full load test.

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(d) Qualified people will conduct the test. A qualified person is either:

(i) An elevator mechanic licensed in the appropriate category for the conveyance being tested;

(ii) The representative of a firm that manufactured the particular material lift, and who holds a current temporary mechanic's license in this state; or

(iii) The representative of a firm that manufactured the particular material lift who is working under the direct supervision of an elevator mechanic licensed in the appropriate category for the conveyance being tested.

Escalators shall be tested and cleaned annually. Upon completion of this work, the appropriate form indicating that the work was done must be submitted to the department.

(3) All other conveyances requiring annual testing must have tags indicating the date and the name of the company who performed the test. When the required location for mounting the tag is not readily accessible, the tag may be mounted on the main line disconnect.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 296-96-01080 How do you appeal a notice of violation?
- WAC 296-96-02365 What is required for physically handicapped lifts?
- WAC 296-96-11000 What regulations apply to belt manlifts after 1974?

**WSR 04-12-048
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed May 28, 2004, 10:11 a.m., effective June 30, 2004]

Date of Adoption: May 28, 2004.

Purpose: Fees and other related changes for contractor registration (chapter 296-200A WAC) and factory assembled

structures (chapters 296-150C, 296-150P, 296-150R, 296-150T, and 296-150V WAC).

The department is proposing to adopt a 3.2% (rounded down to the nearest tenth of a dollar) general increase in fees for the factory assembled structures and contractor registration programs. The 3.2% rate is the Office of Financial Management's maximum allowable fiscal growth rate factor for fiscal year 2004. The general fee increases are necessary to help offset inflation and maintain the financial health and operational effectiveness of the programs. The alteration inspection fee was combined with the insignia alteration fee to create a new fee for alteration inspections and a new fee was added for the construction and electrical contractors listing publication on CD ROM.

Citation of Existing Rules Affected by this Order: Amending WAC 296-150C-3000, 296-150F-3000, 296-150M-3000, 296-150P-3000, 296-150R-3000, 296-150T-3000, 296-150V-3000, and 296-200A-900.

Statutory Authority for Adoption: Chapters 18.27 and 43.22 RCW.

Adopted under notice filed as WSR 04-08-092 on April 6, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 8, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 8, Repealed 0.

Effective Date of Rule: June 30, 2004.

May 28, 2004

Paul Trause
Director

AMENDATORY SECTION (Amending WSR 03-12-045, filed 5/30/03, effective 6/30/03)

WAC 296-150C-3000 Commercial coach fees.

| | |
|--|-------------------------------------|
| INITIAL FILING FEE | \$(30.50) 31.40 |
| DESIGN PLAN FEES: | |
| INITIAL FEE - MASTER DESIGN | \$(209.60) 216.30 |
| INITIAL FEE - ONE YEAR DESIGN | \$(85.90) 88.60 |
| RENEWAL FEE | \$(36.40) 37.50 |
| RESUBMIT FEE | \$(61.30) 63.20 |
| ADDENDUM (Approval expires on same date as original plan) | \$(61.30) 63.20 |
| ELECTRONIC PLAN SUBMITTAL FEE \$(4.70) 4.80 per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section. | |

PERMANENT

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|--|--|----------------------------|
| ELECTRICAL PLAN REVIEW (When required by chapter 296-46B WAC. Plan review for educational, institutional or health care facilities and other buildings) | | |
| Electrical Plan submission fee | | \$((61.30)) <u>63.20</u> |
| Service/feeder Ampacity: | | |
| 0 - 100 | | \$((27.20)) <u>28.00</u> |
| 101 - 200 | | \$((33.90)) <u>34.90</u> |
| 201 - 400 | | \$((63.50)) <u>65.50</u> |
| 401 - 600 | | \$((74.90)) <u>77.20</u> |
| 601 - 800 | | \$((96.50)) <u>99.50</u> |
| 801 - 1000 | | \$((118.10)) <u>121.80</u> |
| Over 1000 | | \$((128.10)) <u>132.10</u> |
| Over 600 volts surcharge | | \$((20.30)) <u>20.90</u> |
| Thermostats: | | |
| First | | \$((12.10)) <u>12.40</u> |
| Each additional | | \$3.00 |
| Low voltage fire alarm and burglar alarm: | | |
| Each control panel and up to four circuits or zones | | \$((11.00)) <u>11.30</u> |
| Each additional circuit or zone | | \$2.00 |
| Generators, refer to appropriate service/feeder ampacity fees | | |
| <i>Note: Altered services or feeders shall be charged the above rate per the service/feeder ampacity fees.</i> | | |
| Supplemental submissions of plans (resubmittals, addendums, renewals, code updates, etc.) shall be charged per hour or fraction of an hour* | | \$((72.60)) <u>74.90</u> |
| MEDICAL GAS PLAN REVIEW: | | |
| SUBMISSION FEE | | \$((58.80)) <u>60.60</u> |
| FIRST STATION | | \$((58.80)) <u>60.60</u> |
| EACH ADDITIONAL STATION | | \$((21.60)) <u>22.20</u> |
| RECIPROCAL PLAN REVIEW: | | |
| INITIAL FEE - MASTER DESIGN | | \$((93.50)) <u>96.40</u> |
| INITIAL FEE - ONE YEAR DESIGN | | \$((56.60)) <u>58.40</u> |
| RENEWAL FEE | | \$((56.60)) <u>58.40</u> |
| ADDENDUM | | \$((56.60)) <u>58.40</u> |
| PLANS APPROVED BY PROFESSIONALS | | \$((42.70)) <u>44.00</u> |
| APPROVAL OF EACH SET OF DESIGN PLANS BEYOND FIRST TWO SETS | | \$((11.60)) <u>11.90</u> |
| DEPARTMENT INSPECTION FEES | | |
| INSPECTION/REINSPECTION (Per hour* plus travel time* and mileage**) | | \$((61.30)) <u>63.20</u> |
| TRAVEL (Per hour) | | \$((61.30)) <u>63.20</u> |
| PER DIEM** | | |
| HOTEL*** | | |
| MILEAGE** | | |
| RENTAL CAR*** | | |
| PARKING*** | | |
| AIRFARE*** | | |
| DEPARTMENT AUDIT FEES: | | |
| AUDIT (Per hour*) | | \$((61.30)) <u>63.20</u> |

PERMANENT

| | |
|--|----------------------------|
| TRAVEL (Per hour*) | \$(61.30) 63.20 |
| PER DIEM** | |
| HOTEL*** | |
| MILEAGE** | |
| RENTAL CAR*** | |
| PARKING*** | |
| AIRFARE*** | |
| ALTERATION INSPECTION (One hour plus insignia alteration fee) | 94.60 |
| INSIGNIA FEES: | |
| FIRST SECTION | \$(18.70) 19.20 |
| EACH ADDITIONAL SECTION | \$(11.60) 11.90 |
| ALTERATION | \$(30.50) 31.40 |
| REISSUED-LOST/DAMAGED | \$(11.60) 11.90 |
| OTHER FEES: | |
| FIELD TECHNICAL SERVICE (Per hour* plus travel time* and mileage**) | \$(61.30) 63.20 |
| PUBLICATION PRINTING AND DISTRIBUTION OF RCW'S AND WAC'S (One free copy per year upon request) | \$(11.60) 11.90 |
| * Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments | |
| ** Per state guidelines | |
| *** Actual charges incurred | |

AMENDATORY SECTION (Amending WSR 03-12-044, filed 5/30/03, effective 5/30/03)

WAC 296-150F-3000 Factory-built housing and commercial structure fees.

| | |
|---|------------------------------|
| INITIAL FILING FEE | \$(54.00) 55.70 |
| DESIGN PLAN FEES: | |
| INITIAL FEE - MASTER DESIGN (CODE CYCLE) | \$(266.00) 274.50 |
| INITIAL FEE - ONE YEAR DESIGN | \$(156.00) 160.90 |
| RENEWAL FEE | \$(54.00) 55.70 |
| RESUBMIT FEE | \$(78.00) 80.40 |
| ADDENDUM (Approval expires on same date as original plan.) | \$(78.00) 80.40 |
| ELECTRONIC PLAN SUBMITTAL FEE \$(4.60) 4.70 per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section. | |
| ELECTRICAL PLAN REVIEW (When required by chapter 296-46A WAC, Plan review for educational, institutional or health care facilities and other buildings): | |
| Electrical Plan submission fee | \$(59.40) 61.30 |
| Service/feeder Ampacity: | |
| 0 - 100 | \$(26.40) 27.20 |
| 101 - 200 | \$(32.90) 33.90 |
| 201 - 400 | \$(61.50) 63.40 |
| 401 - 600 | \$(72.60) 74.90 |
| 601 - 800 | \$(93.50) 96.40 |
| 801 - 1000 | \$(114.40) 118.00 |
| Over 1000 | \$(124.10) 128.00 |
| Over 600 volts surcharge | \$(19.70) 20.30 |
| Thermostats: | |
| First | \$(11.80) 12.10 |
| Each additional | 3.00 |

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| Low voltage fire alarm and burglar alarm: | |
| Each control panel and up to four circuits or zones | \$((10.70)) 11.00 |
| Each additional circuit or zone | \$2.00 |
| Generators, refer to appropriate service/feeder ampacity fees | |
| <i>Note: Altered services or feeders shall be charged the above rate per the service/feeder ampacity fees.</i> | |
| Supplemental submissions of plans (resubmittals, addendums, renewals, code updates, etc.) will be charged per hour or fraction of an hour* | \$((70.30)) 72.50 |
| MEDICAL GAS PLAN REVIEW: | |
| SUBMISSION FEE | \$((74.00)) 76.30 |
| FIRST STATION | \$((74.00)) 76.30 |
| EACH ADDITIONAL STATION | \$((27.00)) 27.80 |
| RECIPROCAL PLAN REVIEW: | |
| INITIAL FEE-MASTER DESIGN | \$((119.00)) 122.80 |
| INITIAL FEE-ONE YEAR DESIGN | \$((72.00)) 74.30 |
| RENEWAL FEE | \$((72.00)) 74.30 |
| ADDENDUM | \$((72.00)) 74.30 |
| PLANS APPROVED BY DESIGN PROFESSIONALS | |
| | \$((54.00)) 55.70 |
| APPROVAL OF EACH SET OF DESIGN PLANS BEYOND FIRST TWO SETS | |
| | \$((14.00)) 14.40 |
| DEPARTMENT INSPECTION FEES | |
| INSPECTION/REINSPECTION (Per hour* plus travel time* and mileage**) | \$((69.00)) 71.20 |
| TRAVEL (Per hour*) | \$((69.00)) 71.20 |
| PER DIEM** | |
| HOTEL*** | |
| MILEAGE** | |
| RENTAL CAR*** | |
| PARKING*** | |
| AIRFARE*** | |
| DEPARTMENT AUDIT FEES: | |
| AUDIT (Per hour*) | \$((69.00)) 71.20 |
| TRAVEL (Per hour*) | \$((69.00)) 71.20 |
| PER DIEM** | |
| HOTEL*** | |
| MILEAGE** | |
| RENTAL CAR*** | |
| PARKING*** | |
| AIRFARE*** | |
| INSIGNIA FEES: | |
| FIRST SECTION | \$((220.00)) 227.00 |
| EACH ADDITIONAL SECTION | \$((20.00)) 20.60 |
| REISSUED-LOST/DAMAGED | \$((54.00)) 55.70 |
| OTHER FEES: | |
| FIELD TECHNICAL SERVICE (Per hour* plus travel time* and mileage**) | \$((69.00)) 71.20 |
| NOTIFICATION TO LOCAL ENFORCEMENT AGENCY (NLEA) | \$((30.00)) 30.90 |
| PUBLICATION PRINTING AND DISTRIBUTION OF RCW'S AND WAC'S (One free copy per year upon request) | \$((11.30)) 11.60 |
| * Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments. | |

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| ** Per state guidelines. | |
| *** Actual charges incurred. | |

AMENDATORY SECTION (Amending WSR 03-12-044, filed 5/30/03, effective 5/30/03)

WAC 296-150M-3000 Manufactured home fees.

| | |
|--|-------------------------------------|
| INITIAL FILING FEE | \$(29.60) <u>30.50</u> |
| DESIGN PLAN FEES: | |
| STRUCTURAL ALTERATION - MASTER DESIGN (CODE CYCLE) | \$(119.40) <u>122.90</u> |
| STRUCTURAL ALTERATION - ONE YEAR DESIGN | \$(80.00) <u>82.50</u> |
| RENEWAL FEE | \$(35.60) <u>36.70</u> |
| RESUBMITTAL FEE | \$(59.40) <u>61.30</u> |
| ADDENDUM (Approval expires on the same date as original plan.) | \$(59.40) <u>61.30</u> |
| ELECTRONIC PLAN SUBMITTAL FEE \$(4.60) <u>4.70</u> per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section. | |
| DEPARTMENT INSPECTION FEES: | |
| INSPECTION | |
| MECHANICAL | |
| Heat Pump | \$(30.00) <u>30.90</u> |
| Combination Heat Pump (new) and Furnace (replacement) | \$(40.00) <u>41.20</u> |
| Air Conditioning | \$(30.00) <u>30.90</u> |
| Combination Air Conditioning (new) and Furnace (replacement) | \$(40.00) <u>41.20</u> |
| Furnace Installation (gas*** or electric) | \$(30.00) <u>30.90</u> |
| Gas*** Piping | \$(30.00) <u>30.90</u> |
| Wood Stove | \$(30.00) <u>30.90</u> |
| Pellet Stove | \$(30.00) <u>30.90</u> |
| Gas*** Room Heater | \$(30.00) <u>30.90</u> |
| Gas*** Decorative Appliance | \$(30.00) <u>30.90</u> |
| Range: Changing from electric to gas*** | \$(30.00) <u>30.90</u> |
| Gas*** Water Heater Replacement | \$(20.00) <u>20.60</u> |
| Water Heater: Changing from electric to gas*** | \$(20.00) <u>20.60</u> |
| Any combination of Furnace, Range, and Water Heater changing from electric to gas*** and includes Gas Piping charge | \$(60.00) <u>61.90</u> |
| ELECTRICAL | |
| Heat Pump | \$(40.00) <u>41.20</u> |
| Heat Pump (when home is prewired for a heat pump) | \$(10.00) <u>10.30</u> |
| Combination Heat Pump (new) and Furnace (replacement) | \$(50.00) <u>51.60</u> |
| Air Conditioner | \$(40.00) <u>41.20</u> |
| Air Conditioner (when home is prewired for an air conditioner) | \$(10.00) <u>10.30</u> |
| Combination Air Conditioner (new) and Furnace (replacement) | \$(50.00) <u>51.60</u> |
| Furnace Installation (gas or electric) | \$(40.00) <u>41.20</u> |
| Wood Stove (if applicable) | \$(40.00) <u>41.20</u> |
| Pellet Stove (if applicable) | \$(40.00) <u>41.20</u> |
| Gas*** Room Heater (if applicable) | \$(40.00) <u>41.20</u> |
| Gas*** Decorative Appliance (if applicable) | \$(40.00) <u>41.20</u> |
| Range: Changing from gas*** to electric | \$(40.00) <u>41.20</u> |
| Electric Water Heater Replacement | \$(40.00) <u>41.20</u> |
| Electric Water Heater replacing Gas*** Water Heater | \$(40.00) <u>41.20</u> |
| Each added or modified 120 volt circuit (maximum charge is two circuits) | \$(40.00) <u>41.20</u> |
| Each added 240 volt circuit (for other than Heat Pumps, Air Conditioners, Furnaces, Water Heaters, Ranges, Hot Tubs or Spas) | \$(40.00) <u>41.20</u> |
| Hot Tub or Spa (power from home electrical panel) | \$(40.00) <u>41.20</u> |
| Replace main electrical panel | \$(40.00) <u>41.20</u> |
| Low voltage fire/intrusion alarm | \$(40.00) <u>41.20</u> |
| Fire Safety | \$(40.00) <u>41.20</u> |

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|---|--------------------------|
| Any combination of Furnace, Range and Water Heater changing from electric to gas*** | \$((40.00)) 41.20 |
| PLUMBING | |
| Fire sprinkler system (also requires a plan review) | \$((20.00)) 20.60 |
| Each added fixture | \$((20.00)) 20.60 |
| Replacement of water piping system (this includes two inspections) | \$((90.00)) 92.80 |
| STRUCTURAL | |
| Inspection as part of a mechanical/fire safety installation (cut truss/floor joist, sheet rocking) | \$((40.00)) 41.20 |
| Reroofs (may require a plan review) | \$((70.00)) 72.20 |
| Changes to home when additions bear loads on home per the design of a professional (also requires a plan review) | \$((70.00)) 72.20 |
| Other structural changes (may require a plan review) | \$((70.00)) 72.20 |
| Fire Safety (may also require an electrical fire safety inspection) | \$((40.00)) 41.20 |
| MISCELLANEOUS | |
| Other structural changes (may require a plan review) | \$((70.00)) 72.20 |
| Plan Review | \$((80.00)) 82.50 |
| OTHER REQUIRED INSPECTIONS (Per hour*) | \$((55.00)) 56.70 |
| ALL REINSPECTIONS (Per hour*) | \$((55.00)) 56.70 |
| INSIGNIA FEES: | |
| ALTERATION | \$((10.00)) 10.30 |
| REISSUED - LOST/DAMAGED | \$((10.00)) 10.30 |
| IPIA | |
| DEPARTMENT AUDIT FEES | |
| REGULARLY SCHEDULED IPIA AUDIT: | |
| First inspection on each section (one time only) | \$((27.10)) 27.90 |
| Second and succeeding inspections of unlabeled sections (Per hour*) | \$((59.40)) 61.30 |
| OTHER IPIA FEES: | |
| Red tag removal during a regularly scheduled IPIA audit (Per hour* separate from other fees) | \$((59.40)) 61.30 |
| Red tag removal at a time other than a regularly scheduled IPIA audit (Per hour* plus travel time* and mileage**) | \$((59.40)) 61.30 |
| Increased frequency surveillance (Per hour* plus travel time* and mileage**) | \$((59.40)) 61.30 |
| Attendance at manufacturers training classes (Per hour* only) | \$((59.40)) 61.30 |
| Subpart "I" investigations (Per hour* plus travel time* and mileage**) | \$((59.40)) 61.30 |
| Alterations to a labeled unit (Per hour* plus travel time* and mileage**) | \$((59.40)) 61.30 |
| IPIA Issues/Responses (Per hour* Plus travel time* and mileage**) | \$((59.40)) 61.30 |
| Monthly surveillance during a regularly scheduled IPIA audit (Per hour* plus travel time* and mileage**) | \$((59.40)) 61.30 |
| Monthly surveillance at a time other than a regularly scheduled IPIA audit (Per hour* plus travel time* and mileage**) | \$((59.40)) 61.30 |
| Plant certifications, recertifications and addenda updates (Per hour* plus travel time* and mileage** per each inspector) | \$((59.40)) 61.30 |
| Response to HBT Audit during a regularly scheduled IPIA audit (Per hour*) | \$((59.40)) 61.30 |
| Response to HBT Audit at a time other than a regularly scheduled IPIA audit (Per hour* plus travel time* and mileage**) | \$((59.40)) 61.30 |
| Alternative construction (AC) letter inspections at placement site (Per hour* plus travel time* and mileage**) | \$((59.40)) 61.30 |
| Replacement of HUD labels (Per hour* plus travel time* and mileage**) | \$((59.40)) 61.30 |
| State Administrative Agency (SAA) inspection fee (Per hour* plus travel time* and mileage**) | \$((59.40)) 61.30 |
| OTHER FEES: | |
| FIELD TECHNICAL SERVICE (Per hour plus travel time* and mileage**) | \$((55.00)) 56.70 |
| PUBLICATION PRINTING AND DISTRIBUTION OF RCWs AND WACs (One free copy per year upon request) | \$((11.30)) 11.60 |
| VARIANCE INSPECTION FEE | \$((80.00)) 82.50 |
| HOMEOWNER REQUESTED INSPECTION | \$((80.00)) 82.50 |
| DECERTIFICATION OF A MOBILE/MANUFACTURED HOME | \$((80.00)) 82.50 |
| DEMOLITION OF A MOBILE/MANUFACTURED HOME | \$((80.00)) 82.50 |
| NOTE: Local jurisdictions may have other fees that apply. | |

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| * Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments. | |
| ** Per state guidelines. | |
| *** Gas means all gases; natural, propane, etc. | |

AMENDATORY SECTION (Amending WSR 03-12-045, filed 5/30/03, effective 6/30/03)

WAC 296-150P-3000 Recreational park trailer fees.

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| INITIAL FILING FEE | \$(30.50) 31.40 |
| DESIGN PLAN FEES: | |
| NEW PLAN REVIEW FEE WITHOUT STRUCTURAL REQUIREMENTS | \$(85.90) 88.60 |
| NEW PLAN REVIEW FEE WITH STRUCTURAL REQUIREMENTS | \$(113.40) 117.00 |
| RESUBMITTAL FEE | \$(61.30) 63.20 |
| ADDENDUM (Approval expires on same date as original plan.) | \$(61.30) 63.20 |
| ELECTRONIC PLAN SUBMITTAL FEE \$(4.70) 4.80 per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section. | |
| QUALITY CONTROL/MANUAL FEES: | |
| INITIAL APPROVAL | \$(11.60) 11.90 |
| RESUBMITTAL FEE | \$(61.30) 63.20 |
| ADDENDUM | \$(61.30) 63.20 |
| DEPARTMENT AUDIT FEES: | |
| AUDIT (per hour)* | \$(61.30) 63.20 |
| TRAVEL (per hour)* | \$(61.30) 63.20 |
| PER DIEM** | |
| HOTEL*** | |
| MILEAGE** | |
| RENTAL CAR*** | |
| PARKING*** | |
| AIRFARE*** | |
| DEPARTMENT INSPECTION FEES: | |
| INSPECTION (per hour)* | \$(61.30) 63.20 |
| TRAVEL (per hour)* | \$(61.30) 63.20 |
| PER DIEM** | |
| HOTEL*** | |
| MILEAGE** | |
| RENTAL CAR*** | |
| PARKING*** | |
| AIRFARE*** | |
| ALTERATION INSPECTION (One hour plus insignia alteration fee) | \$94.60 |
| INSIGNIA FEES: | |
| STATE CERTIFIED | \$(11.40) 11.70 |
| ALTERATION | \$(30.50) 31.40 |
| REISSUED-LOST/DAMAGED | \$(11.40) 11.70 |
| OTHER FEES: | |
| FIELD TECHNICAL SERVICE (per hour* plus travel time* and mileage**) | \$(61.30) 63.20 |
| PUBLICATION PRINTING AND DISTRIBUTION OF RCWs AND WACs (One free copy per year upon request) | \$(11.60) 11.90 |
| * Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments. | |
| ** Per state guidelines. | |
| *** Actual charges incurred. | |

PERMANENT

AMENDATORY SECTION (Amending WSR 03-12-045, filed 5/30/03, effective 6/30/03)

WAC 296-150R-3000 Recreational vehicle fees.

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|---|--------------------------|
| STATE PLAN | |
| INITIAL FILING FEE | \$((30.50)) <u>31.40</u> |
| DESIGN PLAN FEES: | |
| NEW PLAN REVIEW FEE | \$((85.90)) <u>88.60</u> |
| RESUBMITTAL FEE | \$((61.30)) <u>63.20</u> |
| ADDENDUM (Approval expires on same date as original plan.) | \$((61.30)) <u>63.20</u> |
| QUALITY CONTROL/MANUAL FEES: | |
| INITIAL APPROVAL | \$((11.60)) <u>11.90</u> |
| RESUBMITTAL FEE | \$((61.30)) <u>63.20</u> |
| ADDENDUM | \$((61.30)) <u>63.20</u> |
| ELECTRONIC PLAN SUBMITTAL FEE \$((4.70)) <u>4.80</u> per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section. | |
| DEPARTMENT AUDIT FEES: | |
| AUDIT (per hour)* | \$((61.30)) <u>63.20</u> |
| TRAVEL (per hour)* | \$((61.30)) <u>63.20</u> |
| PER DIEM** | |
| HOTEL*** | |
| MILEAGE** | |
| RENTAL CAR*** | |
| PARKING | |
| AIRFARE*** | |
| DEPARTMENT INSPECTION FEES: | |
| INSPECTION (per hour)* | \$((61.30)) <u>63.20</u> |
| TRAVEL (per hour)* | \$((61.30)) <u>63.20</u> |
| PER DIEM** | |
| HOTEL*** | |
| MILEAGE** | |
| RENTAL CAR*** | |
| PARKING*** | |
| AIRFARE*** | |
| ALTERATION INSPECTION (One hour plus insignia alteration fee) | <u>\$94.60</u> |
| INSIGNIA FEES: | |
| STATE CERTIFIED | \$((11.00)) <u>11.30</u> |
| ALTERATION | \$((30.50)) <u>31.40</u> |
| REISSUED-LOST/DAMAGED | \$((11.00)) <u>11.30</u> |
| OTHER FEES: | |
| FIELD TECHNICAL SERVICE (per hour* plus travel time* and mileage**) | \$((61.30)) <u>63.20</u> |
| PUBLICATION PRINTING AND DISTRIBUTION OF RCWs AND WACs (One free copy per year) | \$((11.60)) <u>11.90</u> |
| * Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments. | |
| ** Per state guidelines. | |
| ***Actual charges incurred. | |

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| SELF CERTIFICATION | |
| INITIAL FILING FEE | \$((30.50)) <u>31.40</u> |
| DESIGN PLAN FEES: | |
| NEW PLAN REVIEW FEE (one time fee) | \$((85.90)) <u>88.60</u> |
| RESUBMITTAL FEE | \$((61.30)) <u>63.20</u> |
| ADDENDUM (Approval expires on same date as original plan.) | \$((61.30)) <u>63.20</u> |

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| ELECTRONIC PLAN SUBMITTAL FEE \$(4.70) 4.80 per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section. | |
| SELF CERTIFICATION/MANUAL FEES: | |
| INITIAL APPROVAL | \$(11.60) 11.90 |
| RESUBMITTAL FEE | \$(61.30) 63.20 |
| ADDENDUM | \$(61.30) 63.20 |
| DEPARTMENT AUDIT FEES: | |
| AUDIT (per hour)* | \$(61.30) 63.20 |
| TRAVEL (per hour)* | \$(61.30) 63.20 |
| PER DIEM** | |
| HOTEL*** | |
| MILEAGE** | |
| RENTAL CAR*** | |
| PARKING | |
| AIRFARE*** | |
| DEPARTMENT INSPECTION FEES: | |
| INSPECTION (per hour)* | \$(61.30) 63.20 |
| TRAVEL (per hour)* | \$(61.30) 63.20 |
| PER DIEM** | |
| HOTEL*** | |
| MILEAGE** | |
| RENTAL CAR*** | |
| PARKING*** | |
| AIRFARE*** | |
| INSIGNIA FEES: | |
| SELF CERTIFIED | \$(11.00) 11.30 |
| ALTERATION | \$(30.50) 31.40 |
| REISSUED-LOST/DAMAGED | \$(11.00) 11.30 |
| OTHER FEES: | |
| FIELD TECHNICAL SERVICE (per hour* plus travel time* and mileage**) | \$(61.30) 63.20 |
| PUBLICATION PRINTING AND DISTRIBUTION OF RCWs AND WACs (One free copy per year) | \$(11.60) 11.90 |
| * Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments. | |
| ** Per state guidelines. | |
| *** Actual charges incurred. | |

PERMANENT

AMENDATORY SECTION (Amending WSR 03-12-045, filed 5/30/03, effective 6/30/03)

WAC 296-150T-3000 Factory-built temporary worker housing fees.

| | |
|---|------------------------------|
| INITIAL FILING FEE | \$(42.70) 44.00 |
| DESIGN PLAN FEES: | |
| INITIAL ONE YEAR DESIGN | \$(123.00) 126.90 |
| RENEWAL FEE | \$(42.70) 44.00 |
| RESUBMIT FEE | \$(61.30) 63.20 |
| ADDENDUM (Approval expires on same date as original plan) | \$(61.30) 63.20 |
| ELECTRONIC PLAN SUBMITTAL FEE \$4.70 per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section. | |
| Supplemental submissions of plans (resubmittals, addendums, renewals, code updates, etc.) shall be charged per hour or fraction of an hour* | \$(72.76) 75.00 |

PERMANENT

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| APPROVAL OF EACH SET OF DESIGN PLANS BEYOND FIRST TWO SETS | \$(11.60) <u>11.90</u> |
| DEPARTMENT INSPECTION FEES | |
| INSPECTION/REINSPECTION (Per hour* plus travel time* and mileage**) | \$(61.30) <u>63.20</u> |
| TRAVEL (Per hour)* | \$(61.30) <u>63.20</u> |
| PER DIEM** | |
| HOTEL*** | |
| MILEAGE** | |
| RENTAL CAR*** | |
| PARKING*** | |
| AIRFARE*** | |
| DEPARTMENT AUDIT FEES: | |
| AUDIT (Per hour*) | \$(61.30) <u>63.20</u> |
| TRAVEL (Per hour*) | \$(61.30) <u>63.20</u> |
| PER DIEM** | |
| HOTEL*** | |
| MILEAGE** | |
| RENTAL CAR*** | |
| PARKING*** | |
| AIRFARE*** | |
| INSIGNIA FEES: | |
| FIRST SECTION | \$(172.40) <u>177.90</u> |
| EACH ADDITIONAL SECTION | \$(16.80) <u>17.30</u> |
| REISSUED-LOST/DAMAGED | \$(42.70) <u>44.00</u> |
| OTHER FEES: | |
| FIELD TECHNICAL SERVICE (Per hour* plus travel time* and mileage**) | \$(61.30) <u>63.20</u> |
| PUBLICATION PRINTING AND DISTRIBUTION OF RCW'S AND WAC'S (One free per year) | \$(11.60) <u>11.90</u> |
| * Minimum charge of 1 hour, time spent greater than 1 hour is charged in 1/2 hour increments | |
| ** Per state guidelines | |
| *** Actual charges incurred | |

AMENDATORY SECTION (Amending WSR 03-12-045, filed 5/30/03, effective 6/30/03)

WAC 296-150V-3000 Conversion vendor units and medical units—Fees.

| | |
|---|-------------------------------------|
| INITIAL FILING FEE | \$(30.50) <u>31.40</u> |
| DESIGN PLAN FEES: | |
| INITIAL FEE - MASTER DESIGN | \$(209.60) <u>216.30</u> |
| INITIAL FEE - ONE YEAR DESIGN | \$(85.90) <u>88.60</u> |
| RENEWAL FEE | \$(36.70) <u>37.80</u> |
| RESUBMIT FEE | \$(61.30) <u>63.20</u> |
| ADDENDUM (Approval expires on same date as original plan) | \$(61.30) <u>63.20</u> |
| ELECTRONIC PLAN SUBMITTAL FEE \$4.70 per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section. | |
| RECIPROCAL PLAN REVIEW: | |
| INITIAL FEE - MASTER DESIGN | \$(93.50) <u>96.40</u> |
| INITIAL FEE - ONE YEAR DESIGN | \$(56.60) <u>58.40</u> |
| RENEWAL FEE | \$(56.60) <u>58.40</u> |
| ADDENDUM | \$(56.60) <u>58.40</u> |
| APPROVAL OF EACH SET OF DESIGN PLANS BEYOND FIRST TWO SETS | \$(11.60) <u>11.90</u> |

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| DEPARTMENT INSPECTION FEES: | |
| INSPECTION/REINSPECTION (Per hour* plus travel time* and mileage**) | \$((61.30)) 63.20 |
| TRAVEL (Per hour)* | \$((61.30)) 63.20 |
| PER DIEM** | |
| HOTEL*** | |
| MILEAGE** | |
| RENTAL CAR*** | |
| PARKING*** | |
| AIRFARE*** | |
| ALTERATION INSPECTION (One hour plus insignia alteration fee) | \$94.60 |
| DEPARTMENT AUDIT FEES: | |
| AUDIT (Per hour*) | \$((61.30)) 63.20 |
| TRAVEL (Per hour*) | \$((61.30)) 63.20 |
| PER DIEM** | |
| HOTEL*** | |
| MILEAGE** | |
| RENTAL CAR*** | |
| PARKING*** | |
| AIRFARE*** | |
| INSIGNIA FEES: | |
| FIRST SECTION | \$((17.80)) 18.30 |
| ALTERATION | \$((30.50)) 31.40 |
| REISSUED-LOST/DAMAGED | \$((11.60)) 11.90 |
| OTHER FEES: | |
| FIELD TECHNICAL SERVICE (Per hour* plus travel time* and mileage**) | \$((61.30)) 63.20 |
| PUBLICATION PRINTING AND DISTRIBUTION OF RCW'S AND WAC'S (One free copy per year upon request) | \$((11.60)) 11.90 |
| * Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments. | |
| ** Per state guidelines. | |
| *** Actual charges incurred. | |

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AMENDATORY SECTION (Amending WSR 03-20-097, filed 9/30/03, effective 11/17/03)

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) \$((103.20)) 106.50 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) \$((48.90)) 50.40 for the reinstatement of a certificate of registration.
- (3) \$((11.60)) 11.90 for providing a duplicate certificate of registration.
- (4) \$((23.40)) 24.10 for each requested certified letter prepared by the department.
- (5) \$162.00 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 \$13.50.
- (6) \$2.00 per copy for documents copied from a contractor's file. The maximum copy charge for copies from one contractor's file will be \$27.20.

(((6))) (7) \$20.00 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.

(((7))) (8) \$25.00 is required to cover the costs for the service of processing refunds.

**WSR 04-12-049
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed May 28, 2004, 10:12 a.m., effective June 30, 2004]

Date of Adoption: May 28, 2004.

Purpose: Chapter 296-46B WAC, Electrical safety standards, administration, and installation.

This rule making adopts the following:

- Changes to the electrical rules in response to the following legislation that passed in the 2003 legislative session:
 - Chapter 399, Laws of 2003 (ESSB 5713)
 - Chapter 211, Laws of 2003 (ESB 5210)
 - Chapter 78, Laws of 2003 (SHB 1848)

- chapter 242, Laws of 2003 (SHB 5434)
- Changes to reflect current department practices.
- Increase the fees by the fiscal growth factor of 3.2%, which is the maximum allowable amount established by the Office of Financial Management.
- Make substantive and clarifying changes based on recommendations from stakeholder groups and the Electrical Board.

Citation of Existing Rules Affected by this Order: Amending WAC 296-46B-010, 296-46B-020, 296-46B-030, 296-46B-110, 296-46B-210, 296-46B-250, 296-46B-300, 296-46B-314, 296-46B-334, 296-46B-410, 296-46B-430, 296-46B-900, 296-46B-905, 296-46B-910, 296-46B-911, 296-46B-915, 296-46B-920, 296-46B-925, 296-46B-930, 296-46B-935, 296-46B-940, 296-46B-945, 296-46B-950, 296-46B-970, 296-46B-990, 296-46B-995, and 296-46B-999.

Statutory Authority for Adoption: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551; chapter 399, Laws of 2003 (ESSB 5713); chapter 211, Laws of 2003 (ESB 5210); chapter 78, Laws of 2003 (SHB 1848); and chapter 242, Laws of 2003 (SHB 5434).

Adopted under notice filed as WSR 04-08-088 on April 6, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 27, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 27, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 27, Repealed 0.

Effective Date of Rule: June 30, 2004.

May 28, 2004
Paul Trause
Director

AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 5/23/03)

WAC 296-46B-010 General. Adopted standards - inspectors - city inspection - variance.

(1) The 2002 edition of the National Electrical Code (NFPA 70 - 2002) including Annex A, B, and C, but excluding Article 80; the 1999 edition of Centrifugal Fire Pumps (NFPA 20 - 1999); the 2002 edition of Emergency and Standby Power Systems (NFPA 110 - 2002); Commercial Building Telecommunications Cabling Standard (ANSI/TIA/EIA 568-B.1-May 2001 including Annex 1 through 5);

Commercial Building Standard for Telecommunications Pathway and Spaces (ANSI/TIA/EIA 569-A-December 2001 including Annex 1 through 4); Commercial Building Grounding and Bonding Requirements for Telecommunications (ANSI/TIA/EIA 607 - 1994); Residential Telecommunications Cable Standard (ANSI/TIA/EIA 570-A-1999); and the National Electrical Safety Code (NESC C2-2002 excluding Appendixes A and B) are hereby adopted by reference as part of this chapter. Other codes, manuals, and reference works referred to in this chapter are available for inspection and review in the Olympia office of the electrical section of the department during business hours.

The requirements of this chapter will be observed where there is any conflict between this chapter and the National Electrical Code (NFPA 70), Centrifugal Fire Pumps (NFPA 20), the Emergency and Standby Power Systems (NFPA 110), ANSI/TIA/EIA 568-A, ANSI/TIA/EIA 569-A, ANSI/TIA/EIA 607, ANSI/TIA/EIA 570, or the NESC C2-2002.

The National Electrical Code will be followed where there is any conflict between Centrifugal Fire Pumps (NFPA 20), Emergency and Standby Power Systems (NFPA 110), ANSI/TIA/EIA 568-A, ANSI/TIA/EIA 569-A, ANSI/TIA/EIA 607, ANSI/TIA/EIA 570, or the NESC C2-2002 and the National Electrical Code (NFPA 70).

(2) Electrical inspectors will give information as to the interpretation or application of the standards in this chapter, but will not lay out work or act as consultants for contractors, owners, or users.

(3) The department may enforce city electrical ordinances where those governmental agencies do not make electrical inspections under an established program.

(4) A variance from the electrical installation requirements of chapter 19.28 RCW or this chapter may be granted by the department when it is assured that equivalent objectives can be achieved by establishing and maintaining effective safety.

(a) Any electrical permit holder may request a variance.

(b) The permit holder must make the request in writing, using a form provided by the department, to the chief electrical inspector. The request must include:

(i) A description of the installation as installed or proposed;

(ii) A detailed list of the applicable code violations;

(iii) A detailed list of safety violations;

(iv) A description of the proposal for meeting equivalent objectives for code and/or safety violations; and

(v) Appropriate variance application fee as listed in WAC 296-46B-905.

Inspection.

(5) Electrical wiring or equipment subject to this chapter must be sufficiently accessible, at the time of inspection, to permit the inspector to visually inspect the installation to verify conformance with the NEC and any other electrical requirements of this chapter.

(6) Cables or raceways, fished according to the NEC, do not require visual inspection.

(7) Wires pulled into conduit systems are not considered concealed. All required equipment grounding conductors installed in concealed raceway, cable, or flexible conduit sys-

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tems must be completely installed and made up at the time of the rough-in cover inspection.

(8) The installation of all structural elements and mechanical systems (e.g., framing, plumbing, ducting, etc.) must be complete in the area(s) where electrical inspection is requested. Prior to completion of an exterior wall cover inspection, either:

(a) The exterior shear panel/sheathing nail inspection must be completed by the building code inspector; or

(b) All wiring and device boxes must be a minimum of 63 mm (2 1/2") from the exterior surface of the framing member; or

(c) All wiring and device boxes must be protected by a steel plate a minimum of 1.6 mm (1/16") thick and of appropriate width and height installed to cover the area of the wiring or box.

(9) In order to meet the minimum electrical safety standards for installations, all materials, devices, appliances, and equipment, not exempted in chapter 19.28 RCW, must conform to applicable standards recognized by the department, be listed, or field evaluated. Other than as allowed in WAC 296-46B-030(3), equipment must not be energized until such standards are met unless specific permission has been granted by the chief electrical inspector.

(10) The department will recognize the state department of transportation as the inspection authority for telecommunications systems installation within the rights of way of state highways provided the department of transportation maintains and enforces an equal, higher or better standard of construction and of materials, devices, appliances and equipment than is required for telecommunications systems installations by chapter 19.28 RCW and this chapter.

Inspection - move on buildings and structures.

(11) All buildings or structures relocated into or within the state:

(a) Other than residential, wired inside the United States (U.S.) must be inspected to ensure compliance with current requirements of chapter 19.28 RCW and the rules developed by the department.

(b) Wired outside the U.S. or Canada must be inspected to ensure compliance with all current requirements of chapter 19.28 RCW and the rules developed by the department.

(12) Residential buildings or structures wired in the U.S., to NEC requirements, and moved into or within a county, city, or town must be inspected to ensure compliance with the NEC requirements in effect at the time and place the original wiring was made. The building or structure must be inspected to ensure compliance with all current requirements of chapter 19.28 RCW and the rules developed by the department if:

(a) The original occupancy classification of the building or structure is changed as a result of the move; or

(b) The building or structure has been substantially remodeled or rehabilitated as a result of the move.

(13) Residential buildings or structures wired in Canada to Canadian Electrical Code (CEC) standards and moved into or within a county, city, or town, must be inspected to ensure compliance with the following minimum safety requirements:

(a) Service, service grounding, and service bonding must comply with the current chapter 19.28 RCW and rules adopted by the department.

(b) Canadian Standards Association (CSA) listed Type NMD cable is allowed with the following qualifications:

(i) CSA listed Type NMD cable, American Wire Gauge #10 and smaller installed after 1964 utilizing an equipment grounding conductor smaller than the phase conductors, must be:

(A) Replaced with a cable utilizing a full-size equipment grounding conductor; or

(B) Protected by a ground fault circuit interrupter protection device.

(ii) CSA listed Type NMD cable, #8 AWG and larger, must:

(A) Utilize an equipment grounding conductor sized according to the requirements of the NEC in effect at the time of the installation;

(B) Be protected by a ground fault circuit interrupter protection device; or

(C) Be replaced.

(c) Other types of wiring and cable must be:

(i) Replaced with wiring listed or field evaluated in accordance with U.S. standards by a laboratory approved by the department; or

(ii) Protected by a ground fault circuit interrupter protection device and arc fault circuit protection device.

(d) Equipment, other than wiring or panelboards, manufactured and installed prior to 1997 must be listed and identified by laboratory labels approved by the department or CSA labels.

(e) All panelboards must be listed and identified by testing laboratory labels approved by the department with the following qualifications:

(i) CSA listed panelboards labeled "Suitable for Use as Service Equipment" will be considered to be approved as "Suitable for Use only as Service Equipment."

(ii) CSA listed panelboards must be limited to a maximum of 42 circuits.

(iii) CSA listed panelboards used as lighting and appliance panelboards as described in the NEC, must meet all current requirements of the NEC and this chapter.

(f) Any wiring or panelboards replaced or changed as a result of the move must meet current requirements of chapter 19.28 RCW and this chapter.

(g) The location, type, and ground fault circuit interrupter protection of receptacles and equipment in a bathroom, kitchen, basement, garage, or outdoor area must meet the Washington requirements in effect at the time the wiring was installed.

(h) 4, 15-ampere, kitchen small appliance circuits will be accepted in lieu of 2, 20-ampere, kitchen small appliance circuits. Receptacles will not be required to be added on kitchen peninsular or island counters.

(i) Spacing requirements for all other receptacles must meet the Washington requirements in effect at the time the wiring was installed.

(j) Receptacles installed above baseboard or fixed wall space heaters must be removed and the outlet box covered

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with a blank cover. The receptacle is required to be relocated as closely as possible to the existing location.

(k) Lighting outlet and switch locations must meet the Washington requirements in effect at the time the wiring was installed.

(l) Dedicated 20-ampere small appliance circuits are not required in dining rooms.

(m) Electric water heater branch circuits must be adequate for the load.

(n) The location, type, and circuit protection of feeders must meet the Washington requirements in effect at the time the wiring was installed.

Classification or definition of occupancies.

(14) Occupancies are classified and defined as follows:

(a) Educational facility refers to a building or portion of a building used primarily for educational purposes by six or more persons at one time for twelve hours per week or four hours in any one day. Educational occupancy includes: Schools (preschool through grade twelve), colleges, academies, universities, and trade schools.

(b) Institutional facility refers to a building or portion of a building used primarily for detention and correctional occupancies where some degree of restraint or security is required. Such occupancies include, but are not restricted to: Penal institutions, reformatories, jails, detention centers, correctional centers, and residential-restrained care.

(c) Health or personal care facility. Health or personal care facility refers to buildings or parts of buildings that contain, but are not limited to, facilities that are required to be licensed by the department of social and health services or the department of health (e.g., hospitals, nursing homes, private alcoholism hospitals, private psychiatric hospitals, boarding homes, alcoholism treatment facilities, maternity homes, birth centers or childbirth centers, residential treatment facilities for psychiatrically impaired children and youths, and renal hemodialysis clinics) and medical, dental or chiropractic offices or clinics, outpatient or ambulatory surgical clinics, and such other health care occupancies where patients who may be unable to provide for their own needs and safety without the assistance of another person are treated.

(i) "Hospital" means any institution, place, building, or agency providing accommodations, facilities and services over a continuous period of twenty-four hours or more, for observation, diagnosis, or care of two or more individuals not related to the operator who are suffering from illness, injury, deformity, or abnormality, or from any other condition for which obstetrical, medical, or surgical services would be appropriate for care or diagnosis.

(ii) "Nursing home," "nursing home unit" or "long-term care unit" means a group of beds for the accommodation of patients who, because of chronic illness or physical infirmities, require skilled nursing care and related medical services but are not acutely ill and not in need of the highly technical or specialized services ordinarily a part of hospital care.

(iii) "Boarding home" means any home or other institution, however named, which is advertised, announced, or maintained for the express or implied purpose of providing board and domiciliary care to seven or more aged persons not related by blood or marriage to the operator. It must not include any home, institution, or section thereof which is oth-

erwise licensed and regulated under the provisions of state law providing specifically for the licensing and regulation of such home, institution, or section thereof.

(iv) "Private alcoholism hospital" means an institution, facility, building, or equivalent designed, organized, maintained, and operated to provide diagnosis, treatment, and care of individuals demonstrating signs or symptoms of alcoholism, including the complications of associated substance use and other medical diseases that can be appropriately treated and cared for in the facility and providing accommodations, medical services, and other necessary services over a continuous period of twenty-four hours or more for two or more individuals unrelated to the operator, provided that this chapter will not apply to any facility, agency, or other entity which is owned and operated by a public or governmental body.

(v) "Alcoholism treatment facility" means a private place or establishment, other than a licensed hospital, operated primarily for the treatment of alcoholism.

(vi) "Private psychiatric hospital" means a privately owned and operated establishment or institution which: Provides accommodations and services over a continuous period of twenty-four hours or more, and is expressly and exclusively for observing, diagnosing, or caring for two or more individuals with signs or symptoms of mental illness, who are not related to the licensee.

(vii) "Maternity home" means any home, place, hospital, or institution in which facilities are maintained for the care of four or more women, not related by blood or marriage to the operator, during pregnancy or during or within ten days after delivery: Provided, however, that this definition will not apply to any hospital approved by the American College of Surgeons, American Osteopathic Association or its successor.

(viii) "Birth center" or "childbirth center" means a type of maternity home which is a house, building, or equivalent organized to provide facilities and staff to support a birth service, provided that the birth service is limited to low-risk maternal clients during the intrapartum period.

(ix) "Ambulatory surgical facility" means a facility, not a part of a hospital, providing surgical treatment to patients not requiring inpatient care in a hospital. This term does not include a facility in the offices of private physicians or dentists, whether for individual or group practice, if the privilege of using such facility is not extended to physicians or dentists outside the individual or group practice. (NEC; Ambulatory Health Care Center.)

(x) "Hospice care center" means any building, facility, place, or equivalent, organized, maintained, and operated specifically to provide beds, accommodations, facilities, and services over a continuous period of twenty-four hours or more for palliative care of two or more individuals, not related to the operator, who are diagnosed as being in the latter stages of an advanced disease which is expected to lead to death.

(xi) "Renal hemodialysis clinic" means a facility in a building or part of a building which is approved to furnish the full spectrum of diagnostic, therapeutic, and rehabilitative services required for the care of renal dialysis patients (including inpatient dialysis furnished directly or under arrangement). (NEC; Ambulatory Health Care Center.)

(xii) "Medical, dental, and chiropractic clinic" means any clinic or physicians' office where patients are not regularly kept as bed patients for twenty-four hours or more. Electrical plan review not required.

(xiii) "Residential treatment facility for psychiatrically impaired children and youth" means a residence, place, or facility designed and organized to provide twenty-four-hour residential care and long-term individualized, active treatment for clients who have been diagnosed or evaluated as psychiatrically impaired.

(xiv) "Adult residential rehabilitation center" means a residence, place, or facility designed and organized primarily to provide twenty-four-hour residential care, crisis and short-term care and/or long-term individualized active treatment and rehabilitation for clients diagnosed or evaluated as psychiatrically impaired or chronically mentally ill as defined herein or in chapter 71.24 RCW.

(xv) "Group care facility" means a facility other than a foster-family home maintained and operated for the care of a group of children on a twenty-four-hour basis.

(d) Licensed day care centers.

(i) "Child day care center" means a facility providing regularly scheduled care for a group of children one month of age through twelve years of age for periods less than twenty-four hours; except, a program meeting the definition of a family child care home will not be licensed as a day care center without meeting the requirements of WAC 388-150-020(5).

(ii) "School-age child care center" means a program operating in a facility other than a private residence accountable for school-age children when school is not in session. The facility must meet department of licensing requirements and provide adult supervised care and a variety of developmentally appropriate activities.

(iii) "Family child day care home" means the same as "family child care home" and "a child day care facility" licensed by the state, located in the family abode of the person or persons under whose direct care and supervision the child is placed, for the care of twelve or fewer children, including children who reside at the home. Electrical plan review not required.

Plan review for educational, institutional or health care facilities and other buildings.

(15) Plan review is a part of the electrical inspection process; its primary purpose is to determine:

(a) That loads (~~(-conductors, and equipment)~~) and service/feeder conductors are calculated and sized according to the proper NEC or WAC article or section;

(b) The classification of hazardous locations; and

(c) The proper design of emergency and standby systems.

(16) All electrical plans for new or altered electrical installations in educational, institutional, and health or personal care occupancies classified or defined in this chapter must be reviewed and approved before the electrical installation or alteration is started. Approved plans must be available on the job site for use during the electrical installation or alteration and for use by the electrical inspector. Plans are not required to be on the job site for a preliminary electrical (~~(underground conduit installation)~~) inspection if:

(a) Completed electrical plans have been submitted and conditionally accepted by the department for review; and

(b) The permit holder has requested the inspection in writing to the department (~~(-Preliminary underground conduit installation)~~) noting that the preliminary electrical inspection is conditional and subject to any changes required from the plan review process. No other inspections will be allowed until the department has approved all submitted plans and the approved plans are on the job site.

(17) All electrical plans for educational facilities, hospitals and nursing homes must be prepared by, or under the direction of, a consulting electrical engineer registered under chapter 18.43 RCW, and chapters 246B-320, 180-29, and 388-97 WAC and stamped with the engineer's mark and signature.

(18) Plans for these electrical installations within cities that perform electrical inspections within their jurisdiction, and provide an electrical plan review program that equals or exceeds the department's program in plans examiner minimum qualifications per chapter 19.28 RCW, must be submitted to that city for review rather than to the department, unless the agency licensing or regulating the installation specifically requires review by the department.

(19) Refer plans for department review to the Electrical Section, Department of Labor and Industries, P.O. Box 44460, Olympia, Washington 98504-4460.

(20) Plans to be reviewed by the department must be legible, identify the name and classification of the facility, clearly indicate the scope and nature of the installation and the person or firm responsible for the electrical plans. The plans must clearly show the electrical installation or alteration in floor plan view, include switchboard and/or panelboard schedules and when a service or feeder is to be installed or altered, must include a riser diagram, load calculation, fault current calculation and interrupting rating of equipment. Where existing electrical systems are to supply additional loads, the plans must include documentation that proves adequate capacity and ratings. The plans must be submitted with a plan review submittal form available from the department. Plan review fees are not required to be paid until the review is completed. Plans will not be returned until all fees are paid.

(21) Plan review for new or altered electrical installations of other types of construction may be voluntarily requested by the owner or electrical contractor.

(22) For existing structures where additions or alterations to feeders and services are proposed, Article 220.35(1) NEC may be used. If Article 220.35(1) NEC is used, the following is required:

(a) The date of the measurements.

(b) A statement attesting to the validity of the demand data, signed by a professional electrical engineer or the electrical administrator of the electrical contractor performing the work.

(c) A diagram of the electrical system identifying the point(s) of measurement.

(d) Building demand measured continuously on the highest-loaded phase of the feeder or service over a thirty-day period, with demand peak clearly identified. (Demand peak

is defined as the maximum average demand over a fifteen-minute interval.)

(23) Due to their minimal load requirements, plan review of the following limited energy systems will not be required: Fire alarm, nurse call, intrusion or security alarm, intercom, public address, music, energy management, programmed clock, or telecommunications.

(24) When the service or feeder load calculation is affected five percent or less by the addition or alteration of five or less branch circuits, plan review for the branch circuits may be requested from the department's local inspection office. Permission for such small project plan review may be granted at the discretion of the electrical inspection field supervisor, the plans examiner supervisor, or the chief electrical inspector.

Wiring methods for designated building occupancies.

(25) Wiring methods, equipment and devices for health or personal care, educational and institutional facilities as defined or classified in this chapter and for places of assembly for one hundred or more persons must comply with Tables 010-1 and 010-2 of this chapter and the notes thereto. The local building authority will determine the occupant load of places of assembly.

(26) Listed tamper-resistant receptacles or listed tamper-resistant receptacle cover plates are required in all licensed day care centers, all licensed children group care facilities and psychiatric patient care facilities where accessible to children five years of age and under. Listed tamper-resistant receptacles are required in psychiatric patient care facilities where accessible to psychiatric patients over five years of age.

Notes to Tables 010-1 and 010-2.

1. Wiring methods in accordance with the NEC unless otherwise noted.
2. Metallic or nonmetallic raceways, MI, MC, or AC cable, except that metallic raceway or cable is required in places of assembly.
3. Limited energy system may use wiring methods in accordance with the NEC.

Table 010-1 Health or Personal Care Facilities

| Health or Personal Care Facility Type ⁽¹⁾ | Plan Review Required |
|--|----------------------|
| Hospital | YES |
| Nursing home unit or long-term care unit | YES |
| Boarding home or assisted living facility | YES |
| Private alcoholism hospital | YES |
| Alcoholism treatment facility | YES |
| Private psychiatric hospital | YES |
| Maternity home | YES |
| Birth center or childbirth center | NO |
| Ambulatory surgery facility | YES |
| Hospice care center | NO |
| Renal hemodialysis clinic | YES |
| Medical, dental, and chiropractic clinic | NO |
| Residential treatment facility for psychiatrically impaired children and youth | YES |
| Adult residential rehabilitation center | YES |
| Group care facility | NO |

Table 010-2 Educational and Institutional Facilities, Places of Assembly or Other Facilities

| Educational, Institutional or Other Facility Type | Plan Review Required |
|---|----------------------|
| Educational ⁽²⁾⁽³⁾ | YES |
| Institutional ⁽²⁾⁽³⁾ | YES |
| Places of assembly for 100 or more persons ⁽¹⁾ | NO |
| Child day care center ⁽¹⁾ | NO |
| School-age child care center ⁽¹⁾ | NO |
| Family child day care home, family child care home, or child day care facility ⁽¹⁾ | NO |

AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 4/22/03)

WAC 296-46B-020 General definitions. (1) All definitions listed in the National Electrical Code and chapter 19.28 RCW are recognized in this chapter unless other specific definitions are given in this chapter.

(2) "Accreditation" is a determination by the department that a laboratory meets the requirements of this chapter and is therefore authorized to evaluate electrical products that are for sale in the state of Washington.

(3) "Administrative law judge" means an administrative law judge (ALJ) appointed pursuant to chapter 34.12 RCW and serving in board proceedings pursuant to chapter 19.28 RCW and this chapter.

(4) "ANSI" means American National Standards Institute. Copies of ANSI standards are available from the National Conference of States on Building Codes and Standards, Inc.

(5) "Appeal" is a request for review of a department action by the board as authorized by chapter 19.28 RCW.

(6) "Appellant" means any person, firm, partnership, corporation, or other entity that has filed an appeal or request for board review.

(7) "ASTM" means the American Society for Testing and Materials. Copies of ASTM documents are available from ASTM International.

(8) "AWG" means American Wire Gauge.

(9) "Board" means the electrical board established and authorized under chapter 19.28 RCW.

(10) "Chapter" means chapter 296-46B WAC unless expressly used for separate reference.

(11) "Category list" is a list of nonspecific product types determined by the department.

(12) A "certified electrical product" is an electrical product to which a laboratory, accredited by the state of Washington, has the laboratory's certification mark attached.

(13) A "certification mark" is a specified laboratory label, symbol, or other identifying mark that indicates the manufacturer produced the product in compliance with appropriate standards or that the product has been tested for specific end uses.

(14) "Certificate of competency" includes the certificates of competency for master journeyman electrician, master specialty electrician, journeyman, and specialty electrician.

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(15) A laboratory **"certification program"** is a specified set of testing, inspection, and quality assurance procedures, including appropriate implementing authority, regulating the evaluation of electrical products for certification marking by an electrical products certification laboratory.

(16) A **"complete application"** includes the submission of all appropriate fees, documentation, and forms.

(17) **"Department"** means the department of labor and industries of the state of Washington.

(18) **"Director"** means the director of the department, or the director's designee.

(19) **"Electrical equipment"** includes electrical conductors, conduit, raceway, apparatus, materials, components, and other electrical equipment not exempted by RCW 19.28-006((8)) (9). Any conduit/raceway of a type listed for electrical use is considered to be electrical equipment even if no wiring is installed in the conduit/raceway at the time of the conduit/raceway installation.

(20) An **"electrical products certification laboratory"** is a laboratory or firm accredited by the state of Washington to perform certification of electrical products.

(21) An **"electrical products evaluation laboratory"** is a laboratory or firm accredited by the state of Washington to perform on-site field evaluation of electrical products for safety.

(22) **"Field evaluated"** means an electrical product to which a field evaluation mark is attached. Field evaluation must include job site inspection unless waived by the department, and may include component sampling and/or laboratory testing.

(23) **"Field evaluation mark"** is a specified laboratory label, symbol, or other identifying mark indicating the manufacturer produced the product in essential compliance with appropriate standards or that the product has been evaluated for specific end uses.

(24) A **"field evaluation program"** is a specified set of testing, inspection, and quality assurance procedures, including appropriate implementing authority regulating the testing and evaluation of electrical products for field evaluation marking.

(25) The **"filing"** is the date the document is actually received in the office of the chief electrical inspector.

(26) **"Final judgment"** means any money that is owed to the department under this chapter, including fees and penalties, or any money that is owed to the department as a result of an individual's or contractor's unsuccessful appeal of a citation.

(27) **"Fished wiring"** is when cable or conduit is installed within the finished surfaces of an existing building or building structure (e.g., wall, floor or ceiling cavity).

(28) **HVAC/refrigeration specific definitions:**

(a) **"HVAC/refrigeration"** means heating, ventilation, air conditioning, and refrigeration.

(b) **"HVAC/refrigeration component"** means electrical power and limited energy components within the "HVAC/refrigeration system," including, but not limited to: Pumps, compressors, motors, heating coils, controls, switches, thermostats, humidistats, low-voltage damper controls, outdoor sensing controls, outside air dampers, stand-alone duct smoke detectors, air monitoring devices, zone

control valves and equipment for monitoring of HVAC/refrigeration control panels and low-voltage connections. This definition excludes equipment and components of non-"HVAC/refrigeration control systems."

(c) **"HVAC/refrigeration control panel"** means an enclosed, manufactured assembly of electrical components designed specifically for the control of a HVAC/refrigeration system. Line voltage equipment that has low voltage, NEC Class 2 control or monitoring components incidental to the designed purpose of the equipment is not an HVAC/refrigeration control panel (e.g., combination starters).

(d) **"HVAC/refrigeration control system"** means a network system regulating and/or monitoring a HVAC/refrigeration system. Equipment of a HVAC/refrigeration control system includes, but is not limited to: Control panels, data centers, relays, contactors, sensors, and cables related to the monitoring and control of a HVAC/refrigeration system(s).

(e) **"HVAC/refrigeration equipment"** means the central unit primary to the function of the "HVAC/refrigeration system." HVAC/refrigeration includes, but is not limited to: Heat pumps, swamp coolers, furnaces, compressor packages, and boilers.

(f) **"HVAC/refrigeration system"** means a system of HVAC/refrigeration: Wiring, equipment, and components integrated to generate, deliver, or control heated, cooled, filtered, refrigerated, or conditioned air. This definition excludes non-HVAC/refrigeration control systems (e.g., fire alarm systems, intercom systems, building energy management systems, and similar non-HVAC/refrigeration systems) (see Figure 920-1 and Figure 920-2).

(29) An **"individual"** or **"party"** or **"person"** means an individual, firm, partnership, corporation, association, government subdivision or unit thereof, or other entity.

(30) An **"installation"** includes the act of installing, connecting, repairing, modifying, or otherwise performing work on an electrical system, component, equipment, or wire except as exempted by WAC 296-46B-925.

(31) An **"identification plate"** is a phenolic or metallic plate or other similar material engraved in block letters at least 1/4" (6 mm) high unless specifically required to be larger by this chapter, suitable for the environment and application. The letters and the background must be in contrasting colors. Screws, rivets, or methods specifically described in this chapter must be used to affix an identification plate to the equipment or enclosure.

(32) **"License"** means a license required under chapter 19.28 RCW.

(33) **"Labeled"** means an electrical product that bears a certification mark issued by a laboratory accredited by the state of Washington.

(34) A **"laboratory"** may be either an electrical product(s) certification laboratory or an electrical product(s) evaluation laboratory.

(35) A **"laboratory operations control manual"** is a document to establish laboratory operation procedures and may include a laboratory quality control manual.

(36) **"Like-in-kind"** means having similar characteristics such as voltage requirement, current draw, circuit over-current and short circuit characteristics, and function within

the system and being in the same location. Like-in-kind also includes any equipment component authorized by the manufacturer as a suitable component replacement part.

(37) "**Lineman**" is a person employed by a serving electrical utility or employed by a licensed general electrical contractor who carries, on their person, evidence that they:

(a) Have graduated from a department-approved lineman's apprenticeship course; or

(b) Are currently registered in a department-approved lineman's apprenticeship course and are working under the direct one hundred percent supervision of a journeyman electrician or a graduate of a lineman's apprenticeship course approved by the department. The training received in the lineman's apprenticeship program must include training in applicable articles of the currently adopted National Electrical Code.

(38) "**Listed**" means equipment has been listed and identified by a laboratory approved by the state of Washington for the appropriate equipment standard per this chapter.

(39) "**Low voltage**" means:

(a) NEC, Class 1 power limited circuits at 30 volts maximum.

(b) NEC, Class 2 circuits powered by a Class 2 power supply as defined in NEC 725.41(A).

(c) NEC, Class 3 circuits powered by a Class 3 power supply as defined in NEC 725.41(A).

(d) Circuits of telecommunications systems as defined in chapter 19.28 RCW.

(40) "**NEC**" means National Electrical Code. Copies of the NEC are available from the National Fire Protection Association.

(41) "**NEMA**" means National Electrical Manufacturer's Association. Copies of NEMA standards are available from the National Electrical Manufacturer's Association.

(42) "**NESC**" means National Electrical Safety Code. Copies of the NESC are available from the Institute of Electrical and Electronics Engineers, Inc.

(43) "**NETA**" means International Electrical Testing Association, Inc. Copies of the NETA standards and information are available from the International Electrical Testing Association, Inc.

(44) "**NFPA**" means the National Fire Protection Association. Copies of NFPA documents are available from the National Fire Protection Association.

(45) "**NRTL**" means Nationally Recognized Testing Laboratory accredited by the federal Occupational Safety and Health Administration (OSHA) after meeting the requirements of 29 CFR 1910.7.

(46) "**Point of contact**" for utility work, means the point at which a customer's electrical system connects to the serving utility system.

(47) "**Proceeding**" means any matter regarding an appeal before the board including hearings before an administrative law judge.

(48) "**Public area or square**" is an area where the public has general, clear, and unrestricted access.

(49) A "**quality control manual**" is a document to maintain the quality control of the laboratory's method of operation. It consists of specified procedures and information for each test method responding to the requirements of

the product standard. Specific information must be provided for portions of individual test methods when needed to comply with the standard's criteria or otherwise support the laboratory's operation.

(50) "**RCW**" means the Revised Code of Washington. Copies of electrical RCWs are available from the department and the office of the code reviser.

(51) A "**stand-alone amplified sound or public address system**" is a system that has distinct wiring and equipment for audio signal generation, recording, processing, amplification, and reproduction. This definition does not apply to telecommunications installations.

(52) "**Service**" or "**served**" means that as defined in RCW 34.05.010(19) when used in relation to department actions or proceedings.

(53) A "**telecommunications local service provider**" is a regulated or unregulated (e.g., by the Federal Communications Commission or the utilities and transportation commission as a telephone or telecommunications provider) firm providing telecommunications service ahead of the telecommunications network demarcation point to an end-user's facilities.

(54) "**Telecommunications network demarcation point**" is as defined in RCW 19.28.400 for both regulated carriers and unregulated local service providers.

(55) "**TIA/EIA**" means the Telecommunications Industries Association/Electronic Industries Association which publishes the *TIA/EIA Telecommunications Building Wiring Standards*. Standards and publications are adopted by TIA/EIA in accordance with the American National Standards Institute (ANSI) patent policy.

(56) A "**training school**" is a public community or technical college or not-for-profit nationally accredited technical or trade school licensed by the work force training and education coordinating board under chapter 28C.10 RCW.

(57) "**Under the control of a utility**" for the purposes of RCW 19.28.091 and 19.28.101 is when electrical equipment is not owned by a utility and:

(a) Is located in a vault, room, closet, or similar enclosure that is secured by a lock or seal so that access is restricted to the utility's personnel; or

(b) The utility is obligated by contract to maintain the equipment and the contract provides that access to the equipment is restricted to the utility's personnel or other qualified personnel.

(58) "**UL**" means Underwriters Laboratory.

(59) "**Utility**" means an electrical utility.

(60) "**Utility system**" means electrical equipment owned by or under the control of a serving utility that is used for the transmission or distribution of electricity from the source of supply to the point of contact.

(61) "**Utilization voltage**" means the voltage level employed by the utility's customer for connection to lighting fixtures, motors, heaters, or other electrically operated equipment other than power transformers.

(62) "**Variance**" is a modification of the electrical requirements as adopted in chapter 19.28 RCW or any other requirements of this chapter that may be approved by the chief electrical inspector if assured that equivalent objectives

can be achieved by establishing and maintaining effective safety.

(63) "WAC" means the Washington Administrative Code. Copies of this chapter of the WACs are available from the department and the office of the code reviser.

AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 5/23/03)

WAC 296-46B-030 Industrial control panel and industrial utilization equipment inspection. Specific definitions.

(1) Specific definitions for this section:

(a) "**Department evaluation**" means a review in accordance with subsection (2)(c) of this section.

(b) "**Food processing plants**" include buildings or facilities used in a manufacturing process, but do not include:

- (i) Municipal or other government facilities;
- (ii) Educational facilities or portions thereof;
- (iii) Institutional facilities or portions thereof;
- (iv) Restaurants;

(v) Farming, ranching, or dairy farming operations;

(vi) Residential uses; or

(vii) Other installations not used for direct manufacturing purposes.

(c) In RCW 19.28.010, "**industrial control panel**" means a factory or user wired assembly of industrial control equipment such as motor controllers, switches, relays, power supplies, computers, cathode ray tubes, transducers, and auxiliary devices used in the manufacturing process to control industrial utilization equipment. The panel may include disconnecting means and motor branch circuit protective devices. Industrial control panels include only those used in a manufacturing process in a food processing or industrial plant.

(d) "**Industrial plants**" include buildings or facilities used in a manufacturing process, but do not include:

- (i) Municipal or other government facilities;
- (ii) Educational facilities or portions thereof;
- (iii) Institutional facilities or portions thereof;
- (iv) Restaurants;

(v) Farming, ranching, or dairy farming operations;

(vi) Residential uses; or

(vii) Other installations not used for direct manufacturing purposes.

(e) "**Industrial utilization equipment**" means equipment directly used in a manufacturing process in a food processing or industrial plant, in particular the processing, treatment, moving, or packaging of a material. Industrial utilization equipment does not include: Cold storage, warehousing, or similar storage equipment.

(f) "**Manufacturing process**" means to make or process a raw material or part into a finished product for sale using industrial utilization equipment. A manufacturing process does not include the storage of a product for future distribution (e.g., cold storage, warehousing, and similar storage activity).

(g) "**Normal department inspection**" is a part of the department electrical inspection process included with the general wiring inspection of a building, structure, or other

electrical installation. Normal department inspection will only be made for equipment solely using listed or field evaluated components and wired to the requirements of the NEC. Fees for the normal department inspections required under this chapter are included in the electrical work permit fee calculated for the installation and are not a separate inspection fee. However, inspection time associated with such equipment is subject to the progress inspection rates in WAC 296-46B-905.

(h) For the purposes of this section, "**panel**" means a single box or enclosure containing the components comprising an industrial control panel. A panel does not include any wiring methods connecting multiple panels or connecting a panel(s) and other electrical equipment.

Safety standards.

(2) Industrial control panels and industrial utilization equipment will be determined to meet the minimum electrical safety standards for installations by:

(a) Listing, or field evaluation of the entire panel or equipment;

(b) Normal department inspection for compliance with codes and rules adopted under this chapter; or

(c) By department evaluation showing compliance with appropriate standards. Appropriate standards are NEMA, ANSI, NFPA 79, UL 508A or International Electrotechnical Commission 60204 or their equivalent. Industrial utilization equipment is required to conform to (~~an international or United States national~~) a nationally or internationally recognized standard applicable for the particular industrial utilization equipment. Compliance must be shown as follows:

(i) (~~For each separate piece of equipment,)~~ The equipment's manufacturer must document, by letter to the equipment owner, the equipment's conformity to an appropriate standard(s). (The letter must be signed and notarized.) The letter must state:

(A) The equipment manufacturer's name;

(B) The type of equipment;

(C) The equipment model number;

(D) The equipment serial number;

(E) The equipment supply voltage, amperes, phasing(~~;~~ fault current interrupting rating);

(F) The standard(s) used to manufacture the equipment;

(G) (~~That the equipment is manufactured in compliance with the standard(s) used;~~) Fault current interrupting rating of the equipment or the owner may provide documentation showing that the fault current available at the point where the building wiring connects to the equipment is less than 10,000 AIC; and

(H) The date the equipment was manufactured(~~;~~

~~The manufacturer must demonstrate an appropriate affiliation or registration with an appropriate standards organization (e.g., NRTL, International Standards Organization, etc.); and~~

~~The methodology used by the manufacturer to ensure that the equipment was constructed according to the standard(s) listed. This methodology should include hazard assessment, documentation, technical construction file, operation manual, and any other applicable information).~~ Equipment that was manufactured prior to January 1, 1985, is not required to meet (c)(i)(F) of this subsection.

(ii) The equipment owner must document, by letter to the chief electrical inspector, the equipment's usage as industrial utilization equipment as described in this section and provide a copy of the equipment manufacturer's letter described in (c)(i) of this subsection. The owner's letter must be accompanied by the fee required in WAC 296-46B-905(14).

For the purposes of this section, the owner must be a food processing or industrial plant as described in this section. ~~((The owner cannot be the equipment's manufacturer, agent, or distributor.))~~

(iii) The chief electrical inspector will evaluate the equipment manufacturer's ~~((and the))~~ letter, equipment owner's letter(s), and ~~((if necessary))~~ the individual equipment ~~((and make a determination of a standard's appropriateness using the supplied information))~~.

If the equipment is determined to have had electrical modifications since the date of manufacture, the chief electrical inspector will not approve equipment using this method.

(iv) If required by the chief electrical inspector, the owner must provide the department with a copy, in English, of the standard(s) used and any documentation required by the chief electrical inspector to support the claims made in the equipment manufacturer's or owner's letter. At the request of the owner, the department will obtain a copy of any necessary standard to complete the review. If, per the owner's request, the department obtains the copy of the standard, the owner will be billed for all costs associated with obtaining the standard.

If the industrial utilization equipment has been determined to be manufactured to a standard(s) appropriate for industrial utilization equipment as determined by the chief electrical inspector per RCW 19.28.010(1), the equipment will be marked with a department label.

The department will charge a marking fee as required in WAC 296-46B-905(14). Once marked by the department, the equipment is suitable for installation anywhere within the state without modification so long as the equipment is being used as industrial utilization equipment. If payment for marking is not received by the department within thirty days of marking the equipment, the department's mark(s) will be removed and the equipment ordered removed from service.

(v) If the equipment usage is changed to other than industrial utilization equipment or electrical modifications are made to the equipment, the equipment must be successfully listed or field evaluated by a laboratory approved by the department.

(vi) The equipment must be permanently installed at the owner's facility and inspected per the requirements of RCW 19.28.101.

(3) The department may authorize, on a case-by-case basis, use of the industrial control panel or equipment, for a period not to exceed six months or as approved by the chief electrical inspector after use is begun, before its final inspection, listing, or evaluation.

AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 5/23/03)

WAC 296-46B-110 General—Requirements for electrical installations.

012 Mechanical execution of work.

(1) Unused openings. Unused openings in boxes, raceways, auxiliary gutters, cabinets, cutout boxes, meter socket enclosures, equipment cases, or housings shall be effectively closed to afford protection substantially equivalent to the wall of the equipment. Where metallic plugs or plates are used with nonmetallic enclosures, they shall be recessed at least 6 mm (1/4") from the outer surface of the enclosure. Unused openings do not include weep holes, unused mounting holes, or any other opening with less than .15 square inches of open area.

016 Flash protection.

(2) The flash protection marking required by NEC 110.16 must be an identification plate or label approved by the electrical inspector and may be installed either in the field or in the factory. The plate or label may be mounted using adhesive.

022 Identification of disconnecting means.

(3) For the purposes of legibly marking a disconnecting means, as required in NEC 110.22, an identification plate is required unless the disconnect is a circuit breaker/fused switch installed within a panelboard and the circuit breaker/fused switch is identified by a panelboard schedule. In other than dwelling units, the identification plate must include the identification designation of the circuit source panelboard that supplies the disconnect.

(4) Where electrical equipment is installed to obtain a series combination rating, the identification as required by NEC 110.22, must be in the form of an identification plate that is substantially yellow in color. The words "CAUTION - SERIES COMBINATION RATED SYSTEM" must be on the label in letters at least 13 mm (1/2") high.

030 Over 600 volts - general.

(5) Each cable operating at over 600 volts and installed on customer-owned systems must be legibly marked in a permanent manner at each termination point and at each point the cable is accessible. The required marking must use phase designation, operating voltage, and circuit number if applicable.

(6) Only licensed electrical contractors can use the Class B basic electrical inspection - random inspection process. Health care, large commercial, or industrial facilities using an employee who is a certified electrician(s) can use the Class B basic electrical inspection - random inspection process after permission from the chief electrical inspector.

(7) If the Class B basic electrical inspection - random inspection process is used, the following requirements must be met:

(a) The certified electrician performing the installation must affix a Class B installation label on the cover of the panelboard or overcurrent device supplying power to the circuit or equipment prior to beginning the work.

(b) The job site portion of the label must include the following:

(i) Date of the work;

(ii) Electrical contractor's name;

(iii) Electrical contractor's license number;

(iv) Installing electrician's certificate number; and

(v) Short description of the work.

(c) The contractor portion of the label must include the following:

(i) Date of the work;

(ii) Electrical contractor's license number;

(iii) Installing electrician's certificate number;

(iv) Job site address;

(v) Contact telephone number for the job site (to be used to arrange inspection); and

(vi) Short description of the work.

(d) The label must be filled in using sunlight and weather resistant ink.

(e) The electrical contractor must return the contractor's portion of the label to the Department of Labor & Industries, Electrical Section, Chief Electrical Inspector, P.O. 4460, Olympia, WA 98506-4460 within fifteen working days after the job site portion of the Class B installation label is affixed.

(8) Class B basic installation labels will be sold in blocks. Installations where a Class B basic installation label is used will be inspected on a random basis as determined by the department.

(a) If any such random inspection fails, a subsequent installation in the block must be inspected.

(b) If any such subsequent installation fails inspection, all installations in the block must be inspected.

(9) Any electrical contractor or other entity using the Class B basic electrical inspection - random inspection process may be audited for compliance with the provisions for purchasing, inspection, reporting of installations, and any other requirement of usage.

(10) Class B basic electrical work is described in RCW 19.28.006 (2)(b). For the purposes of Class B basic electrical work, a device includes: General use snap switches/receptacles, luminaires, thermostats, speakers, etc., but does not include wiring/cabling systems, isolating switches, magnetic contactors, motor controllers, etc. A cover inspection is required for all fire-wall penetrations.

In addition, Class B basic electrical work includes the like-in-kind replacement in a household of an:

(a) Electrical/gas/oil furnace not exceeding 240 volts and 100 amps when the furnace is connected to an existing branch circuit; and

(b) Air conditioning unit or refrigeration unit not exceeding 240 volts, 30 minimum circuit amps when the air conditioning unit or refrigeration unit is connected to an existing branch circuit.

Class B basic electrical work does not include any work in:

(c) Areas classified as Class 1, Class 2, Class 3, or Zone locations per the NEC;

(d) Areas regulated by NEC 517 or 680; or

(e) Any work where electrical plan review is required.

AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 5/23/03)

WAC 296-46B-210 Wiring and protection—Branch circuits. 008B Other than dwelling units - GFCI requirements.

(1) For the purposes of NEC 210.8(B), all 125-volt, single-phase, 15- and 20-ampere receptacles must have ground-

fault circuit-interrupter protection for personnel as required by NEC 210.8(A). Kitchens in other than dwelling units are considered to be any work surface where food and/or beverage preparation occurs and other countertops or islands.

011 Branch circuits.

(2) Circuits must be taken to all unfinished spaces adaptable to future dwelling unit living areas that are not readily accessible to the service or branch circuit panelboard. The circuits must terminate in a suitable box(es). The box must contain an identification of the intended purpose of the circuit(s). The branch circuit panelboard must have adequate space and capacity for the intended load(s).

(952) 012 Arc-fault circuit-interrupter protection.

(3) For the purpose of NEC 210.12(B), Dwelling Unit Bedroom spaces that:

(a) Are accessed only through the bedroom;

(b) Are ancillary to the bedroom's function; and

(c) Contain branch circuits that supply 125-volt, 15- and 20-ampere, outlets must be protected by an arc-fault circuit interrupter listed to provide protection of the entire branch circuit.

For the purposes of this section, such spaces will include, but not be limited to, spaces such as closets and sitting areas, but will not include bathrooms.

051(B)(5) Receptacle outlet locations.

((3)) (4) Receptacle outlets installed ((inside)) in appliance garages ((will be permitted to)) may be counted as a required countertop outlet.

052(A)(2) Dwelling unit receptacle outlets.

(5) For the purpose of NEC 210.52(A)(2)(1), "similar openings" include the following structures that are a permanent part of the dwelling structure or finish:

(a) Window seating; and

(b) Bookcases or cabinets that extend from the floor to a level at least 1.7 meters (five (5) feet six (6) inches) above the floor.

Any outlets eliminated by such window seating, bookcases, or cabinets must be installed elsewhere within the room.

AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 5/23/03)

WAC 296-46B-250 Wiring and protection—Grounding.

030(A)(3)(b) Grounding separately derived alternating-current systems.

(1) All tap connections to the common grounding electrode conductor shall be made at an accessible location by a listed connector, an irreversible compression connector listed for the purpose, listed connections to copper busbars not less than 6 mm x 50 mm (1/4 in. x 2 in.), or by exothermic welding process. The tap conductors shall be connected to the common grounding electrode conductor in such a manner that the common grounding electrode conductor remains without a splice or joint.

032 Two or more buildings or structures.

((4)) (2) Effective August 1, 2003, an equipment grounding conductor must be installed with the circuit conductors between buildings and/or structures. A grounded

conductor (i.e., neutral) is not permitted to be used in place of a separate equipment grounding conductor between buildings and/or structures.

052 Grounding electrodes.

((2)) (3) If a ground resistance test is not performed to ensure a resistance to ground of twenty-five ohms or less, two or more electrodes as specified in NEC 250.52 must be installed a minimum of six feet apart. However, a temporary construction service is not required to have more than one made electrode.

090 Bonding.

((3)) (4) Metallic stubs or valves used in nonmetallic plumbing systems are not required to be bonded to the electrical system unless required by an electrical equipment manufacturer's instructions.

((4)) (5) Hot and cold water plumbing lines are not required to be bonded together if, at the time of inspection, the inspector can determine the lines are mechanically and electrically joined by one or more metallic mixing valves.

184 Solidly grounded neutral systems over 1 kV.

((5)) (6) In addition to the requirements of NEC 250.184(A), the following applies for:

(a) Existing installations.

(i) The use of a concentric shield will be allowed for use as a neutral conductor for extension, replacement, or repair, if all of the following are complied with:

(A) The existing system uses the concentric shield as a neutral conductor;

(B) Each individual conductor contains a separate concentric shield sized to no less than thirty-three and one-half percent of the ampacity of the phase conductor for three-phase systems or one hundred percent of the ampacity of the phase conductor for single-phase systems;

(C) The new or replacement cable's concentric shield is enclosed inside an outer insulating jacket; and

(D) Existing cable (i.e., existing cable installed directly in the circuit between the work and the circuit's overcurrent device) successfully passes the following tests:

- A cable maintenance high potential dielectric test. The test must be performed in accordance with the cable manufacturer's instruction or the 2001 NETA maintenance test specifications; and

- A resistance test of the cable shield. Resistance must be based on the type, size, and length of the conductor used as the cable shield using the conductor properties described in NEC Table 8 Conductor Properties.

An electrical engineer must provide a specific certification to the electrical plan review supervisor in writing that the test results of the maintenance high potential dielectric test and the resistance test have been reviewed by the electrical engineer and that the cable shield is appropriate for the installation. The electrical engineer must stamp the certification document with the engineer's stamp and signature. The document may be in the form of a letter or electrical plans.

Testing results are valid for a period of seven years from the date of testing. Cable will not be required to be tested at a shorter interval.

(ii) A concentric shield used as a neutral conductor in a multigrounded system fulfills the requirements of an equipment grounding conductor.

(b) New installations.

(i) New installations do not include extensions of existing circuits.

(ii) The use of the concentric shield will not be allowed for use as a neutral conductor for new installations. A listed separate neutral conductor meeting the requirements of NEC 250.184(A) must be installed.

((6)) (7) Multiple grounding. NEC 250.184(B) is replaced with the following:

The neutral of a solidly grounded neutral system may be grounded at more than one point.

(a) Multiple grounding is permitted at the following locations:

(i) Services;

(ii) Underground circuits where the neutral is exposed; and

(iii) Overhead circuits installed outdoors.

(b) Multiple grounding is not allowed:

(i) For new systems where singlepoint and multigrounded circuits form a single system (e.g., where a singlepoint circuit is derived from a multigrounded circuit); or

(ii) In new single phase (i.e., single phase to ground) installations.

((7)) (8) Multigrounded neutral conductor. NEC 250.184(D) is replaced with the following:

Where a multigrounded neutral system is used, the following will apply for new balanced phase to phase circuits and extensions, additions, replacements; and repairs to all existing systems of 1 kV and over:

(a) For existing systems:

(i) The cable's concentric shield must be used as the neutral and all the requirements for neutral conductors described in subsection (6) of this section must be met; or

(ii) The cable's concentric shield must be effectively grounded to a separate bare copper neutral conductor at all locations where the shield is exposed to personnel contact.

(b) For new systems:

A separate copper neutral must be installed and the cable's concentric shield is effectively grounded to the separate neutral at all locations where the shield is exposed to personnel contact.

(c) In addition to (a) and (b) of this subsection, the following is required:

(i) A minimum of two made electrodes, separated by at least six feet, must be installed at each existing and new transformer and switching/overcurrent location and connected to the neutral conductor at that location;

(ii) At least one grounding electrode must be installed and connected to the multigrounded neutral every 400 m (1,300'). The maximum distance between adjacent electrodes must not be more than 400 m (1,300');

(iii) In a multigrounded shielded cable system, the shielding must be grounded at each cable joint that is exposed to personnel contact;

(iv) All exposed noncurrent carrying metal parts (e.g., mounting brackets, manhole covers, equipment enclosures, etc.) must be effectively grounded to the neutral conductor; and

(v) An electrical engineer must provide a specific certification to the electrical plan review supervisor in writing that

the design of the multiple grounding installation has been reviewed by the electrical engineer and the design is in accordance with the requirements of chapter 19.28 RCW, this chapter, and normal standards of care. The electrical engineer must stamp the certification document with the engineer's stamp and signature. The document may be in the form of a letter or electrical plans.

AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 5/23/03)

WAC 296-46B-300 Wiring methods and materials—Wiring methods.

001 Wiring methods.

(1) Cables and raceways for telecommunications, power limited, NEC Class 2 and Class 3 conductors must be installed in compliance with Chapter 3 NEC unless other methods are specifically allowed elsewhere in the NEC, chapter 19.28 RCW, or this chapter.

005 Underground installations.

(2) Induction loops.

See WAC 296-46B-040 for induction detection loops that are made in a public roadway and regulated by a governmental agency.

The department will inspect induction loops that are not installed in public roadways regulated by a governmental agency. These induction loops must comply with the following requirements:

(a) General:

(i) A preformed direct burial induction loop is designed to be installed within the road surface base (e.g., concrete or asphalt) or below the road surface of a road with an unpaved surface (e.g., gravel or brick pavers);

(ii) A saw-cut induction detection loop is designed to be installed into a groove saw-cut into an existing paved road surface (e.g., concrete or asphalt);

(iii) The loop system includes the loop and the lead-in conductor;

(iv) The loop system must be:

(A) Tested to assure that at 500 volts DC, the resistance between the conductor and ground equals or exceeds 50 megohms; and

(B) Without splice; or

(C) If spliced, the splice must be soldered and appropriately insulated;

(v) The lead-in conductor must comply with the following:

(A) Must be stranded and have a lay (i.e., twist) of two turns per foot; and

(B) If installed in an electrical raceway;

• Are not required to be listed or suitable for wet locations; and

• Must have a burial cover of at least 6"; or

(C) If direct buried;

• Must be listed for the use; and

• Must have a burial cover of at least 18".

(b) Preformed direct burial induction detection loops must conform with the following:

(i) The loop conductor must be rated for direct burial and be a minimum of No. 16 AWG;

(ii) The loop design must not allow movement of the loop conductor within the outer jacket. The outer jacket containing the loop conductor is not required to be listed;

(iii) The loop yoke casing (i.e., the location where the lead-in conductor is connected to the loop):

(A) Includes any device used to house the "loop to lead-in splice" or to otherwise couple the loop with the lead-in electrical raceway;

(B) Is not required to be listed; and

(C) Must have a coupler that will create a waterproof bond with the electrical raceway containing the lead-in conductor, or a direct buried lead-in conductor.

(c) Saw-cut induction detection loops:

(i) The loop conductor must be cross-linked polyethylene or EPR Type USE insulation and be a minimum of No. 18 AWG stranded;

(ii) The saw-cut groove must not cut into rebar installed within the roadway.

011 Support of raceways, cables, or boxes in suspended ceilings.

~~((2))~~ (3) NEC power limited, Class 2, and Class 3 cables must be secured in compliance with NEC 334.30 and must be secured to boxes in compliance with NEC 314.17.

~~((3))~~ (4) Telecommunications cables must be secured in a manner that will not cause damage to the cables and at intervals not exceeding five feet. Cables are considered adequately supported when run through holes in building structural elements or other supporting elements. Telecommunications cables may be fished into inaccessible hollow spaces of finished buildings. Clamps or fittings are not required where telecommunications cables enter boxes.

~~((4))~~ (5) Optical fiber cables must be secured in a manner that will not cause damage to the cables and at intervals not exceeding five feet. Cables are considered adequately supported when run through holes in building structural elements or other supporting elements. Optical fiber cables may be fished into inaccessible hollow spaces of finished buildings. Supports must allow a bending radius that will not cause damage to the cables.

~~((5))~~ (6) Where not restricted by the building code official or Article 300 NEC, the wires required in NEC 300.11(a) may support raceways, cables, or boxes under the following conditions:

(a) Raceways and/or cables are not larger than three-quarter-inch trade size;

(b) No more than two raceways or cables are supported by a support wire. The two-cable limitation does not apply to telecommunications cables, Class 2 cables, or Class 3 cables on support wires installed exclusively for such cables. The support wire must be adequate to carry the cable(s) weight and all attached cables must be secured with approved fittings; or

(c) Raceways and cables are secured to the support wires by fittings designed and manufactured for the purpose.

In addition to (a), (b), and (c) of this subsection, the following conditions must be complied with:

(d) The support wires are minimum #12 AWG and are securely fastened to the structural ceiling and to the ceiling grid system; ~~((ø))~~ and

(e) The raceways or cables serve equipment that is located within the ceiling cavity or is mounted on or supported by the ceiling grid system. Telecommunications cables, Class 2 cables, or Class 3 cables supported as required by this section, may pass through ceiling cavities without serving equipment mounted on or supported by the ceiling grid system.

017 Conductors in raceway.

~~((6))~~ (7) Cables will be permitted in all raceway systems if:

- (a) The cable is appropriate for the environment; and
- (b) The percentage fill does not exceed that allowed in NEC Chapter 9, Table 1.

AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 5/23/03)

WAC 296-46B-314 Wiring methods and materials— Outlet, device, pull and junction boxes.

001 Boxes and fittings.

(1) Single conductors, cables, taps, or splices installed in an open bottom junction box or handhole must be suitable for direct burial. However, an open bottom box manufactured specifically for electrical use will be permitted to be used as an electrical junction box to enclose single conductors, cables, taps, or splices rated for wet locations, only under the following conditions:

(a) In vehicular traffic areas the box must be rated for not less than H-20 loading and be provided with a bolted, hinged, or slide-on lid embossed with the identification "ELECTRIC" or "ELECTRICAL."

(b) In incidental vehicular traffic areas (e.g., parks, sports fields, sidewalks, grass lawns, etc.) the box must be rated for not less than H-10 loading and be provided with a bolted, hinged, or slide-on lid embossed with the identification "ELECTRIC" or "ELECTRICAL."

(c) In nonvehicular traffic areas (e.g., flower beds, patio decks, etc.) the box must be designed for the purpose and be provided with a lid embossed with the identification "ELECTRIC" or "ELECTRICAL."

(d) All conductors must be installed in approved electrical raceways that enter vertically from the open bottom of the enclosure or horizontally from the sides of the enclosure at least 150 mm (6 in.) from the sand or gravel at the bottom of the enclosure. These raceways must be fitted with a bushing, terminal fitting, or seal incorporating the physical protection characteristics of a bushing, and project not less than 5 cm (2") above the bottom surface material. The bottom surface material must be pea gravel or sand a minimum of 5 cm (2") thick or more if required by the box manufacturer.

(2) Conduit bodies, junction, pull, and outlet boxes must be installed so that the wiring contained in them is accessible without removing any part of the building structure, including insulation material.

AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 5/23/03)

WAC 296-46B-334 Wiring methods and materials— Nonmetallic-sheathed cable.

010 Nonmetallic-sheathed cable.

~~((This section is in addition to the uses permitted/not permitted for nonmetallic-sheathed cable (Type NM) described in NEC 334.10 and NEC 334.12.~~

~~Nonmetallic-sheathed cable (Type NM) is permitted in all one- and two-family dwellings.~~

~~Nonmetallic-sheathed cable (Type NM) not allowed, except in one- and two-family dwellings, in any multifamily or any other structure exceeding three floors above grade.~~

~~For the purpose of this section, the first floor of a structure will be the lowest floor that has fifty percent or more of the exterior wall surface level with or above finished exterior grade. One additional level that is the first level and not designed for human habitation and used only for vehicle parking, storage, or similar use will be permitted.) (1) The building classification, for subsections (2) and (3) of this section, will be as determined by the building official. For the purposes of this section, Type III, IV and V may be as defined in the International Building Code adopted in the state of Washington. The installer must provide the inspector documentation substantiating the type of building construction and finish material rating(s) prior to any electrical inspection.~~

~~(2) This section replaces NEC 334.10(2). In multifamily dwellings, Type NM, Type NMC, and Type NMS cable(s) may be used in structures of Types III, IV, and V construction except as prohibited in NEC 334.12.~~

~~(3) This section replaces NEC 334.10(3). In all other structures, Type NM, Type NMC, and Type NMS cable(s) may be used in structures of Types III, IV, and V construction except as prohibited in NEC 334.12. All cable(s) must be concealed within walls, floors, or ceilings that provide a thermal barrier of material that has at least a 15-minute finish rating as identified in listings of fire-rated assemblies.~~

AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 5/23/03)

WAC 296-46B-410 Equipment for general use— Luminaires. 004 Luminaires.

(1) All luminaires within an enclosed shower area or within five feet of the waterline of a bathtub must be enclosed; these luminaires, with exposed metal parts that are grounded, must be ground fault circuit interrupter protected.

018 Exposed luminaire (fixture) parts.

(2) Replacement luminaires that are directly wired or attached to boxes supplied by wiring methods that do not provide a ready means for grounding and that have exposed conductive parts will be permitted only where the luminaires are provided with ground-fault circuit-interrupter protection and marked "no equipment ground."

030 Flexible cord connection pendant boxes and electric discharge luminaires.

~~((2))~~ (3) The flexible cord and cord connection must comply with NEC 410.30 and the following:

(a) Connection to a suspended pendant box must utilize an integral threaded hub;

(b) The length of the cord for a suspended pendant drop from a permanently installed junction box to a suitable tension take-up device must not exceed six feet;

(c) The flexible cord must be supported at each end with an approved cord grip or strain relief connector fitting/device that will eliminate all stress on the conductor connections;

(d) The flexible cord must be a minimum #14 AWG copper;

(e) The flexible cord ampacity must be determined in NEC Table 400.5(A) column A;

(f) The flexible cord must be hard or extra hard usage; and

(g) A vertical flexible cord supplying electric discharge luminaires must be secured to the luminaire support as per NEC 334.30(A).

AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 5/23/03)

WAC 296-46B-430 Motors, motor circuits, and controllers. 007 Marking on motors and multimotor equipment.

~~((1) All motors required to be listed in the NEC or elsewhere in this chapter must be listed or field evaluated by a laboratory. Other motors are not required to be listed or field evaluated by a laboratory.~~

~~((2)) Except as required by the National Electrical Code, there is no requirement for motors to be identified for use or listed/field evaluated by a laboratory. All motors must be manufactured according to National Electrical Manufacturer's Association (NEMA) standards for motors. ~~(This requirement does not apply to)~~ except motors that:~~

~~((a)) (1) Are a component part of equipment listed or field evaluated by a laboratory; or~~

~~((b)) (2) Are a component part of industrial utilization equipment approved by the department per WAC 296-46B-030.~~

AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 4/22/03)

WAC 296-46B-900 Electrical work permits and fees. General.

(1) When an electrical work permit is required by chapter 19.28 RCW or this chapter, inspections may not be made, equipment must not be energized, or services connected unless:

(a) A valid electrical work permit is completely and legibly filled out and readily available;

(b) The classification or type of facility to be inspected and the exact scope and location of the electrical work to be performed are clearly shown on the electrical work permit;

(c) The address where the inspection is to be made is clearly identifiable from the street, road or highway that serves the premises; and

(d) Driving directions and/or a legible map is provided for the inspectors' use.

(2) An electrical work permit is valid for only one specific site address.

(3) Except as provided in subsection (8) of this section, a valid electrical work permit must be posted on the job site at a readily accessible and conspicuous location prior to beginning electrical work and at all times until the electrical inspection process is completed.

Permit - responsibility for.

(4) Each person, firm, partnership, corporation, or other entity must furnish a valid electrical work permit for the installation, alteration, or other electrical work performed or to be performed by that entity. Each electrical work permit application must be signed by the electrical contractor's administrator (or designee) or the person, or authorized representative of the firm, partnership, corporation, or other entity that is performing the electrical installation or alteration. Permits purchased electronically do not require a handwritten signature. An entity designated to sign electrical permits must provide written authorization of the purchaser's designation when requested by the department.

(5) Permits to be obtained by customers. Whenever a serving electrical utility performs work for a customer under one of the exemptions in WAC 296-46B-925 and the work is subject to inspection, the customer is responsible for obtaining all required permits.

(6) Except for emergency repairs to existing electrical systems, electrical work permits must be obtained and posted at the job site prior to beginning the installation or alteration. An electrical work permit for emergency repairs to existing electrical systems must be obtained and posted at the job site no later than the next business day after the work is begun.

(7) Fees must be paid in accordance with the inspection fee schedule, WAC 296-46B-905. The amount of the fee due is calculated based on the fee effective at the date payment is made. If the project is required to have an electrical plan review, the plan review fees will be based on the fees effective at the date the plans are received by the department for review.

Permit - requirements for.

(8) As required by chapter 19.28 RCW or this chapter, an electrical work permit is required for the installation, alteration, or maintenance of all electrical systems except for:

(a) Travel trailers~~((; or))~~;

(b) Class A basic electrical work which includes the like-in-kind replacement of a: Contactor, relay, timer, starter, circuit board, or similar control component; household appliance: circuit breaker((;)); fuse((;)); residential luminaire((;)); lamp((;)); snap switch((;)); dimmer((;)); receptacle outlet((;)); thermostat((;)); heating element((;)); luminaire ballast with an exact same ballast~~((; contactor, relay, timer, starter, circuit board, or similar control component, or 10))~~; ten horsepower or smaller motor; and induction detection loops described in WAC 296-46B-300(2) and used to control gate access devices.

(9) An electrical work permit is required for all installations of telecommunications systems on the customer side of the network demarcation point for projects greater than ten telecommunications outlets. All backbone installations regardless of size and all telecommunications cable or equipment installations involving penetrations of fire barriers or passing through hazardous locations require permits and inspections. For the purposes of determining the inspection threshold for telecommunications projects greater than ten outlets, the following will apply:

(a) An outlet is the combination of jacks and mounting hardware for those jacks, along with the associated cable and telecommunications closet terminations, that serve one work-

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station. In counting outlets to determine the inspection threshold, one outlet must not be associated with more than six standard four-pair cables or more than one twenty-five-pair cable. Therefore, installations of greater than sixty standard four-pair cables or ten standard twenty-five-pair cables require permits and inspections. (It is not the intent of the statute to allow large masses of cables to be run to workstations or spaces serving telecommunications equipment without inspection. Proper cable support and proper loading of building structural elements are safety concerns. When considering total associated cables, the telecommunications availability at one workstation may count as more than one outlet.)

(b) The installation of greater than ten outlets and the associated cables along any horizontal pathway from a telecommunications closet to work areas during any continuous ninety-day period requires a permit and inspection.

(c) All telecommunications installations within the residential dwelling units of single-family, duplex, and multi-family dwellings do not require permits or inspections. In residential multifamily dwellings, permits and inspections are required for all backbone installations, all fire barrier penetrations, and installations of greater than ten outlets in common areas.

(d) No permits or inspections are required for installation or replacement of cord and plug connected telecommunications equipment or for patch cord and jumper cross-connected equipment.

(e) Definitions of telecommunications technical terms will come from chapter 19.28 RCW, this chapter, TIA/EIA standards, and NEC.

Permit - inspection and approval.

(10) Requests for inspections.

(a) Requests for inspections must be made no later than three business days after completion of the electrical/telecommunications installation or one business day after any part of the installation has been energized, whichever occurs first.

(b) Requests for after hours or weekend inspections must be made by contacting the local electrical inspection supervisor at least three working days prior to the requested date of inspection. The portal-to-portal inspection fees required for after hours or weekend inspections are in addition to the cost of the original electrical work permit.

(c) Emergency requests to inspect repairs necessary to preserve life and equipment safety may be requested at any time.

(d) Inspections for annual electrical maintenance permits and annual telecommunications permits may be done on a regular schedule arranged by the permit holder with the department.

(11) Final inspection approval will not be made until all inspection fees are paid in full.

Permit - duration/refunds.

(12) Electrical work permits will expire one year after the date of purchase unless electrical work is actively and consistently in progress and inspections requested. Refunds are not available for:

(a) Expired electrical work permits;

(b) Electrical work permits where the electrical installation has begun; or

(c) Any electrical work permit where an electrical inspection or electrical inspection request has been made.

Permit - annual telecommunications.

(13) The chief electrical inspector can allow annual permits for the inspection of telecommunications installations to be purchased by a building owner or licensed electrical/telecommunications contractor. The owner's full-time telecommunications maintenance staff, or a licensed electrical/telecommunications contractor(s) can perform the work done under this annual permit. The permit holder is responsible for correcting all installation deficiencies. The permit holder must make available, to the electrical inspector, all records of all the telecommunications work performed and the valid electrical or telecommunications contractor's license numbers for all contractors working under the permit.

Permit - annual electrical.

(14) The chief electrical inspector can allow annual permits for the inspection of electrical installations to be purchased by a building owner or licensed electrical contractor. This type of permit is available for commercial/industrial locations employing a full-time electrical maintenance staff or having a yearly maintenance contract with a licensed electrical contractor.

The permit holder is responsible for correcting all installation deficiencies. The permit holder must make available, to the electrical inspector, all records of all electrical work performed.

This type of electrical permit may be used for retrofit, replacement, maintenance, repair, upgrade, and alterations to electrical systems at a single plant or building location. This type of permit does not include new or increased service or new square footage.

AMENDATORY SECTION (Amending WSR 03-18-089, filed 9/2/03, effective 10/3/03)

WAC 296-46B-905 Inspection fees. To calculate inspection fees, the amperage is based on the conductor ampacity or the overcurrent device rating. The total fee must not be less than the number of progress inspection (one-half hour) units times the progress inspection fee rate from subsection (8) of this section, PROGRESS INSPECTIONS.

The amount of the fee due is calculated based on the fee effective at the date of a department assessed fee (e.g., plan review or fee due) or when the electrical permit is purchased.

(1) Residential.

(a) **Single- and two-family residential (new construction).**

Notes:

(1) Square footage is the area included within the surrounding exterior walls of a building exclusive of any interior courts. (This includes any floor area in an attached garage, basement, or unfinished living space.)

(2) "Inspected with the service" means that a separate service inspection fee is included on the same electrical work permit.

(3) "Inspected at the same time" means all wiring is to be ready for inspection during the initial inspection trip.

(4) An "outbuilding" is a structure that serves a direct accessory function to the residence, such as a pump house or storage building. Outbuilding does not include buildings used for commercial type occupancies or additional dwelling occupancies.

- (i) First 1300 sq. ft. \$((70.80))
73.00
- Each additional 500 sq. ft. or portion of \$((22.70))
23.40
- (ii) Each outbuilding or detached garage - inspected at the same time as a dwelling unit on the property \$((29.60))
30.50
- (iii) Each outbuilding or detached garage - inspected separately \$((46.70))
48.10
- (iv) Each swimming pool - inspected with the service \$((46.70))
48.10
- (v) Each swimming pool - inspected separately \$((70.80))
73.00
- (vi) Each hot tub, spa, or sauna - inspected with the service \$((29.60))
30.50
- (vii) Each hot tub, spa, or sauna - inspected separately. \$((46.70))
48.10
- (viii) Each septic pumping system - inspected with the service \$((29.60))
30.50
- (ix) Each septic pumping system - inspected separately \$((46.70))
48.10

(b) Multifamily residential and miscellaneous residential structures, services and feeders (new construction).

Each service and/or feeder

| Ampacity | Service/Feeder | Additional Feeder |
|--------------|----------------------------|----------------------------|
| 0 to 200 | \$((76.30)) <u>78.70</u> | \$((22.70)) <u>23.40</u> |
| 201 to 400 | \$((94.80)) <u>97.80</u> | \$((46.70)) <u>48.10</u> |
| 401 to 600 | \$((130.20)) <u>134.30</u> | \$((64.90)) <u>66.90</u> |
| 601 to 800 | \$((167.00)) <u>172.30</u> | \$((89.00)) <u>91.80</u> |
| 801 and over | \$((238.10)) <u>245.70</u> | \$((178.60)) <u>184.30</u> |

(c) Single or multifamily altered services or feeders including circuits.

(i) Each altered service and/or altered feeder

| Ampacity | Service or Feeder |
|--------------|----------------------------|
| 0 to 200 | \$((64.90)) <u>66.90</u> |
| 201 to 600 | \$((94.80)) <u>97.80</u> |
| 601 and over | \$((142.90)) <u>147.40</u> |

(ii) Maintenance or repair of a meter or mast (no alterations to the service or feeder) \$((35.20))
36.30

(d) Single or multifamily residential circuits only (no service inspection).

Note:

Altered or added circuit fees are calculated per panelboard. Total cost of the alterations in an individual panel should not exceed the cost of a complete altered service or feeder of the same rating, as shown in subsection (1) RESIDENTIAL (c) (table) of this section.

(i) 1 to 4 circuits (see note above) \$((46.70))
48.10

(ii) Each additional circuit (see note above) \$((5.20))
5.30

(e) Mobile homes, modular homes, mobile home parks, and RV parks.

(i) Mobile home or modular home service or feeder only \$((46.70))
48.10

(ii) Mobile home service and feeder \$((76.30))
78.70

(f) Mobile home park sites and RV park sites.

Note:

For master service installations, see subsection (2) COMMERCIAL/INDUSTRIAL of this section.

(i) First site service or site feeder \$((46.70))
48.10

(ii) Each additional site service; or additional site feeder inspected at the same time as the first service or feeder \$((29.60))
30.50

(2) Commercial/industrial.

(a) New service or feeder, and additional new feeders inspected at the same time (includes circuits).

Note:

For large COMMERCIAL/INDUSTRIAL projects that include multiple feeders, "inspected at the same time" can be interpreted to include additional inspection trips for a single project. The additional inspections must be for electrical work specified on the permit at the time of purchase. The permit fee for such projects must be calculated from (2)(a)(table) of this section. However, the total fee must not be less than the number of progress inspection (one-half hour) units times the progress inspection fee rate from subsection (8) PROGRESS INSPECTIONS of this section.

Service/feeders

| Ampacity | Service/Feeder | Additional Feeder |
|---------------|----------------------------|----------------------------|
| 0 to 100 | \$((76.30)) <u>78.70</u> | \$((46.70)) <u>48.10</u> |
| 101 to 200 | \$((94.80)) <u>95.80</u> | \$((59.40)) <u>61.30</u> |
| 201 to 400 | \$((178.60)) <u>184.30</u> | \$((70.80)) <u>73.00</u> |
| 401 to 600 | \$((208.20)) <u>214.80</u> | \$((83.20)) <u>85.80</u> |
| 601 to 800 | \$((269.10)) <u>277.70</u> | \$((113.30)) <u>116.90</u> |
| 801 to 1000 | \$((328.50)) <u>339.00</u> | \$((137.10)) <u>141.40</u> |
| 1001 and over | \$((358.40)) <u>369.80</u> | \$((191.20)) <u>197.30</u> |

(b) Altered services or feeders (no circuits).

(i) Service/feeders

| Ampacity | Service or Feeder |
|---------------|----------------------------|
| 0 to 200 | \$((76.30)) <u>78.70</u> |
| 201 to 600 | \$((178.60)) <u>184.30</u> |
| 601 to 1000 | \$((269.10)) <u>277.70</u> |
| 1001 and over | \$((298.90)) <u>308.40</u> |

(ii) Maintenance or repair of a meter or mast (no alterations to the service or feeder) \$((64.90))
66.90

(c) Circuits only.

Note:

Altered/added circuit fees are calculated per panelboard. Total cost of the alterations in a panel (or panels) should not exceed the cost of a new feeder (or feeders) of the same rating, as shown in subsection (2) COMMERCIAL/INDUSTRIAL (2)(a)(table) above.

(i) First 5 circuits per branch circuit panel \$((59.40))
61.30

(ii) Each additional circuit per branch circuit panel \$((5.20))
5.30

(d) Over 600 volts surcharge per permit. \$((59.40))
61.30

(3) Temporary service(s).

Note:

(1) See WAC 296-46B-527 for information about temporary installations.

(2) Temporary stage or concert inspections requested outside of normal business hours will be subject to the portal-to-portal hourly fees in subsection (11) OTHER INSPECTIONS. The fee for such after hours inspections shall be the greater of the fee from this subsection or the portal-to-portal fee.

Temporary services, temporary stage or concert productions.

| Ampacity | Service or Feeder | Additional Feeder |
|------------|--------------------------|--------------------------|
| 0 to 60 | \$((40.90)) <u>42.20</u> | \$((21.00)) <u>21.60</u> |
| 61 to 100 | \$((46.70)) <u>48.10</u> | \$((22.70)) <u>23.40</u> |
| 101 to 200 | \$((59.40)) <u>61.30</u> | \$((29.60)) <u>30.50</u> |
| 201 to 400 | \$((70.80)) <u>73.00</u> | \$((35.30)) <u>36.40</u> |

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| | | |
|-----------------|----------------------------|--------------------------|
| Ampacity | Service or Feeder | Additional Feeder |
| 401 to 600 | \$((94.80)) <u>97.80</u> | \$((46.70)) <u>48.10</u> |
| 601 and over | \$((107.50)) <u>110.90</u> | \$((53.60)) <u>55.30</u> |

(4) Irrigation machines, pumps, and equipment.

Irrigation machines.

| | |
|---|-----------------------------|
| (a) Each tower - when inspected at the same time as a service and feeder from (2) COMMERCIAL/INDUSTRIAL | \$((5.20)) <u>5.30</u> |
| (b) Towers - when not inspected at the same time as a service and feeders - 1 to 6 towers | \$((70.80)) <u>73.00</u> |
| (c) Each additional tower | \$((5.20)) <u>5.30</u> |

(5) Miscellaneous - commercial/industrial and residential.

(a) Low-voltage thermostats controlling a single piece of utilization equipment.

| | |
|---|-----------------------------|
| (i) First thermostat | \$((35.30)) <u>36.40</u> |
| (ii) Each additional thermostat inspected at the same time as the first | \$((11.10)) <u>11.40</u> |

(b) Low-voltage systems and telecommunications systems. Includes all telecommunications installations, fire alarm and burglar alarm, nurse call, intercom, security systems, energy management control systems, HVAC/refrigeration control systems (other than thermostats above), industrial and automation control systems, lighting control systems, stand-alone sound systems, public address, and similar low-energy circuits and equipment.

| | |
|--|-----------------------------|
| (i) First 2500 sq. ft. or less | \$((40.90)) <u>42.20</u> |
| (ii) Each additional 2500 sq. ft. or portion thereof | \$((11.10)) <u>11.40</u> |

(c) Signs and outline lighting.

| | |
|--|-----------------------------|
| (i) First sign (no service included) | \$((35.30)) <u>36.40</u> |
| (ii) Each additional sign inspected at the same time on the same building or structure | \$((16.80)) <u>17.30</u> |

(d) Berth at a marina or dock.

Note:

Five berths or more shall be permitted to have the inspection fees based on appropriate service and feeder fees from section (2) COMMERCIAL/INDUSTRIAL (a) (i) above.

| | |
|---|-----------------------------|
| (i) Berth at a marina or dock | \$((46.70)) <u>48.10</u> |
| (ii) Each additional berth inspected at the same time | \$((29.60)) <u>30.50</u> |

(e) Yard pole, pedestal, or other meter loops only.

| | |
|---|-----------------------------|
| (i) Yard pole, pedestal, or other meter loops only | \$((46.70)) <u>48.10</u> |
| (ii) Meters installed remote from the service equipment and inspected at the same time as a service, temporary service or other installations | \$((11.10)) <u>11.40</u> |

(f) Emergency inspections requested outside of normal working hours.

| | |
|--------------------------------|-----------------------------|
| Regular fee plus surcharge of: | \$((89.00)) <u>91.80</u> |
|--------------------------------|-----------------------------|

(g) Generators.

Note:

Permanently installed generators: Refer to the appropriate residential or commercial new/altered service or feeder section.

Portable generators: Permanently installed transfer equipment for portable generators \$((64.90))
66.90

(h) Electrical - annual permit fee.

Note:

See WAC 296-46B-900(14).

For commercial/industrial location employing full-time electrical maintenance staff or having a yearly maintenance contract with a licensed electrical contractor. Note, all yearly maintenance contracts must detail the number of contractor electricians necessary to complete the work required under the contract. This number will be used as a basis for calculating the appropriate fee. Each inspection is based on a 2-hour maximum.

| | Inspections | Fee |
|---------------------------------|--------------------|-----------------------------------|
| 1 to 3 plant electricians | 12 | \$((1,710.80)) <u>1,765.50</u> |
| 4 to 6 plant electricians | 24 | \$((3,423.30)) <u>3,532.80</u> |
| 7 to 12 plant electricians | 36 | \$((5,134.60)) <u>5,298.90</u> |
| 13 to 25 plant electricians | 52 | \$((6,847.10)) <u>7,066.20</u> |
| More than 25 plant electricians | 52 | \$((8,559.60)) <u>8,833.50</u> |

(i) Telecommunications - annual permit fee.

Note:

(1) See WAC 296-46B-900(13).

(2) Annual inspection time required may be estimated by the purchaser at the rate for "OTHER INSPECTIONS" in this section, charged portal-to-portal per hour.

For commercial/industrial location employing full-time telecommunications maintenance staff or having a yearly maintenance contract with a licensed electrical/telecommunications contractor.

| | |
|---|-------------------------------|
| 2-hour minimum | \$((141.60)) <u>146.10</u> |
| Each additional hour, or portion thereof, of portal-to-portal inspection time | \$((70.80)) <u>73.00</u> |

(j) Permit requiring ditch cover inspection only.

| | |
|-----------------------------------|-----------------------------|
| Each 1/2 hour, or portion thereof | \$((35.30)) <u>36.40</u> |
|-----------------------------------|-----------------------------|

(k) Cover inspection for elevator/conveyance installation. This item is only available to a licensed/registered elevator contractor.

| | |
|--|-----------------------------|
| | \$((59.40)) <u>61.30</u> |
|--|-----------------------------|

(6) Carnival inspections.

(a) First carnival field inspection each calendar year.

| | |
|--|-----------------------------|
| (i) Each ride and generator truck | \$((16.80)) <u>17.30</u> |
| (ii) Each remote distribution equipment, concession, or gaming show | \$((5.20)) <u>5.30</u> |
| (iii) If the calculated fee for first carnival field inspection above is less than \$89.00, the minimum inspection fee shall be: | \$((89.00)) <u>91.80</u> |

(b) Subsequent carnival inspections.

| | |
|---|-----------------------------|
| (i) First ten rides, concessions, generators, remote distribution equipment, or gaming show | \$((89.00)) <u>91.80</u> |
| (ii) Each additional ride, concession, generator, remote distribution equipment, or gaming show | \$((5.20)) <u>5.30</u> |

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(c) **Concession(s) or ride(s) not part of a carnival.**

(i) First field inspection each year of a single concession or ride, not part of a carnival \$((70.80))
73.00

(ii) Subsequent inspection of a single concession or ride, not part of a carnival \$((46.70))
48.10

(7) **Trip fees.**

(a) Requests by property owners to inspect existing installations. (This fee includes a maximum of one hour of inspection time. All inspection time exceeding one hour will be charged at the rate for progressive inspections.) \$((70.80))
73.00

(b) Submitter notifies the department that work is ready for inspection when it is not ready. \$((35.30))
36.40

(c) Additional inspection required because submitter has provided the wrong address or incomplete, improper or illegible directions for the site of the inspection. \$((35.30))
36.40

(d) More than one additional inspection required to inspect corrections; or for repeated neglect, carelessness, or improperly installed electrical work. \$((35.30))
36.40

(e) Each trip necessary to remove a noncompliance notice. \$((35.30))
36.40

(f) Corrections that have not been made in the prescribed time, unless an exception has been requested and granted. \$((35.30))
36.40

(g) Installations that are covered or concealed before inspection. \$((35.30))
36.40

(8) **Progress inspections.**

Note:

The fees calculated in subsections (1) through (6) of this section will apply to all electrical work. This section will be applied to a permit where the permit holder has requested additional inspections beyond the number supported by the permit fee calculated at the rate in subsections (1) through (6) of this section.

On partial or progress inspections, each 1/2 hour. \$((35.30))
36.40

(9) **Plan review.**
Fee is thirty-five percent of the electrical work permit fee as determined by WAC ((296-46-910)) 296-46B-905, plus a plan review submission and shipping/handling fee of: \$((59.40))
61.30

(a) Supplemental submissions of plans per hour or fraction of an hour of review time. \$((70.80))
73.00

(b) Plan review shipping and handling fee. \$((46.80))
47.30

(10) **Out-of-state inspections.**

(a) Permit fees will be charged according to the fees listed in this section.

(b) **Travel expenses:**

All travel expenses and per diem for out-of-state inspections are billed following completion of each inspection(s). These expenses can include, but are not limited to: Inspector's travel time, travel cost and per diem at the state rate. Travel time is hourly based on the rate in subsection (11) of this section.

(11) **Other inspections.**
Inspections not covered by above inspection fees must be charged portal-to-portal per hour: \$((70.80))
73.00

(12) **Refund processing fee.**
All requests for permit fee refunds will be assessed a processing fee. (Refund processing fees will not be charged for electrical contractors, using the contractor deposit system, who request less than twenty-four refunds during a rolling calendar year.) \$((41.40))
44.40

(13) **Variance request processing fee.**
Variance request processing fee. This fee is nonrefundable once the transaction has been validated. \$((70.80))
73.00

(14) **Marking of industrial utilization equipment.**

(a) Standard(s) letter review (per hour of review time). \$((70.80))
73.00

(b) **Equipment marking - charged portal-to-portal per hour:** \$((70.80))
73.00

(c) **All travel expenses and per diem for in/out-of-state review and/or equipment marking are billed following completion of each inspection(s).** These expenses can include, but are not limited to: Inspector's travel time, travel cost and per diem at the state rate. Travel time is hourly based on the rate in (b) of this subsection.

(15) **Class B basic electrical work labels.**

(a) **Block of twenty Class B basic electrical work labels (not refundable).** \$200.00

(b) **Reinspection of Class B basic electrical work to assure that corrections have been made (per 1/2 hour).** \$36.40

AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 4/22/03)

WAC 296-46B-910 Electrical/telecommunications contractor's license, administrator certificate and examination, master electrician certificate and examination, temporary, electrician certificate and examination, temporary electrician permit, copy, and miscellaneous fees.

- Notes:**
- (1) The department will deny renewal of a license, certificate, or permit if an individual owes money as a result of an outstanding final judgment(s) to the department or is in revoked status. The department will deny application of a license, certificate, or permit if an individual is in suspended status.
 - (2) Certificates may be prorated for shorter renewal periods in one-year increments. Each year or part of a year will be calculated to be one year.
 - (3) The amount of the fee due is calculated based on the fee effective at the date payment is made.

(1) **General or specialty contractor's license. (Nonrefundable after license has been issued.)**

(a) **Per twenty-four-month period** \$((228.60))
232.90

(b) **Reinstatement of a general or specialty contractor's license after a suspension** \$((45.90))
47.30

(2) **Master electrician/administrator/electrician/trainee certificate.**

(a) **Examination application (nonrefundable)**

Administrator certificate examination application. \$((28.40))
29.30
(Required only for department administered examinations.) (Not required when testing with the department's contractor.)

(b) **Examination fees (nonrefundable)**

Note: Normal examination administration is performed by a state authorized contractor. The fees for such examinations are set by contract with the department. For written examinations administered by the department, use the following fee schedule.

(i) Master electrician or administrator first-time examination fee (when administered by the department) \$((68.40))
70.50

(ii) Master electrician or administrator retest examination fee (when administered by the department) \$((80.00))
82.50

PERMANENT

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| | | | |
|---|------------------------|---|------------------------|
| (iii) Journeyman or specialty electrician examination fee (first test or retest when administered by the department) | \$((51-40)) 53.00 | (f) Certificate - reinstatement (nonrefundable) | |
| (iv) Certification examination review fee | \$((105-90)) 109.20 | (i) Reinstatement of a suspended master electrician or administrator's certificate (in addition to normal renewal fee) | \$((45-90)) 47.30 |
| (c) Original certificates (nonrefundable after certificate has been issued) | | (ii) Reinstatement of suspended journeyman, or specialty electrician certificate (in addition to normal renewal fee) | \$((21-80)) 22.40 |
| (i) Electrical administrator original certificate (except 09 telecommunication) | \$((102-15)) 105.40 | (g) Assignment/unassignment of master electrician/administrator designation (nonrefundable) | \$((34-00)) 35.00 |
| (ii) Telecommunications administrator original certificate (for 09 telecommunications) | \$((68-10)) 70.20 | (3) Certificate/license(—replacement for lost or damaged certificate/license. (Nonrefundable.)) | ((15-00)) |
| (iii) Temporary specialty electrical administrator certificate (valid as allowed and described in WAC 296-46B-930(2)) (valid for twelve months) | \$((62-45)) 64.40 | (a) Replacement for lost or damaged certificate/license. (Nonrefundable.) | \$15.40 |
| (iv) Master electrician original certificate ("grandfather" request) | \$((129-15)) 133.20 | (b) Optional display quality General Master Electrician certificate. | \$25.00 |
| (v) Master electrician exam application (includes original certificate and application processing fee) \$((28-40)) 29.30 is nonrefundable after application is submitted | \$((130-55)) 134.70 | (4) Continuing education courses or instructors. (Nonrefundable.) | |
| (vi) Journeyman or specialty electrician application (includes original certificate and application processing fee) \$((28-40)) 29.30 is nonrefundable after application is submitted | \$((73-30)) 75.60 | (a) ((Continuing education course submittal and approval (per course) | \$43.70 |
| (vii) Training certificate | \$((26-00)) 37.10 | (b) Continuing education course renewal (per course) | \$21.80)) |
| (A) 0% supervision modified training certificate. Includes trainee update of hours (i.e., submission of affidavit of experience) \$((43-60)) 44.90 is nonrefundable after application is submitted | \$((65-40)) 67.40 | If the course or instructor review is performed by the electrical board or the department | |
| (B) 75% supervision modified ((supervision)) training certificate. | \$((43-60)) 44.90 | The course or instructor review | \$45.00 |
| (C) Unsupervised training certificate as allowed by RCW 19.28.161 (4)(b). | \$((21-80)) 22.40 | (b) If the course or instructor review is contracted out by the electrical board or the department | |
| (viii) Temporary electrician permit (valid as allowed and described in WAC 296-46B-940(27)) | \$((22-70)) 23.40 | (i) Continuing education course or instructor submittal and approval (per course or instructor) | As set in contract |
| (ix) Temporary specialty electrician permit (valid as allowed and described in WAC 296-46B-940(28)) \$((28-40)) 29.30 is nonrefundable after the application for the original specialty electrician certificate is submitted) \$((51-10)) 52.70 is nonrefundable after temporary permit is issued | \$((96-00)) 99.00 | (ii) Applicant's request for review, by the chief electrical inspector, of the contractor's denial | \$109.50 |
| (d) Certificate renewal (nonrefundable) | | (5) Copy fees. (Nonrefundable.) | |
| (i) Master electrician or administrator certificate renewal | \$((129-15)) 133.20 | (a) Certified copy of each document (maximum charge per file): | \$((48-30)) 49.80 |
| (ii) Telecommunications (09) administrator certificate renewal | \$((86-10)) 88.80 | ((a)) (i) First page: | \$((21-80)) 22.40 |
| (iii) Late renewal of master electrician or administrator certificate | \$((258-30)) 266.40 | ((b)) (ii) Each additional page: | \$2.00 |
| (iv) Late renewal of telecommunications (09) administrator certificate | \$((172-20)) 177.60 | (b) Replacement RCW/WAC printed document: | \$5.00 |
| (v) Journeyman or specialty electrician certificate renewal | \$((68-10)) 70.20 | (6) Refund processing fee. (Nonrefundable.) | \$((11-10)) 11.40 |
| (vi) Late renewal of journeyman or specialty electrician certificate | \$((136-20)) 140.50 | (7) Training school program review fees. Initial training school program review fee. (Nonrefundable.) | |
| (vii) Trainee certificate renewal or update of hours (i.e., submission of affidavit of experience) | \$((43-60)) 44.90 | (a) Initial training school program review fee submitted for approval. Valid for three years or until significant changes in program content or course length are implemented (see WAC 296-46B-971(4)). | \$((500-00)) 516.00 |
| (e) Reciprocal certificate (nonrefundable) | | (b) Renewal of training school program review fee submitted for renewal. Valid for 3 years or until significant changes in program content or course length are implemented (see WAC 296-46B-971(4)). | \$((250-00)) 258.00 |
| (i) Master electrician reciprocal certificate | \$((129-15)) 132.20 | | |
| (ii) Journeyman or specialty electrician reciprocal certificate | \$((73-30)) 75.60 | | |

AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 4/22/03)

WAC 296-46B-911 Electrical testing laboratory fees. The amount of the fee due is calculated based on the fee effective at the date payment is made.

| | |
|---|-----------------------------|
| Initial filing fee: (Nonrefundable) | \$((500-00)) 516.00 |
| Initial accreditation fee: | |
| 1 product category | \$((250-00)) 258.00 |
| Each additional category for the next 19 categories | \$((100-00)) 103.20 each |

| | |
|---|--|
| Maximum for 20 categories or more | \$(2150.00) 2,218.80 |
| Renewal fee: (Nonrefundable) | 50% of initial filing fee |
| Renewal of existing accreditations | |
| Each additional category for the next 19 categories | \$(400.00) 103.20 each |
| Maximum for 20 categories or more | \$(2150.00) 2,218.80 |

AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 4/22/03)

WAC 296-46B-915 Civil penalty schedule.

~~((Notes: (A)))~~ Each day that a violation occurs will be a separate offense.

~~((B))~~ Once a violation of chapter 19.28 RCW or chapter 296-46B WAC becomes a final judgment, any additional violation within three years becomes a "second" or "additional" offense subject to an increased penalty as set forth in the following tables.

~~((C))~~ In case of continued, repeated or gross violation of the provisions of chapter 19.28 RCW or this chapter, or if property damage or bodily injury occurs as a result of the failure of a person, firm, partnership, corporation, or other entity to comply with chapter 19.28 RCW or this chapter the department may double the penalty amounts shown in subsections (1) through (13) of this section.

~~((D))~~ A person, firm, partnership, corporation or other entity who violates a provision of chapter 19.28 RCW or chapter 296-46B WAC is liable for a civil penalty based upon the following schedule.

~~((E) The penalty amount will be waived for the first offense. If a subsequent offense occurs within a three-year period, the first offense penalty amount will be reinstated and immediately due and payable without further right of appeal.)~~

(1) Offering to perform, submitting a bid for, advertising, installing or maintaining cables, conductors or equipment:

(a) That convey or utilize electrical current without having a valid electrical contractor's license.

(b) Used for information generation, processing, or transporting of signals optically or electronically in telecommunications systems without having a valid telecommunications contractor's license.

| | |
|--------------------------|---------|
| First offense: | \$500 |
| Second offense: | \$1,500 |
| Third offense: | \$3,000 |
| Each offense thereafter: | \$6,000 |

(2) Employing an individual for the purposes of chapter 19.28 RCW who does not possess a valid certificate of competency or training certificate to do electrical work.

| | |
|--------------------------|------------------|
| First offense: | \$100 |
| | (((see note E))) |
| Each offense thereafter: | \$500 |

(3) Performing electrical work without having a valid certificate of competency or electrical training certificate.

| | |
|--------------------------|-------|
| First offense: | \$250 |
| Each offense thereafter: | \$500 |

(4) Employing electricians and electrical trainees for the purposes of chapter 19.28 RCW in an improper ratio. Contractors found to have violated this section three times in a three-year period must be the subject of an electrical audit in accordance with WAC 296-46B-975.

| | |
|--------------------------|-------|
| First offense: | \$250 |
| Each offense thereafter: | \$500 |

(5) Failing to provide proper supervision to an electrical trainee as required by chapter 19.28 RCW. Contractors found to have violated this section three times in a three-year period must be the subject of an electrical audit in accordance with WAC 296-46B-975.

| | |
|--------------------------|-------|
| First offense: | \$250 |
| Each offense thereafter: | \$500 |

(6) Working as an electrical trainee without proper supervision as required by chapter 19.28 RCW.

| | |
|--------------------------|-------------------|
| First offense: | \$50 (see note E) |
| Second offense: | \$250 |
| Each offense thereafter: | \$500 |

(7) Offering, bidding, advertising, or performing electrical or telecommunications installations, alterations or maintenance outside the scope of the firm's specialty electrical or telecommunications contractors license.

| | |
|--------------------------|---------|
| First offense: | \$500 |
| Second offense: | \$1,500 |
| Third offense: | \$3,000 |
| Each offense thereafter: | \$6,000 |

(8) Selling or exchanging electrical equipment associated with spas, hot tubs, swimming pools or hydromassage bathtubs which are not listed by an approved laboratory.

| | |
|--------------------------|---------|
| First offense: | \$500 |
| Second offense: | \$1,000 |
| Each offense thereafter: | \$2,000 |

Definition: The sale or exchange of electrical equipment associated with hot tubs, spas, swimming pools or hydromassage bathtubs includes to: "Sell, offer for sale, advertise, display for sale, dispose of by way of gift, loan, rental, lease, premium, barter or exchange."

(9) Covering or concealing installations prior to inspection.

| | |
|--------------------------|--------------------|
| First offense: | \$250 (see note E) |
| Second offense: | \$1,000 |
| Each offense thereafter: | \$2,000 |

(10) Failing to make corrections within fifteen days of notification by the department.

Exception: Where an extension has been requested and granted, this penalty applies to corrections not completed within the extended time period.

| | |
|--------------------------|--------------------|
| First offense: | \$250 (see note E) |
| Second offense: | \$1,000 |
| Each offense thereafter: | \$2,000 |

(11) Failing to obtain or post an electrical/telecommunications work permit prior to beginning the electrical/telecommunications installation or alteration.

Exception: In cases of emergency repairs to existing electrical/telecommunications systems, this penalty will not be charged if the permit is obtained and posted no later than the business day following beginning work on the emergency repair.

| | |
|----------------------------|---------|
| First offense: | \$250 |
| Homeowner - First offense: | \$50 |
| Second offense: | \$1,000 |
| Each offense thereafter: | \$2,000 |

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(12) Violating chapter 19.28 RCW duties of the electrical/telecommunications administrator.

| | |
|--------------------------|--|
| First offense: | \$100 (see note E except for RCW 19.28.061 (5)(a) or 19.28.430 (3)(a)) |
| Second offense: | \$750 |
| Third offense: | \$1,500 |
| Each offense thereafter: | \$3,000 |

(13) Violating any of the provisions of chapter 19.28 RCW or chapter 296-46B WAC which are not identified in subsections (1) through (12) of this section.

RCW 19.28.161 through 19.28.271 and the rules developed pursuant to them.

| | |
|--|---------|
| First offense: | \$250 |
| Each offense thereafter: | \$500 |
| All other chapter 19.28 RCW provisions and the rules developed pursuant to them. | |
| First offense: | \$250 |
| Second offense: | \$750 |
| Each offense thereafter: | \$2,000 |

E: Upon written request to the chief electrical inspector, the penalty amount will be waived for the first citation issued within a three-year period. The written request must be received by the department no later than twenty days after notice of penalty. If a subsequent citation is issued within a three-year period and found to be a final judgment, the penalty amount for the first citation will be reinstated and immediately due and payable. Penalty waivers will not be granted for any citation being appealed under WAC 296-46B-995(11).

AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 4/22/03)

WAC 296-46B-920 Electrical/telecommunications license/certificate types and scope of work. (1) **General electrical (01):** A general electrical license and/or certificate encompasses all phases and all types of electrical and telecommunications installations.

(2) All specialties listed in this subsection may perform the work described within their specific specialty as allowed by the occupancy and location described within the specialty's scope of work. **Specialty (limited) electrical licenses and/or certificates** are as follows:

(a) **Residential (02):** Limited to the telecommunications, low voltage, and line voltage wiring of one- and two-family dwellings, or multifamily dwellings not exceeding three floors above grade. All wiring is limited to nonmetallic sheathed cable, except for services and/or feeders, exposed installations where physical protection is required, and for wiring buried below grade.

(i) This specialty also includes the wiring for ancillary structures such as, but not limited to: Appliances, equipment, swimming pools, septic pumping systems, domestic water systems, limited energy systems (e.g., doorbells, intercoms, fire alarm, burglar alarm, energy control, HVAC/refrigeration, etc.), multifamily complex offices/garages, site lighting when supplied from the residence or ancillary structure, and other structures directly associated with the functionality of the residential units.

(ii) This specialty does not include wiring occupancies defined in WAC 296-46B-010((12)) (14), or commercial

occupancies such as: Motels, hotels, offices, assisted living facilities, or stores.

(b) **Pump and irrigation (03):** Limited to the electrical connection of circuits, feeders, controls, low voltage, related telecommunications, and services to supply: Domestic and irrigation water pumps, circular irrigating system's pumps and pump houses.

This specialty may also perform the work defined in (c) of this subsection (see Table 920-1).

(c) **Domestic well (03A):** Limited to the extension of a branch circuit, which is supplied and installed by others, to signaling circuits, motor control circuits, motor control devices, and pumps which do not exceed 7 1/2 horsepower at 250 volts AC single phase used in residential potable water or residential sewage disposal systems.

(d) **Signs (04):** Limited to placement and connection of signs and outline lighting, the electrical supply, related telecommunications, controls and associated circuit extensions thereto; and the installation of a maximum 60 ampere, 120/240 volt single phase service to supply power to a remote sign only. This specialty may service, maintain, or repair exterior luminaires that are mounted on a pole or other structure with like-in-kind components.

(i) Electrical licensing/certification is not required to:

(A) Clean the nonelectrical parts of an electric sign;

(B) To form or pour a concrete pole base used to support a sign;

(C) To operate machinery used to assist an electrician in mounting an electric sign or sign supporting pole; or

(D) To assemble the structural parts of a billboard.

(ii) Electrical licensing/certification is required to: Install, modify, or maintain a sign, sign supporting pole, sign face, sign ballast, lamp socket, lamp holder, disconnect switch, or any other part of a listed electric sign.

(e) **Limited energy system (06):** Limited to the installation of signaling and power limited circuits and related equipment. This specialty is restricted to low-voltage circuits. This specialty includes the installation of telecommunications, HVAC/refrigeration low-voltage wiring, fire protection signaling systems, intrusion alarms, energy management and control systems, industrial and automation control systems, lighting control systems, commercial and residential amplified sound, public address systems, and such similar low-energy circuits and equipment in all occupancies and locations.

Limited energy electrical contractors may perform all telecommunications work under their specialty (06) electrical license and administrator's certificate.

On the effective date of this rule, any entity holding a currently valid electrical contractor's license, electrical administrator's certificate, master specialty electrician's certificate, or specialty electrician's certificate in this specialty will be issued combination specialty status for HVAC/refrigeration (06A) at no cost and without examination.

(f) **HVAC/refrigeration systems:**

(i) See WAC 296-46B-020 for specific HVAC/refrigeration definitions.

(ii) For the purposes of this section when a component is replaced, the replacement must be like-in-kind or made using

the equipment manufacturer's authorized replacement component.

(iii) The HVAC/refrigeration specialties described in (f)(v) and (vi) of this subsection may:

(A) Install HVAC/refrigeration: Telecommunications, Class 2 low-voltage control circuit wiring/components in all residential occupancies;

(B) Install, repair, replace, and maintain line voltage components within HVAC/refrigeration equipment. Such line voltage components include product illumination luminaires installed within and powered from the HVAC/refrigeration system (e.g., reach-in beverage coolers, frozen food cases, produce cases, etc.) and new or replaced factory authorized accessories such as internally mounted outlets;

(C) Repair, replace, or maintain the internal components of the HVAC/refrigeration equipment disconnecting means or controller so long as the disconnecting means or controller is not located within a motor control center or panelboard (see Figure 920-1 and Figure 920-2);

(D) Install, repair, replace, and maintain short sections of raceway to provide physical protection for low-voltage cables. For the purposes of this section a short section cannot mechanically interconnect two devices, junction boxes, or other equipment or components; and

(E) Repair, replace, or maintain line voltage flexible supply whips not over six feet in length, provided there are no modifications to the characteristics of the branch circuit/feeder load being supplied by the whip. There is no limitation on the whip raceway method (e.g., metallic replaced by nonmetallic).

(iv) The HVAC/refrigeration specialties described in (f)(v) and (vi) of this subsection may not:

(A) Install line voltage controllers or disconnect switches external to HVAC/refrigeration equipment;

(B) Install, repair, replace, or maintain:

- Integrated building control systems, other than HVAC/refrigeration systems;

- Single stand-alone line voltage equipment or components (e.g., heat cable, wall heaters, radiant panel heaters, baseboard heaters, contactors, motor starters, and similar equipment) unless the equipment or component:

Is exclusively controlled by the HVAC/refrigeration system and requires the additional external connection to a mechanical system(s) (e.g., connection to water piping, gas piping, refrigerant system, ducting for the HVAC/refrigeration system, gas fireplace flume, ventilating systems, etc. (i.e., as in the ducting connection to a bathroom fan)). The external connection of the equipment/component to the mechanical system must be required as an integral component allowing the operation of the HVAC/refrigeration system; or

Contains a HVAC/refrigeration mechanical system(s) (e.g., water piping, gas piping, refrigerant system, etc.) within the equipment (e.g., "through-the-wall" air conditioning units, self-contained refrigeration equipment, etc.);

- Luminaires that serve as a building or structure lighting source, even if mechanically connected to a HVAC/refrigeration system (e.g., troffer luminaire used as a return air device, lighting within a walk-in cooler/freezer used for personnel illumination);

- Raceway/conduit systems;

- Line voltage: Service, feeder, or branch circuit conductors. However, if a structure's feeder/branch circuit supplies HVAC/refrigeration equipment containing a supplementary overcurrent protection device(s), this specialty may install the conductors from the supplementary overcurrent device(s) to the supplemental HVAC/refrigeration equipment if the supplementary overcurrent device and the HVAC/refrigeration equipment being supplied are located within sight of each other (see Figure 920-2); or

- Panelboards, switchboards, or motor control centers external to HVAC/refrigeration system.

(v) HVAC/refrigeration (06A):

(A) This specialty is not limited by voltage, phase, or amperage.

(B) No unsupervised electrical trainee can install, repair, replace, or maintain any part of a HVAC/refrigeration system that contains any circuit rated over 600 volts whether the circuit is energized or deenergized.

(C) This specialty may:

- Install HVAC/refrigeration: Telecommunications, Class 2 low-voltage control circuit wiring/components in other than residential occupancies:

That have no more than three floors on/above grade; or

Regardless of the number of floors above grade if the installation:

- Does not pass between floors;

- Is made in a previously occupied and wired space; and

- Is restricted to the HVAC/refrigeration system;

- Repair, replace, and maintain HVAC/refrigeration: Telecommunications, Class 2 low-voltage control circuit wiring/components in all occupancies regardless of the number of floors on/above grade.

(D) This specialty may not install, repair, replace, or maintain: Any electrical wiring governed under article(s) 500, 501, 502, 503, 504, 505, 510, 511, 513, 514, 515, or 516 NEC (i.e., classified locations) located outside the HVAC/refrigeration equipment.

(vi) HVAC/refrigeration - restricted (06B):

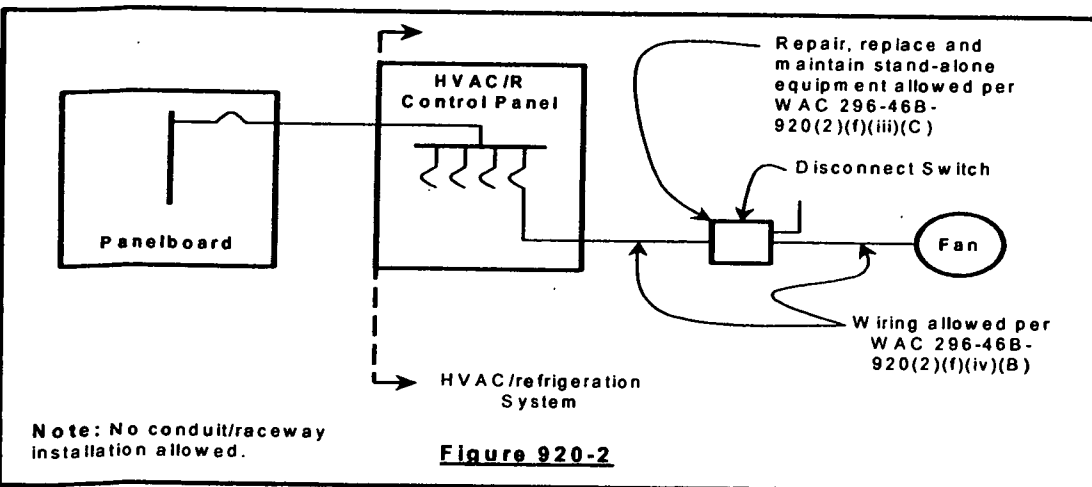
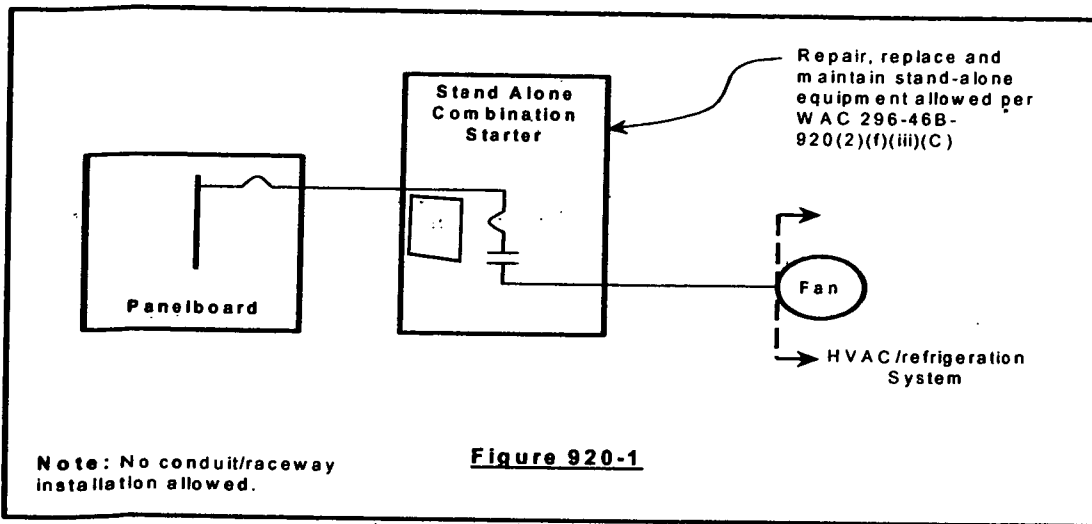
(A) This specialty may not perform any electrical work where the primary electrical power connection to the HVAC/refrigeration system exceeds: 250 volts, single phase, or 120 amps.

(B) This specialty may install, repair, replace, or maintain HVAC/refrigeration: Telecommunications, Class 2 low-voltage control circuit wiring/components in other than residential occupancies that have no more than three floors on/above grade.

(C) This specialty may not install, repair, replace, or maintain:

- The allowed telecommunications/low-voltage HVAC/refrigeration wiring in a conduit/raceway system; or

- Any electrical work governed under article(s) 500, 501, 502, 503, 504, 505, 510, 511, 513, 514, 515, or 516 NEC (i.e., classified locations).



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(g) **Nonresidential maintenance (07):** Limited to maintenance, repair and replacement of like-in-kind existing electrical equipment and conductors (~~on industrial or commercial premises~~). This specialty does not include maintenance activities in residential dwellings defined in (a) of this subsection for the purposes of accumulating training experience toward qualification for the residential (02) specialty electrician examination.

This specialty may perform the work defined in (h), (i), (j), (k), and (l) of this subsection (see Table 920-1).

(h) **Nonresidential lighting maintenance and lighting retrofit (07A):** Limited to working within the housing of existing nonresidential luminaires for work related to repair, service, maintenance of luminaires and installation of energy efficiency lighting retrofit upgrades. This specialty includes replacement of lamps, ballasts, sockets and the installation of listed lighting retrofit reflectors and kits. All work is limited to the luminaire body, except remote located ballasts may be replaced or retrofitted with approved products. This specialty

does not include installing new luminaires or branch circuits; moving or relocating existing luminaires; or altering existing branch circuits.

(i) **Residential maintenance (07B):** This specialty is limited to residential dwellings as defined in WAC 296-46B-920 (2)(a), multistory dwelling structures with no commercial facilities, and the interior of dwelling units in multistory structures with commercial facilities. This specialty may maintain, repair, or replace (like-in-kind) existing luminaires, water heating equipment, ranges, electric heaters, similar household type appliances, and all permit exempted work as defined in WAC 296-46B-900.

This specialty is limited to equipment and circuits to a maximum of 250 volts, 60 amperes, and single phase maximum.

This specialty may disconnect and reconnect low-voltage control and line voltage supply whips not over six feet in length provided there are no modifications to the characteristics of the branch circuit or whip.

For the purpose of this specialty, "electrical equipment" does not include electrical conductors, raceway or conduit systems external to the equipment or whip.

(j) **Restricted nonresidential maintenance (07C):** This specialty may maintain, repair, or replace (like-in-kind) existing luminaires, water heating equipment, ranges, electric heaters, similar household type appliances, and all permit exempted work as defined in WAC 296-46B-900 except for the replacement or repair of circuit breakers.

This specialty is limited to equipment and circuits to a maximum of 277 volts and 20 amperes for lighting branch circuits only and/or maximum 250 volts and 60 amperes for other circuits.

The replacement of luminaires is limited to in-place replacement required by failure of the luminaire to operate. Luminaires installed in suspended lay-in tile ceilings may be relocated providing: The original field installed luminaire supply whip is not extended or relocated to a new supply point; or if a manufactured wiring assembly supplies luminaire power, a luminaire may be relocated no more than eight feet providing the manufactured wiring assembly circuiting is not changed.

This specialty may disconnect and reconnect low-voltage control and line voltage supply whips not over six feet in length provided there are no modifications to the characteristics of the branch circuit. For the purpose of this specialty, "electrical equipment" does not include electrical conductors, raceway or conduit systems external to the equipment or whip.

This specialty may perform the work defined in (h) and (i) of this subsection (see Table 920-1).

This specialty cannot perform any work governed under Article(s) 500, 501, 502, 503, 504, 505, 510, 511, 513, 514, 515, or 516 NEC (i.e., classified locations).

(k) **Appliance repair (07D):** Servicing, maintaining, repairing, or replacing household appliances, small commercial/industrial appliances, and other small utilization equipment.

(i) For the purposes of this subsection:

(A) The appliance or utilization equipment must be self-contained and built to standardized sizes or types. The appliance/equipment must be connected as a single unit to a single source of electrical power limited to a maximum of 250 volts, 60 amperes, single phase.

(B) Appliances and utilization equipment include, but are not limited to: Dish washers, ovens, water heating equipment, office equipment, vehicle repair equipment, commercial kitchen equipment, self-contained hot tubs and spas, grinders, and scales.

(C) Appliances and utilization equipment do not include systems and equipment such as: Alarm/energy management/similar systems, luminaires, furnaces/heaters/air conditioners/heat pumps, sewage disposal equipment, door/gate/similar equipment, or individual components installed so as to create a system (e.g., pumps, switches, controllers, etc.).

(ii) This specialty includes:

(A) The in-place like-in-kind replacement of the appliance or equipment if the same unmodified electrical circuit is used to supply the equipment being replaced. This specialty

also includes the like-in-kind replacement of electrical components within the appliance or equipment;

(B) The disconnection and reconnection of low-voltage control and line voltage supply whips not over six feet in length provided there are no modifications to the characteristics of the branch circuit; and

(C) The installation of an outlet box and outlet at an existing appliance or equipment location when converting the appliance from a permanent electrical connection to a plug and cord connection. Other than the installation of the outlet box and outlet, there can be no modification to the existing branch circuit supplying the appliance or equipment.

(iii) This specialty does not include:

(A) The installation, repair, or modification of branch circuits conductors, services, feeders, panelboards, disconnect switches, or raceway/conductor systems interconnecting multiple appliances, equipment, or other electrical components.

(B) Any work governed under Article(s) 500, 501, 502, 503, 504, 505, 510, 511, 513, 514, 515, or 516 NEC (i.e., classified locations).

(l) **Equipment repair (07E):** Servicing, maintaining, repairing, or replacing utilization equipment.

((i) For the purposes of this subsection:

(A) The utilization equipment must be:

Self-contained on a single skid or frame;

Factory built to standardized sizes or types;

Connected as a single unit to a single source of electrical power limited to a maximum of 600 volts. The equipment may also be connected to a separate single source of electrical control power limited to a maximum of 250 volts; and

Listed or field evaluated by a laboratory or approved by the department under WAC 296-46B-030. See WAC 296-46B-430 for additional information on motors.

(B) Equipment includes, but is not limited to: Household type appliances, water heating equipment, office equipment, vehicle repair equipment, commercial kitchen equipment, self-contained hot tubs and spas, motors, pumps, grinders, scales, vehicle repair equipment, welders, air compressors, blowers, dryers, cranes/lifts, kilns, commercial/industrial utilization equipment, commercial/industrial water processing equipment, and similar utilization equipment.

(C) Equipment does not include systems and equipment such as: Alarm/energy management/similar systems, luminaires, furnaces/heaters/air conditioners/heat pumps used for the conditioning of occupant air, or door/gate/similar equipment.

(ii) This specialty includes:

(A) The in-place, like-in-kind replacement of the equipment if the same unmodified electrical circuit is used to supply the equipment being replaced;

(B) The in-place, like-in-kind replacement or repair of electrical components within the equipment;

(C) The in-place, like-in-kind replacement or repair of remote control components that are integral to the operation of the equipment (e.g., telemetry signaling devices, pressure switches, limit switches, photoelectric sensors, etc.); or

(D) The disconnection, replacement, and reconnection of low-voltage control and line voltage supply whips not over

six feet in length provided there are no modifications to the characteristics of the branch circuit.

~~(iii) This specialty does not include the installation, repair, or modification of wiring that interconnects equipment and/or remote components, branch circuit conductors, services, feeders, panelboards, disconnect switches, or raceway/conductor systems interconnecting multiple equipment or other electrical components.) See RCW 19.28.095 for the equipment repair scope of work and definitions.~~

(m) **Telecommunications (09):** Limited to the installation, maintenance, and testing of telecommunications systems, equipment, and associated hardware, pathway systems, and cable management systems.

(i) This specialty includes:

(A) Installation of open wiring systems of telecommunications cables.

(B) Surface nonmetallic raceways designated and used exclusively for telecommunications.

(C) Optical fiber innerduct raceway.

(D) Underground raceways designated and used exclusively for telecommunications and installed for additions or extensions to existing telecommunications systems not to exceed fifty feet inside the building.

(E) Incidental short sections of circular or surface metal raceway, not to exceed ten feet, for access or protection of telecommunications cabling and installation of cable trays and ladder racks in telecommunications service entrance rooms, spaces, or closets.

(F) Audio or paging systems where the amplification is integrated into the telephone system equipment.

(G) Audio or paging systems where the amplification is provided by equipment listed as an accessory to the telephone system equipment and requires the telephone system for the audio or paging system to function.

(H) Closed circuit video monitoring systems if there is no integration of line or low-voltage controls for cameras and equipment. Remote controlled cameras and equipment are considered (intrusion) security systems and must be installed by appropriately licensed electrical contractors and certified electricians.

(ii) This specialty does not include horizontal cabling used for fire protection signaling systems, intrusion alarms, access control systems, patient monitoring systems, energy management control systems, industrial and automation control systems, HVAC/refrigeration control systems, lighting control systems, and stand-alone amplified sound or public address systems. Telecommunications systems may interface with other building signal systems including security, alarms, and energy management at cross-connection junctions within telecommunications closets or at extended points of demarcation. Telecommunications systems do not include the installation or termination of premises line voltage service, feeder, or branch circuit conductors or equipment. Horizontal cabling for a telecommunications outlet, necessary to interface with any of these systems outside of a telecommunications closet, is the work of the telecommunications contractor.

(n) **Door, gate, and similar systems (10):** This specialty may install, service, maintain, repair, or replace

door/gate/similar systems electrical operator wiring and equipment.

(i) For the purposes of this subsection, door/gate/similar systems electrical operator systems include electric gates, doors, windows, awnings, movable partitions, curtains and similar systems. These systems include, but are not limited to: Electric gate/door/similar systems operators, control push buttons, key switches, key pads, pull cords, air and electric treadle, air and electric sensing edges, coil cords, take-up reels, clocks, photo electric cells, loop detectors, motion detectors, remote radio and receivers, antenna, timers, lock-out switches, stand-alone release device with smoke detection, strobe light, annunciator, control panels, wiring and termination of conductors.

(ii) This specialty includes:

(A) Low-voltage, NEC Class 2, door/gate/similar systems electrical operator systems where the door/gate/similar systems electrical operator system is not connected to other systems.

(B) Branch circuits originating in a listed door/gate/similar systems electric operator control panel that supplies only door/gate/similar systems system components providing: The branch circuit does not exceed 600 volts, 20 amperes and the component is within sight of the listed door/gate/similar systems electric operator control panel.

(C) Reconnection of line voltage power to a listed door/gate/similar systems electric operator control panel is permitted provided:

- There are no modifications to the characteristics of the branch circuit/feeder;

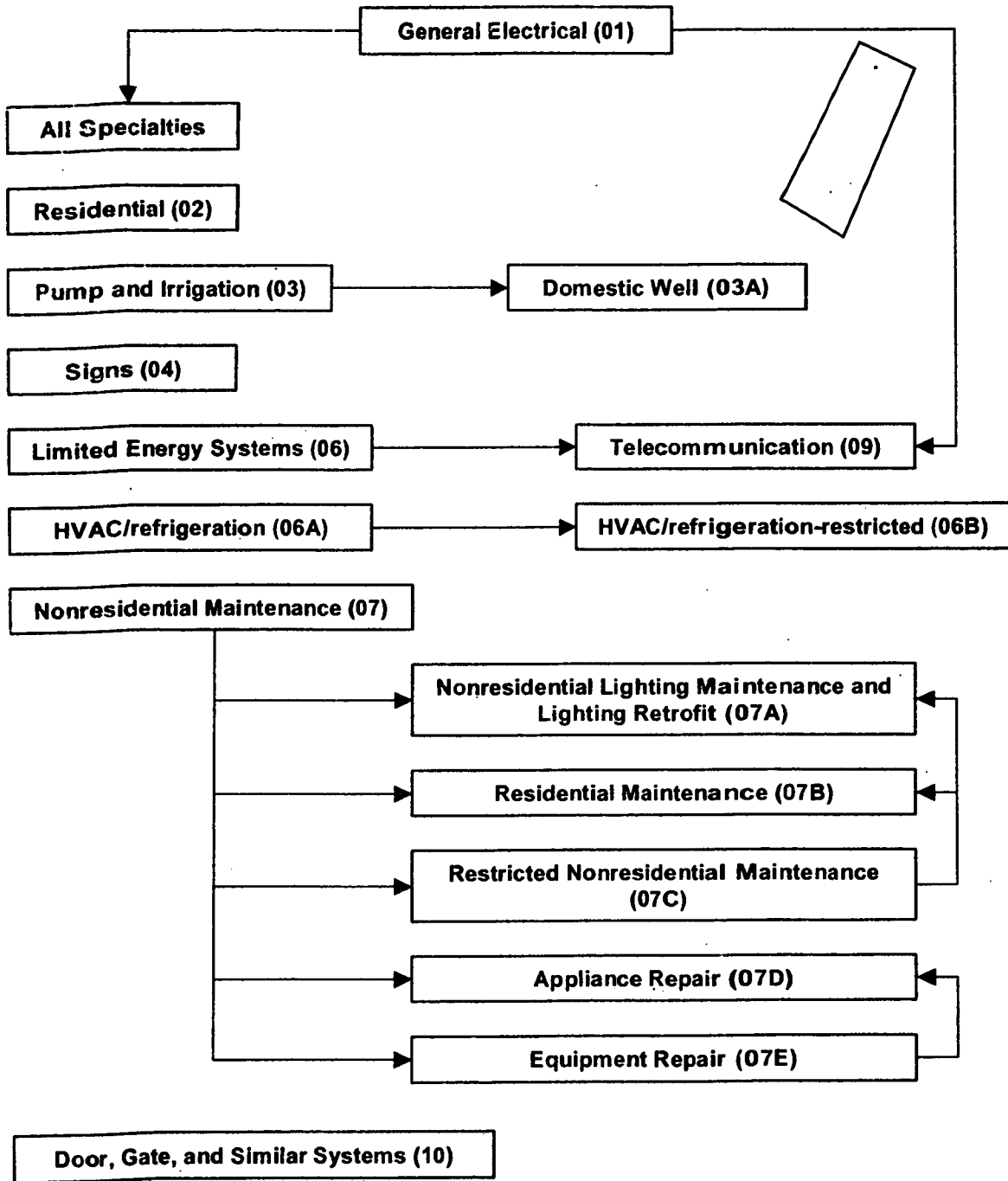
- The circuit/feeder does not exceed 600 volts, 20 amperes; and

- The conductor or conduit extending from the branch circuit/feeder disconnecting means or junction box does not exceed six feet in length.

(iii) This specialty does not include any work governed under Article(s) 500, 501, 502, 503, 504, 505, 510, 511, 513, 514, 515, or 516 NEC (i.e., classified locations). This specialty may not install, repair, or replace branch circuit (line voltage) conductors, services, feeders, panelboards, or disconnect switches supplying the door/gate/similar systems electric operator control panel.

(3) A specialty electrical contractor, other than the (06) limited energy specialty electrical contractor, may only perform telecommunications work within the equipment or occupancy limitations of their specialty electrical contractor's license. Any other telecommunications work requires a telecommunications contractor's license.

Table 920-1 Allowed Scope of Work Crossover



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AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 4/22/03)

WAC 296-46B-925 Electrical/telecommunications contractor's license. General.

(1) The department will issue an electrical/telecommunications contractor's license that will expire twenty-four months following the date of issue to a person, firm, partnership, corporation or other entity that complies with requirements for such license in chapter 19.28 RCW. An electri-

cal/telecommunications contractor's license will not be issued to or renewed for a person, firm, or partnership unless the Social Security number, date of birth, and legal address of the individual legal owner(s) are submitted with the application. The department may issue an electrical/telecommunications contractor's license for a period greater or less than twenty-four months for the purpose of equalizing the number of electrical contractor's licenses that expire each month. The department may prorate the electrical/telecommunications contractor's license fee according to the license period.

(2) Combination specialty contractor's license. The department may issue a combination specialty contractor's license to a firm that qualifies for more than one specialty electrical contractor's license. The assigned administrator must be certified in all specialties applicable to the combination specialty contractor's license. The license will plainly indicate the specialty licenses' codes included in the combination license. An administrator assigned to a telecommunications contractor must be certified as a telecommunications administrator. A combination license will not be issued for telecommunications (09).

(3) The department may deny renewal of an electrical/telecommunications contractor's license if a firm, an owner, partner, member, or corporate officer owes money as a result of an outstanding final judgment(s) to the department.

Electrical/telecommunications contractor cash or securities deposit.

(4) Cash or securities deposit. The electrical/telecommunications contractor may furnish the department with a cash or security deposit to meet the bond requirements in lieu of posting a bond. A cash or security deposit assigned to the department for bond requirements will be held in place for one year after the contractor's license is expired, revoked, or the owner notifies the department in writing that the company is no longer doing business in the state of Washington as an electrical/telecommunications contractor. Upon written request, the cash or security deposit will then be released by the department providing there is no pending legal action against the contractor under chapter 19.28 RCW of which the department has been notified.

Telecommunications contractor insurance.

(5) To obtain a telecommunications contractor's license, the applicant must provide the department with an original certificate of insurance naming the department of labor and industries, electrical section as the certificate holder. Insurance coverage must be no less than twenty thousand dollars for injury or damages to property, fifty thousand dollars for injury or damage including death to any one person, and one hundred thousand dollars for injury or damage including death to more than one person. The insurance will be considered a continuing obligation unless canceled by the insurance company. The insurance company must notify the department in writing ten days prior to the effective date of said cancellation or failure to renew.

(6) The telecommunications contractor may furnish the department with an assigned account to meet the insurance requirements in lieu of a certificate of insurance. An account assigned to the department for insurance requirements will be held in place for three years after the contractor's license is expired, revoked, or the owner notifies the department in writing that the company is no longer doing business in the state of Washington as a telecommunications contractor. Upon written request, the account then will be released by the department providing there is no pending legal action against the contractor under chapter 19.28 RCW of which the department has been notified.

Electrical/telecommunications contractor exemptions.

(7) The following types of systems and circuits are considered exempt from the requirements for licensing and permitting described in chapter 19.28 RCW. The electrical failure of these systems does not inherently or functionally compromise safety to life or property.

Low-voltage thermocouple derived circuits and low-voltage circuits for:

- (a) Built-in residential vacuum systems;
- (b) Underground landscape sprinkler systems;
- (c) Underground landscape lighting; and
- (d) Residential garage doors.

For these types of systems and circuits to be considered exempt, the following conditions must be met:

(e) The power supplying the installation must be derived from a listed Class 2 power supply;

(f) The installation and termination of line voltage equipment and conductors supplying these systems is performed by appropriately licensed and certified electrical contractors and electricians;

(g) The conductors of these systems do not pass through fire-rated walls, fire-rated ceilings or fire-rated floors in other than residential units; and

(h) Conductors or luminaires are not installed in installations covered by the scope of Article 680 NEC (swimming pools, fountains, and similar installations).

(8) Firms who clean and/or replace lamps in luminaires are not included in the requirements for licensing in chapter 19.28 RCW. This exemption does not apply to electric signs as defined in the NEC.

(9) Firms who install listed plug and cord connected equipment are not included in the requirements for licensing in chapter 19.28 RCW. The plug and cord must be a single listed unit consisting of a molded plug and cord and not exceed 250 volt 60 ampere single phase. The plug and cord can be field installed per the manufacturer's instructions and the product listing requirements. The equipment must be a single manufactured unit that does not require any electrical field assembly except for the installation of the plug and cord.

(10) Firms regulated by the Federal Communications Commission or the utilities and transportation commission, supplying telecommunications service to an end-user's property, are not required to be licensed as a telecommunications contractor under chapter 19.28 RCW for telecommunications installations made ahead of the telecommunications network demarcation point.

(11) Unregulated firms, supplying telecommunications service to an end-user's property, are not required to be licensed as a telecommunications contractor under chapter 19.28 RCW for telecommunications installations made ahead of the telecommunications network demarcation point.

(12) Leaseholders. For electrical installations, maintenance, or alterations to existing buildings only, any person, firm, partnership, corporation, or other entity holding a valid, signed lease from the property owner authorizing the leaseholder to perform electrical work, on the property the leaseholder occupies, will be allowed to purchase an electrical permit(s) and do electrical work on or within the property described in the lease. The lessee and/or his or her regularly

employed employees must perform the electrical installation, maintenance and alteration.

The lessee who performs the electrical maintenance or installation work must be the sole occupant of the property or space. Property owners or leaseholders cannot perform electrical work on new buildings for rent, sale, or lease, without the proper electrical licensing and certification. Refer to RCW 19.28.261 for exemptions from licensing and certification.

(13) Assisting a householder. A friend, neighbor, relative, or other person (including a certified electrician) may assist a householder, at his/her residence in the performance of electrical work on the condition that the householder is present when the work is performed and the person assisting the householder does not accept money or other forms of compensation for the volunteer work. For the purposes of this subsection, a residence is a single-family residence.

(14) Volunteering to do electrical work. There are no exceptions from the electrical contractor's license or electrician certification requirements to allow persons to perform volunteer electrical work for anyone other than a householder or a nonprofit organization as allowed by RCW 19.28.091(7). For the purpose of this section, volunteer means that there is no remuneration or receiving of goods or services in return for electrical installations performed.

~~(Volunteering for nonprofit organizations such as churches, senior centers, etc., is generally not allowed. Volunteering for these types of organizations may be allowed under the following guidelines:~~

~~(a) A local nonprofit organization, whose members own the building or structure, may solicit a volunteer electrical contractor to oversee the electrical installation. The organization's members or other persons may volunteer to perform electrical work for the organization, under the supervision of the volunteer electrical contractor, if they are properly certified by the department as electricians or trainees.~~

~~(b) The volunteer electrical contractor and its administrator will be responsible to maintain proper ratio, per RCW 19.28.161, of certified electricians to certified trainees on the job site at all times. The volunteer electrical contractor must either provide on-site supervision or designate one of the volunteer electricians as the on-site supervisor.~~

~~(c) The volunteer electrical contractor must purchase the electrical work permit, and ensure that the electrical installation is in compliance with the requirements of chapter 19.28 RCW and chapter 296-46B WAC.)~~

(15) Farms or place of business. See RCW 19.28.261 for licensing/certification exemptions allowed for the owner(s) of a farm or other place of business and for the employees of the owner.

Exemptions - electrical utility and electrical utility's contractor.

(16) Electrical utility system exemption. Neither a serving electrical utility nor a contractor employed by the serving electrical utility is required to have an electrical contractor's license for work on the "utility system" or on service connections or on meters and other apparatus or appliances used to measure the consumption of electricity.

(a) Street lighting exemption. A serving electrical utility is not required to have an electrical contractor's license or electrical permit to work on electrical equipment used in the lighting of streets, alleys, ways, or public areas or squares.

Utilities are allowed to install outside area lighting on privately owned property where the lighting fixture(s) is installed on a utility owned pole(s) used to support utility owned electric distribution wiring or equipment designed to supply electrical power to a customer's property.

Utilities are allowed to install area lighting outside and not attached to a building or other customer owned structure when the areas are outside publicly owned buildings such as: Publicly owned/operated parking lots, parks, schools, play fields, beaches, and similar areas; or the areas are privately owned where the public has general, clear and unrestricted access such as: Church parking lots, and commercial property public parking areas and similar areas.

Utilities are not allowed to install area lighting when the area is privately owned and the public does not have general, clear, and unrestricted access such as industrial property, residential property and controlled commercial property where the public's access is otherwise restricted.

Utilities are not allowed to install area lighting where the lighting is supplied from a source of power derived from a customer owned electrical system.

(b) Customer-owned equipment exemption. A serving electrical utility is not required to have an electrical contractor's license to work on electrical equipment owned by a commercial, industrial, or public institution customer if:

(i) The utility has not solicited such work; and

(ii) Such equipment:

(A) Is located outside a building or structure; and

(B) The work performed is on the primary side of the customer's transformer(s) which supplies power at the customer's utilization voltage.

(c) Exempted equipment and installations. No person, firm, partnership, corporation, or other entity is required to have an electrical contractor's license for work on electrical equipment and installations thereof that are exempted by RCW 19.28.091.

(d) Exemption from inspection.

(i) The work of a serving electrical utility and its contractors on the utility system is not subject to inspection. The utility is responsible for inspection and approval for the installation.

(ii) Work exempted by NEC 90.2 (B)(5), 1981 edition, is not subject to inspection.

Exemptions - electrical utility telecommunications transition equipment installations, maintenance and repair.

(17) Until July 1, ((2004)) 2005, no license, inspection or other permit will be required by the department of any electric utility or, of any person, firm, partnership or corporation or other entity employed or retained by an electric utility or its contractor, because of work in connection with the installation, maintenance, or repair of telecommunications transition equipment located ahead of the utility's telecommunications network demarcation point on the outside of a building or other structure when the work is performed by a qualified person consistent with the requirements of the National Elec-

tric Code (NEC) except as provided in (a) and (b) of this subsection:

(a) The following exceptions to the NEC shall be permitted:

(i) An additional service disconnect supplying power to the transition equipment can be connected on the supply side of the main service disconnect supplying general power to the building;

(ii) Service entrance disconnects may be separated when clearly labeled;

(iii) The service disconnect used for supplying power to the transition equipment must be connected to the grounding electrode system using:

(A) # 8 AWG copper or larger grounding electrode conductor if protected from physical damage; or

(B) # 6 AWG copper or larger grounding electrode conductor if not protected from physical damage;

(iv) Use of equipment or materials that have been listed/field evaluated by a recognized independent testing laboratory or the department;

(v) Low-voltage circuits do not require a separate disconnecting means and may be grounded to the transition equipment grounding system;

(vi) Any other variance to the NEC must be approved by the department.

(b) A variance recommended by a joint utility standards group composed of representatives of both public and private utilities or certified by a professional engineer will be approved by the department unless the recommendation is inconsistent with meeting equivalent objectives for public safety.

(c) For the purposes of this section, a qualified worker is employed by a utility or its contractor and is familiar with the construction or operation of such lines and/or equipment that concerns his/her position and who is proficient with respect to the safety hazards connected therewith, or, one who has passed a journey status examination for the particular branch of the electrical trades with which he/she may be connected or is in a recognized training or apprenticeship course and is supervised by a journey level person.

(d) Although the utility is responsible for inspection and approval of the installation, including the selection of material and equipment, the department reserves the right to audit worker qualifications and inspect such installations semiannually for conformance with the requirements of (a), (b) and (c) of this subsection but shall not collect a permit fee for such inspection or audit.

(e) If a utility fails to meet the requirements of this section, the department may require the utility to develop and submit a remedial action plan and schedule to attain compliance with this section which may be enforced by the department.

(f) This exemption shall be in addition to any other exemption provided in chapter 19.28 RCW, this chapter or other applicable law.

Exemptions - independent electrical power production equipment exemption.

(18) An independent electrical power production entity is not required to have an electrical contractor's license to

work on electrical equipment used to produce or transmit electrical power if:

(a) The entity is:

(i) The owner or operator of the generating facility is regulated by the Federal Energy Regulatory Commission (FERC);

(ii) A municipal utility, or other form of governmental electric utility, or by an electrical cooperative or mutual corporation; or

(iii) The owner or operator of the generating facility and: Is an independent electrical power producer and the facility generates electrical power only for sale to one or more:

- Electrical utilities regulated by FERC, municipal utility, or other form of governmental utility, or to an electric cooperative or mutual corporation; and

- The electrical power generated by the facility is not used for self-generation or any other on- or off-site function other than sale to one or more utilities regulated by FERC or by one or more state public utilities commissions, or to a PUD, municipal utility, or other form of governmental electric utility, or to an electric cooperative or mutual corporation.

(b) The entity has entered into an agreement to sell electricity to a utility or to a third party; and

(c) The electrical equipment is used to transmit electricity from the terminals of an electrical generating unit located on premises to the point of interconnection with a utility system.

(d) Notwithstanding that a generating facility may be granted an exemption pursuant to this section, the facility will be subject to all the requirements of chapter 19.28 RCW if the facility at any time in the future ceases to comply with the requirements for exemption. All site facilities not exclusively and directly required to generate and/or distribute the electrical power generated on the site are subject to all the licensing and inspection requirements of chapter 19.28 RCW. All facility services, feeders, and circuits not exclusively and directly required to generate and/or distribute the electrical power (e.g., lights, outlets, etc.) must comply with all requirements of chapter 19.28 RCW for licensing and inspection. Facility circuits supplied to equipment required for the function of generation equipment (e.g., block heaters, power supplies, etc.) must comply with all requirements of chapter 19.28 RCW for licensing and inspection up to and including the equipment termination point.

Exemptions - telegraph and telephone utility and telegraph and telephone utility's contractor.

(19) Telegraph and telephone utility exempted equipment and installations. No person, firm, partnership, corporation, or other entity is required to have an electrical contractor's license for work on electrical equipment and installations thereof that are exempted by RCW 19.28.151. For the purposes of this exemption, "building or buildings used exclusively for that purpose" may mean any separate building or space of a building where the space is separated from the remainder of the building by a two-hour fire wall. The telecommunications or telegraph equipment within such a space must supply telephone or telegraph service to other cus-

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tomers' buildings (i.e., telecommunications or telegraph equipment cannot solely supply the building containing the telephone/telegraph space).

Exemptions - manufacturers of electrical/telecommunications products.

(20) Manufacturers of electrical/telecommunications systems products will be allowed to utilize a manufacturer's authorized factory-trained technician to perform initial calibration, testing, adjustment, modification incidental to the startup and checkout of the equipment, or replacement of components within the confines of the specific product, without permit or required licensing:

- (a) Provided the product:
 - (i) Has not been previously energized;
 - (ii) Has been recalled by the Consumer Product Safety Commission;
 - (iii) Is within the manufacturer's written warranty period;
- or
- (iv) The manufacturer is working under the written request and supervision of an appropriately licensed electrical contractor.

(b) Modifications to the equipment, as designated above, must not include any changes to the original intended configuration nor changes or contact with external or field-connected components or wiring.

(c) The manufacturer will be responsible for obtaining any required reapproval/recertification from the original listing or field evaluation laboratory.

(d) The manufacturer must notify the department if any modifications have been made or reapproval/recertification is required.

(21) Premanufactured electric power generation equipment assemblies and control gear.

(a) Manufacturers of premanufactured electric power generation equipment assemblies and control gear will be allowed to utilize a manufacturer's authorized factory-trained technician to perform initial calibration, testing, adjustment, modification incidental to the startup and checkout of the equipment, or replacement of components within the confines of the specific product, without permit or required licensing, provided:

(i) For transfer equipment, the product has not been previously energized or is within the manufacturer's written warranty period;

(ii) Modifications to the equipment, as designated above, must not include any changes to the original intended configuration nor changes or contact with external or field-connected components or wiring;

(iii) The manufacturer will be responsible for obtaining any required reapproval/recertification from the original listing or field evaluation laboratory; or

(iv) The manufacturer must notify the department if any modifications have been made or reapproval/recertification is required.

(b) Premanufactured electric power generation equipment assemblies are made up of reciprocating internal combustion engines and the associated control gear equipment. Control gear equipment includes control logic, metering, and annunciation for the operation and the quality of power being

generated by the reciprocating internal combustion engine and does not have the function of distribution of power.

(c) Modifications of a transfer switch must not include changes to the original intended configuration or changes or contact with externally field-connected components.

(d) For the purposes of this subsection, the following work on premanufactured electric power generation equipment assemblies is not exempt from the requirements of chapter 19.28 RCW:

(i) Installation or connection of conduit or wiring between the power generation unit, transfer switch, control gear;

(ii) Installation of the transfer switch;

(iii) Connections between the power generation unit, transfer switch, control gear, and utility's transmission or distribution systems;

(iv) Connections between the power generation unit, transfer switch, control gear, and any building or structure; or

(v) Test connections with any part of:

(A) The utility's transmission or distribution system; or

(B) The building or structure.

(22) The installation, maintenance, or repair of a medical device deemed in compliance with chapter 19.28 RCW is exempt from licensing requirements under RCW 19.28.091, certification requirements under RCW 19.28.161, and inspection and permitting requirements under RCW 19.28.-101. This exemption does not include work providing electrical feeds into the power distribution unit or installation of conduits and raceways. This exemption covers only those factory engineers or third-party service companies with equivalent training who are qualified to perform such service.

(23) Coincidental electrical/plumbing work. See RCW 19.28.091(8) for the plumber exemption.

(24) Nothing in this section will alter or amend any other exemptions from or requirement for licensure or inspection, chapter 19.28 RCW or this chapter.

AMENDATORY SECTION (Amending WSR 03-18-089, filed 9/2/03, effective 10/3/03)

WAC 296-46B-930 Assignment—Administrator or master electrician. (1) An administrator or master electrician designated on the electrical/telecommunications contractor's license must be a member of the firm who fulfills the duties of an assigned master electrician/administrator as required in RCW 19.28.061(5), or be a full-time supervisory employee. In determining whether the individual is a member of the firm, the department will require that the individual is named as:

(a) The sole proprietor;

(b) A partner on file with the department of licensing; or

(c) A member of an LLC on file with the secretary of state.

In determining whether an individual is a full-time supervisory employee, the department will consider whether the individual is on the electrical/telecommunications contractor's full-time payroll; receives a regular salary or wage similar to other employees; has supervisory responsibility for work performed by the electrical/telecommunications con-

tractor, and carries out the duties shown in chapter 19.28 RCW.

(2) A firm may designate certain temporary specialty administrator(s) to satisfy the requirements of RCW 19.28.041 and 19.28.061 under the guidelines described in Table 930-1 - Temporary Specialty Administrator Application/Enforcement Procedure. See note 1 on Figure 955-1 for additional requirements regarding failure to comply with the licensing/certification requirements during the open window opportunity.

Table 930-1 - Temporary Specialty Administrator Application/Enforcement Procedure

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| SPECIALTIES OPEN FOR ASSIGNING TEMPORARY SPECIALTY ADMINISTRATOR | <ul style="list-style-type: none"> • Domestic well (03A), • HVAC/refrigeration - restricted (06B), • Nonresidential maintenance (07), • Nonresidential lighting maintenance (07A), • Residential maintenance (07B), • Restricted nonresidential maintenance (New - 07C), • Appliance repair (New - 07D), • Equipment repair (New - 07E), • Door, gate and similar systems (10). |
| Last date to submit application for temporary administrator | July 31, 2004. ^{(2), (3)} |
| Required business status in the contracting specialty | Chapter 18.27 RCW contractor registration, chapter 19.28 RCW electrical contractor's license, or appropriate Washington business license (effective at any time between January 1, 2002 and September 1, 2002). |
| Minimum previous experience for firm making temporary designation | N/A |
| Begin interim enforcement | Effective date of this chapter. ⁽¹⁾ |
| Begin full enforcement | August 1, 2004. ⁽¹⁾ |
| Must pass specialty administrator examination no later than: | Twelve months after submitting temporary specialty administrator assignment, <u>except that applicants who applied for temporary administrator status in specialties 06B, 07C, 07D, and 07E between April 22, 2003, and January 1, 2004, must pass the examination no later than December 31, 2004.</u> ⁽³⁾ |

Table 930-1 - Temporary Specialty Administrator Application/Enforcement Procedure

Notes:

- ⁽¹⁾See Figure 955-1 for enforcement procedures.
- ⁽²⁾To qualify for a temporary specialty administrator certificate, the following must be submitted to the department: Complete contractor's application package, complete temporary specialty administrator's application, complete Assignment of Temporary Specialty Administrator's Certificate form, and all appropriate fees. Fees will be prorated from the three-year amount required in WAC 296-46B-910.
- ⁽³⁾A firm may only designate a single individual as a temporary administrator in a specialty.
- ⁽⁴⁾An individual may not receive a temporary specialty administrator certificate if the individual has previously held any type of administrator certificate in that specialty.

AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 4/22/03)

WAC 296-46B-935 Administrator certificate. General.

(1) The department will deny renewal of a certificate if an individual owes money as a result of an outstanding final judgment(s) to the department.

(2) For special accommodation see WAC 296-46B-960.

(3) An applicant will not be issued a specialty administrator certificate that is a subspecialty of a certificate the applicant currently holds (i.e., the applicant is not eligible to take the domestic well administrator examination if the applicant currently possesses a pump and irrigation administrator certificate).

Qualifying for examination.

(4) There are no qualification requirements for taking an administrator certificate examination. Applicants should contact the testing agency directly.

Original - administrator certificates.

(5) The scope of work for electrical administrators is described in WAC 296-46B-920. The department will issue an original administrator certificate to a general administrator, or specialty administrator who:

(a) Successfully completes the appropriate administrator examination; and

(b) Submits the appropriate examination passing report from the testing agency with the applicant's: Date of birth, mailing address, and Social Security number; and

(c) Pays all appropriate fees as listed in WAC 296-46B-910.

For an examination report to be considered, all the above must be submitted within ninety days after the completion of the examination. After ninety days, the applicant will be required to successfully retake the complete examination. An individual's original administrator certificate will expire on their birth date at least one year, and not more than three years, from the date of original issue.

Combination - specialty administrator certificate.

(6) The department may issue a combination specialty administrator certificate to an individual who qualifies for more than one specialty administrators' certificate. The combination specialty administrators' certificate will plainly indi-

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cate the specialty administrator's certificate(s) the holder has qualified for. Telecommunications cannot be issued a combination because the renewal requirements are different from those required for electrical administrators. Temporary administrator certificates will not be issued as a part of a combination certificate.

Renewal - administrator certificate.

(7) An individual must apply for renewal of their administrator certificate before the expiration date of the certificate. The individual may not apply for renewal more than ninety days prior to the expiration date. Renewed certificates are valid for three years, with the exception of telecommunications administrators, who will be renewed for two years.

(8) An individual may renew their administrator certificate within ninety days after the expiration date without reexamination if the individual pays the late renewal fee listed in WAC 296-46B-910.

(9) All renewals received more than ninety days after the expiration date of the certificate will be denied. The administrator will be required to pass the appropriate administrator examination before being recertified.

(10) All applicants for certificate renewal must:

(a) Submit a complete renewal application;
(b) Pay all appropriate fees as listed in WAC 296-46B-910; and

(c) Provide accurate evidence on the renewal form that the individual has completed the continuing education requirements described in WAC 296-46B-970. If an individual files inaccurate or false evidence of continuing education information when renewing a certificate, the individual's certificate may be suspended or revoked.

Telecommunications administrators are not required to provide continuing education information.

(11) An individual who has not completed the required hours of continuing education can renew an administrator's certificate if the individual applies for renewal before the certificate expires and pays the appropriate renewal fee. However, the certificate will be placed in an inactive status.

When the certificate is placed in inactive status, an assigned administrator will be automatically unassigned from the electrical contractor. The electrical contractor will be notified of the unassignment and has ninety days to replace the administrator. An assignment fee will then be required per WAC 296-46B-910.

The inactive certificate will be returned to current status upon validation, by the department, of the required continuing education requirements.

(12) An individual may renew a suspended administrator's certificate by submitting a complete renewal application including obtaining and submitting the continuing education required for renewal. However, the certificate will remain in a suspended status for the duration of the suspension period.

(13) An individual may not renew a revoked administrator's certificate.

Temporary specialty administrator certificate.

(14) See WAC 296-46B-930 for additional information.

AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 4/22/03)

WAC 296-46B-940 Electrician/training/temporary certificate of competency or permit required. Electrician - general.

(1) The department will deny renewal of a certificate or permit if an individual owes money as a result of an outstanding final judgment(s) to the department.

Electrician - scope of work.

(2) The scope of work for electricians and trainees is described in WAC 296-46B-920.

Electrician - certificate of competency required.

(3) To work in the electrical construction trade, an individual must possess a current valid:

(a) Master journeyman electrician certificate of competency issued by the department;

(b) Journeyman electrician certificate of competency issued by the department;

(c) Master specialty electrician certificate of competency issued by the department;

(d) Specialty electrician certificate of competency issued by the department;

(e) Temporary electrician permit. Unless continually supervised by an appropriately certified electrician, no temporary electrician can install, repair, replace, or maintain any electrical wiring or equipment where the system voltage is more than 600 volts, whether the system is energized or deenergized; or

(f) Electrical training certificate, learning the trade in the proper ratio, per RCW 19.28.161, under the supervision of a certified master journeyman electrician, journeyman electrician, master specialty electrician working in their specialty, or specialty electrician working in their specialty.

(4) The department issues master electrician and electrician certificates of competency in the following areas of electrical work:

(a) General journeyman (01);

(b) Specialties:

(i) Residential (02);

(ii) Pump and irrigation (03);

(iii) Domestic well (03A);

(iv) Signs (04);

(v) Limited energy system (06);

(vi) HVAC/refrigeration (06A);

(vii) HVAC/refrigeration - restricted (06B);

(viii) Nonresidential maintenance (07);

(ix) Nonresidential lighting maintenance and lighting retrofit (07A);

(x) Residential maintenance (07B);

(xi) Restricted nonresidential maintenance (07C);

(xii) Appliance repair (07D);

(xiii) Equipment repair (07E); and

(xiv) Door, gate, and similar systems (10).

Exemptions - linemen.

(5) Definition: See general definitions WAC 296-46B-020 for the definition of a lineman.

(6) Electrical linemen employed by a:

(a) Serving electrical utility or the serving utility's contractor, or a subcontractor to their subcontractor, while performing work described in WAC 296-46B-925 do not need certificates of competency.

~~((7) Electrical linemen employed by a)~~ (b) Licensed general electrical contractors do not need certificates of competency if the electrical equipment:

((a)) (i) Is on commercial or industrial property;

((b)) (ii) Is located outside a building or structure; and

((c)) (iii) The work performed is on the primary side of the customer's transformer(s) supplying power at the customer's building or structure utilization voltage.

Exemptions - plumbers.

(7) Coincidental electrical/plumbing work. See RCW 19.28.091(8) for the plumber exemption.

Original - master electrician, journeyman, and specialty electrician certificates of competency.

(8) The department will issue an original certificate of competency to master, journeyman, or specialty electricians who meet the eligibility requirements listed in:

(a) RCW 19.28.191 (1)(a) or (b); and

(i) Submit an application for an original master electrician certificate including: Date of birth, mailing address and Social Security number; and

(ii) Pay all appropriate fees, as listed in WAC 296-46B-910;

(b) RCW 19.28.191 (1)((c)) (d) through ((d)) (e);

(i) Submit an original master electrician certification examination application including: Date of birth, mailing address and Social Security number; and

(ii) Pay all appropriate fees, as listed in WAC 296-46B-910; or

(c) RCW 19.28.191 (1)((e)) (f) through ((f)) (g);

(i) Submit an original electrician certification examination application including: Date of birth, mailing address and Social Security number; and

(ii) Pay all appropriate fees, as listed in WAC 296-46B-910.

(9) An individual's original electrician certificate of competency will expire on their birth date at least two years, and not more than three years, from the date of original issue.

Renewal - master electrician, journeyman, and specialty electrician certificates of competency.

(10) An individual must apply for renewal of their electrician certificate of competency before the expiration date of the certificate. The individual may not apply for renewal more than ninety days prior to the expiration date. Renewed certificates are valid for three years.

(11) An individual may renew their certificate of competency within ninety days after the expiration date without reexamination if the individual pays the late renewal fee listed in WAC 296-46B-910.

(12) All applications for renewal received more than ninety days after the expiration date of the certificate of competency require that the electrician pass the appropriate competency examination before being recertified.

(13) All applicants for certificate of competency renewal must:

(a) Submit a complete renewal application;

(b) Pay all appropriate fees; and

(c) Provide accurate evidence on the renewal form that the individual has completed the continuing education requirements described in WAC 296-46B-970. If an individual files inaccurate or false evidence of continuing education information when renewing a certificate of competency, the individual's certificate of competency may be suspended or revoked.

(14) An individual who has not completed the required hours of continuing education can renew a certificate of competency if the individual applies for renewal before the certificate of competency expires and pays the appropriate renewal fee. However, the certificate of competency will be placed in an inactive status. The inactive certificate of competency will be returned to current status upon validation, by the department, of the required continuing education.

(15) An individual may renew a suspended certificate of competency by submitting a complete renewal application including obtaining and submitting the continuing education required for renewal. However, the certificate will remain in a suspended status for the duration of the suspension period.

(16) An individual may not renew a revoked certificate of competency.

Reciprocal agreements between Washington and other states.

(17) The department negotiates reciprocal agreements with states that have equivalent requirements for certification of master electricians, journeymen, or specialty electricians. These agreements allow electricians from those reciprocal states to become certified in the state of Washington without examination and allow Washington certified electricians to become certified in the other states without taking competency examinations.

(18) An individual coming into the state of Washington from a reciprocal state will be issued a reciprocal electrician certificate of competency if all the following conditions are met:

(a) The department has a valid reciprocal agreement with the other state in the master electrician category requested, journeyman, or specialty category requested;

(b) The individual makes a complete application for the reciprocity certificate on the form provided by the department. A complete application includes:

(i) Application for reciprocal certificate of competency;

(ii) Evidence that the individual meets the eligibility requirements listed in RCW 19.28.191, by presenting a valid journeyman or specialty electrician certificate or certified letter from the issuing state; and

(iii) All appropriate fees as listed in WAC 296-46B-910.

(c) The individual obtained the reciprocal state's certificate of competency as a master electrician, journeyman, or specialty electrician by examination;

(19) An individual is not eligible for a reciprocal electrician certificate of competency if the individual:

(a) Has failed to renew a similar Washington master electrician or electrician certificate of competency as required in RCW 19.28.211;

(b) Has a similar Washington master electrician or electrician certificate of competency in suspended, revoked, or inactive status under this chapter; or

(c) Was a resident of the state of Washington at the time the examination was taken in the other state.

Military experience.

(20) An individual who has worked in the electrical construction trade performing work described in WAC 296-46B-920 while serving in the armed forces of the United States may be eligible to take the examination for the certificate of competency as a journeyman or specialty electrician. Credit may be allowed for hours worked or training received.

If an individual has military experience in a specialized electrical field (e.g., rating) that is similar to a specialty electrician category listed in WAC 296-46B-920, credit may be allowed toward the appropriate specialty certificate. Nuclear, marine, radar, weapons, aeronautical experience, or similar experience may not be acceptable.

The military experience should be related to the building construction trade, not shipboard, aircraft, weapons, or similar installations.

Experience in another country.

(21) If an individual has a journeyman electrician certificate from a country outside the United States that requires that at least four years of electrical construction training and certification is obtained by examination, the individual may be eligible for four thousand hours of the specialty credit allowed towards the qualification to take the Washington journeyman electrician examination.

No more than two years of the required training to become a Washington journeyman electrician may be for work described for specialty electricians or technicians in WAC 296-46B-920. In addition to the maximum of four thousand hours credit that may be allowed by this subsection, an additional four thousand hours of new commercial/industrial experience must be obtained using a training certificate in the state while under the supervision of a master journeyman electrician or journeyman electrician.

Documentation substantiating the individual's out-of-country experience must be submitted in English.

(22) Out-of-country experience credit is not allowed toward a specialty electrician certificate.

Training school credit.

(23) No more than fifty percent of the minimum work experience needed to qualify for specialty electrician certification is allowed for any training school program (e.g., a specialty requiring two thousand hours of minimum required work experience may receive no more than one thousand hours credit from an electrical construction training program).

(24) See RCW 19.28.191 (1)(~~(g)~~) (h) for training school credit allowed for journeyman applicants.

(25) See WAC 296-46B-971 for additional information on training schools.

Temporary electrician permit.

(26) Temporary permits are not allowed for master electricians.

(27) Temporary electrician permit when coming from out-of-state. An individual coming from out-of-state must either obtain a reciprocal electrician certificate, valid training certificate, or make application and receive approval for a temporary electrician permit to perform electrical work in the state, or otherwise obtain an electrician certificate of competency.

(a) Initial temporary electrician permit when coming from out-of-state.

(i) If an individual can show evidence of work experience in another state similar to RCW 19.28.191, the department may issue the individual one initial temporary journeyman or specialty electrician permit. The individual must present appropriate evidence at the time of application showing work experience equivalent to that required by RCW 19.28.191.

The initial temporary electrician permit allows the individual to work as an electrician between the date of filing a completed application for the certification examination and the notification of the results of the examination. This initial permit will be issued for one twenty-day period and will become invalid on the expiration date listed on the temporary electrician permit or the date the individual is notified they have failed the examination, whichever is earlier.

(ii) To qualify for an initial temporary electrician permit, an individual must:

(A) Meet the eligibility requirements of RCW 19.28-191; and

(B) Submit a complete application for an initial temporary electrician permit and original certification including:

• Date of birth, mailing address, Social Security number; and

• All appropriate fees as listed in WAC 296-46B-910.

(iii) The individual must not have ever possessed a Washington master journeyman, journeyman certificate of competency, or a master specialty or specialty electrician certificate of competency in the specialty requested.

(iv) If the initial temporary electrician permit becomes invalid, it will not be extended or renewed. To continue to work in the electrical trade, the individual must apply for and receive a:

(A) Second temporary electrician permit; or

(B) Training certificate and work in the proper ratio, per RCW 19.28.161, under the direct supervision of either a certified master journeyman electrician, journeyman electrician, master specialty electrician working in the appropriate specialty, or a specialty electrician working in the appropriate specialty.

(b) Second temporary electrician permit.

(i) If the individual fails the certification examination during the initial temporary electrician period and provides verification of enrollment in an approved journeyman refresher course or approved appropriate specialty electrician refresher course, as prescribed in RCW 19.28.231, application may be made for a second temporary electrician permit.

A complete second application must include proof of enrollment in the refresher course and all appropriate fees as listed in WAC 296-46B-910.

(ii) The second temporary electrician permit will be issued for one ninety-day period and will become invalid: Upon withdrawal from the electrician refresher course, on the expiration date listed on the temporary electrician permit, or the date the individual is notified they have failed the examination, whichever is earlier;

(iii) After successfully completing the electrician refresher course, the individual must provide appropriate course completion documentation to the department and will be eligible to retake the appropriate competency exam.

(iv) If the second temporary electrician permit becomes invalid, it will not be extended or renewed. To continue to work in the electrical trade, the individual must apply for and receive a training certificate and work in the proper ratio, per RCW 19.28.161, under the direct supervision of either a certified master journeyman electrician, journeyman electrician, master specialty electrician working in the appropriate specialty, or a specialty electrician working in the appropriate specialty.

(28) Temporary specialty electrician permit gained by using previous work experience gained in the state.

(a) For the specialties listed in chapter 296-46B WAC Table 950-1, individuals credited with the minimum amount of work experience using the criteria described in WAC 296-46B-950 will be eligible for a temporary specialty electrician permit for the purposes of working without supervision and for supervising trainees in the appropriate specialty. This temporary specialty electrician permit will be valid for a period of two years or until the individual has passed the appropriate specialty examination, whichever is first.

(b) To qualify for an initial temporary specialty electrician permit, an individual must:

(i) Document the hour requirements described in chapter 296-46B WAC Table 945-1; and

(ii) Submit a complete application including:

(A) Application for consideration of previous work experience as described in WAC 296-46B-950;

(B) Application for original electrician certificate of competency/examination including: Date of birth, mailing address, Social Security number; and

(C) All appropriate fees as listed in WAC 296-46B-910.

(c) If the individual does not successfully complete the appropriate specialty examination before the temporary specialty electrician permit expires, the individual must obtain a training certificate to continue performing electrical work. Such an individual must apply for a training certificate and work under the supervision of an appropriate electrician.

AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 4/22/03)

WAC 296-46B-945 Qualifying for master, journeyman, specialty electrician examinations. Qualifying for master, journeyman, specialty electrician examinations.

(1) All applicants must be at least sixteen years of age.

Qualifying for the master electrician examination.

(2) An individual may take the master electrician's certificate of competency examination if the individual meets the requirements described in RCW 19.28.191 (1)((e)) (d) or (e).

Qualifying for the master electrician examination from out-of-state.

(3) No credit may be applied from out-of-state toward qualifying for a master electrician certificate of competency examination.

Qualifying for the journeyman electrician competency examination.

(4) An individual may take the journeyman electrician's certificate of competency examination if the individual held a current electrical training certificate and has worked for an employer who employs at least one certified master electrician, journeyman, or specialty electrician on staff and the individual:

(a) Has been employed, in the electrical construction trade, under the direct supervision of a master electrician, journeyman electrician or specialty electrician working in the appropriate specialty in the proper ratio, per RCW 19.28.161, for four years (eight thousand hours). Of the eight thousand hours:

(i) At least two years (four thousand hours) must be in new industrial and/or new commercial electrical installation (excluding all work described for specialty electricians or technicians) under the direct supervision of a master journeyman electrician or journeyman electrician while working for a general electrical contractor; and

(ii) Not more than a total of two years (four thousand hours) may be for work described as an electrical specialty in WAC 296-46B-920(2).

(b) Has completed a four-year apprenticeship program in the electrical construction trade that is registered with the state apprenticeship council while working under the direct supervision of a master journeyman or journeyman electrician in the proper ratio, per RCW 19.28.161; or

(c) Has completed a two-year electrical construction training program as described in RCW 19.28.191 for journeyman electricians, and two years (four thousand hours) of work experience in new industrial and/or new commercial electrical installations (excluding work described for specialty electricians or electrical technicians) under the direct supervision of a journeyman electrician while working for a general electrical contractor in the proper ratio, per RCW 19.28.161. See WAC 296-46B-971 for additional training school information.

Electrical construction training hours gained in specialties requiring less than two years (i.e., four thousand hours) will not be credited towards qualification for journeyman electrician.

The trainee and their employer and/or apprenticeship training director must attest to the accuracy of all information contained on affidavits of experience used to verify eligibility for the examination.

Qualifying for the journeyman/specialty electrician competency examination when work was performed in a state requiring electrician certification.

(5) An individual may take the journeyman/specialty electrician's competency examination when the appropriate state having authority certifies to the department that:

(a) The work was legally performed under the other state's licensing and certification requirements;

(i) For journeyman applicants who meet the minimum hour requirements described in WAC 296-46B-945(4).

(ii) For specialty applicants who meet the minimum hour requirements described in WAC 296-46B-945(9).

(b) The other state's certificate of competency was obtained by examination.

Electrical construction training hours gained in specialties requiring less than two years (i.e., four thousand hours) may not be credited towards qualification for journeyman electrician.

Qualifying for the journeyman/specialty electrician competency examination when work was performed in a state that does not require electrician certification.

(6) If the other state requires electrical contractor licensing:

(a) An individual may take the journeyman/specialty electrician's competency examination when an appropriately licensed electrical contractor(s) files a notarized letter of experience with the department accompanied by payroll documentation which certifies and shows that:

(i) For journeyman applicants: The individual meets the minimum hour requirements described in WAC 296-46B-945(4).

(ii) For specialty applicants: The individual meets the minimum hour requirements described in WAC 296-46B-945(9).

(b) An individual may take the journeyman/specialty electrician's competency examination when an employer(s), acting under a property owner exemption, files a notarized letter of experience from the property owner with the department accompanied by payroll documentation which certifies and shows that:

(i) For journeyman applicants: The individual meets the minimum hour requirements described in WAC 296-46B-945(4).

(ii) For specialty applicants: The individual meets the minimum hour requirements described in WAC 296-46B-945(9).

(7) If the other state does not require electrical contractor licensing or registration: An individual may take the journeyman/specialty electrician's competency examination when the individual's employer(s) files a notarized letter(s) of experience with the department accompanied by payroll documentation which certifies and shows that:

(a) For journeyman applicants: The individual meets the minimum work requirements described in WAC 296-46B-945(4).

(b) For specialty applicants: The individual meets the minimum work requirements described in WAC 296-46B-945(9).

(8) The letter of experience described in subsections (6) and (7) of this section should include a complete list of the individual's usual duties with percentages attributed to each.

Qualifying for a specialty electrician certificate of competency or examination.

(9) An individual may qualify for a specialty electrician's examination and certificate of competency if the individual held a current electrical training certificate, and has worked for an employer who employs at least one certified master journeyman electrician, journeyman electrician, appropriate master specialty electrician, or appropriate specialty electrician on staff and the individual:

(a) Has been employed, in the electrical construction trade, under the direct supervision of an appropriate electrician in the appropriate specialty as follows:

Table 945-1 Experience Hours

| Specialty | Minimum Hours of Work Experience Required to be Eligible for Examination ⁽⁴⁾⁽⁵⁾⁽⁹⁾ | Minimum Hours of Work Experience Required for Certification ⁽⁸⁾ |
|---|---|--|
| Residential certificate (02) | 4,000 ⁽³⁾ | 4,000 |
| Pump and irrigation certificate (03) | 4,000 ⁽³⁾ | 4,000 |
| Domestic well certificate (03A) | 720 ⁽¹⁾⁽²⁾ | 2,000 ⁽⁶⁾ |
| Signs certificate (04) | 4,000 ⁽³⁾ | 4,000 |
| Limited energy system certificate (06) | 4,000 ⁽³⁾ | 4,000 |
| HVAC/refrigeration system certificate (06A) | 4,000 ⁽³⁾ | 4,000 ⁽⁷⁾ |
| HVAC/refrigeration - restricted (06B) | 1,000 ⁽¹⁾⁽²⁾ | 2,000 ⁽⁶⁾ |
| Nonresidential maintenance certificate (07) | 4,000 ⁽³⁾ | 4,000 |
| Nonresidential lighting maintenance and lighting retrofit certificate (07A) | 720 ⁽¹⁾⁽²⁾ | 2,000 ⁽⁶⁾ |
| Residential maintenance certificate (07B) | 720 ⁽¹⁾⁽²⁾ | 2,000 ⁽⁶⁾ |
| Restricted nonresidential maintenance certificate (07C) | 4,000 ⁽³⁾ | 4,000 |
| Appliance repair certificate (07D) | 720 ⁽¹⁾⁽²⁾ | 2,000 ⁽⁶⁾ |
| Equipment repair certificate (07E) | ((4,000(3))) 1,000 ⁽¹⁾⁽²⁾ | ((4,000)) 2,000 ⁽⁶⁾ |
| Door, gate, and similar systems certificate (10) | 720 ⁽¹⁾⁽²⁾ | 2,000 ⁽⁶⁾ |

Notes: ⁽¹⁾Until the examination is successfully completed, the trainee must work under one hundred percent supervision. Once the appropriate examination is successfully completed, the modified supervision trainee may work under zero percent supervision.

⁽²⁾Two calendar years after the date of initial trainee certification, the trainee must work under seventy-five percent

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supervision until all required work experience hours are gained and credited towards the minimum work experience requirement even if the trainee has completed the examination.

(3) This specialty is not eligible for modified trainee status as allowed in chapter 19.28 RCW.

(4) The trainee and their employer and/or apprenticeship training director must attest to the accuracy of all information contained on affidavits of experience used to verify eligibility for the examination.

(5) Neither previous work experience credit nor training school credit is allowed as a substitute for the initial hours of minimum work experience required to be eligible for examination unless the trainee's work experience hours under direct supervision are provided as required in RCW 19.28.191 (1)(~~(f)~~) (g)(ii).

(6) Electrical construction training hours gained in specialties requiring less than two years for certification may not be credited towards qualification for journeyman electrician.

(7) The 2,000 minimum hours of work experience required for certification as a HVAC/refrigeration-restricted (06B) specialty electrician may be credited as 2,000 hours towards the 4,000 minimum hours of work experience required for certification as a HVAC/refrigeration (06A) specialty electrician. Hours of work experience credited from the HVAC/refrigeration-restricted (06B) specialty cannot be credited towards qualification for taking the general electrician (01) examination or minimum work experience requirements.

(8) If any legislation is enacted in ((2003)) 2004 setting the minimum hours of work experience for a specialty electrician certification to be set at one year (2,000 hours), the minimum will be set at 2,000 hours.

(9) If any legislation is enacted in ((2003)) 2004 setting the minimum hours of work experience for a specialty certification required to be eligible for examination to ninety days (720 hours), the minimum will be set at 1,000 hours.

(b) Or has completed an appropriate two-year apprenticeship program in the electrical construction trade that is registered with the state apprenticeship council while working under the direct supervision of an electrician in the appropriate specialty in the proper ratio, per RCW 19.28.161.

Qualifying for a certificate of competency when the Washington electrical work experience is exempt from certification requirements in RCW 19.28.261.

(10) To receive credit for electrical work experience that is exempted in RCW 19.28.261, an individual must provide the department with verification from the employer or owner according to WAC 296-46B-965 (i.e., affidavit(s) of experience). For the purposes of this section, exempt work does not include work performed on property owned by the individual seeking credit.

(11) All exempt individuals learning the electrical trade must obtain an electrical training certificate from the department and renew it biannually in order to receive credit for hours worked in the trade according to WAC 296-46B-965.

(12) The department may require verification of supervision in the proper ratio from the certified supervising electrician(s).

(13) Telecommunications work experience:

(a) Credit may be verified only by employers exempted by RCW 19.28.261, general electrical (01) contractors, and limited energy system (06) electrical contractors for limited experience for telecommunications work done:

(i) Under the supervision of a certified journeyman or limited energy electrician; and

(ii) In compliance with RCW 19.28.191.

(b) Individuals who want to obtain credit for hours of experience toward electrician certification for work experience doing telecommunications installations must:

(i) Obtain an electrical training certificate;

(ii) Renew the training certificate biannually in order to receive credit for hours worked in the trade according to WAC 296-46B-965.

(c) Telecommunications contractors may not verify telecommunications work experience toward electrician certification.

AMENDATORY SECTION (Amending WSR 03-18-089, filed 9/2/03, effective 10/3/03)

WAC 296-46B-950 Opportunity for gaining credit for previous work experience gained in certain specialties. Some specialties have an opportunity to apply any previous work experience gained toward electrical training credit. See Table 950-1 for opportunities, deadlines and requirements.

To qualify previous work experience training credit toward eligibility for any of the specialty certificate examination(s) in this subsection, an individual must provide proof, upon application for a specialty electrician temporary permit, to the department with a notarized verification letter from the individual's employer(s) documenting:

(1) The specific specialty for which credit is being sought;

(2) The specific date time period for which credit is being sought; and

(3) The number of previous work experience hours for which credit is being sought.

The department will deny application for previous work experience credit if an individual owes money as a result of an outstanding final judgment(s) to the department.

Table 950-1 Specialty Electrician Open Window to apply previous work experience

| | | | |
|---|--|---|--|
| SPECIALTIES Available for Open Window | • HVAC/refrigeration (06A), HVAC/refrigeration - restricted (06B) | • Domestic well (03A), • Nonresidential maintenance (07), • Nonresidential lighting maintenance and lighting retrofit (07A), • Residential maintenance (07B), • Door, gate and similar systems (10) | • Restricted nonresidential maintenance (New - 07C), • Appliance repair (New - 07D) • Equipment repair (New - 07E) |
| Previous work experience training credit will only be allowed for: | Work performed prior to September 30, 2000 ⁽³⁾ | Work performed prior to June 30, 2001 ⁽³⁾ | Work performed prior to the effective date of this chapter ⁽³⁾ |
| Last date to submit application for previous work experience | Make application on or before July 31, 2004, for a specialty electrician temporary permit as described in WAC 296-46B-940(28). | | |
| Begin interim enforcement | Effective date of this chapter ⁽¹⁾ | | |
| Begin full enforcement | August 1, 2004 ⁽¹⁾ | | |
| Exam completion | If a temporary specialty electrician permit is awarded per WAC 296-46B-940(28), the applicant must pass the specialty electrician examination no later than two years after application, <u>except that applicants who applied for temporary specialty electrician status in specialties 06B, 07C, 07D, and 07E between April 22, 2003, and January 1, 2004, must pass the examination no later than December 31, 2005.</u> ⁽²⁾ | | |

- Notes:**
- ⁽¹⁾See Figure 955-1 for enforcement procedures. See note 1 on Figure 955-1 for additional requirements regarding failure to comply with the licensing/certification requirements during the open window opportunity.
 - ⁽²⁾See WAC 296-46B-940(28) other temporary specialty electrician permit requirements.
 - ⁽³⁾Work experience gained for these specialties on or after this date will be credited only if the applicant possessed a valid training certificate during the time period worked and met all requirements of chapter 19.28 RCW and this chapter.
 - ⁽⁴⁾Previous work experience credit gained using this section will not be allowed for the same time periods for multiple specialties.
 - ⁽⁵⁾Previous work experience gained using this section will not be applicable towards journeyman certification until the trainee successfully completes the appropriate specialty certification examination and meets all other requirements in chapter 19.28 RCW and this chapter.
 - ⁽⁶⁾Previous work experience gained using this section will not be applicable toward journeyman certification if the specialty has a work experience requirement less than two years (four thousand hours). Hours of experience gained prior to the effective date of this rule may be applied toward journeyman certification if appropriate.
 - ⁽⁷⁾No extension, except as permitted by rule change, of the temporary specialty electrician's status will be permitted. A temporary specialty electrician permit cannot be renewed, except as permitted by rule.
 - ⁽⁸⁾An individual may not receive a temporary electrician permit in a specialty if the individual has previously held a specialty electrician permit in that specialty.

AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 5/23/03)

WAC 296-46B-970 Continuing education. General requirements - continuing education ((courses)) classes requirements for administrator, master electrician, and electrician renewal.

~~((1) An individual will not be given credit for the same approved continuing education course taken more than once in the three years prior to the renewal date. No credit will be granted for any course not approved per this section.~~

~~(2) Telecommunications administrators do not require continuing education.~~

~~(3) Other administrators, master electricians, and electricians:~~

~~(a) To be eligible for renewal of an administrator certificate, master electrician, or electrician certificate of competency, the individual must have completed at least eight hours of approved continuing education for each year of the prior certification period. At least eight hours of the total required continuing education must be on the currently adopted National Electrical Code changes. Beginning January 1, 2005, four hours of the required continuing education must be on the currently adopted chapter 19.28 RCW and its related WAC(s).~~

~~(b) An individual changing an electrical administrator and an electrician certificate of competency into a master electrician's certificate of competency as allowed in RCW 19.28.191 (1)(a) or (b) must have completed at least eight hours of approved continuing education for each year of the prior electrician certification period. Eight hours of the~~

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required continuing education must be on the currently adopted National Electrical Code changes.

(e) Any portion of a year of a prior electrician certification period is equal to one year for the purposes of the required continuing education.

Approval process—continuing education course.

(4) The department must review each continuing education course. The department will recommend approval or disapproval to an electrical board subcommittee. The chief electrical inspector will be an ex officio member of this subcommittee. The subcommittee will either approve or disapprove the course.

(5) To be considered for approval, a continuing education course must consist of not less than four hours of instruction and be open to monitoring by a representative of the department and/or the electrical board at no charge. If the department determines that the continuing education course does not meet or exceed the minimum requirements for approval, the department may revoke the course approval or reduce the number of credited hours.

(6) Approved courses must be based on:

(a) Currently adopted edition of the National Electrical Code;

(b) Chapter 19.28 RCW or chapter 296-46B WAC; or

(c) Materials and methods as they pertain to electrical construction, building management systems, electrical maintenance, or workplace health and safety.

(7) Code update courses must be based on the entire currently adopted National Electrical Code.

Application—for continuing education course approval.

(8) All applications for course approval must be on forms provided by the department. The electrical board will only consider the written information submitted with the application when considering approval of the continuing education training course.

(9) The department will provide continuing education application forms to sponsors upon request. The course sponsor must submit an original completed application for course approval and three copies (unless submitted electronically using department prescribed technology) to the department. The department must receive the complete course application from the sponsor in writing at least forty-five days before the first class requested for approval is offered.

(10) A complete application for course approval must include:

(a) The appropriate course application fee;

(b) Course title, number of classroom instruction hours, and whether the training is open to the public;

(c) Sponsor's name, address, contact's name and phone number;

(d) Course outline (general description of the training, including specific National Electrical Code articles referenced);

(e) Lists of resources (texts, references, visual aids);

(f) Names and qualifications of instructors. Course instructors must show prior instructor qualification and experience similar to that required by the work force training and education coordinating board under chapter 28C.10 RCW;

(g) Any additional documentation to be considered; and
(h) A sample copy of the completion certificate issued to the course participants.

(11) The course sponsor seeking approval of a continuing education course will be notified of the subcommittee's decision within five days of the completed review of the application.

(12) If the application is not approved, the rejection notice will include an explanation of the reason(s) for rejection. If the course sponsor disagrees with the subcommittee's decision, the course sponsor may request a reconsideration hearing by the full electrical board. A request to appeal course rejection must be received by the department forty-five days before a regularly scheduled board meeting. The course sponsor must submit, to the department, any additional information to be considered during the hearing, in writing, at least thirty days before the board hearing. The course sponsor must provide at least twenty copies of any written information to be submitted to the board.

Offering—continuing education course.

(13) The course sponsor may offer an approved course for up to three years without additional approval. However, if the course is classified as code update or code related and a new edition of the National Electrical Code is adopted within the course approval period, the course approval will be considered automatically revoked and the course sponsor must submit a new application for review by the department and approval by the electrical board subcommittee.

(14) A continuing education course attended or completed by an individual before final approval by the electrical board subcommittee cannot be used to meet the administrator or electrician certificate renewal requirements.

Documentation—Washington approved training course attendance/completion.

(15) The department is not responsible for providing verification of an individual's continuing education history with the course sponsor.

(16) The course sponsor must provide the department with an accurate and typed course attendance/completion roster for each course given.

(a) The attendance/completion roster must be provided within thirty days of course completion.

(b) In addition, the course sponsor must provide the attendance/completion roster in an electronic format provided by the department.

(c) The attendance/completion roster must show each participant's name, Washington certificate number, course number, location of course, date of completion, and instructor's name. The typed roster must contain the signature of the course sponsor's authorized representative.

(17) If the course sponsor fails to submit the required attendance/completion rosters within thirty days of the course completion, the department may revoke or suspend the course approval.

(18) Course sponsors must award a certificate to each participant completing the course from which the participant will be able to obtain:

(a) Name of course sponsor;

- (b) Name of course;
- (c) Date of course;
- (d) Course approval number;
- (e) The number of continuing education units; and
- (f) The type of continuing education units.

(19) ~~The department will only use a copy of the sponsor's attendance/completion roster as final evidence that the participant completed the training course.~~

(20) ~~The department will keep submitted rosters of the continuing education courses on file only for audit purposes. The department is not responsible for the original of any completion certificate issued.~~

~~Documentation — out of state training course attendance/completion.~~

~~(21) To apply continuing education units earned out of state from course sponsors who do not have state of Washington approved courses, one of the following conditions must be met:~~

~~(a) The individual must request that the course sponsor submit a complete continuing education course application and requirements as described in this section for in-state courses.~~

~~Application for course approval will not be considered more than three years after the date of the course.~~

~~(b) The department must have entered into a reciprocal agreement with the state providing course approval.~~

~~The participant must provide a copy of an accurate and completed award or certificate from the course sponsor identifying the course location, date of completion, participant's name, and Washington certificate number. The department will only accept a copy of the sponsor's certificate or form as evidence that the participant attended and completed the course.)) (1) DEFINITIONS - for purposes of this section.~~

~~(a) "Applicant" means the entity submitting an application for review.~~

~~(b) "Application" means a submittal made by an applicant seeking instructor or class approval.~~

~~(c) "Calendar day" means each day of the week, including weekends and holidays.~~

~~(d) "Class" means continuing education class or course.~~

~~(e) "Contractor" means the entity who has contracted with the department to review and approve/deny continuing education classes and instructors.~~

~~(f) "Date of notification" means the date of a request for additional information from the contractor or the approval/denial letter sent to the applicant by the contractor.~~

~~(g) "Individual" means an administrator or electrician seeking credit for continuing education.~~

~~(h) "Instructor" means an individual who is authorized to instruct an approved continuing education class.~~

~~(i) "Working day" means Monday through Friday, excluding state of Washington holidays.~~

~~(2) GENERAL.~~

~~(a) The department and the electrical board have the right to monitor all approved classes without notice and at no charge.~~

~~If the department or electrical board determines that the class or instructor does not meet or exceed the minimum requirements for approval or course length or instructor qual-~~

ifications, the department may revoke the class or instructor approval and reduce the number of credited hours for the class.

(b) Department-offered classes and the instructors used for those classes are automatically approved and do not need to be sent to the contractor for review.

(c) Instructors who meet the minimum requirements using subsection (5)(b)(i)(D) of this section may only instruct classes sponsored by the manufacturer(s) who verified the instructors' qualifications under subsection (5)(b)(i)(D) of this section.

(d) An individual will not be given credit for the same approved continuing education class taken more than once. No credit will be granted for any class not approved per this section.

(e) Telecommunications administrators do not require continuing educations.

(f) Other administrators, master electricians, and electricians:

(i) To be eligible for renewal of an administrator certificate, master electrician or electrician certificate of competency, the individual must have completed at least eight hours of approved continuing education for each year of the prior certification period. The individual is not required to take the classes in separate years. At least eight hours of the total required continuing education must be on the currently adopted National Electrical Code changes. Beginning January 1, 2005, four hours of the required continuing education must be on the currently adopted chapter 19.28 RCW and its related WAC(s).

(ii) An individual changing an electrical administrator and an electrician certificate of competency into a master electrician's certificate of competency as allowed in RCW 19.28.191 (1)(a) or (b) must have completed at least eight hours of approved continuing education for each year of the prior electrician certificate period. The individual is not required to take the classes in separate years. Eight hours of the required continuing education must be on the currently adopted National Electrical Code changes. Beginning January 1, 2005, four hours of the required continuing education must be on the currently adopted chapter 19.28 RCW and its related WAC(s).

(iii) Any portion of a year of a prior administrator or electrician certificate period is equal to one year for the purposes of the required continuing educations.

(iv) An individual who has both an electrician certificate and an administrator certification may use the same class to fulfill the requirements for continuing education.

(g) A continuing education class attended or completed by an individual before the class's effective date cannot be used to meet the administrator or electrician certificate renewal requirements.

(h) If neither the electrical board nor the department has a contract in effect as described in this section, the department may, at its option, elect to act as the contractor. If a contractor is not in place and the department elects not to act as the contractor, the electrical board will act as the contractor. If either the electrical board or the department acts as the contractor, the following will apply:

(i) The fee for class or instructor submittal is as set in WAC 296-46B-910(4).

(ii) The electrical board or the department will:

(A) Review the application for completeness within fifteen working days after receipt.

(B) If the application is incomplete, notify the applicant within seven working days of the status of the review and what additional information is required.

(C) Complete the review and approval/denial process within fifteen working days upon receipt of a complete application or additional requested information.

(iii) An appeal of a denial by the department will be heard by the full electrical board in accordance with WAC 296-46B-995.

(3) CLASS AND INSTRUCTOR - GENERAL APPROVAL PROCESS.

(a) The contractor will review submitted class and instructor applications to determine whether the application meets the minimum requirements for approval.

(b) The contractor will deny approval of applications that do not meet the minimum requirements.

(c) All applications will be considered to be new applications (i.e., Classes and instructors may not be renewed. All applications must include all information necessary to show conformance with the minimum requirements).

(d) Minimum requirements:

(i) Application review fees:

(A) The contractor may charge a fee for review of an application. Such fees, paid by the applicant, are nonrefundable.

(B) The fee will be as set by contractor between the department and the contractor.

(C) The fee will be set for a minimum of one year.

(D) Upon mutual agreement between the department and the contractor, the fee may be raised or lowered.

(ii) Application:

(A) The applicant must submit a complete application to the contractor at least thirty calendar days prior to offering or instructing a class.

(B) The contractor will only consider material included with the application when reviewing an application.

(C) All applications will consist of:

• Two copies of all material;

• Applicant's name, address, contact name, and telephone number;

• All required fees;

• Any other information the applicant wants to consider during the review; and

• In addition, class applications will include:

– Sponsor's name, address, contact name, and telephone number;

– Class title;

– Number of continuing education hours requested for the class;

– Statement of whether the class is open to the public;

– Class syllabus (e.g., general description of the training, specific NEC articles referenced, time allowed for various subject matter, etc.);

– List of resources (e.g., texts, references, etc.);

– Copies of all visual aids;

– Sample of the completion certificate.

• In addition, instructor application will include:

– Instructor's name, address, telephone number;

– Copies of credentials or other information showing conformance with the instructor minimum qualifications.

(e) Contractor's review process:

(i) When the application is received, the contractor must:

(A) Date stamp the application;

(B) Review the application for completeness within seven working days after receipt.

(ii) If the application is incomplete, the contractor must within two working days notify the applicant of the status of the review and what additional information is required.

(A) The applicant must provide any additional information requested by the contractor within five working days after the date of notification.

(B) The contractor will deny the application if the additional required information is not received within the five working days after the date of notification.

(iii) When the contractor has received a complete application, the contractor must review and evaluate the application for compliance with the minimum requirements.

The contractor must complete the review and approval/denial process within seven working days upon receipt of a complete application or additional requested information and within two working days notify:

• The applicant in writing; and

• The chief electrical inspector in writing and electronically. The contractor's electronic notification to the chief electrical inspector must be made in a format approved by the chief electrical inspector.

(iv) A notification of denial must include:

(A) Applicant's name and telephone number;

(B) Date of denial;

(C) Sponsor's name and class title if applicable;

(D) Instructor's name if applicable; and

(E) The reason for denial.

(v) A notification of approval:

(A) For classes must include:

• Applicant's name and telephone number;

• Sponsor's name and telephone number;

• Class title;

• Class number;

• Number of hours approved for the class. Note that the contractor may reduce the hours requested in the application if the review shows that the requested number of hours is excessive;

• Effective date for this class;

• Expiration date of class;

• Category for which the class is approved (i.e., code update, RCW/WAC update, or industry related);

• Sample of written class roster and attendance sheet;

• Type of class (i.e., classroom, correspondence, internet); and

• Whether the class is open to the public.

(B) For instructors must include:

• Applicant's name and telephone number;

• Instructor's name and telephone number;

• Effective date for the approval; and

• Expiration date of the approval.

(vi) Applicant's request for review of the contractor's decision:

The applicant's may request a review of the contractor's decision to deny or modify an application:

• All requests for review must be:

• Made in writing;

• Received by the chief electrical inspector within twenty calendar days of the contractor's denial; and

• Accompanied by a review fee of \$109.50. The review fee is nonrefundable.

(4) CLASS APPROVAL PROCESS.

(a) Class approval will be valid for three years except:

(i) If the class is "code update" and a new NEC is adopted by the department within the class approval period, the class approval will be considered automatically revoked; or

(ii) If the class is modified after the application is approved, the class approval will be considered automatically revoked (i.e., change in syllabus, hours, examination, etc.).

(b) Minimum requirements:

(i) Class content:

(A) Industry-related classes must be based on:

• Codes or rules included in the NEC chapters 19.28 RCW or 296-46B WAC;

• Electrical theory based on currently published documents that are readily available for retail purchase; and/or

• Materials and methods that pertain to electrical construction, building management systems, electrical maintenance, or workplace health and safety.

(B) Code update classes must be based on the latest adopted version of the NEC and must specify the NEC articles to be addressed in the class presentation.

(C) RCW/WAC update classes must be based on the latest adopted versions of chapter 19.28 RCW and/or chapter 296-46B WAC.

(ii) Class length:

(A) The minimum allowed length of a class is two hours.

(B) The maximum allowed credit for a class is twenty-four hours.

(C) Class length must be based on two-hour increments (e.g., 2, 4, 6, 8, etc.).

(D) Class length must be based on the following:

• Classroom instruction will be based on the total hours the individual is in the classroom.

• Correspondence instruction will be based on:

– A written examination (i.e., twenty-five questions will equal two hours of classroom instruction). Individuals must be responsible to determine the correct answer without the assistance of the sponsor.

• Internet instruction will be based on:

– A written examination (i.e., twenty-five questions will equal two hours of classroom instruction).

• Examinations must not direct or point the individual to a correct answer or reference. Individuals must be responsible to determine the correct answer without the assistance of the sponsor.

• To successfully complete a correspondence or internet class, a participant must score at least 70% on the examination required for the class.

(iii) Class material must include:

(A) Supplementary written instruction material appropriate to the type and length of the class; and

(B) If the class is code update and is provided via correspondence or internet, the sponsor must provide the individual with a nationally recognized, copyrighted publication that covers all changes to the NEC;

(iv) Class material may include:

• Supplementary internet material;

• Supplementary texts;

• Other material as appropriate.

(v) Certificates of completion:

(A) The sponsor must award a completion certificate to each individual successfully completing the approved class. To successfully complete a correspondence or internet class, a participant must score at least 70% on the examination required for the class.

(B) The completion certificate must include the:

• Name of participant;

• Participant's Washington certificate number;

• Name of sponsor;

• Name of class;

• Date of class;

• Name of instructor;

• Location of the class;

– If a classroom-type class, the city and state in which the class was given;

– If a correspondence class, state the class is a correspondence class;

– If an internet class, state the class is an internet class;

• Class approval number;

• Number of continuing units; and

• Type of continuing education units.

(vi) Instructors:

(A) For classroom instruction, all instructors must be approved per this section; and

(B) For correspondence and internet instruction, the applicant must show that the sponsor regularly employs at least one staff member who meets the requirements for instructors in this section.

(5) INSTRUCTOR APPROVAL PROCESS:

(a) Instructor approval will be valid for three years except:

(i) If the instructor's credentials are invalidated (e.g., suspension or revocation by the issuing entity) for any reason, approval will be automatically revoked.

(ii) When the instructor approval expires or is revoked, a new application must be submitted to regain approved instructor status.

(b) Minimum requirements:

(i) The application must show that the instructor meets one of the following:

(A) Has a valid Washington:

• General administrator's certificate; or

• General master electrician's certificate; and

• Has appropriate knowledge of and experience working as an electrical/electronic trainer; or

(B) Is accredited by the Washington work force training and education coordinating board. The instructor's normal duties must include providing electrical/electronic education; or

(C) Is a high school vocational teacher, community college, college, or university instructor. The instructor's normal duties must include providing electrical/electronic education; or

(D) Works for and is approved by a manufacturer of electrical products to teach electrical continuing education; or

(E) For first-aid classes is certified by the Red Cross or other similar agency as a first-aid instructor; and

(ii) Any other information the applicant wants to be considered during the review.

(6) FORMS:

(a) The contractor will:

Develop an appropriate form(s) for the applicant's use when submitting for instructor or class approval;

(b) Applicants must use the contractor's form when submitting an application for review.

(7) PUBLICATIONS:

The contractor will provide the department with appropriate material for use by the department on the electrical program website and may post the application process, review, and approval requirements on the contractor's website.

(8) CLASS ATTENDANCE:

(a) The contractor is not responsible for monitoring any individual's attendance or class completion.

(b) The department is not responsible for providing verification of an individual's continuing education history with the class sponsor;

(c) Classes offered in Washington:

(i) The sponsor must provide the department with an accurate and typed course attendance/completion roster for each class given.

(A) The attendance/completion roster must be provided within thirty days of class completion.

(B) In addition, the course sponsor must provide the attendance/completion roster in an electronic format provided by the department.

(C) The attendance/completion roster must show each individual's name, Washington certificate number, class number, location of class, date of completion, and instructor's name. The typed roster must contain the signature of the class sponsor's authorized representative.

(ii) The sponsor must provide the individual a certificate of completion within fifteen days after successful class completion. See subsection (4) of this section.

(iii) Individuals will not be granted credit for continuing education classes unless the sponsor's attendance/completion roster shows the individual successfully completed the class.

(iv) The department will keep submitted class rosters on file for four years.

(d) Classes offered in other states:

(i) For individuals to apply continuing education units earned from out-of-state classes, one of the following conditions must be met:

(A) The individual must request that the class sponsor submit a complete continuing education class application and gain approval for the class as described in this section for classes and instructors. Application for class or instructor approval will not be considered more than three years after the date the class was offered; or

(B) The department must have entered into a reciprocal agreement with the state providing class approval.

(ii) The individual must provide a copy of an accurate and completed award or certificate from the class sponsor identifying the class location, date of completion, individual's names, and Washington certificate number. The department will only accept a copy of the sponsor's certificate or form as evidence that the individual attended and completed the class.

(9) Contractor requirements:

(a) The contractor cannot be a sponsor or instructor.

(b) The contractor cannot be an employee of the department.

(c) The contractor must:

(i) Be an independent entity with no organizational, managerial, financial, design, or promotional affiliation with any sponsor or instructor covered under the contractor's review and approval/denial process;

(ii) Employ at least one staff member having a valid 01-General Administrator or 01-General Master Electrician Certificate. This staff member:

(A) Is responsible for reviewing and determining an application's approval or denial; and

(B) Must sign the written notification provided to applicants for all approvals and denials:

(iii) Receive, review, and process all applications as required in this section;

(iv) Allow the department access to the contractor's facilities during normal working hours to audit the contractor's ability to conform to the contract requirements;

(v) Treat all applications as proprietary information;

(vi) Respond to and attempt to resolve complaints contesting the review or approval/denial process performed by the applicant;

(vii) Notify the department within ten working days of any change in business status or ability to conform to this section;

(viii) Maintain one copy, original or electronic, of all applications and associated materials for a period of three years from the date of receipt.

AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 5/23/03)

WAC 296-46B-990 Failure to comply with the electrical contractor licensing, administrator certification, or electrician certification laws. General.

(1) If the compliance officer or electrical inspector/auditor determines that an individual, employer, or employee has violated chapter 19.28 RCW or this chapter, the department will issue a citation that describes the violation.

Suspension or revocation - of an electrical contractor's license, administrator's certificate, master electrician's certificate of competency, electrician's certificate of competency, temporary electrician's permit, or training certificate.

(2) The department may revoke or suspend, for such time as it determines appropriate, an electrical contractor's license, administrator's certificate, master electrician's certificate of competency, electrician's certificate of competency, tempo-

rary electrician's permit, temporary specialty electrician's permit, or training certificate if:

(a) The license, certificate, or permit was obtained through error or fraud;

(b) The license, certificate, or permit holder is judged to be incompetent to work in the electrical construction trade as a master electrician, journeyman electrician, specialty electrician, electrical technician, temporary electrician, temporary specialty electrician, or electrical trainee;

(c) For serious noncompliance as described below. See RCW 19.28.241 and 19.28.341 for other grounds and procedures.

(d) A temporary electrician permit or temporary specialty electrician permit holder has violated any of the provisions of chapter 19.28 RCW or any rule adopted under chapter 19.28 RCW;

(e) The license or certificate holder incompletely or inaccurately reported continuing education units on an application for renewal; or

(f) The certificate holder falsely, incompletely, or inaccurately reported previous work experience.

The department will deny an application for any license/certificate during the period of revocation or suspension of the same or another license/certificate under chapter 19.28 RCW.

(3) For the purposes of this section, serious noncompliance includes, but is not limited to, any of the following:

(a) Failure to correct a serious violation. A serious violation is a violation of chapter 19.28 RCW or chapter 296-46B WAC that creates a hazard of fire or a danger to life safety. A serious violation is also a violation that presents imminent danger to the public. Imminent danger to the public is present when installations of wire and equipment that convey or utilize electric current have been installed in such a condition that a fire-hazard or a life-safety hazard is present. Imminent danger to the public is also present when unqualified, uncertified, or fraudulently certified electricians or administrators; or unlicensed or fraudulently licensed contractors are continuously or repeatedly performing or supervising the performance of electrical work covered under chapter 19.28 RCW. For the purposes of this section, a certified electrician is considered qualified, provided the electrician is working within his or her certification;

(b) The license or certificate was obtained through error or fraud;

(c) Submitting a fraudulent document to the department;

(d) Continuous noncompliance with the provisions of chapter 19.28 RCW or this chapter. For the purposes of this section, continuous noncompliance will be defined as three or more citations demonstrating a disregard of the electrical law, rules, or regulations within a period of three years, or where it can be otherwise demonstrated that the contractor, master electrician, electrician, or administrator has continuously failed to comply with the applicable electrical standards;

(e) Failure to make any books or records, or certified copies thereof, available to the department for an audit to verify the hours of experience submitted by an electrical trainee;

(f) Making a false statement or material misrepresentation on an application, statement of hours, or signed statement required by the department; ((or))

(g) The certificate holder falsely or inaccurately reported continuing education units on an application for renewal;

(h) Installing a shortened rod/pipe grounding electrode, improper splicing of conductors in conduits/raceways or concealed within walls, or installing a fake equipment grounding conductor.

For any act of serious noncompliance, the person, firm, partnership, corporation, or other entity may be referred to the county prosecutor for criminal prosecution under chapter 9A.72 RCW. The department may also file a civil action under chapter 19.28 RCW.

(4) Before a license, certificate, or temporary electrician permit is revoked or suspended, the certificate holder will be given written notice of the department's intention to suspend or revoke. Notification will be sent by registered mail to the certificate holder's last known address. The notification will list the allegations against the certificate holder, and provide the certificate holder with the procedures necessary to request a hearing before the electrical board as described in WAC 296-46B-995.

Confiscation - of an electrical contractor's license, administrator certificate, electrician certificate of competency, temporary electrician permit, or training certificate.

(5) The department may confiscate a license, certificate, or temporary electrician permit that is counterfeit, revoked, expired, suspended, or altered. The individual may be referred to the county prosecutor for criminal prosecution under chapter 9A.72 RCW. The department may also file a civil action under chapter 19.28 RCW.

AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 5/23/03)

WAC 296-46B-995 Electrical board—Appeal rights and hearings. General.

(1) Chapter 19.28 RCW provides the authority for the duties and responsibilities of the electrical board. Except as provided in chapter 19.28 RCW and this chapter, all proceedings will be conducted according to chapter 34.05 RCW the Administrative Procedure Act and chapter 10-08 WAC, Model rules of procedure. See chapter 34.05 RCW the Administrative Procedure Act for specific definitions not described in this chapter.

(2) See RCW 19.28.311 for the composition of the electrical board.

(3) The board adopts the current edition of the "*Roberts' Rules of Order, Newly Revised.*"

(4) The board will hold regular meetings on the last Thursday of January, April, July, and October of each year per RCW 19.28.311.

(5) The director or the chairperson of the board may call a special meeting at any time.

(6) Each board member must be notified in writing of the agenda, date, time, and place of each regular and special meeting. "Writing" includes by electronic mail, also known as "e-mail," if the member has provided an e-mail address for such notice.

(7) The board or department may elect to have an appeal heard by the office of administrative hearings either tape

recorded or transcribed by a court reporter; and the board may so elect regarding hearings or board reviews heard by the board as a whole.

(8) A majority of the board constitutes a quorum for purposes of rendering any decision.

(a) If a majority does not attend a hearing or board review on an appeal, the board may either continue the hearing or board review to a date certain or may hear the testimony and arguments.

(b) If the board hears the testimony and arguments, the members of the board who are absent may make their decisions after hearing the tape recording or reading the transcript, of the hearing or board review.

(c) If the board selects the method in subsection (8)(b) of this section, at the time of the hearing, the board shall set a date certain for the absent members to complete review of the record and for the board as a whole to vote on the decision. The vote in subsection (8)(b) and (c) of this section may occur by U.S. mail, facsimile or by electronic mail and shall be determined by the board at the hearing; the members' votes shall be public record.

(9) All filings and documents for any matter before the board must be submitted to the chief electrical inspector, as secretary to the board, 7273 Linderson Way, P.O. Box 44460, Olympia, WA 98504-4460. The filings may be submitted by ordinary mail, certified or registered mail, or by personal delivery.

(10) All hearings before the board as a whole shall be held on regularly scheduled meeting dates, as listed in subsection (4) of this section, unless the board determines that an alternate date is necessary. All notices of appeal, with a certified check payable to the department in the sum of two hundred dollars if required, must be received in the office of the chief electrical inspector, as secretary to the board, at least thirty days before the regularly scheduled board meeting at which the hearing would occur. The appellant must submit any written argument, briefs testimony or documents for the board's consideration at least twenty days prior to the scheduled hearing.

Appeals

(11) Appeals of penalties issued by the department.

(a) A party may appeal a penalty issued by the department, pursuant to chapter 19.28 RCW and this chapter, to the board. The appeal shall be assigned to the office of administrative hearings.

(b) The appeal must be filed within twenty days after the notice of the decision or penalty is served on the assessed party either by personal service or by certified mail, return receipt requested, sent to the last known address of the assessed party and shall be made by filing a written notice of appeal with the chief electrical inspector, as secretary to the board. The request for an appeal must be accompanied with a certified check payable to the department in the sum of two hundred dollars.

(12) Appeals of proposed decisions issued by the office of administrative hearings.

(a) A party may appeal a proposed decision issued by the office of administrative hearings pursuant to chapter 19.28 RCW to the board. The appeal must be filed within twenty

days after service of the decision and must be made by filing a written notice of appeal with the chief electrical inspector, as secretary to the board.

(b) The notice of appeal of a proposed decision must be received in the office of the chief electrical inspector, as secretary to the board, at least thirty days before a regularly scheduled board meeting. The appellant must submit any written argument, briefs testimony or documents for the board's consideration at least twenty days prior to the scheduled hearing.

(13) Appeals of suspension or revocation.

(a) An appeal of the suspension or revocation of a license or certificate of competency under RCW 19.28.241 and 19.28.341 will be heard by the board in accordance with chapter 34.05 RCW and not assigned to the office of administrative hearings. The board will conduct the hearing and may elect to have the assistance of an administrative law judge in the proceeding.

(b) The notice of appeal, with the certified check payable to the department in the sum of two hundred dollars for appeals of a revocation or suspension of a contractor's or administrator's license, must be filed within twenty days after the notice of suspension or revocation is served on the subject of said action, either by personal service or by certified mail, return receipt requested, sent to the last known address of the subject and shall be filed by written notice of appeal with the chief electrical inspector, as secretary to the board.

(14) Appeals of decisions on installation.

(a) A party may seek board review for disputes relating to the interpretation and application of electrical/telecommunications installation or maintenance standards under RCW 19.28.111, 19.28.480, and 19.28.531. The board will conduct the hearing and may elect to have the assistance of an administrative law judge in the proceeding.

(b) The notice of appeal, with the certified check payable to the department in the sum of two hundred dollars, must be received in the office of the chief electrical inspector, as secretary to the board, at least thirty days before a regularly scheduled board meeting. The appellant must submit any written argument, briefs testimony or documents for the board's consideration at least twenty days prior to the scheduled hearing.

(15) Appeals of a continuing education class or instructor for denials or revocations.

A party may appeal a decision issued by the department, pursuant to WAC 296-46B-970 (3)(e)(vi), if the department acts as the contractor pursuant to WAC 296-46B-970 (2)(h) to the superior court per RCW 34.05.542(3).

(16) Judicial review of final decisions of the board.

A party may seek judicial review of a final order of the board within thirty days after service of the decision. Appeals of final decisions and orders must be done in accordance with chapter 34.05 RCW.

~~((16))~~ (17) If appeal(s) according to subsections (11), (12), ~~((and))~~ (13), and (15) of this section are not filed or the appeal is not filed timely, the proposed decision or action becomes final with no further action on the part of the department or the board.

~~((17))~~ (18) Appeals - general requirements.

(a) Appeals according to subsections (11) ~~((and))~~, (12), or (15) of this section must specify the contentions of the appellant, and must for subsection (12) of this section specify to which conclusions of law and findings of fact the party takes exception. The appeal will be based on the record of the hearing. The board shall not grant a hearing de novo.

(b) In appeals under subsections (12), (13) ~~((and))~~, (14), and (15) of this section, the issues to be adjudicated must be made as precise as possible, in order that the board may proceed promptly to conduct the hearing on relevant and material matter only.

(c) In all appeals of chapter 19.28 RCW and this chapter, the appellant has the burden of proof by a preponderance of the evidence.

Appearance and practice before board.

~~((18))~~ (19) No party may appear as a representative in proceedings other than the following:

(a) Attorneys at law qualified to practice before the supreme court of the state of Washington;

(b) Attorneys at law qualified to practice before the highest court of record of another state, if the attorneys at law of the state of Washington are permitted to appear as representatives before administrative agencies of the other state, and if not otherwise prohibited by Washington law; or

(c) An owner, officer, partner, or full-time employee of a firm, association, organization, partnership, corporation, or other entity who appears for the firm, association, organization, partnership, corporation or other entity.

~~((19))~~ (20) All persons appearing in proceedings as a representative must conform to the standards of ethical conduct required of attorneys before the courts of Washington. If a person does not conform to these standards, the board may decline to permit the person to appear as a representative in any proceeding before the board.

AMENDATORY SECTION (Amending WSR 03-09-111, filed 4/22/03, effective 5/23/03)

WAC 296-46B-999 Electrical testing laboratory requirements. General.

(1) This chapter describes the methods required to obtain recognition and accreditation of electrical product(s) certification and/or field evaluation laboratories by the state of Washington. This chapter provides assurance to the general consuming public that electrical products have been tested for safety and identified for their intended use.

(2) An electrical product is considered to be safe when it is either certified by a laboratory accredited by the department or labeled with a field evaluation mark by a laboratory accredited by the department.

(a) The department may declare electrical equipment unsafe if:

(i) The equipment is not being manufactured or produced in accordance with all standards of design and construction and all terms and conditions set out in the certification report for the equipment referred to in this chapter;

(ii) The equipment has been shown by field experience to be unduly hazardous to persons or property;

(iii) An examination of the equipment or of the certification report for the equipment shows that the equipment does not comply with all applicable standards; or

(iv) An examination of the certification report or the equipment shows that the equipment cannot be installed in accordance with this chapter.

(b) When the department declares an electrical product unsafe, the department will:

(i) Notify the product manufacturer and the appropriate testing laboratory in writing;

(ii) Notify the general public by:

(A) Report to the Consumer Product Safety Commission;

(B) A published article in the *Electrical Currents*;

(C) Internet website posting; and

(D) News release.

Accreditation - general.

(3) The department's chief electrical inspector's office ~~((provides forms and procedures enabling applicants to submit the data necessary for evaluation or accreditation))~~ reviews requests for accreditation or evaluation. Applicants must submit supporting data as outlined in subsections (4) through (54) of this section.

(4) The accreditation period of a NRTL will be valid for the period of the laboratory's current OSHA NRTL accreditation. The accreditation of a non-NRTL will be valid for the period of five years from the date of the department's accreditation.

(5) On-site inspection of a laboratory.

(a) On-site inspection of the laboratory may be required during the initial application process or the renewal process. Technically qualified representative(s) of the department will evaluate for compliance with accreditation criteria.

(b) On-site inspection is not required for NRTL-recognized laboratories requesting approval as certification laboratories using standards for which NRTL recognition has been approved.

(c) The department may waive on-site inspection for:

(i) Laboratories recognized or accredited by another state determined to provide an accreditation program acceptable to the department; or

(ii) NRTL-recognized laboratories requesting approval as certification laboratories for using other standards for which NRTL recognition has not been approved.

(d) The applicant must pay all costs associated with the on-site inspection.

(6) For purposes of chapter 19.28 RCW, all laboratories which certify and/or field evaluate electrical products offered for sale in the state of Washington must be accredited by the department. A NRTL requesting approval as a certification laboratory will be approved for accreditation by the department upon completion of the application process.

(7) Fees are payable as required in WAC 296-46B-911.

(8) The laboratory must apply for renewal of accreditation at least thirty days prior to the accreditation expiration date. The department will renew accreditation for the period specified in subsection (4) of this section or notify the renewing laboratory of the department's reason(s) of refusal following receipt of the completed form and renewal fee. Accredi-

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tation may be renewed or refused for one or more electrical product category(ies).

(9) The department accepts or denies laboratory accreditation for all laboratories within the state. Accreditation is determined when a laboratory provides evidence to the department that all the requirements of this chapter are met. Accreditation is determined by the department and prior to making a determination, the department may require information and documentation to be provided by the laboratory.

(a) Accreditation is subject to review when deemed necessary by the department. The laboratory must pay all costs associated with on-site review.

(b) Every accredited laboratory must continue to satisfy all the conditions specified in this chapter during the period of the accreditation. A non-NRTL accredited laboratory must furnish the department an annual report detailing the extent of its activities for the year. The report must include, but not be limited to:

- (i) The number of factory inspections;
- (ii) Organizational structure;
- (iii) Statement of ownership;
- (iv) Laboratory equipment verification;
- (v) Client accreditation programs;
- (vi) Reports of litigation, which in any way were the result of or may affect any accreditation or testing of products covered by this chapter; or
- (vii) Assessment of recordkeeping (i.e., certification/evaluation plans, certification/evaluation reports).

(c) The department will notify the applicant of the accreditation results. A letter of accreditation from the department is proof of the accreditation of a laboratory.

(10) The laboratory will be approved to certify only those categories identified and authorized by the department. The department will approve and list electrical product category(ies) the laboratory is qualified to certify or evaluate. The accreditation letter will indicate the electrical product category(ies) for which accreditation is issued.

(11) The department may exclude specific electrical products from acceptance. When required, the laboratory must provide evidence, acceptable to the department, that the laboratory is qualified to certify or field evaluate the specific electrical product. Laboratory recognition as an NRTL for the standard(s) used to certify or field evaluate an electrical product will be acceptable evidence. The standards used for certification or field evaluation must be determined by the department to be acceptable and applicable to the electrical product being certified or field evaluated.

Suspension or revocation.

(12) Any laboratory failing to comply with the requirements of this chapter or submitting false information may have accreditation revoked or suspended for one or more electrical product category(ies).

(13) The department may suspend or revoke the accreditation of any laboratory found to be in noncompliance with this chapter or the laws of the state of Washington.

(14) The department will serve written notice of intent prior to suspension, revocation, or refusal to renew the accreditation of a laboratory.

(15) The laboratory must immediately notify all manufacturers whose products are covered by the accreditation that such products manufactured subsequent to the departmental revocation and offered for sale in the state of Washington can no longer bear the laboratory's label that identified it as a certified product in the state of Washington. A laboratory, whose accreditation has been suspended, may not reapply for accreditation during the period of such suspension. A laboratory, whose accreditation has been revoked, may reapply for accreditation no sooner than one year after the date of revocation of accreditation.

Business structure, practices, and personnel.

(16) The laboratory must be an independent, third-party organization with no organizational, managerial, financial, design, or promotional affiliation with manufacturers, suppliers, installers, or vendors of products covered under its certification or evaluation programs.

The laboratory must have an adequate diversity of clients or activity so that the loss or award of a specific contract regarding certification or evaluation would not be a deciding factor in the financial well-being of the laboratory.

(17) The laboratory must adequately meet the following business practices:

(a) Perform the examinations, tests, evaluations, and inspections required under the certifications programs in accordance with the designated standards and procedures;

(b) Assure that reported values accurately reflect measured and observed data;

(c) Limit work to that for which competence and capacity is available;

(d) Treat test data, records, and reports as proprietary information;

(e) Respond and attempt to resolve complaints contesting certifications and evaluation results;

(f) Maintain an independent relationship between its clients, affiliates, and other organizations so the laboratory's capacity to give certifications and evaluations objectively and without bias is not adversely affected; and

(g) Notify the department within thirty calendar days should it become unable to conform to any of the requirements of this chapter.

(18) Laboratories accredited under this chapter must notify the department within thirty calendar days of any of the following:

(a) Change in company name and/or address;

(b) Changes in major test equipment which affect the ability to perform work for which accredited;

(c) Changes in principal officers, key supervisory and responsible personnel in the company including the director of testing and engineering services, director of follow-up services, and the laboratory supervisor; or

(d) Change in independent status.

(19) The laboratory must develop and maintain a certification or evaluation program plan that includes, but is not limited to:

(a) The procedures and authority to ensure the product complies with the standard(s) established by the program;

(b) A quality control system;

(c) Adequate personnel to perform the certification or evaluation;

(d) Verification and maintenance of facilities and/or equipment; or

(e) Sample selection as applicable for product certifications, and for component testing as necessary for field evaluations.

The plan must demonstrate that the laboratory has adequate personnel, facilities, and equipment to perform all certifications and testing for which it is accredited by the state of Washington. These elements must be contained in the laboratory operations control manual.

(20) The laboratory must develop and maintain a quality control system adequate to assure the accuracy and technical integrity of its work as follows:

(a) The laboratory's quality control system must include a quality control or laboratory operations control manual;

(b) The quality control or laboratory operations control manual must be adequate to guide a testing technician or inspector in conducting the inspection, evaluation, and/or test in accordance with the test methods and procedures required for the laboratory's certification and/or evaluation program(s); and

(c) The laboratory must have a current copy of its quality control or laboratory operations control manual available in the laboratory for use by laboratory personnel.

(21) Competent personnel who must have training, technical knowledge, and experience adequate to perform the tests, examinations, and evaluations for the certification and/or evaluation activities for which recognition is sought must staff the laboratory.

(22) The laboratory must:

(a) Provide adequate safeguards protecting the employment status of personnel from the influence or control of manufacturers, vendors, or installers of electrical products certified or tested by the laboratory;

(b) Develop and maintain a job description for each technical position category;

(c) Ensure the competency of its staff to perform assigned tasks through individual yearly observation and/or examination by a person(s) qualified by the person who has technical responsibility for the laboratory;

(d) Develop and maintain records of the results and dates of the observation or examination of personnel performance;

(e) Maintain information on the training, technical knowledge, and experience of personnel; and

(f) Develop and maintain an adequate training program assuring that new or untrained personnel will be able to perform assigned tasks properly and uniformly.

Recordkeeping and reporting - general.

(23) The laboratory must develop and maintain records and reports of those testing, inspection, certification, and evaluation activities associated with each program for which accreditation is sought. The laboratory must retain these records for a minimum of three years.

(24) The laboratory must make available to the department, upon request, all records required by the department to verify compliance with this chapter.

Recordkeeping and reporting - certification.

(25) Certification reports must contain, as applicable:

(a) Name and address of the laboratory;

(b) Pertinent data and identification of tests or inspections;

(c) Name of client;

(d) Appropriate product title;

(e) Designation of standards used to certify or test the product including edition and latest revision (e.g., UL 508, 16th Edition, Feb. 1993, Revision Oct. 9, 1997);

(f) Description and identification of the sample including, as necessary, where and how the sample was selected;

(g) Identification of the test, inspection, or procedure as specified for certification or evaluation by the standard;

(h) Known deviations, additions to, or exclusions from evaluation and certification activities in order to be appropriate for new or innovative products not contemplated by the standard;

(i) Measurements, examinations, derived results, and identification of test anomalies;

(j) A statement as to whether or not the results comply with the requirements of the standard;

(k) Name, contact information, and signature of person(s) having responsibility for the report;

(l) Raw data, calculations, tables, graphs, sketches, and/or photographs generated during certification or evaluation must be maintained if not included in the report;

(m) Control forms documenting the receipt, handling, storage, shipping, and testing of samples;

(n) Laboratory records of its quality control checks and audits for monitoring its test work associated with its certification programs, including:

(i) Records of products assurance (follow-up) test results; and

(ii) Records of detected errors and discrepancies and actions taken subsequent to such detection.

(o) Record of written complaints and disposition thereof; and

(p) A statement that records required by these criteria will be maintained for a minimum of three years after cessation of the certification or evaluation.

Recordkeeping and reporting - field evaluation.

(26) The evaluation report must include:

(a) Name and address of the laboratory;

(b) Name of client;

(c) Address where the evaluated product is or will be installed;

(d) Designation of standards used to certify or test the product including edition and latest revision (e.g., UL 508, 16th Edition, Feb. 1993, Revision Oct. 9, 1997);

(e) Description and identification of the nonlisted and nonlabeled component(s) requiring evaluation by applicable standard(s);

(f) Description of the overall product evaluated to include full nameplate data and equipment type;

(g) A statement as to whether or not the results comply with the requirements of the standard;

(h) Pertinent test evaluation data and identification of tests or inspections including anomalies;

(i) Signature of person(s) having responsibility for the report;

(j) Any condition of acceptability or restrictions on use/relocation;

(k) Serial number(s) of the field evaluation label(s) applied must be included with the equipment identification; and

(l) The labor and industries department file identification number;

(27) Within thirty calendar days after affixing the evaluation mark, the laboratory must submit a copy of the evaluation report to:

(a) The department's chief electrical inspector submitted electronically in a format approved by the department;

(b) Local electrical inspection office submitted electronically in a format approved by the department; and

(c) Client submitted in any format acceptable to the client and testing laboratory.

Facilities and equipment.

(28) The laboratory must provide adequate evidence of the calibration, verification, and maintenance of the facilities and equipment specified for each certification or evaluation.

(29) Verification and maintenance of facilities and equipment must include as applicable, but not be limited to:

(a) Equipment description;

(b) Name of manufacturer;

(c) Model, style, serial number, or other identification;

(d) Equipment variables subject to calibration and verification;

(e) Statement of the equipment's allowable error and tolerances of readings;

(f) Calibration or verification procedure and schedule;

(g) Dates and results of last calibrations or verifications;

(h) Specified maintenance practices;

(i) Calibration and/or verification of equipment used;

(j) Name and contact information of personnel or outside contractor providing the calibration or verification service; and

(k) Traceability to National Institute of Standards and Technology or other equivalent standard reference authority.

Standards.

(30) The laboratory must have copies available, for laboratory personnel use, of applicable standards and other documents referred to or used in performing each certification or test for which approval is sought.

(31) If a laboratory desires to use a standard other than an ANSI standard, the department will evaluate the proposed standard to determine that it provides an adequate level of safety. The National Electrical Code, NFPA 70, will not be allowed to be the primary standard used to evaluate a product.

Product certification.

(32) The electrical product certification program must contain test procedure(s), standard(s) used, certification agreement(s), method(s) of identification of products, follow-up inspection, and other laboratory procedures and

authority necessary to ensure that the product complies with the standards (requirements) established by the program.

(33) All components of certified or tested products must be labeled or evaluated for compliance with all standards and conditions of use applicable to such components.

(34) The laboratory must publish an *Annual Product Directory* identifying products that are authorized to bear the laboratory's certification mark. The products directory must briefly describe the program, the products covered, the name of the manufacturer or vendor of the certified products, and the identification of the published standards or the compiled requirements on which the program is based. The product directory must be available to the public. Supplemental up-to-date information must be available to the public at the office of the laboratory during normal business hours.

Certification laboratory/manufacturer - agreement.

(35) Measures to provide for manufacturer compliance with the provisions of the product standard and laboratory control of the use of the certification mark must be embodied in an agreement between the manufacturer and the certification laboratory. The certification agreement must:

(a) Require the manufacturer to provide information and assistance as needed by the laboratory to conduct the necessary product conformity and production assurance evaluation;

(b) Allow the laboratory's representative(s) access to the manufacturer's facilities during working hours for inspection and may allow audit activities without prior notice;

(c) Restrict the manufacturer's application of certification marks to products that comply with requirements of the product standard;

(d) Secure the manufacturer's agreement to the publication of notice by the certification laboratory for any product already available in the marketplace that does not meet the safety standard;

(e) Require reevaluation of products whenever the standard covering the product is revised;

(f) Require the laboratory to notify the manufacturer's personnel responsible for and authorized to institute product recall in the case of a hazard;

(g) Provide for control of certification marks by the laboratory;

(h) Require that the laboratory provide the manufacturer with a report of original product evaluation. The report must document conformity with applicable product standards by test results and other data; and

(i) Require the identification of the manufacturer(s) of the product and the location(s) where the product is produced.

Certification mark.

(36) The laboratory owns the certification mark.

(37) The certification mark must be registered as a certification mark with the United States Patent and Trademark Office.

(38) The certification mark must:

(a) Not be readily transferable from one product to another; (b) Be directly applied to each unit of production in the form of labels or markings suitable for the environment

and use of the product. When the physical size of the unit does not permit individual marking, markings may be attached to the smallest package in which the unit is marketed;

(c) Include the name or other appropriate identification of the certification laboratory;

(d) Include the product category; and

(e) The laboratory must have a system of controls and records for all marks. The records must include marks removed or otherwise voided. See WAC 296-46B-999(25).

(39) The certification mark may be applied to the product prior to authorizing the use of a certification mark on a product. The laboratory must:

(a) Determine by examination and/or tests that representative samples of the product comply with the requirements (standards). Components of certified products must comply with the applicable safety requirements (standards) or be listed. Evaluation of the product design must be made on representative production samples or on prototype product samples with subsequent verification that factory productions are the same as the prototype;

(b) Determine that the manufacturer has the necessary facilities, test equipment, and control procedures to ensure that continuing production of the product complies with the requirements; and

(c) If the certification mark is not applied at the manufacturing facility, the laboratory must provide prior notification to the department of its intent to affix the certification mark in the field.

Certification laboratory product - assurance/follow up.

(40) To verify continued product acceptability, the laboratory must develop and maintain a factory follow-up inspection program and manual to determine continued compliance of certified products with the applicable standard.

(41) The follow-up inspection file must include the:

(a) Conditions governing the use of the certification mark on products;

(b) Identification of the products authorized for certification;

(c) Identification of manufacturer and plant location at which manufacture and certification are authorized;

(d) Description, specifications, and requirements applicable to the product;

(e) Description of processes needed for control purposes;

(f) Description of the manufacturer's quality assurance program when used as part of the follow-up program;

(g) Description of inspections and tests to be conducted by the manufacturer and the laboratory; and

(h) Description of follow-up tests to be conducted in the laboratory.

(42) Follow-up procedures and activities must include:

(a) Periodic inspections at the factory with testing at the factory or certification laboratory of representative samples selected from production and, if appropriate, from the market;

(b) Periodic auditing or surveillance of the manufacturer's quality assurance program through the witnessing of manufacturer's tests, review of the manufacturer's records, and verification of the manufacturer's produced data;

(c) Investigation of alleged field failures upon department request; and

(d) Procedures for control of the use of the certification mark by:

(i) Keeping records of the release and use of certification marks;

(ii) Removal of marks from noncomplying products;

(iii) Return or destruction of unused marks when the authority to use the marks is terminated; and

(iv) Legal action.

(43) The frequency of laboratory follow-up inspections must not be less than four times per year during production, unless adequate data is provided to the department to justify less frequent inspections. If there is no production during the year, at least one follow-up inspection is to be completed. The frequency of follow-up inspections must be sufficient to provide a reasonable check on the method(s) the manufacturer exercises to assure that the product bearing the certification mark complies with the applicable standards.

Field evaluation - requirements.

(44) The field evaluation laboratory may perform evaluations on any products or product categories previously approved by the department. NRTL recognition may be accepted by the department as a basis for approval to perform field evaluations. Since OSHA does not review or recognize laboratories for field evaluation purposes, laboratories seeking accreditation from the department for field evaluation may be required to provide additional justification of capability such as, but not limited to: Recordkeeping, employee standards and proficiency, equipment requirements, and other requirements described in this chapter.

(45) The laboratory must request permission from the department in writing two working days prior to conducting any field evaluation of an electrical product to be installed in any jurisdiction in the state. Requests must be made using a department-supplied form.

(46) The field evaluation process must be completed within six months following department approval. If the field evaluation is not completed within six months following department approval, the laboratory must request permission from the department in writing to continue the evaluation process. If this secondary permission is granted to the laboratory, the department may require the equipment to be placed out-of-service except as necessary to complete the field evaluation process.

(47) The scope of a field evaluation will depend on the status of the item to be evaluated as follows:

(a) A new piece of equipment must have a complete evaluation of all components and the assembly as provided by the manufacturer. For example: An industrial machine with a control panel, remote motors, sensors, controls, and other utilization equipment; and

(b) A product that has been modified internally or by an addition need have only those portions evaluated that were affected by the modification. For example: A switchboard with multiple sections that has a section added would only need the new section, the one section immediately adjacent, and any control modifications evaluated.

(48) Each unit that receives a field evaluation mark applied by the field evaluation laboratory must have sufficient inspections and/or testing completed to ensure it is in essential conformance with the applicable product standard(s).

(49) The laboratory may perform the preliminary evaluation in the manufacturer's facility. Final evaluation and acceptance of the product must be made on-site at the location of final installation, unless waived by the department.

Field evaluation mark.

(50) Only laboratory personnel may apply the field evaluation mark after final acceptance of the product. The field evaluation label must be applied on-site at the location of the final installation, unless waived by the department.

(51) The field evaluation laboratory must have a system of controls and records for all field evaluation marks it applies. The records must include labels removed or otherwise voided.

(52) A field evaluated product may be relocated or fed from a different power source if not prohibited by the field evaluation mark or the field evaluation report.

(53) The field evaluation mark must:

(a) Not be readily transferable from one product to another;

(b) Be directly applied by the laboratory personnel to each unit of production in the form of labels or markings suitable for the environment and use of the product;

(c) Include the name or other appropriate identification of the certification laboratory; and

(d) Include a unique evaluation laboratory reference number.

(54) The field evaluation laboratory must have a system of controls and records for all field evaluation marks it applies. The records must include labels removed or otherwise voided. See subsection (26) of this section.

WSR 04-12-052

PERMANENT RULES

PUBLIC DISCLOSURE COMMISSION

[Filed May 28, 2004, 1:24 p.m.]

Date of Adoption: May 26 [27], 2004.

Purpose: New WAC 390-05-295 Definition—Promise or promise to pay. This new rule clarifies the definition of expenditure found in RCW 42.17.020 by defining the terms promise or promise to pay.

Statutory Authority for Adoption: RCW 42.17.370(1).

Adopted under notice filed as WSR 04-08-086 on April 6, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

May 27, 2004

Vicki Rippie
Executive Director

NEW SECTION

WAC 390-05-295 Definition—Promise or promise to pay. For the purposes of the definition of "expenditure" found in RCW 42.17.020, "promise" or "promise to pay" includes any oral or written order placed, debt or obligation to purchase goods or services or anything of value, or any offer to purchase advertising space, broadcast time or other advertising related product or service.

WSR 04-12-053

PERMANENT RULES

PUBLIC DISCLOSURE COMMISSION

[Filed May 28, 2004, 1:25 p.m.]

Date of Adoption: May 26 [27], 2004.

Purpose: This amendment updates the location and schedule of regular meetings.

Citation of Existing Rules Affected by this Order: Amending WAC 390-12-010 Public Disclosure Commission—Regular meetings.

Statutory Authority for Adoption: RCW 42.17.370(1).

Adopted under notice filed as WSR 04-08-086 on April 6, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

May 27, 2004

Vicki Rippie
Executive Director

AMENDATORY SECTION (Amending WSR 94-05-010, filed 2/3/94, effective 3/6/94)

WAC 390-12-010 Public disclosure commission—Regular meetings. Pursuant to RCW 42.30.075, regular meetings of the public disclosure commission (~~shall~~) are scheduled to be held on the fourth Tuesday of each (~~calendar~~) month at 9:00 a.m. unless a different time is noted on an agenda, except November and December when (~~they shall be held on the third Tuesday~~) a combined meeting is scheduled to be held during the first or second week of December. The meetings shall be held in the (~~Second Floor Conference Room~~) commission meeting room, second floor, Evergreen Plaza Building, 711 Capitol Way, Olympia, Washington, unless circumstances require relocating to another site. If relocating is required, the meeting shall be held at a place designated by the (~~chair~~) executive director of the commission.

WSR 04-12-054

PERMANENT RULES

PUBLIC DISCLOSURE COMMISSION

[Filed May 28, 2004, 1:26 p.m.]

Date of Adoption: May 26 [27], 2004.

Purpose: This amendment indicates that in-kind contributions are to be treated the same as cash contributions and clarifies when contributions are not subject to the thresholds established in RCW 42.17.105(8).

Citation of Existing Rules Affected by this Order: Amending WAC 390-16-207 In-kind contributions—Explanation and reporting.

Statutory Authority for Adoption: RCW 42.17.370(1).

Adopted under notice filed as WSR 04-08-086 on April 6, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; **Federal Rules or Standards:** New 0, Amended 0, Repealed 0; or **Recently Enacted State Statutes:** New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; **Pilot Rule Making:** New 0, Amended 0, Repealed 0; or **Other Alternative Rule Making:** New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

May 27, 2004

Vicki Rippie

Executive Director

AMENDATORY SECTION (Amending WSR 98-12-034, filed 5/28/98, effective 6/28/98)

WAC 390-16-207 In-kind contributions—Explanation and reporting. (1) An in-kind contribution occurs when a person provides goods, services or anything of value, other than money or its equivalent, to a candidate or political committee free-of-charge or for less than fair market value, unless the item or service given is not a contribution according to RCW 42.17.020 (14)(b) or WAC 390-17-405.

(2) An in-kind contribution also occurs when a person makes an expenditure that

- Supports or opposes a candidate or a ballot measure,
- Meets the definition of contribution in RCW 42.17.020(14) or WAC 390-05-210, and
- Is other than a monetary contribution made directly to a candidate or political committee.

For example, an in-kind contribution occurs when a person, after collaborating with a candidate or a candidate's agent, purchases space in a newspaper for political advertising supporting that candidate or opposing that candidate's opponent.

(3) According to RCW 42.17.095(8) and WAC 390-16-238, a candidate may not use his or her campaign funds to make a contribution, including an in-kind contribution, to another candidate or a political committee. However, under RCW 42.17.095(3), a candidate may use surplus funds as defined in RCW 42.17.020 to make a contribution to a political party or caucus political committee.

(4) **In-kind contributions to recipients who have limits.**

(a) If a state office candidate receives in-kind contributions from any person valued at more than \$25 in the aggregate during an election cycle, the contribution is reportable by the giver and the recipient pursuant to chapter 42.17 RCW and is subject to the applicable contribution limit provided in RCW 42.17.640.

(b) If a bona fide political party or legislative caucus committee receives in-kind contributions from any person valued at more than \$25 in the aggregate during a calendar year, the contribution is reportable by the giver and the recipient pursuant to chapter 42.17 RCW and is subject to the applicable contribution limit provided in RCW 42.17.640.

(c) If a state official against whom recall charges have been filed or a political committee supporting the recall of a state official receives in-kind contributions from any person valued at more than \$25 in the aggregate during a recall campaign, the contribution is reportable by the giver and the recipient pursuant to chapter 42.17 RCW and is subject to the applicable contribution limits provided in RCW 42.17.640.

(5) **Political committees that make in-kind contributions.** A political committee that makes in-kind contributions to a candidate or political committee totaling more than \$50 in the aggregate during a reporting period must identify the recipient and the amount of the contribution as part of its C-4 report covering that period.

If the in-kind contribution is in the form of an expenditure that has been obligated, but not yet paid, the identity of the recipient candidate or political committee, along with a good faith estimate of the value of the contribution, must be disclosed in part 3 of Schedule B, in addition to the other

information required by the form. When the expense is paid, the recipient's name and the amount of the contribution must be disclosed on Schedule A, along with the other information required by the form.

If a political committee provides equipment, property or anything else of value owned, leased or controlled by it to a candidate or political committee, the contributing committee must attach a statement to its C-4 report showing the name of the candidate or political committee to whom the contribution was made and the date, description and fair market value of the in-kind contribution.

(6) Reporting by recipients. Except as provided in subsection (4), in-kind contributions from one source are not reportable by the recipient candidate or political committee until the aggregate value of all in-kind contributions received from that source during a reporting period is more than \$50. If this threshold is met, the in-kind contributions must be reported in part 1 of Schedule B to the C-4 report covering that reporting period.

(7) Valuing in-kind contributions.

(a) For purposes of determining the value of goods or services provided as in-kind contributions, refer to WAC 390-05-235, Definition—Fair market value.

(b) If an expenditure that constitutes an in-kind contribution is made, the value of the in-kind contribution to a particular candidate or political committee is the portion of the expense that benefits the candidate or political committee.

(8) Application of RCW 42.17.105(8)—Last-minute contributions.

(a) If an expenditure that constitutes an in-kind contribution is made no later than twenty-two days before a general election and written notice of the in-kind contribution is in the possession of the recipient candidate committee or political committee twenty-two or more days before that general election, the contribution is not subject to the respective \$5,000 or \$50,000 maximum amounts specified in RCW 42.17.105(8).

(b) If an in-kind contribution is in the form of personal services donated to a campaign for the duration of the twenty-one days before a general election, and if written notice of the value of this donation is in the possession of the recipient candidate or political committee twenty-two or more days before the election, that in-kind contribution is not subject to the respective \$5,000 or \$50,000 maximum amounts specified in RCW 42.17.105(8).

WSR 04-12-055

PERMANENT RULES

PUBLIC DISCLOSURE COMMISSION

[Filed May 28, 2004, 1:29 p.m.]

Date of Adoption: May 26 [27], 2004.

Purpose: This amendment further defines personal use of campaign funds.

Citation of Existing Rules Affected by this Order: Amending WAC 390-16-238 Personal use of contributions—Standard.

Statutory Authority for Adoption: RCW 42.17.370(1).

Adopted under notice filed as WSR 04-08-086 on April 6, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

May 27, 2004

Vicki Rippie

Executive Director

AMENDATORY SECTION (Amending WSR 94-07-141, filed 3/23/94, effective 4/23/94)

WAC 390-16-238 Personal use of contributions—Standard. (1) Except as specifically allowed by chapter 42.17 RCW, any expenditure of a candidate's campaign funds that is not directly related to the candidate's election campaign is a ((prohibited)) personal use of campaign funds prohibited under RCW 42.17.125.

(2) An expenditure of a candidate's campaign funds shall be considered personal use if it fulfills or pays for any commitment, obligation or expense that would exist irrespective of the candidate's election campaign.

(3) If an activity or expenditure is both personal and campaign related, the campaign may pay no more than the fair market value of its share of the activity or expenditure. For example, if a candidate uses a personal vehicle for campaign purposes, the campaign may reimburse the candidate for:

(a) The prorated share of documented gasoline, maintenance and insurance costs directly related to the campaign's usage of the vehicle; or

(b) The standard mileage rate established by the Internal Revenue Service for those documented miles directly related to the campaign's usage.

(4) Examples of expenditures presumed to be for personal use include, but are not limited to:

(a) Mortgage, rent, utility or maintenance expenses for personal living accommodations;

(b) Clothing purchases and maintenance expenses not related to the campaign;

(c) Automobile expenses not related to the campaign;

(d) Travel expenses not related to the campaign;

(e) Household food items;

(f) Restaurant expenses except for in-person fund-raising or campaign organizational activities;

(g) Tuition payments not related to the campaign;

(h) Admission to sporting events, concerts, theaters, or other forms of entertainment unless the event is primarily related to the candidate's campaign;

(i) Country club membership fees, dues and payments;

(j) Health club or recreational facility membership fees, dues and payments;

(k) Social, civic, fraternal, or professional membership dues, fees and payments unless the expenditure occurs during an election year and membership is required to gain access to the organization's mailing list for campaign purposes or other facilities for the candidate's campaign;

(l) Home or business internet service provider costs;

(m) Home or business newspaper and periodical subscriptions;

(n) Greeting cards to persons who would customarily receive such cards (e.g., family, friends and business associates).

WSR 04-12-056

PERMANENT RULES

PUBLIC DISCLOSURE COMMISSION

[Filed May 28, 2004, 1:30 p.m.]

Date of Adoption: May 26 [27], 2004.

Purpose: This amendment conforms to updated statute by removing the requirement that federal political committees or out-of-state committees filing with the Federal Election Commission file C-5 reports. It also alters the due date of the report.

Citation of Existing Rules Affected by this Order: Amending WAC 390-17-030 Sample ballots and slate cards.

Statutory Authority for Adoption: RCW 42.17.370(1).

Adopted under notice filed as WSR 04-08-086 on April 6, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

May 27, 2004

Vicki Rippie

Executive Director

AMENDATORY SECTION (Amending WSR 02-12-007, filed 5/23/02, effective 6/23/02)

WAC 390-17-030 Sample ballots and slate cards. (1)

Intent. The commission finds that, under certain conditions, expenditures for slate cards and other candidate listings fall within the scope of RCW 42.17.640 (14)(a) and are, therefore, exempt from contribution limits and eligible for payment with a bona fide political party's exempt funds. Slate cards and other candidate listings remain reportable under chapter 42.17 RCW and subject to the political advertising provisions of the law.

The purpose of this exemption from the contribution limits is to allow political parties and other sponsors to tell the general public which candidates they support. The exemption is not intended as a device to circumvent the contribution limits and full reporting requirements by undertaking any degree of significant campaigning on behalf of candidates.

(2) For purposes of RCW 42.17.640 (14)(a), "sample ballots" means slate cards, or other candidate listings, whether written or oral, that satisfy the qualifying criteria specified in subsection (10) of this section.

(3) Sample ballots constitute political advertising for a slate or list of candidates and must be properly identified and otherwise in compliance with the political advertising provisions, RCW 42.17.505 through 42.17.550.

(4)(a) A **bona fide political party** may use contributions it receives pursuant to RCW 42.17.640(14) to produce and distribute sample ballots.

(b) Expenditures for sample ballots do not count against a bona fide political party's contribution limit to the candidates listed on the sample ballot. Further, when reporting sample ballot expenditures, a bona fide political party is not required to attribute a portion of the expenditure to each of the candidates listed on the sample ballot, but the names of the candidates must be reported along with the other information required by chapter 42.17 RCW and chapter 390-17 WAC.

(5) **Any person**, as defined by RCW 42.17.020, who makes an expenditure for sample ballots has made an expenditure that does not count against that person's contribution limit to the candidates listed.

(6) **An in-state political committee**, when disclosing expenditures for sample ballots as part of its C-4 report, is not required to attribute a portion of the expenditure to the candidates listed on the sample ballot, but the names of the candidates and their respective party affiliations must be reported along with other information required by chapter 42.17 RCW and chapter 390-17 WAC.

(7) **An out-of-state ((or federal)) committee**, when disclosing expenditures for sample ballots on a C-5 report, is not required to allocate a portion of the expenditure to the candidates listed on the sample ballot, but must report that an expenditure for sample ballots was made, the name and address of the person to whom the expenditure was made, the full amount of the expenditure, and the name, office sought and party affiliation of each candidate listed on the sample ballot. The report is due ~~((within ten days of the date the sample ballot is received by recipients))~~ no later than the 20th day of the month following the month in which the expenditure was made.

PERMANENT

(8) If a lobbyist or lobbyist employer makes expenditures for sample ballots, those expenditures are required to be reported in detail on the lobbyist's monthly L-2 report. Itemization of these expenditures must include the names and respective party affiliations of the candidates listed on the sample ballot, but no portion of the expenditure need be allocated to individual candidates listed on the sample ballot.

(9) The candidates listed on a sample ballot are not required to report any portion of the expenditure as an in-kind contribution to their campaigns.

(10) **Qualifying criteria for sample ballots, slate cards and other candidate listings.** In order not to count against a person's contribution limit to the candidates listed on a sample ballot and, in the case of a bona fide political party, in order to be eligible for payment with contributions received pursuant to RCW 42.17.640(14), a sample ballot must satisfy all of the criteria in (a) through (d) of this subsection.

(a) The sample ballot must list the names of at least three candidates for election to public office in Washington state and be distributed in a geographical area where voters are eligible to vote for at least three candidates listed. The candidate listing may include any combination of three or more candidates, whether the candidates are seeking federal, state or local office in Washington.

(b) The sample ballot must not be distributed through public political advertising; for example, through broadcast media, newspapers, magazines, billboards or the like. The sample ballot may be distributed through direct mail, telephone, electronic mail, Web sites, electronic bulletin boards, electronic billboards or personal delivery by volunteers.

(c) The content of a sample ballot is limited to:

- The identification of each candidate (pictures may be used);
- The office or position currently held;
- The office sought;
- Party affiliation; and
- Information about voting hours and locations.

Therefore, the sample ballot must exclude any additional biographical data on candidates and their positions on issues as well as statements about the sponsor's philosophy, goals or accomplishments. The list must also exclude any statements, check marks or other indications showing support of or opposition to ballot propositions.

(d) The sample ballot is a stand-alone political advertisement. It must not be a portion of a more comprehensive message or combined in the same mailing or packet with any other information, including get-out-the-vote material, candidate brochures, or statements about the sponsor's philosophy, goals or accomplishments. On Web sites, electronic bulletin boards or electronic billboards, the sample ballot must be a separate document.

Purpose: This amendment exempts political tickers from sponsor identification, "top five contributors" and notice to voters requirements because it would be impractical to include.

Citation of Existing Rules Affected by this Order: Amending WAC 390-18-030 Political advertising—Exemptions from identification.

Statutory Authority for Adoption: RCW 42.17.370(1).

Adopted under notice filed as WSR 04-08-086 on April 6, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

May 27, 2004

Vicki Rippie
Executive Director

AMENDATORY SECTION (Amending WSR 95-01-074A, filed 12/16/94, effective 1/16/95)

WAC 390-18-030 Political advertising—Exemptions from identification. (1) Pursuant to RCW 42.17.510(4), the following forms of political advertising need not include the sponsor's name and address, the "notice to voters" or the "top five contributors" information as otherwise required by RCW 42.17.510 (1) and (2) because such identification is impractical: Ashtrays, badges and badge holders, balloons, bingo chips, brushes, bumper stickers—size 4" x 15" or smaller, buttons, cigarette lighters, clothes pins, clothing, coasters, combs, cups, earrings, emery boards, envelopes, erasers, frisbees, glasses, golf balls, golf tees, hand-held signs, hats, horns, ice scrapers, inscriptions, key rings, knives, labels, letter openers, magnifying glasses, matchbooks, nail clippers, nail files, newspaper ads of one column inch or less, noise-makers, paper and plastic cups, paper and plastic plates, paper weights, pencils, pendants, pennants, pens, pinwheels, plastic tableware, pocket protectors, political tickers, pot holders, reader boards where message is affixed in moveable letters, ribbons, 12-inch or shorter rulers, shoe horns, sky-writing, staple removers, stickers—size 2-3/4" x 1" or smaller, sunglasses, sun visors, swizzle sticks, state or local voters pamphlets published pursuant to law, tickets to fund raisers, water towers, whistles, yard signs—size 4' x 8' or smaller, yo-yos, and all other similar items.

(2) Political tickers are text messages that scroll across a television screen during scheduled programming.

WSR 04-12-057

PERMANENT RULES

PUBLIC DISCLOSURE COMMISSION

[Filed May 28, 2004, 1:32 p.m.]

Date of Adoption: May 26 [27], 2004.

PERMANENT

WSR 04-12-058

PERMANENT RULES

PUBLIC DISCLOSURE COMMISSION

[Filed May 28, 2004, 1:34 p.m.]

Date of Adoption: May 26 [27], 2004.

Purpose: The proposed amendment reinstates subsection (3) as a result of recent case law.

Citation of Existing Rules Affected by this Order: Amending WAC 390-37-030 Enforcement procedures—Status of citizen complainant and others.

Statutory Authority for Adoption: RCW 42.17.370(1).

Adopted under notice filed as WSR 04-08-086 on April 6, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

May 27, 2004

Vicki Rippie

Executive Director

AMENDATORY SECTION (Amending WSR 03-22-065, filed 11/4/03, effective 12/5/03)

WAC 390-37-030 Enforcement procedures—Citizen complaints filed with the commission. (1) When a citizen complaint has been filed with the agency pursuant to WAC 390-37-040, neither the complainant nor any other person shall have special standing to participate or intervene in the investigation or consideration of the complaint by the commission. However, the staff shall give notice to the complainant of any open commission hearings on the matter and the complainant may be called as a witness in any enforcement hearing or investigative proceeding.

(2) The complainant or any other person may submit documentary evidence and/or written factual or legal statements to the staff at any time up to and including the fifth calendar day before the date of any enforcement hearing or proceeding.

(3) A person not satisfied with the dismissal of a complaint by the commission or its executive director may pursue an appropriate remedy under RCW 42.17.400(4).

WSR 04-12-059

PERMANENT RULES

PUBLIC DISCLOSURE COMMISSION

[Filed May 28, 2004, 1:35 p.m.]

Date of Adoption: May 26 [27], 2004.

Purpose: Removes reference to the tolling language and conforms to recent case law.

Citation of Existing Rules Affected by this Order: Amending 390-37-041 Enforcement procedures—Allegations submitted to the attorney general's office and/or prosecuting attorneys.

Statutory Authority for Adoption: RCW 42.17.370(1).

Adopted under notice filed as WSR 04-08-086 on April 6, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

May 27, 2004

Vicki Rippie

Executive Director

AMENDATORY SECTION (Amending WSR 03-22-065, filed 11/4/03, effective 12/5/03)

WAC 390-37-041 Enforcement procedures—Allegations submitted to the attorney general's office and/or prosecuting attorneys. ~~((+))~~ When a person has notified the attorney general or prosecuting attorney under RCW 42.17.400(4) that there is reason to believe a violation of the sections of chapter 42.17 RCW enforced by the commission has occurred, ~~((the statutory time periods are tolled when))~~ and the attorney general or prosecutor forwards the complaint to the commission~~(-~~

~~(2) After the allegations have been forwarded to the commission)),~~ commission staff may:

~~((a))~~ (1) Initiate an investigation;

~~((b))~~ (2) Submit a report to the commission that may include a recommendation;

~~((c))~~ (3) Schedule the matter for an adjudicative proceeding before the commission following investigation; and/or

~~((d))~~ (4) Take any other steps consistent with the agency's authority and resources.

WSR 04-12-063
PERMANENT RULES
DEPARTMENT OF LICENSING

[Filed May 28, 2004, 2:20 p.m.]

Date of Adoption: May 4, 2004.

Purpose: Repealing subsection (2)(c) as the authority to determine final ownership rests solely with the courts as determined by due process not with the department.

Citation of Existing Rules Affected by this Order: Amending WAC 308-61-190 Unauthorized and abandoned vehicles.

Statutory Authority for Adoption: RCW 46.55.190.

Adopted under notice filed as WSR 04-06-004 on February 19, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

May 20, 2004

Fred Stephens

Director

AMENDATORY SECTION (Amending WSR 02-20-035, filed 9/24/02, effective 10/25/02)

WAC 308-61-190 After sale. What documentation follows the abandoned vehicle auction and who may claim surplus auction funds?

(1) Following the auction of an abandoned vehicle the operator must give to the successful bidder an affidavit of sale, as defined, which must disclose the amount of the lien and the amount of the successful bid. The public auction shall terminate the ownership interest of prior owners, both registered owners and legal owners.

(2) The following guidelines shall apply in establishing a valid claim for surplus funds which have been remitted to the state as the result of the auctioning of abandoned vehicles pursuant to RCW 46.55.130 (2)(h):

(a) The claiming individual must show reasonable proof of their identity and the claim must be in writing and must be notarized.

(b) The claimant must have been the registered owner of the vehicle as reflected in the records of the department of licensing at the time the vehicle was auctioned. The person indicated as purchaser on a seller's report of sale, pursuant to RCW 46.12.101, will be considered the registered owner of record for purposes of this section.

~~((e) Any person whose claim is denied by the state shall have the opportunity to request a departmental hearing as provided in chapter 34.05 RCW.))~~

(3) The fifteen-day title transfer requirement provided for in RCW 46.55.130 (2)(f) shall not apply to properly licensed hulk haulers, scrap processors, and wreckers who have acquired the vehicle for salvage purposes in accordance with chapters 46.79 and 46.80 RCW.

WSR 04-12-070
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed June 1, 2004, 9:40 a.m., effective September 1, 2004]

Date of Adoption: June 1, 2004.

Purpose: Chapter 296-823 WAC, Occupational exposure to bloodborne pathogens, the department clarified the occupational exposure to bloodborne pathogens rule (chapter 296-823 WAC) to ensure consistency with federal standards. Additional housekeeping changes were made.

Citation of Existing Rules Affected by this Order: Amending WAC 296-823-100 Scope, 296-823-11010 Develop and implement a written exposure control plan, 296-823-12010 Provide additional training, 296-823-13005 Make hepatitis B vaccination available to employees, 296-823-14005 Use appropriate equipment and safer medical devices to eliminate or minimize occupational exposure, 296-823-14015 Handle reusable sharps properly and safely, 296-823-14025 Make sure items are appropriately labeled, 296-823-14050 Examine and label contaminated equipment, 296-823-14060 Handle regulated waste properly and safely, 296-823-14065 Handle contaminated laundry properly and safely, 296-823-15010 Make sure gloves are worn, 296-823-15015 Make sure appropriate masks, eye protection, and face shields are worn, 296-823-15020 Wear appropriate protective clothing, 296-823-160 Post-exposure requirements, 296-823-16005 Make a confidential medical evaluation and follow-up available to employees who experience an exposure incident, 296-823-16010 Test the blood of the source person, 296-823-16015 Provide the results of the source person's blood test to the exposed employee, 296-823-16025 Provide information to the health care professional evaluating the employee, 296-823-16030 Provide a copy of the health care professional's written opinion to the employee, 296-823-17010 Maintain a sharps injury log, 296-823-180 Additional requirements for HIV and HBV research laboratories and production facilities, 296-823-18015 Make sure these practices for contaminated material and waste are followed, 296-823-18045 Provide additional training for facility employees, 296-823-18050 Furnish a sink for washing hands and a readily available eye wash facility, 296-823-18055 Make sure these additional criteria are followed, and 296-823-200 Definitions.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060.

Adopted under notice filed as WSR 04-07-158 on March 23, 2004.

PERMANENT

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 2, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 24, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 24, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 26, Repealed 0.

Effective Date of Rule: September 1, 2004.

June 1, 2004

Paul Trause

Director

AMENDATORY SECTION (Amending WSR 03-09-110, filed 4/22/03, effective 8/1/03)

WAC 296-823-100 Scope. This chapter provides requirements to protect employees from exposure to blood or other potentially infectious materials (OPIM) that may contain bloodborne pathogens. Examples of bloodborne pathogens are the human immunodeficiency virus (HIV) and hepatitis B virus (HBV).

This chapter applies to you if you have employees with occupational exposure to blood or OPIM, even if no actual exposure incidents have occurred.

Definitions:

Occupational exposure((s)) means reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or OPIM that may result from the performance of an employee's duties.

Exposure incident means a specific eye, mouth, other mucous membrane, nonintact skin or parenteral contact with blood or other potentially infectious materials (OPIM) that results from the performance of an employee's duties. Examples of nonintact skin include skin with dermatitis, hangnails, cuts, abrasions, chafing, or acne.

Parenteral contact((s)) occurs when mucous membranes or skin is pierced by needlesticks, human bites, cuts, or abrasions.

~~((Regulated waste. Regulated waste is any of the following:~~

- ~~• Liquid or semiliquid blood or other potentially infectious materials (OPIM)~~
- ~~• Contaminated items that would release blood or OPIM in a liquid or semiliquid state, if compressed~~
- ~~• Items that are caked with dried blood or OPIM and are capable of releasing these materials during handling~~
- ~~• Contaminated sharps~~
- ~~• Pathological and microbiological wastes containing blood or OPIM.))~~

Occupations that are typically covered by this chapter. The following list illustrates a number of jobs typically

associated with tasks that involve occupational exposure to blood or OPIM. The absence of a particular job from the list does not suggest that it falls outside the scope of this chapter. At the same time, employees in jobs found on the list are covered only if they have occupational exposure.

• **Health care.**

~~((Primary care providers))~~ Physicians and physicians assistants

~~((Assistants,))~~ Nurses, nurse practitioners, dental hygienists, and other health care employees in clinics and offices

– Employees of clinical, dental, and diagnostic laboratories

– Housekeepers in health care facilities

– Staff in laundries that provide service to health care facilities

– Tissue bank personnel

– Employees in blood banks and plasma centers who collect, transport, and test blood

– Freestanding clinic employees (for example, hemodialysis clinics, urgent care clinics, health maintenance organization (HMO) clinics, and family planning clinics)

– Employees in clinics in industrial, educational, and correctional facilities

– Staff of institutions for the developmentally disabled

– Hospice employees

– Home health care workers

– Staff of nursing homes and long-term care facilities

– HIV and HBV research laboratory and production facility workers

– Medical equipment service and repair personnel

– Emergency medical technicians, paramedics, and other emergency medical service providers

– Nuclear medical technologists.

• **Occupations outside health care.**

– Fire fighters, law enforcement personnel, and correctional officers

– Workers in laundries that service public safety institutions

– Employees assigned to provide emergency first aid by their employer (as either a primary or secondary duty)

– Employees who handle or pick up regulated waste ~~((contaminated items with blood or OPIM))~~

– Hotel/motel employees that clean up blood or OPIM

– Employees of funeral homes and mortuaries.

Regulated waste.

Regulated waste is any of the following:

• Liquid or semiliquid blood or other potentially infectious materials (OPIM)

• Contaminated items that would release blood or OPIM in a liquid or semiliquid state, if compressed

• Items that are caked with dried blood or OPIM and are capable of releasing these materials during handling

• Contaminated sharps

• Pathological and microbiological wastes containing blood or OPIM.

AMENDATORY SECTION (Amending WSR 03-09-110, filed 4/22/03, effective 8/1/03)**WAC 296-823-11010 Develop and implement a written exposure control plan.****You must:**

- Establish a written exposure control plan designed to eliminate or minimize employee exposure in your workplace.

Note: The elements of your exposure control plan may be located in other documents such as policies and procedures. Make sure to reference their location in your plan.

You must:

- Make sure the plan contains at least the following elements:

- The exposure determination, WAC 296-823-11005
- A procedure for evaluating the circumstances surrounding exposure incidents, including documentation of the routes of exposure, and the circumstances under which the exposure incident happened
- How and when you will implement applicable requirements of this rule.

Note: The implementation dates need to be included only until your exposure control plan is fully implemented or when you are adding new requirements to your plan.

You must:

- Document the infection control system used in your workplace to protect employees from exposure to blood or OPIM.
- Use universal precautions or other at least as effective infection control systems.

Note: Universal precautions is an infection control system that considers the blood and OPIM from all persons as containing a bloodborne disease, whether or not the person has been identified as having a bloodborne disease. Other effective infection control systems include standard precautions, universal blood-body fluid precautions, and body substance isolation. These methods define all body fluids and substances as infectious. They incorporate not only the fluids and materials covered by universal precautions and this chapter, but expand coverage to include all body fluids and substances.

- Solicit input in the identification, evaluation, and selection of effective safer medical devices. This input must be solicited from nonmanagerial employees responsible for direct patient care with potential exposure to contaminated sharps.

- Document the process you used to solicit input and include the identity of the employees or positions that were involved.

Note:

- You are not required to request input from every exposed employee; however, the employees selected must represent the range of exposure situations encountered in the workplace. Your safety committee may assist in identifying employees.
- Although you are required to include nonmanagerial employees, you are not prohibited from soliciting input from managerial and other employees.

You must:

- Make sure the exposure control plan is reviewed and updated:
 - At least annually
- AND
- Whenever necessary to:

- Reflect new or modified tasks and procedures which affect occupational exposure

- Reflect new or revised job classifications with occupational exposure.

((–)) ◆ Reflect changes in technology that eliminate or reduce exposure to bloodborne pathogens

((–)) ◆ Document consideration and implementation of appropriate commercially available and effective safer medical devices designed to eliminate or minimize occupational exposure.

- Make sure a copy of the exposure control plan is accessible at the workplace, when exposed employees are present. For example, if the plan is stored only on a computer, all exposed employees must be trained to operate the computer.

- Make sure a copy of the plan is provided to the employee or their representative within fifteen days of their request for a copy.

AMENDATORY SECTION (Amending WSR 03-09-110, filed 4/22/03, effective 8/1/03)**WAC 296-823-12010 Provide additional training.****You must:**

- Provide additional training when you add or change tasks or procedures that affect the employee's occupational exposure.

Note: This training may be limited to the changes in tasks and procedures.

AMENDATORY SECTION (Amending WSR 03-09-110, filed 4/22/03, effective 8/1/03)**WAC 296-823-13005 Make hepatitis B vaccination available to employees.****((You must))****Exemption:**

- You are not required to provide the hepatitis B vaccination series to employees who meet any of the following:
 - The employee has previously received the complete hepatitis B vaccination series

- An antibody test has revealed that the employee is immune to hepatitis B

- There are medical reasons not to give the vaccine.

- You are not required to provide the hepatitis B vaccination series to employees assigned to provide first aid only as a secondary duty, when you do all of the following:

- Make hepatitis B vaccination available to all unvaccinated first-aid providers who render assistance in any situation involving the presence of blood or OPIM.

- Vaccination must be made available as soon as possible, but no later than twenty-four hours after the incident.

- Provide a reporting procedure that ensures all first-aid incidents that involve the presence of blood or OPIM are reported before the end of the work shift

- Document first-aid incidents that involve blood or OPIM, include at least:

- The names of all first-aid providers who rendered assistance

- The time and date of the first-aid incident

- A description of the first-aid incident.

• Make sure that the hepatitis B vaccination series is available to all employees who have occupational exposure and that it is:

- Available at no cost to the employee
- Available to the employee at a reasonable time and location
- Administered by or under the supervision of a licensed physician or by another licensed healthcare professional
- Provided according to recommendations of the United States Public Health Service that are current at the time these evaluations and procedures take place
- Available to any employee who initially declines the vaccination but later decides to accept it while they are still covered by this chapter
- Made available after the employee has received training required by this chapter and within ten working days of initial assignment.

Link:

You can find more information about the United States Public Health Service recommendations for hepatitis B vaccination at <http://www.cdc.gov/ncidod/diseases/hepatitis/b/index.htm>.

You must:

- Make sure participation in a prevaccination screening program for antibody status is not a condition for receiving hepatitis B vaccination.
- Make sure that all laboratory tests are conducted by a laboratory licensed by the state or Clinical Laboratory Improvement Amendments (Act) (CLIA).
- Make sure employees who decline the hepatitis B vaccination, offered by you, sign a form with this statement:

"I understand that due to my occupational exposure to blood or other potentially infectious materials I may be at risk of acquiring hepatitis B virus (HBV) infection. I have been given the opportunity to be vaccinated with hepatitis B vaccine, at no charge to myself. However, I decline hepatitis B vaccination at this time. I understand that by declining this vaccine, I continue to be at risk of acquiring hepatitis B, a serious disease. If in the future I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with hepatitis B vaccine, I can receive the vaccination series at no charge to me."

Helpful tool:

Sample declination form:

The declination form can help you document employees who have declined the hepatitis B vaccine. You can find a copy of this form in the resource section of this chapter.

AMENDATORY SECTION (Amending WSR 03-09-110, filed 4/22/03, effective 8/1/03)

WAC 296-823-14005 Use feasible controls, including appropriate equipment and safer medical devices, to eliminate or minimize occupational exposure.

You must:

- Use appropriate equipment and safer medical devices to eliminate or minimize employee exposure.
- Use work practices designed to eliminate or minimize employee exposure.

• Examine and maintain or replace equipment and safer medical devices on a regular schedule to make sure they remain effective.

Note: • Examples of appropriate equipment ((that can be used to eliminate or minimize occupational exposure)) include:

- Sharps containers
- Biosafety cabinets
- Splash guards
- Centrifuge cups
- Specimen storage and transport containers.
- Examples of safer medical devices include:
 - Sharps with engineered sharps injury protections (SESIP)
 - Needleless systems
 - Blunt suture needles
 - Plastic capillary tubes.

• Examples of work practices include:

- No-hands procedures in handling contaminated sharps
- No hand-to-hand instrument passing.

Definition: **Sharps with engineered sharps injury protections (SESIP) is**

A nonneedle sharp or a needle device used for withdrawing body fluids, accessing a vein or artery, or administering medications or other fluids, with a built-in safety feature or mechanism that effectively reduces the risk of an exposure incident.

AMENDATORY SECTION (Amending WSR 03-09-110, filed 4/22/03, effective 8/1/03)

WAC 296-823-14015 Handle reusable sharps properly and safely.

You must:

– Place contaminated reusable sharps immediately, or as soon as possible after use, in appropriate containers until properly decontaminated. Containers must be all of the following:

- Puncture resistant
- Labeled or color-coded as described in this chapter
- Leakproof on the sides and bottom
- Meet the same requirements as the container for disposable sharps, except they do not need to be closable.
- Store or process contaminated reusable sharps so employees aren't required to reach into the container or sink by hand
- Make sure reusable sharps containers aren't opened, emptied, or cleaned manually or in any other manner that would expose employees to contaminated sharps.

Reference: Requirements for appropriate labels and color-coding are found in WAC ((296-823-14020)) 296-823-14025.

AMENDATORY SECTION (Amending WSR 03-09-110, filed 4/22/03, effective 8/1/03)

WAC 296-823-14025 Make sure items are appropriately labeled.

Exemptions: The following are exempt from the labeling requirements of this chapter:

- Individual containers placed in an appropriately labeled secondary container.
- Regulated waste that has been decontaminated.
- Containers of blood, blood components, or blood products that are labeled with their contents and have been released for transfusion or other clinical use.
- Extracted teeth, gallstones, kidney stones, or other tissues and body substances that are given to patients.

You must:

- Attach appropriate labels to:
 - Containers used to store, transport, or ship blood or other potentially infectious materials (OPIM) including:
 - Refrigerators
 - Freezers.
 - Sharps containers
 - Contaminated equipment
 - Laundry bags and containers
 - Specimen containers
 - Regulated waste containers.
- Make sure that labels:
 - Include the following symbol:



- Are all or mostly fluorescent orange or orange-red with lettering and symbol in a contrasting color
- Are attached to the container by string, wire, adhesive, or other method so they can't become lost or accidentally removed.

- Note:** Red bags or red containers may be substituted for labels as long as they're:
- Covered in the exposure control plan
 - Communicated to all affected employees (including employees of laundry services, disposal services, and transport companies) whether they're your employees or not.
 - The label does not always need to be attached to each individual container.
 - For example, a cart carrying specimen containers could be labeled, rather than each individual container.

AMENDATORY SECTION (Amending WSR 03-09-110, filed 4/22/03, effective 8/1/03)

WAC 296-823-14050 Examine and label contaminated equipment.

You must:

- Examine equipment which could become contaminated with blood or other potentially infectious materials (OPIM) before servicing or shipping.
 - Decontaminate this equipment and its parts as necessary unless you can demonstrate that decontamination isn't feasible
 - Attach an easily seen biohazard label to the equipment stating which portions remain contaminated.

- Reference:** Requirements for appropriate labels and color-coding are found in WAC ((296-823-14020)) 296-823-14025.

You must:

- Make sure that information on contaminated equipment is communicated to all affected employees, the servicing representative, and the manufacturer as appropriate, prior to handling, servicing, or shipping so that appropriate precautions will be taken.

AMENDATORY SECTION (Amending WSR 03-09-110, filed 4/22/03, effective 8/1/03)

WAC 296-823-14060 Handle regulated waste properly and safely.

Definition:

Regulated waste is any of the following:

- Liquid or semiliquid blood or other potentially infectious materials (OPIM)
 - Contaminated items that would release blood or OPIM in a liquid or semiliquid state, if compressed
 - Items that are caked with dried blood or OPIM and are capable of releasing these materials during handling
- Contaminated sharps
- Pathological and microbiological wastes containing blood or OPIM.

You must:

- Discard contaminated sharps immediately, or as soon as possible, in containers that are all of the following:
 - Closable
 - Puncture resistant
 - Leakproof on sides and bottom
 - Appropriately labeled or color-coded
 - Easily accessible to personnel
 - Located as close as feasible to the immediate area where sharps are used or areas sharps can be reasonably anticipated to be found (for example, laundries)
 - Maintained upright throughout use
 - Replaced routinely and not allowed to overfill.

Exemption:

Work areas such as correctional facilities, psychiatric units, pediatric units, or residential homes may have difficulty placing sharps containers in the immediate use area. In such situations, alternatives such as using lockable containers or bringing containers in and out of the work area may be used.

Note:

For additional information on placement and use of sharps containers see *Selecting, Evaluating, and Using Sharps Disposal Containers*, NIOSH Publication 97-111, January 1998. You can obtain a copy of this publication by calling 1-800-35-NIOSH or get an electronic version in pdf at [http://www.cdc.gov/niosh/publistd.\(html\) htm](http://www.cdc.gov/niosh/publistd.(html) htm).

You must:

- Make sure when you move containers of contaminated sharps, the containers are:
 - Closed prior to removal or replacement to prevent spilling or protrusion of contents during handling, storage, transport, or shipping; and
 - Placed in a secondary container, if leaking is possible.
- The second container must be:
- Closable
 - Constructed to contain all contents and prevent leakage during handling, storage, transport, or shipping
 - Appropriately labeled or color-coded.
- Make sure regulated waste other than sharps is placed in containers that are all of the following:

- Closable
- Constructed to contain all contents and prevent leakage of fluids during handling, storage, transport, or shipping
- Closed prior to removal to prevent spillage or protrusion of contents during handling, storage, transport, or shipping
- Placed in a second container if outside contamination of the primary regulated waste container occurs.
 - The second container must meet these requirements.
 - Appropriately labeled or color-coded.
 - Dispose of all regulated waste according to applicable state and county regulations.

AMENDATORY SECTION (Amending WSR 03-09-110, filed 4/22/03, effective 8/1/03)

WAC 296-823-14065 Handle contaminated laundry properly and safely.

You must:

- Handle laundry contaminated with blood or other potentially infectious material (OPIM) as little as possible and with a minimum of agitation
- Bag contaminated laundry or put it into a container at the location where it was used
 - Do not sort or rinse at the location of use
 - Place and transport contaminated laundry in bags or containers that are properly labeled or color-coded
 - If your facility ships contaminated laundry off-site to a second facility that doesn't use an infection control or isolation system when handling all of their soiled laundry, your facility must place the laundry in red bags or containers that are appropriately labeled.

Note: If your facility uses an infection control or isolation system in the handling of all soiled laundry, you can use alternative labeling or color-coding so employees recognize that the containers need to be handled using these precautions.

Reference: Requirements for appropriate labels and color-coding are found in WAC ((296-823-14020)) 296-823-14025 of this chapter.

You must:

- Place and transport wet contaminated laundry that is likely to soak through or leak to the outside, in bags or containers that will prevent such leakage.

Reference: You need to follow additional requirements to make sure that employees who have contact with contaminated laundry wear protective gloves and other personal protective equipment (PPE) as appropriate, see WAC 296-823-150, Personal protective equipment.

AMENDATORY SECTION (Amending WSR 03-09-110, filed 4/22/03, effective 8/1/03)

WAC 296-823-15010 Make sure gloves are worn.

You must:

- Make sure gloves appropriate to the situation are worn when:
 - ((*) = It can be reasonably anticipated that the employee may have hand contact with blood, other potentially infectious materials (OPIM), mucous membranes, or skin that is not intact
 - ((*) = Handling or touching contaminated items or surfaces

((*) = Performing vascular access procedures, for example, drawing blood or inserting an IV.

You must:

• Do the following when you are an employer in a volunteer blood donation center and you make the judgment that employees do not require routine use of gloves when performing phlebotomies:

((*) = Periodically reevaluate your decision not to require gloves

((*) = Make gloves available to all employees who wish to use them for phlebotomy (blood drawing)

((*) = Do not discourage the use of gloves for phlebotomy

((*) = Require that gloves be used for phlebotomy in ANY of the following circumstances:

((-) ■ When the employee has a cut, scratch, or other break in the skin of his or her hand or wrist

((-) ■ When the employee judges that hand contamination with blood may occur; for example, when performing phlebotomy on an uncooperative individual

((-) ■ When the employee is receiving training in phlebotomy.

You must:

• Make sure employees who are allergic to the gloves that are normally provided have ready access to at least one of the following:

- Nonlatex gloves
- Glove liners
- Powderless gloves
- Other similar alternatives.

• Replace disposable (single use) gloves such as surgical or examination gloves:

- As soon as practical when contaminated
- As soon as practical if they are torn or punctured
- When their ability to function as a barrier is compromised.

• Make sure disposable (single use) gloves are used only once

• Discard utility gloves if they are cracked, peeling, torn, punctured, or show other signs of deterioration or when their ability to function as a barrier is compromised.

- You may decontaminate utility gloves for reuse if they can continue to function as a barrier.

AMENDATORY SECTION (Amending WSR 03-09-110, filed 4/22/03, effective 8/1/03)

WAC 296-823-15015 Make sure appropriate masks, eye protection, and face shields are worn.

You must:

• Make sure either chin-length face shields or a combination of masks and eye protection are used, whenever splashes, spray, spatter, or droplets of blood or other potentially infectious materials (OPIM) may be generated and eyes, nose, or mouth contamination can be reasonably anticipated.

Note: Examples of eye protection devices include:
 - Goggles
 -) goggles and glasses with solid side shields.

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AMENDATORY SECTION (Amending WSR 03-09-110, filed 4/22/03, effective 8/1/03)

WAC 296-823-15020 Wear appropriate protective clothing.

You must:

- Make sure appropriate protective clothing is worn when splashes to skin or clothes are reasonably anticipated. The type and characteristics will depend upon the sort of work being done and how much exposure is anticipated.

Note: Examples of protective clothing include:

- Gowns
- Aprons
- Lab coats
- Clinic jackets
- Similar outer garments
- Surgical caps or hoods
- Shoe covers or boots.

You must:

- Remove(~~(, as soon as feasible,)~~) a garment as soon as feasible if blood or other potentially infectious materials (OPIM) penetrate it.

AMENDATORY SECTION (Amending WSR 03-09-110, filed 4/22/03, effective 8/1/03)

WAC 296-823-160 Post-exposure requirements. Summary.

Your responsibility:

To make sure employees who have been exposed to blood or other potentially infectious materials (OPIM) have appropriate post-exposure evaluation and follow-up available.

You must:

Make a confidential medical evaluation and follow-up available to employees who experience an exposure incident
WAC 296-823-16005

Test the blood of the source person

WAC 296-823-16010

Provide the results of the source person's blood test to the exposed employee

WAC 296-823-16015

Collect and test the blood of the exposed employee

WAC 296-823-16020

Provide information to the healthcare professional evaluating the employee

WAC 296-823-16025

Obtain and provide a copy of the healthcare professional's written opinion on post-exposure evaluation (~~(and provide it)~~) to the employee

WAC 296-823-16030.

AMENDATORY SECTION (Amending WSR 03-09-110, filed 4/22/03, effective 8/1/03)

WAC 296-823-16005 Make a confidential medical evaluation and follow-up available to employees who experience an exposure incident.

You must:

- Make immediately available a confidential post-exposure evaluation and follow-up to all employees with occupa-

tional exposure to blood or OPIM who report an exposure incident.

(~~Note: The employer or a third-party healthcare provider identified by the employer may do the evaluation.~~)

Definition:

Exposure incident. Means a specific eye, mouth, other mucous membrane, nonintact skin or parenteral contact with blood or other potentially infectious materials (OPIM) that results from the performance of an employee's duties. Examples of nonintact skin include skin with dermatitis, hangnails, cuts, abrasions, chafing, or acne.

You must:

- Make sure that the post-exposure medical evaluation and follow-up are all of the following:

- Immediately available following an exposure incident
- Confidential
- At no cost to the employee
- At a reasonable time and place

- Administered by or under the supervision of a licensed physician or by another licensed healthcare professional

- Provided according to recommendations of the United States Public Health Service current at the time these evaluations and procedures take place.

- Make sure that the evaluation and follow-up includes AT LEAST these elements:

- Documentation of the routes of exposure, and the circumstances under which the exposure incident happened

- Identification and documentation of the source individual, unless you can establish that identification is infeasible or prohibited by state or local law

- Collection and testing of blood to detect the presence of HBV and HIV

- Post-exposure preventive treatment, when medically indicated, as recommended by the United States Public Health Service

- Counseling

- Evaluation of reported illnesses.

- Make sure that all laboratory tests are conducted by a laboratory licensed by the state or Clinical Laboratory Improvement Amendments ((~~(f)~~)Act(~~(j)~~)) (CLIA).

Note: The employer or a third-party healthcare provider identified by the employer may do the evaluation.

AMENDATORY SECTION (Amending WSR 03-09-110, filed 4/22/03, effective 8/1/03)

WAC 296-823-16010 Test the blood of the source person.

Exemption: When the source individual is already known to be infected with HBV or HIV, you do not need to test their status.

You must:

- Arrange to test the source individual's blood for HBV and HIV as soon as feasible after getting their consent.

- If you do not get consent, you must establish that legally required consent can not be obtained

- When the law does not require the source individual's consent, their blood, if available, must be tested and the results documented.

Note: • Your local health authority enforces rules regarding HIV testing and consent which are found in WAC 246-100-206,

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Special diseases—Sexually transmitted diseases, and WAC 246-100-207, Human immunodeficiency virus (HIV) testing.

These rules can be found at: <http://www.leg.wa.gov/wac> (([index.cfm?fuseaction=chapterdigest&chapter=246-100](http://www.leg.wa.gov/wac/index.cfm?fuseaction=chapterdigest&chapter=246-100))) and click on Title 246 WAC.

• Source testing: According to the Centers for Disease Control and Prevention (CDC), hepatitis C virus (HCV) infection is the most common chronic bloodborne infection in the United States. The CDC recommends testing of the source person for the presence of anti-HCV antibody. (Updated *U.S. Public Health Service Guidelines for the Management of Occupational Exposures to HBV, HCV, and HIV and Recommendations for Postexposure Prophylaxis*, MMWR, June 29, 2000/50(RR11); 1-42.)

AMENDATORY SECTION (Amending WSR 03-09-110, filed 4/22/03, effective 8/1/03)

WAC 296-823-16015 Provide the results of the source person's blood test to the exposed employee.

You must:

- Make sure the results of the source person's blood test are provided to the exposed employee, if possible
- Make sure the exposed employee is informed of applicable laws and regulations regarding disclosure of the identity and infection status of the source person.

Note: Law and regulations that currently apply are:
 – Chapter 70.02 RCW, Medical records—Healthcare information access and disclosure.
 – Chapter 70.24 RCW, Control and treatment of sexually transmitted diseases.
 – Both rules can be found at ((<http://www.leg.wa.gov/wac/index.cfm?fuseaction=title&title=70>)) <http://www.leg.wa.gov/wac> and click on Title 70 WAC to find these rules.

AMENDATORY SECTION (Amending WSR 03-09-110, filed 4/22/03, effective 8/1/03)

WAC 296-823-16025 Provide information to the healthcare professional evaluating the employee.

You must:

- Provide ALL of the following information to the healthcare professional evaluating an employee after an exposure incident:
 - A copy of WAC ((296-823-170)) 296-823-160
 - A description of the job duties the exposed employee was performing when exposed
 - Documentation of the routes of exposure and circumstances under which exposure occurred
 - Results of the source person's blood testing, if available
 - All medical records that you are responsible to maintain, including vaccination status, relevant to the appropriate treatment of the employee.

Reference: Requirements for the healthcare professional's written opinion for hepatitis B vaccinations can be found in WAC ((296-823-15010)) 296-823-13010.

Note: You may meet the requirement to provide a copy of WAC ((296-823-170)) 296-823-160 to the healthcare professional by giving them the <http://www.lni.wa.gov/rules/>, as long as their office has a computer and access to the labor and industries' website.

AMENDATORY SECTION (Amending WSR 03-09-110, filed 4/22/03, effective 8/1/03)

WAC 296-823-16030 Obtain and provide a copy of the healthcare professional's written opinion on post-exposure evaluation to the employee.

You must:

- Obtain and provide to the employee a copy of the evaluating healthcare professional's written opinion within fifteen days of the completion of their evaluation.

Note:

- If the healthcare professional provides the written opinion directly to the employee, you do not need to do so
- If the employee's personal healthcare professional completes the evaluation, you are not required to obtain the healthcare professional's written opinion.

- Make sure the healthcare professional's written opinion is limited to the following information:

- That the employee has been informed of the results of the evaluation
- That the employee has been told about any medical conditions resulting from exposure to blood or other potentially infectious materials (OPIM) which need further evaluation or treatment.
- Make sure that all other findings or diagnoses remain confidential and are NOT included in the written report.

AMENDATORY SECTION (Amending WSR 03-09-110, filed 4/22/03, effective 8/1/03)

WAC 296-823-17010 Maintain a sharps injury log.

Exemption: You are exempt from the requirements to record contaminated sharps injuries if you have ten or less employees.

You must:

- Record contaminated sharps injuries on your OSHA 300 or equivalent log.

Reference: Requirements for the OSHA 300 log are found in chapter 296-27 WAC, Recordkeeping and ((~~record-ing~~)) reporting. <http://www.lni.wa.gov/wisha/regs/WACS/27/27.htm>.

You must:

- Record and maintain contaminated sharps injury information in a way that protects the confidentiality of the injured employee
- Also record the following additional information for contaminated sharps injuries:
 - The type and brand of device involved in the incident
 - The department or work area where the exposure incident occurred
 - An explanation of how the incident occurred.

((**Note:** You may record the additional information in any format you choose, such as on the OSHA 300 and 301 forms. It must be retrievable and identifiable to each specific injury.))

- Maintain your contaminated sharps injury records for five years.

Note: You may record the additional information in any format you choose, such as on the OSHA 300 and 301 forms. It must be retrievable and identifiable to each specific injury.

AMENDATORY SECTION (Amending WSR 03-09-110, filed 4/22/03, effective 8/1/03)

WAC 296-823-180 Additional requirements for HIV and HBV research laboratories and production facilities. Summary.

Your responsibility:

To implement and enforce these additional rules in research laboratories and production facilities engaged in the culture, production, concentration, experimentation, and manipulation of HIV and HBV.

Exemption: This section does NOT apply to clinical or diagnostic laboratories engaged solely in the analysis of blood, tissues, or organs.

Note: Production and research facilities: Hepatitis C (HCV) is the virus involved in most cases of parenterally transmitted (bloodborne) non-A, non-B hepatitis in the United States. Most individuals who contract HCV become chronically infected (85%) and develop chronic hepatitis (70%). It is recommended that you also follow these requirements for HCV production and research facilities.

You must:

- Prepare, review and update a biosafety manual
WAC 296-823-18005
- Follow these special practices for the work area
WAC 296-823-18010
- Make sure these practices for contaminated material and waste are followed
WAC 296-823-18015
- Make sure these special practices for personal protective equipment (PPE) and other safe guards are followed
WAC 296-823-18020
- Protect vacuum lines
WAC 296-823-18025
- Use and handle hypodermic needles and syringes (~~prop-~~erly) appropriately and safely
WAC 296-823-18030
- Handle all spills and accidents properly
WAC 296-823-18035
- Post signs
WAC 296-823-18040
- Provide additional training for facility employees
WAC 296-823-18045
- Furnish a sink for washing hands and a readily available eye wash facility
WAC 296-823-18050
- Make sure these additional criteria are followed
WAC 296-823-18055.

AMENDATORY SECTION (Amending WSR 03-09-110, filed 4/22/03, effective 8/1/03)

WAC 296-823-18015 Make sure these practices for contaminated material and waste are followed.

You must:

- Incinerate or decontaminate all regulated waste by a method known to effectively destroy bloodborne pathogens, such as autoclaving
- Make sure to place materials to be decontaminated away from the work area in a container that is:
 - Durable
 - Leakproof

- Appropriately labeled, or color-coded
- Closed before being removed from the work area.

Reference: You can find additional requirements for appropriate labels and color-coding in WAC ((296-823-16005)) 296-823-14025.

You must:

- Incinerate or decontaminate ALL waste from work areas and from animal rooms before (~~it is disposed of~~) disposal
- Make sure an autoclave is available for decontamination of regulated waste. The autoclave must be available within or as near as possible to the work area.

AMENDATORY SECTION (Amending WSR 03-09-110, filed 4/22/03, effective 8/1/03)

WAC 296-823-18045 Provide additional training for facility employees.

You must:

- Provide initial training to employees in HIV or HBV research laboratories or production facilities in addition to the training required in WAC ((296-823-140)) 296-823-120
 - Make sure that employees demonstrate proficiency in the following:
 - Standard microbiological practices and techniques
 - The practices and operations specific to the facility BEFORE being allowed to work with HIV or HBV.
 - Provide a training program to employees working with HIV or HBV who have no prior experience in handling human pathogens.
 - Initial work activities must not include the handling of infectious agents
 - A progression of work activities must be assigned as techniques are learned and proficiency is developed.
 - Make sure that employees participate in work activities involving infectious agents only after proficiency has been demonstrated.

AMENDATORY SECTION (Amending WSR 03-09-110, filed 4/22/03, effective 8/1/03)

WAC 296-823-18050 Furnish a sink for washing hands and a readily available eye wash facility.

You must:

- Make sure each work area contains a sink for hand-washing and an eyewash facility is readily available.
 - For HIV and HBV production facilities, the sink must be operated automatically or by foot or elbow and must be located near the exit door of the work area.

Reference: Requirements for emergency eyewash stations can be found in WAC 296-800-15030.

AMENDATORY SECTION (Amending WSR 03-09-110, filed 4/22/03, effective 8/1/03)

WAC 296-823-18055 Make sure these additional criteria are followed.

You must:

- Separate the HIV and HBV work areas from areas that are open to unrestricted traffic flow within the building
 - Use two sets of doors to separate HIV and HBV work areas from access corridors or other contiguous areas.

- Note:** You may provide a physical separation of the high-containment work area from access corridors or other areas or activities by providing:
- A double-doored clothes-change room (showers may be included)
 - Airlock
- OR
- Other access facilities that require((s)) passing through two sets of doors before entering the work area.

- Make sure the surfaces of doors, walls, floors, and ceilings in the work area are water resistant so they can be easily cleaned. These surfaces must be sealed or capable of being sealed to facilitate decontamination

- Make sure access doors to the work area or containment module are self-closing

- Provide a ducted exhaust-air ventilation system. This system must create directional airflow that draws air into the work area through the entry area and you must verify this airflow. The exhaust air must:

- NOT be recirculated to any other area of the building
- Be discharged to the outside
- Be dispersed away from occupied areas and air intakes.

AMENDATORY SECTION (Amending WSR 03-09-110, filed 4/22/03, effective 8/1/03)

WAC 296-823-200 Definitions.

Blood

Human blood, human blood components and products made from human blood. Also included are medications derived from blood, such as immune globulins, albumin, and factors 8 and 9.

Bloodborne pathogens

Pathogenic microorganisms that are present in human blood and can cause disease in humans. Examples of these pathogens include:

- Human immunodeficiency virus (HIV)
- Hepatitis B virus (HBV)
- Hepatitis C virus, malaria
- Syphilis
- Babesiosis
- Brucellosis
- Leptospirosis
- Arboviral infections
- Relapsing fever
- Creutzfeld-Jakob Disease
- Human T-lymphotrophic virus Type I
- Viral Hemorrhagic Fever.

Clinical laboratory

A workplace where diagnostic or other screening procedures are performed on blood or other potentially infectious materials (OPIM).

Contaminated

The presence or the reasonably anticipated presence of blood or other potentially infectious materials (OPIM) on an item or surface.

Contaminated laundry

Laundry that has been soiled with blood or other potentially infectious materials (OPIM) or may contain contaminated sharps.

Contaminated sharps

Any contaminated object that can penetrate the skin including, but not limited to, needles, scalpels, broken glass, broken capillary tubes, and exposed ends of dental wires.

Decontamination

The use of physical or chemical means to remove, inactivate, or destroy bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use, or disposal.

Exposure incident

A specific eye, mouth, other mucous membrane, nonintact skin or parenteral contact with blood or other potentially infectious materials (OPIM) that results from the performance of an employee's duties. Examples of nonintact skin include skin with dermatitis, hangnails, cuts, abrasions, chafing, or acne.

Handwashing facilities

A facility providing an adequate supply of running potable water, soap and single use towels or hot air drying machines.

Licensed healthcare professional

A person whose legally permitted scope of practice allows him or her to independently perform the activities required by this rule.

~~((HBV~~

~~Hepatitis B virus.~~

~~HIV~~

~~Human immunodeficiency virus.))~~

Needleless systems

A device that does not use needles for any of the following:

- The collection of bodily fluids or withdrawal of body fluids after initial venous or arterial access is established
- The administration of medication or fluids
- Any other procedure involving the potential for occupational exposure to bloodborne pathogens due to percutaneous injuries from contaminated sharps.

Occupational exposure

Reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or OPIM that may result from the performance of an employee's duties.

Other potentially infectious materials (OPIM)

Includes all of the following:

- Human body fluids: Semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids;
 - Any unfixed tissue or organ (other than intact skin) from a human (living or dead);
 - HIV-containing cell or tissue cultures, organ cultures, and HIV- or HBV-containing culture medium or other solutions; and blood, organs, or other tissues from experimental animals infected with HIV or HBV
 - Blood and tissues of experimental animals infected with bloodborne pathogens.

Parenteral contact

When mucous membranes or skin is pierced by needles, human bites, cuts, or abrasions.

Personal protective equipment (PPE)

Specialized clothing or equipment worn by an employee for protection against a hazard. General work clothes (for example, uniforms, pants, shirts, or blouses) not intended to function as protection against a hazard are not considered to be PPE.

Production facility

A facility engaged in industrial-scale, large-volume or high concentration production of HIV or HBV.

Regulated waste

Regulated waste is any of the following:

- Liquid or semiliquid blood or other potentially infectious materials (OPIM)
- Contaminated items that would release blood or OPIM in a liquid or semiliquid state, if compressed
- Items that are caked with dried blood or OPIM and are capable of releasing these materials during handling
- Contaminated sharps
- Pathological and microbiological wastes containing blood or OPIM.

Research laboratory

A laboratory producing or using research-laboratory-scale amounts of HIV or HBV. Research laboratories may produce high concentrations of HIV or HBV but not in the volume found in production facilities.

Safer medical devices

Medical devices that have been engineered to reduce the risk of needlesticks and other contaminated sharps injuries. These include not only sharps with engineered sharps injury protections and needleless systems but also other medical devices designed to reduce the risk of sharps injury exposures to bloodborne pathogens. Examples include blunt suture needles and plastic or mylar-wrapped glass capillary tubes.

Secondary duty

Any job expectation outside the primary job duties assigned to that position.

Sharps with engineered sharps injury protections (SESIP)

A nonneedle sharp or a needle device used for withdrawing body fluids, accessing a vein or artery, or administering medications or other fluids, with a built-in safety feature or mechanism that effectively reduces the risk of an exposure incident.

Source person

A person, living or dead, whose blood or other potentially infectious materials may be a source (OPIM) of occupational exposure to the employee. Examples include:

- Hospital and clinic patients
- Clients in institutions for the developmentally disabled
- Trauma victims
- Clients of drug and alcohol treatment facilities
- Residents of hospices and nursing homes
- Human remains
- Individuals who donate or sell blood or blood components.

Standard microbiological practices

Standard microbiological practices refer to procedures comparable to those outlined in the current edition of the Center for Disease Control "*Biosafety in Microbiological and Biomedical Laboratories*."

Sterilize

The use of a physical or chemical procedure to destroy all microbial life including highly resistant bacterial endospores.

Universal precautions

An approach to infection control. According to the concept of universal precautions, all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV, and other bloodborne pathogens.

Note: Universal Blood-Body Fluid Precautions, Body Substance Isolation, and Standard Precautions expand on the concept of universal precautions to include all body fluids and substances as infectious. These concepts are acceptable alternatives to universal precautions.

WSR 04-12-123**PERMANENT RULES****DEPARTMENT OF HEALTH**

[Filed June 2, 2004, 11:37 a.m.]

Date of Adoption: May 17, 2004.

Purpose: The purpose of this rule is to revise the fee schedule for the Office of Drinking Water to raise water system plan review fees and drinking water operator certification fees by the fiscal growth factor for FY 2004 of 3.20%.

Citation of Existing Rules Affected by this Order: Amending WAC 246-290-990 and 246-292-160.

Statutory Authority for Adoption: RCW 43.70.250 and 70.119.160.

Adopted under notice filed as WSR 04-06-046 on March 1, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; **Federal Rules or Standards:** New 0, Amended 0, Repealed 0; or **Recently Enacted State Statutes:** New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; **Pilot Rule Making:** New 0, Amended 0, Repealed 0; or **Other Alternative Rule Making:** New 0, Amended 2, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

May 27, 2004

M. C. Selecky

Secretary

AMENDATORY SECTION (Amending WSR 03-13-028, filed 6/10/03, effective 7/11/03)

WAC 246-290-990 Water system evaluation and project review and approval fees. (1) The fees for the review and approval of water system plans, project reports, construction documents, existing systems, and related evalu-

ations required under chapters 246-290, 246-291, 246-293, 246-294, and 246-295 WAC ((shall be as follows)) are:

(a) Water system plans required under WAC 246-290-100, 246-290-105, 246-291-140, 246-293-220, and 246-293-230(, and 246-294-060)).

| Project Type | Group A | | | | | |
|-------------------------------------|-------------------------|-------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|
| | Group B | <100 Services | 100 to 500 Services | 501 to 999 Services | 1,000 to 9,999 Services | 10,000 or more Services |
| Water system plan (New and Updated) | \$((130)) <u>134</u> | \$((464)) <u>475</u> | \$((1,134)) <u>1,167</u> | \$((2,138)) <u>2,206</u> | \$((3,473)) <u>3,584</u> | \$((5,141)) <u>5,305</u> |
| Minor water system plan alteration | \$30 | \$((109)) <u>112</u> | \$((276)) <u>284</u> | \$((534)) <u>547</u> | \$((862)) <u>889</u> | \$((1,265)) <u>1,305</u> |

(b) Satellite management agency (SMA) plans for Group A and Group B water systems required under WAC 246-295-040.

| Project Type | Total Active or Approved Services | | | | | |
|---|---|-----------------------------|-----------------------------|-----------------------------|-----------------------------|--|
| | <100 Services | 100 to 500 Services | 501 to 999 Services | 1,000 to 9,999 Services | 10,000 or more Services | |
| SMA plan for ownership (New and Updated) | \$((464)) <u>475</u> | \$((1,134)) <u>1,167</u> | \$((2,138)) <u>2,206</u> | \$((3,473)) <u>3,584</u> | \$((5,141)) <u>5,305</u> | |
| SMA approval amendment | \$((96)) <u>99</u> per hour or appropriate fee from category above, whichever is less | | | | | |
| SMA plan for operation only (New and Updated) | \$((1,134)) <u>1,167</u> | \$((1,134)) <u>1,167</u> | \$((1,134)) <u>1,167</u> | \$((1,134)) <u>1,167</u> | \$((1,134)) <u>1,167</u> | |

Note: SMAs owning water systems and submitting planning documents to the department for review shall be charged only the SMA fee.

(c) New plan elements required under WAC 246-290-100, 246-290-105, 246-290-125, 246-290-132, 246-290-135, 246-290-691, and 246-291-140 including:

(i) Conservation; and

(ii) Wellhead protection, shall be reviewed separately by the department and the fee assessed shall reflect the time spent for this review and shall be calculated based on

((ninety-six)) ninety-nine dollars per hour. After the initial submittal, updated information shall be reviewed as part of the updated water system plan and the review fee shall be included in the applicable updated plan review fee listed under (a) or (b) of this subsection.

(d) Project reports required under WAC 246-290-110 and design reports required under WAC 246-291-120.

| Project Type | Group A | | | | | |
|--|-------------------------|-------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|
| | Group B | <100 Services | 100 to 500 Services | 501 to 999 Services | 1,000 to 9,999 Services | 10,000 or more Services |
| All types of filtration or other complex treatment processes | \$((327)) <u>337</u> | \$((666)) <u>687</u> | \$((1,034)) <u>1,067</u> | \$((1,499)) <u>1,546</u> | \$((2,066)) <u>2,132</u> | \$((2,740)) <u>2,827</u> |
| Chemical addition only, such as ion exchange, hypochlorination, or fluoridation | \$((96)) <u>99</u> | \$((193)) <u>199</u> | \$((327)) <u>337</u> | \$((493)) <u>508</u> | \$((697)) <u>719</u> | \$((933)) <u>962</u> |
| Complete water system (an additional fee shall be assessed for review of treatment facility, if any) | \$((193)) <u>199</u> | \$((464)) <u>475</u> | \$((730)) <u>753</u> | \$((1,066)) <u>1,100</u> | \$((1,467)) <u>1,513</u> | \$((1,933)) <u>1,994</u> |
| System modifications requiring a detailed evaluation to determine whether the system, as modified, will comply with regulations (an additional fee shall be assessed for review of treatment facility, if any) | \$((130)) <u>134</u> | \$((327)) <u>337</u> | \$((534)) <u>547</u> | \$((799)) <u>824</u> | \$((1,134)) <u>1,167</u> | \$((1,525)) <u>1,573</u> |

Note: In accordance with WAC 246-290-125, project reports are not required for minor projects that are described in sufficient detail in an approved water system plan, and have been reviewed as part of the process for approving the water system plan.

(e) Special reports or plans required under WAC 246-290-230, 246-290-235, 246-290-250, 246-290-470, 246-290-636, 246-290-640, 246-290-654, 246-290-676, 246-291-230 including:

- (i) Corrosion control recommendation report;
- (ii) Corrosion control study;
- (iii) Plan to cover uncovered reservoirs;
- (iv) Predesign study;
- (v) Uncovered reservoir plan of operation;
- (vi) Tracer study plan;
- (vii) Surface water or GWI treatment facility operations plan;
- (viii) Filtration pilot study; or

PERMANENT

(ix) GWI determination reports, shall be reviewed by the department and the fee assessed shall reflect the time spent for this review and shall be calculated based on ~~((ninety-six))~~ ninety-nine dollars per hour.

(f) Construction documents required under WAC 246-290-120 and design reports required under WAC 246-291-120.

| Project Type | Group A | | | | | |
|---|-------------------------|-------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|
| | Group B | <100 Services | 100 to 500 Services | 501 to 999 Services | 1,000 to 9,999 Services | 10,000 or more Services |
| All types of filtration or other complex treatment processes | \$((327)) <u>337</u> | \$((666)) <u>687</u> | \$((1,934)) <u>1,067</u> | \$((1,499)) <u>1,546</u> | \$((2,066)) <u>2,132</u> | \$((2,740)) <u>2,827</u> |
| Chemical addition only, such as ion exchange, hypochlorination, or fluoridation | \$((96)) <u>92</u> | \$((193)) <u>192</u> | \$((327)) <u>337</u> | \$((493)) <u>508</u> | \$((697)) <u>719</u> | \$((933)) <u>962</u> |
| Complete new water system except treatment (an additional fee shall be assessed for review of treatment facility, if any) | \$((264)) <u>272</u> | \$((594)) <u>613</u> | \$((862)) <u>882</u> | \$((1,200)) <u>1,238</u> | \$((1,603)) <u>1,654</u> | \$((2,066)) <u>2,132</u> |
| New source only (an additional fee shall be assessed for review of treatment facility, if any) | \$((193)) <u>192</u> | ((359)) <u>370</u> | \$((493)) <u>508</u> | \$((666)) <u>687</u> | \$((862)) <u>889</u> | \$((1,099)) <u>1,134</u> |
| One or more of the following submitted as a package and not requiring a detailed evaluation as determined by the department: Water line installation, booster pump station, modifications to source pumping, piping-valving, controls or storage reservoir (an additional fee shall be assessed for review of treatment facility, if any) | \$((130)) <u>134</u> | \$((227)) <u>234</u> | \$((359)) <u>370</u> | \$((531)) <u>547</u> | \$((730)) <u>753</u> | \$((964)) <u>994</u> |
| Documents submitted for projects such as water line installation, booster pump stations, modifications to source pumping, piping-valving, controls or storage reservoirs as determined by the department where such projects: | | | | | | |
| Comply with design standards established by the department; | | | | | | |
| Are prepared by a professional engineer in accordance with WAC 246-290-040; and | | | | | | |
| Do not require a detailed evaluation by the department. | \$((61)) <u>62</u> | \$((112)) <u>115</u> | \$((187)) <u>192</u> | \$((264)) <u>272</u> | \$((366)) <u>377</u> | \$((481)) <u>496</u> |

(g) Existing system approval required under WAC 246-290-140 and 246-291-130. For the purpose of this subsection the department shall determine whether a system is expanding or nonexpanding.

| Project Type | Group A | | | | | |
|---|-------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|
| | Group B | <100 Services | 100 to 500 Services | 501 to 999 Services | 1,000 to 9,999 Services | 10,000 or more Services |
| NONEXPANDING system not requiring a detailed evaluation by the department | \$((252)) <u>260</u> | \$((506)) <u>522</u> | \$((761)) <u>785</u> | \$((1,016)) <u>1,048</u> | \$((1,271)) <u>1,311</u> | \$((1,525)) <u>1,573</u> |
| NONEXPANDING system requiring a detailed evaluation as determined by the department | \$((379)) <u>391</u> | \$((761)) <u>785</u> | \$((1,153)) <u>1,189</u> | \$((1,525)) <u>1,573</u> | \$((1,907)) <u>1,968</u> | ((2,289)) <u>\$2,362</u> |
| EXPANDING system not requiring a detailed evaluation by the department | \$((506)) <u>522</u> | \$((1,016)) <u>1,048</u> | \$((1,525)) <u>1,573</u> | \$((2,034)) <u>2,092</u> | \$((2,545)) <u>2,626</u> | \$((3,053)) <u>3,150</u> |
| EXPANDING system requiring a detailed evaluation as determined by the department | \$((634)) <u>654</u> | \$((1,271)) <u>1,311</u> | \$((1,907)) <u>1,968</u> | \$((2,545)) <u>2,626</u> | \$((3,180)) <u>3,281</u> | \$((3,817)) <u>3,939</u> |

(h) Monitoring waivers requested under WAC 246-290-300.

| Project Type | Group B | Group A | | | | |
|--|----------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|
| | | <100 Services | 100 to 500 Services | 501 to 999 Services | 1,000 to 9,999 Services | 10,000 or more Services |
| Inorganic chemical monitoring waiver | Not applicable | \$((84)) <u>86</u> per source | \$((116)) <u>119</u> per source | \$((146)) <u>150</u> per source | \$((177)) <u>182</u> per source | \$((208)) <u>214</u> per source |
| Organic chemical monitoring waiver | Not applicable | \$((152)) <u>156</u> per source | \$((213)) <u>219</u> per source | \$((277)) <u>285</u> per source | \$((338)) <u>348</u> per source | \$((400)) <u>412</u> per source |
| Use waiver | Not applicable | \$((182)) <u>187</u> per source | \$((245)) <u>252</u> per source | \$((314)) <u>324</u> per source | \$((369)) <u>380</u> per source | \$((431)) <u>444</u> per source |
| Area wide waiver renewal | Not applicable | \$((182)) <u>187</u> per source | \$((226)) <u>233</u> per source | \$((270)) <u>278</u> per source | \$((314)) <u>324</u> per source | \$((346)) <u>357</u> per source |
| Inorganic chemical monitoring waiver renewal | Not applicable | \$((46)) <u>47</u> per source | \$((59)) <u>60</u> per source | \$((71)) <u>73</u> per source | \$((84)) <u>86</u> per source | \$((96)) <u>99</u> per source |
| Organic chemical monitoring waiver renewal | Not applicable | \$((90)) <u>92</u> per source | \$((127)) <u>131</u> per source | \$((166)) <u>171</u> per source | \$((202)) <u>208</u> per source | \$((239)) <u>246</u> per source |
| Use waiver renewal | Not applicable | \$((127)) <u>131</u> per source | \$((171)) <u>176</u> per source | \$((213)) <u>219</u> per source | \$((257)) <u>265</u> per source | \$((301)) <u>310</u> per source |
| Coliform monitoring waiver including departmental inspection requested by purveyor | Not applicable | \$((389)) <u>401</u> | \$((481)) <u>496</u> | \$((612)) <u>631</u> | \$((779)) <u>803</u> | Not applicable |
| Coliform monitoring waiver with third-party inspection report | Not applicable | \$((121)) <u>124</u> | \$((121)) <u>124</u> | \$((121)) <u>124</u> | \$((121)) <u>124</u> | Not applicable |

(i) Other evaluations and approvals. As applicable, these fees will be charged in addition to the basic fees assessed under (a) through (h) of this subsection.

| Project Type | Group B | Group A | | | | |
|---|----------------------|----------------------|----------------------|----------------------|--------------------------|--------------------------|
| | | <100 Services | 100 to 500 Services | 501 to 999 Services | 1,000 to 9,999 Services | 10,000 or more Services |
| Well-site evaluation and approval including the site inspection and hydrogeologic information review. | \$((193)) <u>199</u> | \$((290)) <u>299</u> | \$((342)) <u>352</u> | \$((424)) <u>437</u> | \$((531)) <u>547</u> | \$((666)) <u>687</u> |
| Regulatory monitoring plan ¹ | No plan required | \$((187)) <u>192</u> | \$((252)) <u>260</u> | \$((316)) <u>326</u> | \$((379)) <u>391</u> | \$((442)) <u>456</u> |
| Unfiltered system annual comprehensive report | Not applicable | \$((379)) <u>391</u> | \$((634)) <u>654</u> | \$((889)) <u>917</u> | \$((1,143)) <u>1,179</u> | \$((1,397)) <u>1,441</u> |
| ¹ A comprehensive document containing coliform, inorganic chemical and organic chemical monitoring plans in accordance with WAC 246-290-300. | | | | | | |
| Water system compliance report | \$((109)) <u>112</u> | \$((109)) <u>112</u> | \$((109)) <u>112</u> | \$((109)) <u>112</u> | \$((109)) <u>112</u> | \$((109)) <u>112</u> |

(2) To determine the appropriate fee for a noncommunity system, calculate the service equivalent by taking the average population served each day of operation and dividing by twenty-five for a transient noncommunity (TNC) system and two and one-half for nontransient noncommunity (NTNC) system. Use the number of service equivalents to find out what Group A size category to look under and submit the appropriate fee. (All noncommunity systems are Group A systems as described in WAC 246-290-020.)

(3) Additional review and approval fees may be assessed as follows:

(a) The basic fee covers an evaluation, or the review of an initial submittal and one resubmittal if required. If additional resubmittals are required, an additional twenty-five percent of the original fee will be assessed for each additional resubmittal. For water system plan and SMA plan preparation the basic fee also covers a preplanning conference. When the department is asked to participate in other meetings involving the plan such as community meetings, public hearings, or meetings with elected officials, the department is authorized to charge additional fees at the rate of ~~((ninety-six))~~ ninety-nine dollars per hour;

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(b) Fees for department project approval based on local technical review will be determined on a case-by-case basis as outlined in the applicable memorandum of understanding between the department and the respective local agency;

(c) Fees for services which the department determines are not described under subsection (1) of this section, will be calculated based on a rate of ~~((ninety-six))~~ ninety-nine dollars per hour.

Examples of these services include, but are not limited to:

- (i) Review and inspection of water reuse projects;
 - (ii) Collection of water quality samples requested by purveyor;
 - (iii) Review of alternate technologies requested by purveyor, manufacturer or authorized representative;
 - (iv) Sanitary surveys, including the time spent as part of the annual on-site inspections for systems under WAC 246-290-690(3) that is in addition to the time necessary to assess watershed control and disinfection treatment;
 - (v) Well field designations; or
 - (vi) Transfers of ownership under WAC 246-290-035 or 246-294-060.
- (d) Additional fees assessed by the department shall be billed to the purveyor using an itemized invoice.

(4) If the legislature revises the water system operating permit fee under RCW 70.119A.110 to incorporate into it one or more fees for service currently assessed separately under this section, and the purveyor has paid that consolidated fee, the department shall not assess or collect a separate fee under this section for any such service.

(5) All fees required under this section except as noted in subsection (3) of this section, shall be submitted prior to the department's approval. Payment of fees shall be in the form of a check or money order made payable to: The Department of Health, P.O. Box 1099, Olympia, Washington 98507-1099 ~~(, or such successor organization or address as designated by the department)~~. Payment of a fee shall not guarantee approval of the submitted document or evaluation request.

(6) Purveyors unable to determine the appropriate fee payment to submit should contact the department.

AMENDATORY SECTION (Amending WSR 03-13-028, filed 6/10/03, effective 7/11/03)

WAC 246-292-160 Water works certification fees. (1) Operator fees:

- (a) Applicable fees are listed in Table 2 of this section;

Table 2
WATER WORKS OPERATOR FEES

| OPERATOR CLASSIFICATION | APPLICATION FEE | REAPPLICATION FEE | ANNUAL RENEWAL FEE | LATE FEE |
|-------------------------|-----------------------------------|-----------------------------------|-------------------------------------|-----------|
| WTPO | \$(66.00) <u>68.00</u> | \$(32.00) <u>33.00</u> | \$(32.00*) <u>33.00*</u> | \$27.00** |
| OPERATOR CLASSIFICATION | APPLICATION FEE | REAPPLICATION FEE | ANNUAL RENEWAL FEE | LATE FEE |
| WDM | \$(66.00) <u>68.00</u> | \$(32.00) <u>33.00</u> | \$(32.00*) <u>33.00*</u> | \$27.00** |
| WDS | \$(66.00) <u>68.00</u> | \$(32.00) <u>33.00</u> | \$(32.00*) <u>33.00*</u> | \$27.00** |
| CCS | \$(39.00) <u>40.00</u> | \$(32.00) <u>33.00</u> | \$(32.00*) <u>33.00*</u> | \$27.00** |
| BAT | \$(39.00) <u>40.00</u> | \$(32.00) <u>33.00</u> | \$(32.00) <u>33.00</u> | \$27.00 |
| BTO | \$(39.00) <u>40.00</u> | \$(32.00) <u>33.00</u> | \$(32.00) <u>33.00</u> | \$27.00 |

* The annual renewal fee for a WTPO, WDM, WDS and CCS certification ~~((shall be thirty-two))~~ is thirty-three dollars regardless of the number of classifications held.

** The annual late fee for a WTPO, WDM, WDS, and CCS certification ~~((shall be))~~ is twenty-seven dollars regardless of the number of classifications held.

(b) A late fee shall be assessed to operators failing to submit the required fee within the time period specified on the renewal form; and

(c) The fee for application for reciprocity is one hundred ~~((thirty-four))~~ thirty-eight dollars per classification.

(2) Group A system fees:

(a) Applicable fees are listed as indicated in Table 3 of this section.

Table 3
ANNUAL SYSTEM CERTIFICATION FEES

| SYSTEM SIZE* (Number of Equivalent Services) | SYSTEM FEE |
|---|--|
| Less than 601 Services | \$(100.00) <u>103.00</u> |
| 601 through 6,000 Services | \$(304.00) <u>313.00</u> |
| 6,001 through 20,000 Services | \$(405.00) <u>417.00</u> |
| More than 20,000 Services | \$(610.00) <u>629.00</u> |

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* Systems designated by the department as approved satellite management agencies (SMAS) shall pay a fee based on total services in all systems owned by the SMA.

(b) Group A system fees shall be paid in conjunction with the system's annual operating permit fee required in chapter 246-294 WAC.

(c) A late fee shall be assessed against any system for failing to submit the applicable fee to the department within the designated time period. The late fee shall be based on the water system's classification and shall be an additional ten percent of the applicable system fee or twenty-seven dollars, whichever is greater.

(d) The system fee for issuance of a temporary certification shall be ~~((sixty-six))~~ sixty-eight dollars for each temporary position.

(3) Fees are nonrefundable and transfers of fees are not allowable.

(4) Payment of fees required under this chapter shall be in the form of a check or money order made payable to the department of health and shall be mailed to Department of Health, P.O. Box 1099, Olympia, Washington 98507-1099(~~or such successor organization or address as designated by the department~~)).

WSR 04-12-124
PERMANENT RULES
DEPARTMENT OF HEALTH

[Filed June 2, 2004, 11:39 a.m.]

Date of Adoption: May 7, 2004.

Purpose: To increase fees for the Office of Radiation Protection, radioactive materials program, by the fiscal growth factor of 3.2% for fiscal year 2004. This will ensure that the radioactive materials program will have enough fee revenue to maintain licensing, inspection and investigation activities for over four hundred specific licensees and approximately three hundred general radioactive materials licensees to protect the public from excessive radiation exposure.

Citation of Existing Rules Affected by this Order: Amending WAC 246-254-070, 246-254-080, 246-254-090, 246-254-100, and 246-254-120.

Statutory Authority for Adoption: RCW 43.70.250.

Adopted under notice filed as WSR 04-07-175 on March 24, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 5, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

May 18, 2004

M. C. Selecky

Secretary

AMENDATORY SECTION (Amending WSR 03-14-034, filed 6/23/03, effective 7/24/03)

WAC 246-254-070 Fees for specialized radioactive material licenses. (1) Persons licensed or authorized to possess or use radioactive material in the following special categories shall forward annual fees to the department as follows:

(a) Five thousand ~~((five))~~ seven hundred ~~((fifty-five))~~ thirty-two dollars for operation of a single nuclear pharmacy.

(b) Nine thousand ~~((four))~~ seven hundred ~~((seventy-five))~~ seventy-six dollars for operation of a single nuclear laundry.

(c) Nine thousand ~~((four))~~ seven hundred ~~((seventy-five))~~ seventy-six dollars for a license authorizing a single facility to use more than one curie of unsealed radioactive material in the manufacture and distribution of radioactive products or devices containing radioactive material.

(d) Three thousand ~~((three))~~ four hundred ~~((twenty-five))~~ twenty-eight dollars for a license authorizing a single facility to use less than or equal to one curie of unsealed radioactive material or any quantity of previously sealed sources in the manufacture and distribution of products or devices containing radioactive material.

(e) Eight hundred ~~((sixty))~~ eighty-four dollars for a license authorizing the receipt and redistribution from a single facility of manufactured products or devices containing radioactive material.

(f) Six thousand ~~((three))~~ five hundred ~~((fifty-five))~~ fifty-six dollars for a license authorizing decontamination services operating from a single facility.

(g) Three thousand ~~((ten))~~ one hundred dollars for a license authorizing waste brokerage including the possession, temporary storage at a single facility, and over-packing only of radioactive waste.

(h) One thousand three hundred ~~((forty))~~ eighty dollars for a license authorizing equipment servicing involving:

(i) Incidental use of calibration sources;

(ii) Maintenance of equipment containing radioactive material; or

(iii) Possession of sealed sources for purpose of sales demonstration only.

(i) Two thousand five hundred ~~((five))~~ eighty dollars for a license authorizing health physics services, leak testing, or calibration services.

(j) One thousand ~~((five))~~ six hundred ~~((seventy))~~ twenty dollars for a civil defense license.

(k) Four hundred ~~((seventy-five))~~ eighty-eight dollars for a license authorizing possession of special nuclear material as pacemakers or depleted uranium as shielding.

(2) Persons licensed or authorized to possess and use radioactive material in the following broad scope categories shall forward annual fees to the department as follows:

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(a) (~~Eighteen~~) Nineteen thousand (~~eight~~) four hundred (~~five~~) dollars for a license authorizing possession of atomic numbers three through eighty-three with maximum authorized possession of any single isotope greater than one curie.

(b) Eight thousand (~~six~~) nine hundred (~~ninety~~) sixty-eight dollars for a license authorizing possession of atomic numbers three through eighty-three with maximum authorized possession of any single isotope greater than 0.1 curie but less than or equal to one curie.

(c) (~~Six~~) Seven thousand (~~nine~~) two hundred (~~eighty-five~~) eight dollars for a license authorizing possession of atomic numbers three through eighty-three with maximum authorized possession less than or equal to 0.1 curie.

(3) Persons licensed or authorized to possess or use radioactive material which are not covered by any of the annual license fees described in WAC 246-254-070 through 246-254-100, shall pay fees as follows:

(a) An initial application fee of one thousand dollars;

(b) Billing at the rate of one hundred dollars for each hour of direct staff time associated with issuing and maintaining the license and for the inspection of the license; and

(c) Any fees for additional services as described in WAC 246-254-120.

(d) The initial application fee will be considered a credit against billings for direct staff charges but is otherwise non-refundable.

(4) Persons licensed or authorized to possess or use radioactive material in a facility for radioactive waste processing, including resource recovery, volume reduction, decontamination activities, or other waste treatment, but not permitting commercial on-site disposal, shall pay fees as follows:

(a) A nonrefundable initial application fee for a new license of sixteen thousand dollars which shall be credited to the applicant's quarterly billing described in (b) of this subsection; and

(b) Quarterly billings for actual direct and indirect costs incurred by the department including, but not limited to, license renewal, license amendments, compliance inspections, a resident inspector for time spent on the licensee's premises as deemed necessary by the department, laboratory and other support services, and travel costs associated with staff involved in the foregoing.

AMENDATORY SECTION (Amending WSR 03-14-034, filed 6/23/03, effective 7/24/03)

WAC 246-254-080 Fees for medical and veterinary radioactive material licenses. (1) Persons licensed or authorized to possess or use radioactive material in the following medical or veterinary categories shall forward annual fees to the department as follows:

(a) Four thousand (~~six~~) eight hundred (~~ninety-five~~) forty-four dollars for operation of a mobile nuclear medicine program from a single base of operation.

(b) Three thousand (~~four~~) five hundred (~~twenty-five~~) thirty-two dollars for a license authorizing groups II and III of WAC 246-235-120 for diagnostic nuclear medicine at a single facility.

(c) (~~Two~~) Three thousand (~~nine hundred sixty-five~~) sixty dollars for a license authorizing groups IV and V of WAC 246-235-120 for medical therapy at a single facility.

(d) Four thousand (~~seven~~) eight hundred (~~twenty-five~~) seventy-six dollars for a license authorizing groups II or III and groups IV or V of WAC 246-235-120 for full diagnostic and therapy services at a single facility.

(e) Two thousand (~~five~~) six hundred (~~forty~~) twenty dollars for a license authorizing group VI of WAC 246-235-120 for brachytherapy at a single facility.

(f) One thousand (~~five~~) six hundred (~~seventy~~) twenty dollars for a license authorizing brachytherapy or gamma stereotactic therapy or teletherapy at a single facility.

(g) Two thousand (~~three~~) four hundred (~~ninety~~) sixty-four dollars for a license authorizing medical or veterinary possession of greater than two hundred millicuries total possession of radioactive material at a single facility.

(h) One thousand nine hundred sixty dollars for a license authorizing medical or veterinary possession of greater than thirty millicuries but less than or equal to two hundred millicuries total possession of radioactive material at a single facility.

(i) One thousand (~~three~~) four hundred (~~ninety-five~~) thirty-six dollars for a license authorizing medical or veterinary possession of less than or equal to thirty millicuries total possession of radioactive material at a single facility.

(j) One thousand two hundred (~~twenty-five~~) sixty-four dollars for a license authorizing group I as defined in WAC 246-235-120 or in vitro uses of radioactive material at a single facility.

(k) Seven hundred (~~sixty-five~~) eighty-eight dollars for a license authorizing medical or veterinary possession of a sealed source for diagnostic use at a single facility.

(2) Persons with licenses authorizing multiple locations of use shall increase the annual fee by fifty percent for each additional location or base of operation.

AMENDATORY SECTION (Amending WSR 04-04-055, filed 1/30/04, effective 3/1/04)

WAC 246-254-090 Fees for industrial radioactive material licenses. (1) Persons licensed or authorized to possess or use radioactive material in the following industrial categories shall forward annual fees to the department as follows:

(a) Five thousand (~~five~~) seven hundred (~~thirty-five~~) eight dollars for a license authorizing the use of radiographic exposure devices in one or more permanent radiographic vaults in a single facility.

(b) Seven thousand (~~four~~) six hundred (~~fifteen~~) fifty-two dollars for a license authorizing the use of radiographic exposure devices at temporary job sites but operating from a single storage facility.

(c) Three thousand (~~six~~) seven hundred (~~thirty-five~~) forty-eight dollars for a license authorizing well-logging activities including the use of radioactive tracers operating from a single storage facility.

(d) (~~Seven~~) Eight hundred (~~eighty-five~~) eight dollars for a license authorizing possession of portable sealed sources including moisture/density gauges and excluding

radiographic exposure devices operating from a single storage facility.

(e) Eight hundred (~~sixty~~) eighty-four dollars for a license authorizing possession of any nonportable sealed source, including special nuclear material and excluding radioactive material used in a gas chromatograph at a single facility.

(f) Five hundred (~~forty~~) fifty-six dollars for a license authorizing possession of gas chromatograph units containing radioactive material at a single facility.

(g) One thousand (~~four~~) five hundred (~~ninety-five~~) forty dollars for a license authorizing possession of any self-shielded or pool type irradiator with sealed source total quantity greater than one hundred curies at a single facility.

(h) (~~Seven~~) Eight thousand (~~nine~~) one hundred (~~thirty~~) eighty dollars for a license authorizing possession of sealed sources for a walk-in type irradiator at a single facility.

(i) (~~Six~~) Seven thousand (~~nine~~) one hundred twenty dollars for a license authorizing possession of greater than one gram of unsealed special nuclear material or greater than five hundred kilograms of source material at a single facility.

(j) Two thousand two hundred (~~ten~~) eighty dollars for a license authorizing possession of less than or equal to one gram of unsealed special nuclear material or five hundred kilograms of source material at a single facility.

(k) Three hundred (~~fifty~~) sixty dollars for a license authorizing possession of static elimination devices not covered by a general license.

(2) Persons with licenses authorizing multiple locations of permanent storage shall increase the annual fee by fifty percent for each additional location.

(3) Depleted uranium registrants required to file Form RHF-20 shall forward an annual fee of (~~seventy-two~~) seventy-four dollars to the department.

(4) General licensees required to register in accordance with WAC 246-233-020 (3)(k) shall forward an annual fee of two hundred fourteen dollars to the department.

AMENDATORY SECTION (Amending WSR 03-14-034, filed 6/23/03, effective 7/24/03)

WAC 246-254-100 Fees for laboratory radioactive material licenses. (1) Persons licensed or authorized to possess or use unsealed radioactive material in the following laboratory categories shall forward annual fees to the department as follows:

(a) Three thousand (~~seven~~) nine hundred (~~eighty~~) dollars for a license authorizing possession at a single facility of unsealed sources in amounts greater than:

- (i) One millicurie of I-125 or I-131; or
- (ii) One hundred millicuries of H-3 or C-14; or
- (iii) Ten millicuries of any single isotope.

(b) One thousand (~~eight~~) nine hundred (~~seventy~~) twenty-eight dollars for a license authorizing possession at a single facility of unsealed sources in amounts:

- (i) Greater than 0.1 millicurie and less than or equal to one millicurie of I-125 or I-131; or
- (ii) Greater than ten millicuries and less than or equal to one hundred millicuries of H-3 or C-14; or

(iii) Greater than one millicurie and less than or equal to ten millicuries of any single isotope.

(c) One thousand (~~five~~) six hundred (~~seventy~~) twenty dollars for a license authorizing possession at a single facility of unsealed sources in amounts:

(i) Greater than 0.01 millicurie and less than or equal to 0.1 millicurie of I-125 or I-131; or

(ii) Greater than one millicurie and less than or equal to ten millicuries of H-3 or C-14; or

(iii) Greater than 0.1 millicurie and less than or equal to one millicurie of any other single isotope.

(d) Five hundred (~~forty~~) fifty-six dollars for a license authorizing possession at a single facility of unsealed or sealed sources in amounts:

(i) Less than or equal to 0.01 millicurie of I-125 or I-131; or

(ii) Less than or equal to one millicurie of H-3 or C-14; or

(iii) Less than or equal to 0.1 millicurie of any other single isotope.

(e) Seven hundred (~~twenty-five~~) forty-eight dollars for a license authorizing possession at a single facility of large quantities of naturally occurring radioactive material in total concentration not exceeding 0.002 microcurie per gram.

(2) Persons with licenses authorizing multiple locations of use shall increase the annual fee by fifty percent for each additional location.

(3) Persons registered to perform in vitro testing pursuant to Form RHF-15 shall forward an annual fee of (~~seventy-two~~) seventy-four dollars to the department.

AMENDATORY SECTION (Amending WSR 02-04-025, filed 1/24/02, effective 2/24/02)

WAC 246-254-120 Fees for licensing and compliance actions. (1) In addition to the fee for each radioactive material license as described under WAC 246-254-070, 246-254-080, 246-254-090, and 246-254-100, a licensee shall pay a service fee for each additional licensing and compliance action as follows:

(a) For a second follow-up inspection, and each follow-up inspection thereafter, a fee of one hundred dollars per hour of direct staff time associated with the follow-up inspection, not to exceed one thousand dollars per follow-up inspection. Hours are calculated in half-hour increments.

(b) For each environmental cleanup monitoring visit, a fee of one hundred dollars per hour of direct staff time associated with the environmental cleanup monitoring visit, not to exceed two thousand five hundred dollars per visit. Hours are calculated in half-hour increments.

(c) For each new license application, the fee of one hundred (~~sixty~~) sixty-five dollars in addition to the required annual fee.

(d) For each sealed source and device evaluation, a fee of one hundred dollars per hour of direct staff time associated with each sealed source and device evaluation, not to exceed three thousand dollars per evaluation.

(e) For review of air emission and environmental programs and data collection and analysis of samples, and review of decommissioning activities by qualified staff in

those work units, a fee of one hundred dollars per hour of direct staff time associated with the review. The fee does not apply to reviews conducted by the radioactive materials section staff and does not apply unless the review time would result in a special service charge exceeding ten percent of the licensee's annual fee.

(f) For expedited licensing review, a fee of one hundred dollars per hour of direct staff time associated with the review. This fee only applies when, by the mutual consent of licensee and affected staff, a licensing request is taken out of date order and processed by staff during nonwork hours and for which staff is paid overtime.

(2) The licensee or applicant shall pay any additional service fees at the time of application for a new license or within thirty days of the date of the billing for all other licensing and compliance actions.

(3) The department shall process an application only upon receipt of the new application fee and the annual fee.

(4) The department may take action to modify, suspend, or terminate the license or sealed source and device registration if the licensee fails to pay the fee for additional licensing and compliance actions billed by the department.

WSR 04-12-125
PERMANENT RULES
DEPARTMENT OF HEALTH
 [Filed June 2, 2004, 11:40 a.m.]

Date of Adoption: May 7, 2004.

Purpose: To increase fees for the Office of Radiation Protection, X-ray program, to the fiscal growth factor of 3.2% for fiscal year 2004. This will ensure that the X-ray program will have enough fee revenue to maintain activities (registration and inspection of all 5,650 X-ray facilities in Washington) to protect the public from excessive radiation exposure.

Citation of Existing Rules Affected by this Order: Amending WAC 246-254-053.

Statutory Authority for Adoption: RCW 43.70.250.

Adopted under notice filed as WSR 04-07-181 on March 24, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

May 18, 2004

M. C. Selecky

Secretary

AMENDATORY SECTION (Amending WSR 03-13-122, filed 6/18/03, effective 7/19/03)

WAC 246-254-053 Radiation machine facility registration fees. (1) Radiation machine facility fees apply to each person or facility owning, leasing and using radiation-producing machines.

| FEE TYPE | FEE |
|--|--------------------|
| (a) Annual Base Registration Fee | \$((49)) <u>50</u> |
| (b) Late registration or re-registration | \$((49)) <u>50</u> |
| (c) Tube Fees | See Table 1 |

| Group | First Tube | Each Additional Tube |
|---|-------------------------|--------------------------|
| (i) Group A: Dental, Podiatric, Veterinary uses | \$((50)) <u>51</u> | \$((25.50)) <u>26</u> |
| (ii) Group B: Hospital, Medical, Chiropractic uses | \$((138)) <u>141</u> | \$((72)) <u>74</u> |
| (iii) Group C: Industrial, research, and other uses | \$((77)) <u>79</u> | \$((25.50)) <u>26</u> |
| (iv) Group D: Electron Microscopes, Mammographic X-ray Machines | NA | NA |

(2) **X-ray shielding fees.**

(a) Facilities regulated under the shielding plan requirements of WAC 246-225-030 or 246-227-150 are subject to a \$((92)) 94 X-ray shielding review fee for each X-ray room plan submitted.

(b) If a facility regulated under WAC 246-225-030 or 246-227-150 operates without submittal of X-ray shielding calculations and a floor plan it will be subject to a shielding design follow-up fee of \$((49)) 50.

(3) **Radiation safety fee.** If a facility or group of facilities under one administrative control employs two or more full-time individuals whose positions are entirely devoted to in-house radiation safety, the facility shall pay a flat, annual fee of \$((3,200)) 3,290.

(4) **Consolidation of registration.** Facilities may consolidate X-ray machine registrations into a single registration after notifying the department in writing and documenting that a single business license applies.

(5) **Inspection fees.**

(a) The cost of routine, periodic inspections, including the initial inspection, are covered under the base fee and tube registration fees as described in subsection (1) of this section.

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(b) Facilities requiring follow-up inspections due to uncorrected noncompliances must pay an inspection follow-up fee of \$90.

WSR 04-12-126
PERMANENT RULES
DEPARTMENT OF HEALTH

[Filed June 2, 2004, 11:42 a.m.]

Date of Adoption: May 7, 2004.

Purpose: The Department of Health (DOH) and the Department of Social and Health Services (DSHS) both have separate appropriations for the trauma care fund program per legislative budget appropriation for the 2003-2005 biennium. These funds are to be dispersed to trauma verified prehospital agencies, trauma designated level I-V acute facilities, designated trauma rehabilitation facilities, and physicians and other clinicians who are part of the trauma system. These rules describe how DOH disperses the money appropriated to them.

Citation of Existing Rules Affected by this Order: Amending WAC 246-976-935.

Statutory Authority for Adoption: Chapter 70.168 RCW.

Adopted under notice filed as WSR 04-07-179 on March 24, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; **Federal Rules or Standards:** New 0, Amended 0, Repealed 0; or **Recently Enacted State Statutes:** New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; **Pilot Rule Making:** New 0, Amended 0, Repealed 0; or **Other Alternative Rule Making:** New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

May 24, 2004

M. C. Selecky
Secretary

AMENDATORY SECTION (Amending WSR 02-04-045, filed 1/29/02, effective 3/1/02)

WAC 246-976-935 Emergency medical services and trauma care system trust account. RCW 70.168.040 establishes the emergency medical services and trauma care system trust account. With the advice of the EMS/TC steering committee, the department will develop a method to budget and distribute funds in the trust account. The department may use an injury severity score to define a major trauma patient. Initially, the method and budget will be based on the depart-

ment's *Trauma Care Cost Reimbursement Study, final report (October 1991)*. The committee and the department will review the method and the budget at least every two years.

(1) Definitions: The following phrases used in this section mean:

(a) (~~("Initial acute episode of injury" refers to care that is related to a major trauma. This can include prehospital care, resuscitation, stabilization, inpatient care and/or subsequent transfer, and rehabilitation. It does not include later readmission or outpatient care.~~)

(~~b~~)) "Needs grant" is a trust account payment that is based on a demonstrated need to develop and maintain service that meets the trauma care standards of chapter 70.168 RCW and this chapter. Needs grants are awarded to verified trauma care ambulance or aid services. Services must be able to show that they have looked for other resources without success before they will be considered for a needs grant.

((~~e~~)) (b) "Participation grant" refers to a trust account payment designed to compensate the recipient for participation in the state's comprehensive trauma care system. These grants are intended as a tool for assuring access to trauma care. Participation grants are awarded to:

- (i) Verified trauma care ambulance or aid services;
- (ii) Designated trauma care services; and
- (iii) Designated trauma rehabilitation services.

(2) The department will distribute trust account funds to:

- (a) Verified trauma care ambulance and aid services;
- (b) Designated trauma care services:

- (i) Levels I-V general; and
- (ii) Levels I-III pediatric;

(c) (~~(Physicians and other clinical providers who:~~

- (i) ~~Are members of designated trauma care services;~~
- (ii) ~~Meet the response time standards of this chapter;~~
- (iii) ~~Provide care for major trauma patients during the~~

~~initial acute episode of injury. This includes psychiatrists who consult on rehabilitation during the acute hospital stay, or who provide care in a designated trauma rehabilitation service;~~

~~(iv) Complete trauma records in a timely manner according to the trauma care services current requirements; and~~

~~(v) Participate in quality assurance activities;~~

(~~d~~)) Designated trauma rehabilitation services:

- (i) Levels I-III; and
- (ii) Level I-pediatric.

(3) The department's distribution method for verified trauma care ambulance and aid services will include at least:

(a) Participation grants, which will be awarded once a year to services that comply with verification standards (~~(- Services that are eligible to receive Medicaid funds will have the option of either receiving the participation grant or receiving an increased payment by the department of social and health services for medical emergency transportation of medical assistance clients who meet trauma triage criteria));~~

(b) Needs grants, based on the service's ability to meet the standards of chapter 70.168 RCW and chapter 246-976 WAC (this chapter). The department may consider:

- (i) Level of service (BLS, ILS, ALS);
- (ii) Type of service (aid or ambulance);
- (iii) Response area (rural, suburban, urban, wilderness);
- (iv) Volume of service;

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(v) Other factors that relate to trauma care;

(4) The department's distribution method for designated trauma care services (~~(levels I-V general and I-III pediatric)~~) will include (~~(at least)~~):

(a) Participation grants ~~to levels I-V general and I-III pediatric~~, which will be awarded once a year only to services that comply with designation standards. The department will review the compliance requirements annually. The department may consider:

- (i) Level of designation;
- (ii) Service area (rural, suburban, urban, wilderness);
- (iii) Volume of service;
- (iv) The percentage of uncompensated major trauma care;

(v) Other factors that relate to trauma care;

(b) ~~((Increased payment by the department of social and health services for major trauma care for medical assistance clients during the initial acute episode of injury;~~

~~(5) The department's distribution method for physicians and other clinical providers included in subsection (2)(e) of this section will include at least:~~

~~(a) Increased payment by the department of social and health services for trauma care of medical assistance clients and care provided within six months of the date of injury for inpatient surgical procedures related to the injury, which were planned during the initial acute episode of injury, using Medicare rates as a benchmark;~~

~~(b) Partial reimbursement for care of other major trauma patients who meet DOH eligibility criteria. The department's criteria will consider at least:~~

~~(i) The patient's ability to pay;~~

~~(ii) The patient's eligibility for other health insurance, such as medical assistance or Washington's basic health plan;~~

~~(iii) Other sources of payment.) Trauma care grants, which will be awarded once a year to level I-III designated acute trauma services to subsidize uncompensated trauma care costs. To be eligible for the grants, trauma services must comply with Washington state's DOH trauma registry requirements per WAC 246-976-420 through 246-976-430 including submission of complete financial data and injury coding data. The grants will be calculated by multiplying a hospital's bad debt and charity care ratio times the sum of injury severity scores (ISS) for a specific period. The results for all eligible trauma services are summed, and each trauma service will receive a proportionate share of the available uncompensated trauma care grant allocation based on their percentage of the overall total. The bad debt and charity care ratio is calculated by summing a hospital's bad debt and charity care figures divided by the hospital's total patient revenue for the same period. These figures are from annual financial data reported to the department per chapters 246-453 and 246-454 WAC. Injury severity scores are extracted from trauma registry data for cases that:~~

~~(i) Meet the trauma registry inclusion criteria per WAC 246-976-420; and~~

~~(ii) Are admitted with an ISS of thirteen or greater for adults, nine or greater for pediatric patients less than fifteen years of age, or trauma patients received in transfer regardless of the ISS.~~

(c) Trauma care grants, which will be awarded once a year to designated acute trauma services levels IV, V, and/or critical access hospitals (CAH) to subsidize their costs for providing care to the trauma patients, and for stabilizing and transferring major trauma patients. The individual grant amounts are based on designation level.

(5) The department may issue grants to DOH-certified medical program directors (MPD) for their role in the EMS/TCS as described in WAC 246-976-920.

(6) The department's distribution method for designated trauma rehabilitation services, levels I-III and I-pediatric will include at least:

~~((a))~~ Participation grants, which will be awarded once a year only to services that comply with designation standards. The department will review the compliance requirements annually. The department may consider:

~~((i)) (a) Level of designation;~~

~~((ii)) (b) Volume of service;~~

~~((iii)) (c) Other factors that relate to trauma care((;~~

~~(b) Partial reimbursement for trauma rehabilitation provided during the initial acute episode of injury for major trauma patients who:~~

~~(i) Meet DOH eligibility criteria. The department's criteria will include at least:~~

~~(A) Residence in Washington at the time of injury;~~

~~(B) The patient's ability to pay;~~

~~(C) The patient's eligibility for other health insurance, such as medical assistance or Washington's basic health plan;~~

~~(D) Other sources of payment;~~

~~(ii) Were admitted for rehabilitation service within ninety days of the injury;~~

~~(e) The department will give priority to acute inpatient rehabilitation services.~~

~~(7) Chapter 70.168 RCW requires regional match of state funds from the emergency medical services and trauma care trust account. Contributions to regional matching funds may include:~~

~~(a) Hard match;~~

~~(b) Soft match:~~

~~(i) The value of services provided by volunteer prehospital agencies;~~

~~(ii) Local government support;~~

~~(iii) The cost of care by designated trauma care services which exceeds insurance or patient payment;~~

~~(iv) The value of volunteer time (excluding any expenses paid with state funds) to establish and operate:~~

~~(A) State EMS/TC committees and their subcommittees;~~

~~(B) Regional and local EMS/TC councils, and their committees and subcommittees;~~

~~(C) Regional and local quality assurance programs;~~

~~(D) Injury prevention and public education programs;~~

~~(E) EMS training and education programs;~~

~~(F) Trauma related stress management and support programs;~~

~~(e) The department will determine the value of personnel time included in soft match, to be applied statewide).~~

WSR 04-12-127
PERMANENT RULES
DEPARTMENT OF HEALTH
 (Board of Optometry)
 [Filed June 2, 2004, 11:43 a.m.]

Date of Adoption: April 23, 2004.

Purpose: In response to 2003 legislation, these rules set forth a specific list of drugs or drug categories, which qualified optometrists, may use, prescribe, dispense, purchase, possess or administer. The rules also provide guidelines for approved forms and dosages, exclusions and restriction and include a process by which medications are included or removed from the list.

Statutory Authority for Adoption: Chapter 142, Laws of 2003 and RCW 18.54.070(2).

Adopted under notice filed as WSR 04-06-045 on March 1, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 3, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 23, 2004

Thomas J. Riley, O.D.

Chair, Board of Optometry

NEW SECTION

WAC 246-851-580 Drug list. Pursuant to RCW 18.53.010(4), the optometry board adopts the following drug formulary of oral Schedule III through V controlled substances and legend drugs for diagnostic and therapeutic purposes in the practice of optometry. No licensed optometrist may use, prescribe, dispense, purchase, possess, or administer these drugs except as authorized and to the extent permitted by the board. This section includes the approved oral drug formulary. Optometrists must consult WAC 246-851-590 for specific guidelines on these drugs or drug categories.

(1) Approved nonscheduled oral drugs include:

- (a) Antibiotic agents excluding those listed in WAC 246-851-590(1).
- (b) Antiviral agents.
- (c) Antifungal agents listed under WAC 246-851-590(2).
- (d) Antihistamine agents.
- (e) Decongestant agents.
- (f) Dry eye agents.

(g) Anti-emetic agents listed under WAC 246-851-590(3).

(h) Diuretic agents listed under WAC 246-851-590(4).

(i) Nonsteroidal anti-inflammatory agents excluding those listed in WAC 246-851-590(5).

(j) Analgesics.

(2) Approved controlled substances limited to Schedules III, IV, and V.

(a) Schedule III controlled substances.

(b) Schedule IV controlled substances.

(c) Schedule V controlled substances.

(d) Schedule IV anti-anxiety/sedative agents.

(3) Approved injectable substances.

Administration of epinephrine by injection for the treatment of anaphylactic shock.

NEW SECTION

WAC 246-851-590 Guidelines for the use of oral Schedule III through V controlled substances and legend drugs. Nothing in these guidelines should be construed to restrict the recommendation of over-the-counter medications, vitamins, or supplements, nor restrict the ordering of any radiologic or laboratory testing necessary to the diagnosis of any eye related disease that is within the scope of practice of optometry.

(1) All oral forms and dosages of antibiotic agents will be available for use excluding: Vancomycin.

(2) Antifungal agents used in eye care shall fall into the following categories:

(a) All oral forms and dosages of polyene antifungals.

(b) All oral forms and dosages of imidazole antifungals.

(c) All oral forms and dosages of triazole antifungals.

(3) Anti-emetic agents used in eye care shall be the following medications:

(a) All oral forms and dosages of prochlorperazine.

(b) All oral forms and dosages of metoclopramide.

(c) All oral forms and dosages of promethazine.

(4) Diuretic agents used in eye care shall fall into the following categories:

(a) All oral forms and dosages of carbonic anhydrase inhibitors.

(b) All oral forms and dosages of osmotic diuretics. Osmotic diuretics shall be used only in the case of acute angle closure glaucoma administered in-office, outpatient, and/or ambulatory procedures only.

(5) All oral forms and dosages of nonsteroidal anti-inflammatory agents will be available for use excluding: Ketorolac tromethamine.

(6) Benzodiazepines prescribed, as anti-anxiety agents, shall be used for in-office, outpatient, and/or ambulatory procedures. This family of medications will be utilized as one dosage unit per prescription.

(7) Schedules III and IV controlled substances will have a maximum quantity count of thirty dosage units per prescription.

(8) Specific dosage for use and appropriate duration of treatment of oral medications listed in WAC 246-851-580(1) will be consistent with guidelines established by the Food and Drug Administration.

(9) Notation of purpose shall be included on all prescriptions.

(10) An optometrist may not:

(a) Use, prescribe, dispense, or administer oral corticosteroids; or

(b) Prescribe, dispense, or administer a controlled substance for more than seven days in treating a particular patient for a single trauma, episode, or condition or for pain associated with or related to the trauma, episode, or condition; or

(c) Prescribe an oral drug within ninety days following ophthalmic surgery unless the optometrist consults with the treating ophthalmologist. If treatment exceeding the limitation is indicated, the patient must be referred to a physician licensed under chapter 18.71 RCW.

(11) The prescription or administration of drugs as authorized in this section is specifically limited to those drugs appropriate to treatment of diseases or conditions of the human eye and the adnexa that are within the scope of practice of optometry. The prescription or administration of drugs for any other purpose is not authorized.

(12) Nothing in this chapter may be construed to authorize the use, prescription, dispensing, purchase, possession, or administration of any Schedule I or II controlled substance.

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NEW SECTION

WAC 246-851-610 Approval or removal of medications. The boards of optometry and pharmacy will use a joint process to determine changes to the oral drug list that includes a means to resolve disagreements.

(1) Categories of medications approved by the Food and Drug Administration may be added to WAC 246-851-580(1) by rule through consultation and approval of the board of optometry and board of pharmacy.

(2) Medications approved by the Food and Drug Administration in categories that are within the scope of optometric physician practice that are not included in WAC 246-851-580(1) may be added through consultation and approval of the board of optometry and the board of pharmacy. Approval will follow the joint process established by both boards.

(3) WAC 246-851-580 and 246-851-590 may be updated to reflect additions or removal of medications.

WSR 04-10-071

EMERGENCY RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed May 3, 2004, 4:45 p.m.]

Date of Adoption: May 2, 2004.

Purpose: To implement changes to the unemployment insurance program adopted by 2ESB 6097, passed by the 2003 legislature. The rules clarify issues related to job separations, job search requirements, penalties for failure to meet reporting requirements, the filing by employers of wage and tax reports, penalties for filing late or incomplete reports, penalties to employers for willfully misrepresenting their payroll, benefit charging and conditions for relief of benefit charges.

Citation of Existing Rules Affected by this Order: [No information supplied by agency.]

Statutory Authority for Adoption: RCW 50.12.010, 50.12.040, 50.12.042.

Other Authority: RCW 50.20.010.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: 2ESB 6097 was signed by the governor on June 20, 2003. Most of the provisions related to the payment of unemployment insurance benefits, and a number of the provisions related to unemployment insurance taxes, took effect on January 4, 2004. The department has conducted several meetings with stakeholders and other interested parties, and has drafted proposed rules for filing in the near future. In the interim, emergency rules are necessary to provide guidance to employers, unemployment insurance claimants, and the general public of the department's interpretation of the changes to the statute.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 1, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 42, Amended 23, Repealed 26.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 42, Amended 23, Repealed 26.

Effective Date of Rule: Immediately.

May 3, 2004

Dr. Sylvia P. Mundy
Commissioner

AMENDATORY SECTION (Amending WSR 89-20-064, filed 10/4/89, effective 10/9/89)

WAC 192-04-040 Interested parties. In all cases adjudicated under Title 50 RCW the employment security department is an interested party. Other interested parties are

(1) Benefit appeals. The claimant and any employer entitled to notice under WAC 192-130-060~~12-320~~ or defined as an interested employer in WAC 192-28-125, in cases involving the payment or recovery of benefits, including but not limited to the entitlement to, eligibility for or qualification for waiting period credit or benefits.

(2) Tax appeals. Employers whose contributions, experience rating, benefit charges, or rate of contribution are affected by:

(a) An assessment for contributions;

(b) A denial of a claim for refund of contributions, interest, penalties;

(c) A denial of a request for relief of benefit charges made to their account; or

(d) Their determined or redetermined rate of contribution.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 89-24-030, filed 11/30/89, effective 1/1/90)

WAC 192-04-050 Appeals—Petitions for hearing—Right to notice. Notice of appeal or petition for hearing rights shall be set forth on the face of, or as an attachment to, each of the following:

(1) Redetermination of an initial monetary determination.

(2) Determination of allowance or denial of waiting period credit or benefits.

(3) Redetermination of allowance or denial of waiting period credit or benefits.

(4) An overpayment assessment or a denial of a request for waiver of an overpayment.

(5) Order and notice of assessment of contributions, interest, or penalties.

(6) Denial of a claim for refund of contributions, interest, or penalties.

(7) Denial of a request for relief of benefit charges made to an employer's account.

(8) Denial of a redetermination or adjustment of an employer's determined or redetermined rate of contribution.

(9) Denial of approval or extension of standby status.

(10) Denial of a request for commissioner approved training or training benefits.

(11) Notice to separating employer of liability for all benefits paid on a claim as provided in RCW 50.29.021 (2)(c).

AMENDATORY SECTION (Amending WSR 82-17-052, filed 8/17/82)

WAC 192-16-009 ~~Interpretative regulations~~—Disqualification for leaving work voluntarily—Meaning of good cause for claims with an effective date prior to Jan-

EMERGENCY

January 4, 2004—RCW 50.20.050 (1) and (3). (1) **General rule.** Except as provided in WAC ~~192-16-013150-050~~ and ~~192-16-013150-055~~, in order for an individual to establish good cause within the meaning of RCW 50.20.050(1) for leaving work voluntarily it must be satisfactorily demonstrated:

(a) That he or she left work primarily because of a work connected factor(s); and

(b) That said work connected factor(s) was (were) of such a compelling nature as to cause a reasonably prudent person to leave his or her employment; and

(c) That he or she first exhausted all reasonable alternatives prior to termination: Provided, That the individual asserting "good cause" may establish in certain instances that pursuit of the otherwise reasonable alternatives would have been a futile act, thereby excusing the failure to exhaust such reasonable alternatives.

(2) **Exceptions.** Notwithstanding the provisions of subsection (1) above, neither the distance of the work from the individual's residence, if known at the time of hire nor any other work factor which was generally known and present at the time of hire will provide good cause for voluntarily leaving work unless the individual demonstrates to the satisfaction of the department:

(a) That the distance from the individual's residence at time of hire is substantially greater than the distance customarily traveled by workers in the individual's job classification and labor market; or,

(b) That the related work connected circumstances have so changed as to amount to a substantial involuntary deterioration of the work factor; or

(c) That other work related circumstances would work an unreasonable hardship on the individual if he or she were required to continue in the employment.

(3) **Definitions.** For purposes of subsection (2) above:

(a) "Distance customarily traveled" means a distance normally traveled by a significant portion of the work force in the individual's job classification in the labor market area;

(b) "Generally known" means commonly known without reference to specific cases or individuals; and

(c) "Individual's job classification" means the job classification in which the individual was working when the individual voluntarily left work; and

(d) A "labor market" is the geographic area in which those workers in the individual's job classification, living in the vicinity of his or her residence, customarily work; and

(e) "Substantial involuntary deterioration" means an actual and considerable worsening of the work factor outside the control of the individual; and

(f) "Unreasonable hardship" means a result, not due to the individual's voluntary action, that would cause a reasonable person to leave that employment.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 80-10-052, filed 8/6/80)

WAC 192-16-015 Interpretative regulations—Leaving work for marital or domestic reasons—RCW 50.20-

050(4)(d). This regulation applies only to claims with an effective date prior to January 4, 2004. (1) **General rule.** An individual whose marital status or domestic responsibilities are the primary cause of his or her voluntarily leaving employment shall be disqualified from benefits pursuant to the terms of RCW 50.20.050(4) (1)(d). This rule applies whether or not the individual took reasonable precautions to preserve his or her employment. Domestic responsibilities mean obligations or duties relating to the individual's immediate family, and include the illness, disability, or death of a member of the claimant's "immediate family" as defined in WAC ~~192-16-013150-055~~.

(2) **Exception.** Notwithstanding the provisions of subsection (1) above, an individual who leaves employment because of the illness, disability, or death of a member of his or her immediate family as defined in WAC ~~192-16-013150-055~~ and who establishes good cause under RCW 50.20.050 (2)(b) (1)(b)(ii), will not be subject to disqualification under RCW 50.20.050(4) (1)(d): Provided, That if such individual fails to establish good cause under RCW 50.20.050 (2)(b) (1)(b)(ii), disqualification will be imposed under RCW 50.20.050(4) (1)(d) rather than under RCW 50.20.050(1).

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 82-17-052, filed 8/17/82)

WAC 192-16-016 Interpretative regulations—Satisfying disqualification under RCW 50.20.050(4)(d) when separation is for reasons of marital status and marriage occurs after date of separation. This regulation applies only to claims with an effective date prior to January 4, 2004.

In *Yamauchi v. Department of Employment Security*, 96 Wn.2d 773 (1982), the Washington state supreme court held that an individual who leaves work to be married and relocate to a place outside of reasonable commuting distance and who is not married at the time of the leaving does so for reasons of marital status and should be disqualified from benefits pursuant to RCW 50.20.050(4) (1)(d) if there is a causal nexus between the marital status and leaving work. However, the court also ruled that an individual who so leaves work shall not benefit from the lesser disqualification of RCW 50.20-050(4) (1)(d) prior to the date of the marriage and move.

(1) An individual who voluntarily leaves work to marry and relocate to a place outside of reasonable commuting distance has left work for reasons of marital status pursuant to RCW 50.20.050(4) (1)(d) if there is a causal nexus between the marriage and leaving work.

(2) Any individual who leaves work for reasons of marital status as described in subsection (1) above shall be granted no credit toward satisfying the disqualification of benefits under RCW 50.20.050(4) (1)(d) described as the alternate method of satisfying the disqualification in WAC ~~192-16-017(2)~~ ~~192-150-090~~, for any week ending prior to marriage or relocation, whichever is the latter.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 192-100-010 Reasonably prudent person defined. A reasonably prudent person is an individual who uses good judgment or common sense in handling practical matters. The actions of a person exercising common sense in a similar situation are the guide in determining whether an individual's actions were reasonable.

NEW SECTION

WAC 192-100-020 Continued claim defined. (1) You are a continued claim recipient if you:

- (a) Are monetarily entitled to benefits; and
- (b) Are nonmonetarily eligible for benefits; and
- (c) Have received credit for your waiting week or payment of benefits for one or more weeks in your benefit year and in the current continued claim series.

(2) Continued claim status will end following any combination of four or more consecutive weeks for which you do not file a claim or during which you are not an unemployed individual as defined in RCW 50.04.310.

NEW SECTION

WAC 192-100-030 Week defined. The term "week" means a period of seven consecutive calendar days beginning on Sunday at 12:01 a.m. and ending at midnight the following Saturday.

NEW SECTION

WAC 192-100-035 Effective date of claim defined. As provided in RCW 50.04.030, an unemployment claim will be effective on the Sunday of the calendar week in which the application for benefits is filed. This Sunday date is referred to as the "effective date of claim" or "claim effective date."

NEW SECTION

WAC 192-110-200 Maximum benefits payable—RCW 50.20.120 (1)(b). When the three-month seasonally adjusted total unemployment rate reaches six and eight-tenths percent or less, the maximum benefits payable on a claim will be permanently reduced to 26 times an individual's weekly benefit amount or one-third of the individual's base year wages, whichever is less.

NEW SECTION

WAC 192-110-210 Claim cancellation. If you choose to cancel a claim in order to refile with a new effective date, any nonmonetary eligibility decision issued under the canceled claim will be null and void. A new decision will be issued which addresses your eligibility for benefits based on the effective date of your new claim.

NEW SECTION

WAC 192-120-050 Conditional payment of benefits. (1) If you are a continued claim recipient and your eligibility for benefits is questioned by the department, you will be con-

ditionally paid benefits without delay for any week(s) for which you file a claim for benefits, until and unless you have been provided adequate notice and an opportunity to be heard.

(2) Conditional payments will not be made under the conditions described in WAC 192-140-200 and 192-140-210.

NEW SECTION

WAC 192-130-060 Notice to employer. (1) Whenever an individual files an initial application for unemployment benefits, a notice will be mailed to:

- (a) The claimant's last employer, and
- (b) Any prior employer from whom the claimant has a potentially disqualifying separation where there is insufficient subsequent employment to purge a separation disqualification. An individual will be presumed to have a potentially disqualifying separation when:

(i) For claims with an effective date prior to January 4, 2004, it has been less than seven weeks or the individual has not earned at least seven times his or her weekly benefit amount since the job separation; or

(ii) For claims with an effective date January 4, 2004, and later, it has been less than ten weeks or the individual has not earned at least ten times his or her weekly benefit amount since the job separation.

(2) Whenever an individual files an initial application for unemployment benefits and a benefit year is established, a notice will be mailed to all base year employers. This notice to base year employers will include information on wages reported and benefit charging related information and will request an employer response if the wage information is incorrect or if the employer wishes to request relief of benefit charging.

(3) Whenever an individual files an initial application for unemployment benefits, a notice will be mailed to any separating employer as provided in WAC 192-320-075. This notice will include information that the employer may be liable for all benefits paid on the claim as provided in RCW 50.29.021 (2)(c).

(4) Whenever an individual files an additional claim for benefits (reopens an existing claim after subsequent employment), a notice will be mailed to the last employer reported by the claimant and to any prior employer from who the claimant has a potentially disqualifying separation who has not previously been notified.

NEW SECTION

WAC 192-130-065 Mailing addresses for notice to employer. Notices to employers required by RCW 50.20.150 and WAC 192-130-060 will be mailed as follows:

(1) The notice to the last employer of the claimant will be mailed to the address provided by the claimant. However, an alternative mailing address may be used in the following circumstances:

- (a) If the department has been notified that the employer is represented for unemployment insurance purposes by an employer representative or cost control firm, the notice to the last employer may be mailed directly to that firm; or

(b) If an employer has notified the department that unemployment claim notices should be mailed to a specified address, the notice to the last employer may be mailed directly to that address.

(2) The notice to any base year employer who has reported wages to the department will be mailed to the employer's mailing address of record provided by the employer for tax purposes.

(3) The notice to any other employer from whom the claimant has a potentially disqualifying separation (without sufficient subsequent employment to purge a separation disqualification) will be mailed to the address provided by the claimant.

NEW SECTION

WAC 192-130-070 Mailing of eligibility determinations—RCW 50.20.180. (1) An eligibility determination based on a job separation issue will be mailed to the following:

(a) The last employer, if the claimant was separated from employment for reasons other than lack of work;

(b) A previous employer from whom the claimant has a potentially disqualifying separation as provided in WAC 192-130-060 if the claimant was separated from employment for reasons other than lack of work;

(c) For claims with an effective date prior to January 4, 2004, to any employer since the beginning of the claimant's base year who provides information that the claimant was discharged for a felony or gross misdemeanor connected with the work;

(d) For claims with an effective date of January 4, 2004 or later, to any employer since the beginning of the claimant's base year who provides information that the claimant was discharged for gross misconduct connected with the work, or whose wage credits are deleted from the claimant's record as a result of the claimant's gross misconduct.

(2) An eligibility determination based on an issue other than a separation from employment will be mailed to an employer if the employer provides relevant information relating to eligibility for a specific week.

NEW SECTION

WAC 192-130-080 Procedure—Separation issues.

(1) No decision on a separation issue (RCW 50.20.050, 50.20.060, RCW 50.20.066) will be issued until both parties to the separation have had an opportunity to present information and rebuttal, if necessary and appropriate, on the matters at issue.

(2) If an employer does not respond within ten days to the notice required by WAC 192-130-060, the department may make a decision at that time based on available information.

(3) If the department receives information from the employer after the end of the ten day response period, but before the decision has been made, the information provided by the employer will be considered before making the decision if the information was mailed to the unemployment claims telecenter identified on the notice.

(4) If the department receives information from the employer after the end of the ten day period and within thirty days following the mailing of a decision, the department will consider that information for the purposes of a redetermination under RCW 50.20.160 or as an appeal of the decision.

(5) Any information received within thirty days of the mailing of the notice required by WAC 192-130-060 may be considered a request for relief of benefit charges under RCW 50.29.020 or RCW 50.29.021.

NEW SECTION

WAC 192-140-070 What happens if I do not establish that I am able to or available for work? (1) If you report that you were not able to work or not available for work in any week or do not report whether you were able to work or were available for work, and do not provide details regarding your ability to or availability for work as requested, the department will presume you are not able or not available for work and benefits will be denied under RCW 50.20.010 (1)(c).

This denial is for a definite period of time, which is the week or weeks in which information on your ability to work or availability for work is incomplete.

(2) If you provide information that indicates you are not able to work or not available for work because of a circumstance that is expected to continue beyond the immediate week or weeks claimed, and you do not provide information regarding your ability to or availability for work, benefits will be denied under RCW 50.20.010 (1)(c).

This denial is for an indefinite period of time. It will begin with the first week claimed in which the circumstance applies and continue until the circumstance no longer exists.

NEW SECTION

WAC 192-140-075 What happens if I do not demonstrate that I am actively looking for work? (1) If you report that you were not actively seeking work in any week or do not report whether you made an active search for work and subsequently fail to report complete job search details and other information when requested, the department will presume you are not actively seeking work and your benefits will be denied under RCW 50.20.010 (1)(c).

(2) For the purpose of this section, "complete job search details" includes those elements required under WAC 192-180-015.

(3) This denial is for a definite period of time, which is the week or weeks in which your job search information is incomplete.

NEW SECTION

WAC 192-140-080 What happens if I do not comply with a job search directive? (1) If you have been issued a job search directive as provided in WAC 192-180-010, do not report a job search that meets the requirements outlined in the directive, and you do not provide additional job search information as requested or you respond with information that does not meet these requirements, the department will pre-

sume you are not actively seeking work as directed and benefits will be denied under RCW 50.20.010 (1)(c).

(2) This denial is for a definite period of time, which is the week or weeks in which your job search information does not meet the specific requirements of the directive.

NEW SECTION

WAC 192-140-085 What happens if I do not respond to a request for information regarding late claim(s)? (1) If you file a claim late as defined in WAC 192-140-005 and do not respond to a request for an explanation of why the claim was filed late, the department will presume that the claim was filed late without good cause and benefits will be denied under RCW 50.20.010 (1)(b) and WAC 192-140-005.

(2) This denial is for a definite period of time, which is the week or weeks that were filed late.

NEW SECTION

WAC 192-140-090 What happens if I do not report for reemployment services as provided in RCW 50.20.010 (1)(e)? The commissioner may direct you in writing to report in person for reemployment services.

(1) **Exceptions.** You will not be required to participate in reemployment services if you:

(a) Are a member in good standing of a full referral union;

(b) Are attached to an employer as provided in WAC 192-180-005; or

(c) Within the previous year have completed, or are currently scheduled for or participating in, similar services.

(2) **Minimum services.** The services will consist of one or more sessions which include, but are not limited to:

- (a) Local labor market information;
- (b) Available reemployment and training services;
- (c) Successful job search attitudes;
- (d) Self assessment of job skills and interests;
- (e) Job interview techniques;
- (f) The development of a resume or fact sheet; and
- (g) The development of a plan for reemployment.

(3) **Sanctions.** If you have received a directive, and fail to participate in reemployment services during a week, you will be disqualified from benefits for that week unless justifiable cause is demonstrated.

(4) **Justifiable cause.** Justifiable cause for failure to participate in reemployment services as directed will include factors specific to you which would cause a reasonably prudent person in similar circumstances to fail to participate. Justifiable cause includes, but is not limited to:

(a) Your illness or disability or that of a member of your immediate family;

(b) Your presence at a job interview scheduled with an employer; or

(c) Severe weather conditions precluding safe travel.

Reasons for absence may be verified. In all such cases, your ability to or availability for work is in question.

NEW SECTION

WAC 192-140-100 What happens if I do not respond to a request for information regarding a discharge from work? (1) If you do not respond to a request for information regarding a discharge from work or have not provided sufficient information to identify or contact the employer, the department will presume you were discharged for misconduct connected with the work. For claims with an effective date prior to January 4, 2004, benefits will be denied under RCW 50.20.060. For claims with an effective date of January 4, 2004, and later, benefits will be denied under RCW 50.20.066. If you have provided the department with sufficient information to contact the employer, benefits will not be denied unless the employer establishes by a preponderance of evidence that you were discharged for misconduct connected with your work.

(2) This denial is for an indefinite period of time and will continue until you meet the requalification provisions of RCW 50.20.060 or RCW 50.20.066, as applicable.

NEW SECTION

WAC 192-140-120 What happens if I do not provide information regarding attendance at school? (1) If you or another party notifies the department that you are in school and you do not respond to a request for information regarding school attendance, the department will presume that you are registered for academic instruction of 12 or more credit hours and have a limited attachment to the labor market, and are not available for work. Benefits will be denied under RCW 50.20.095 and RCW 50.20.010 (1)(c).

(2) This denial of benefits is indefinite in nature and will continue until you establish that you are eligible under RCW 50.20.095 and RCW 50.20.010 (1)(c).

NEW SECTION

WAC 192-140-200 What happens if I certify that I am not able to or available for work? (1) Benefits will be reduced under RCW 50.20.010 (1)(c) and RCW 50.20.130 without requiring additional information or interview if you file a weekly claim that:

(a) States you were not available for work or were not able to work on one or two days of a week or weeks being claimed; and

(b) The day or days to which this condition applies are normal working days in your regular occupation; and

(c) The information supplied clearly supports this finding.

This denial is for a definite period of time and applies only to the day or days for which you specifically indicate you are ineligible for benefits.

(2) Benefits will be denied under RCW 50.20.010 (1)(c) without requiring additional information or interview if you file a weekly claim that:

(a) States you were not available for work or were not able to work for three or more days of a week or weeks being claimed; and

(b) The days to which this condition applies are normal working days in your regular occupation; and

(c) The information supplied clearly supports this finding.

This denial for a definite period of time and applies only to the week or weeks for which you specifically indicate you are ineligible for benefits.

(3) Benefits will be denied under RCW 50.20.010 (1)(c) without requiring additional information or interview if you file a weekly claim that indicates you are not able to work or not available for work because of a circumstance that is expected to continue beyond the immediate week or weeks claimed.

This denial is for an indefinite period of time. It will begin with the first week claimed in which the circumstance applies and continue until the circumstance no longer exists.

(4) If you file a weekly claim with information clearly stating that you do not intend to claim benefits for the week or weeks, benefits will be denied under RCW 50.20.010 (1)(c) without requiring additional information or interview.

This denial is for a specific period of time, which is the week or weeks for which you specifically indicate you do not intend to claim benefits.

(5) Any denial of benefits under this section will be issued without delay.

NEW SECTION

WAC 192-140-210 What happens if I return to full-time work or report hours worked consistent with full-time work? If you report that you have returned to full-time work or report hours worked that are consistent with full-time work for that occupation, this information is sufficient to find that you are no longer an unemployed individual as defined in RCW 50.04.310. This denial is for a specific period of time, which is the week or weeks for which you report full-time work or hours consistent with full-time work.

AMENDATORY SECTION (Amending WSR 01-11-085, filed 5/16/01, effective 6/16/01)

WAC 192-150-050 Leaving work to accept bona fide job offer—RCW 50.20.050 (1)(b)(i) and (2)(b)(i). If you leave work to accept a bona fide offer of employment, you will have good cause within the meaning of RCW 50.20.050 if you satisfactorily demonstrate that:

- (1) Prior to leaving work, you received a definite offer of employment; and
- (2) You had a reasonable basis for believing that the person making the offer had the authority to do so; and
- (3) A specific starting date and the terms and conditions of the employment were mutually agreed upon; and
- (4) You continued in your previous employment for as long as was reasonably consistent with whatever arrangements were necessary to start working at the new job; and
- (5) The new job is in employment covered by Title 50 RCW or the comparable laws of another state or the federal government.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

Reviser's note: The above section was filed as an amendatory section; however, there were no amendments made. Pursuant to the requirements of RCW 34.08.040 it is published in the same form as filed by the agency.

AMENDATORY SECTION (Amending WSR 02-14-035, filed 6/25/02, effective 7/26/02)

WAC 192-150-055 Leaving work because of illness or disability—General rules and definitions—RCW 50.20.050 (1)(b)(ii) and (2)(b)(ii). (1) **General rule.** To establish good cause for leaving work voluntarily because of your illness or disability or the illness, disability, or death of a member of your immediate family, you must demonstrate that:

- (a) You left work primarily because of such illness, disability, or death; and
- (b) The illness, disability, or death ~~necessitated your leaving~~ made it necessary for you to leave work; and
- (c) You first exhausted all reasonable alternatives prior to leaving work, including:

(i) Notifying your employer of the reason(s) for the absence as provided in WAC 192-150-060; and

(ii) Asking that you to be reemployed when you are able to return to work. (You are not required to request reemployment after the job separation has occurred to establish good cause.)

~~(d)~~ (2) For claims with an effective date of January 4, 2004, or later, you are not eligible for unemployment benefits unless, in addition to the requirements of subsections (1)(a)-(c) above, you terminate your employment and are not entitled to be reinstated in the same or similar position.

(23) **Exception.** You may be excused from failure to exhaust reasonable alternatives prior to leaving work as required by subsection (1)(c) if you can show that doing so would have been a futile act.

(34) **Definitions.** For purposes of this chapter:

(a) "Disability" means a sensory, mental, or physical condition that:

- (i) Is medically recognizable or diagnosable;
- (ii) Exists as a record or history; and
- (iii) Substantially limits the proper performance of your job;

(b) "Immediate family" means your spouse, children (including unborn children), step-children, foster children, or parents of either spouse, whether living with you or not, and other relatives who temporarily or permanently reside in your household;

(c) "Necessary" means the conditions are of such degree or severity in relation to your particular circumstances that they would cause a reasonably prudent person acting under similar circumstances to quit work.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 02-08-072, filed 4/2/02, effective 5/3/02)

WAC 192-150-060 Leaving work because of disability—Notice to employer—RCW 50.20.050 (1)(b)(ii) and (2)(b)(ii). (1) If you leave work because of a disability you must notify your employer about your disabling condition

before the date you leave work or begin a leave of absence. Notice to the employer shall include any known restrictions on the type or hours of work you may perform.

(2) Any restrictions on the type or hours of work you may perform must be supported by a physician's statement or by the terms of a collective bargaining agreement or individual hiring contract.

(3) Nothing in unemployment insurance law requires your employer to offer you alternative suitable work when you have a disability, or modify your duties so that you can perform your current job. However, any offer from your employer of other suitable work must be made prior to the date you leave work or begin a leave of absence. You are not required to request alternative work from your employer to be found available for work.

(4) If your employer offers you alternative work or otherwise offers to accommodate your disability, you must demonstrate good cause to refuse the offer. This may include, but is not limited to, information from your physician that the accommodation offered by your employer was inadequate to reasonably accommodate your medical condition, or information demonstrating that the alternative work offered you by your employer was not suitable.

(5) If you refuse an offer of work from any employer after your job separation or after beginning a leave of absence, the department will determine whether you refused an offer of suitable work as provided in RCW 50.20.080.

(6) If you are on a leave of absence due to your disability, you must promptly request reemployment from your employer when you are again able to return to work.

(7) This section also applies to individuals on a leave of absence because of a pregnancy-related disability.

(8) For claims with an effective date of January 4, 2004, or later, in addition to the requirements of this section, you are not eligible for unemployment benefits unless you terminate your employment and are not entitled to be reinstated to the same or similar position.

AMENDATORY SECTION (Amending WSR 01-11-85 [01-11-085], filed 5/16/01, effective 6/16/01)

WAC 192-150-065 What constitutes an employer-initiated mandatory transfer under RCW 50.20.050 (2)(e) (1)(b)(iii)? (1) This section applies only to claims with an effective date prior to January 4, 2004.

(2) If your spouse's employer requires your spouse to relocate to another labor market area to retain a current job or to accept another job with that employer, the relocation will be considered an employer-initiated mandatory transfer. Examples of employer-initiated mandatory transfers include, but are not limited to:

(a) A plant closure where employees must move to another labor market area to continue employment with that employer;

(b) A change in job responsibilities, such as a promotion, with that same employer where the employer requires a move to another labor market area; or

(c) A restructuring of business operations by the employer requiring employees to move to another labor mar-

ket area if they want to continue in their customary occupation.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 01-11-085, filed 5/16/01, effective 6/16/01)

WAC 192-150-085 How to qualify after benefits have been denied. (1) Benefits may be denied under RCW 50.20.-050(4) for voluntarily leaving work, RCW 50.20.060 for being discharged for misconduct, and RCW 50.20.080 for refusing an offer of suitable work or job referral. The denial of benefits will continue indefinitely until you show that:

(1a) At least seven calendar weeks have elapsed following the week the act occurred that resulted in the denial of benefits; and

(2b) You have obtained bona fide work and earned wages of at least seven times your suspended weekly benefit amount. The wages earned must be in employment that is covered by Title 50 RCW or the comparable laws of another state or the federal government.

(2) For claims with an effective date of January 4, 2004, or later, benefits may be denied under RCW 50.20.066 for being discharged for misconduct or gross misconduct. The denial of benefits will continue indefinitely until you show that:

(a) At least ten calendar weeks have elapsed following the week the act occurred that resulted in the denial of benefits; and

(b) You have obtained bona fide work and earned wages of at least ten times your suspended weekly benefit amount. The wages earned must be in employment that is covered by Title 50 RCW or the comparable laws of another state or the federal government.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 99-08-073, filed 4/5/99, effective 5/6/99)

WAC 192-150-090 How to qualify for benefits after leaving work for marital or domestic reasons. This section applies only to claims with an effective date prior to January 4, 2004. RCW 50.20.050(14)(d) says that benefits will be denied if you quit your job for family reasons. In such cases, the law provides an alternative means for qualifying for benefits other than through work and earnings. Under this alternative method, you must report in person to your Work-Source Office or local employment center in ten different weeks and establish that you are able to work, available for work, and actively seeking work each week.

If you are an interstate claimant or living in a remote area, you can qualify for benefits under this alternative method by calling the unemployment information and weekly claims line in each of ten different weeks and certifying that you are able to work, available for work, and actively seeking work each week. For purposes of this section, you

are living in a remote area if a round trip of more than two hours by reasonably available public or private transportation is required to reach the nearest local employment center and return.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 192-150-110 Mandatory military transfers—RCW 50.20.050 (2)(b)(iii). (1) Any military transfer will be considered mandatory if your spouse receives orders from the military to relocate to a new duty station, regardless of whether the transfer is temporary or permanent.

(2) You may establish good cause to quit work if you relocate for your spouse's employment that was due to a mandatory military transfer if:

(a) Your spouse's new duty station is outside your existing labor market and in Washington or another state (including the District of Columbia, Puerto Rico, and the U.S. Virgin Islands) that allows benefits to individuals who quit work to accompany their military spouse; and

(b) You continued in your previous employment for as long as was reasonable prior to the move.

(3) For purposes of this section, the term "military" includes the following: U.S. Navy, U.S. Army, U.S. Air Force, U.S. Marine Corps, U.S. Coast Guard, activated reserve members of any of these service branches, activated members of the National Guard, commissioned officers of the National Oceanographic and Atmospheric Administration, and commissioned officers of the regular or reserve corps of the U.S. Public Health Service.

(4) The department will maintain a list of states that allow unemployment benefits to an individual who quits to accompany a military spouse. This list will be updated at least annually.

(5) Good cause for quitting work is not established under this section if:

(a) You quit work to return to your home of record or to another location rather than accompanying your spouse to a new duty location; or

(b) Your spouse leaves military service and you elect to relocate to your home of record or elsewhere.

NEW SECTION

WAC 192-150-115 Reduction in compensation of 25% or more—RCW 50.20.050 (2)(b)(v). (1) "Compensation" means remuneration as defined in RCW 50.04.320.

(2) "Usual" includes amounts actually paid to you by your employer or, if payment has not yet been made, the compensation agreed upon by you and your employer as part of your hiring agreement.

(3) To constitute good cause for quitting work under this section, employer action must have caused the reduction in your usual compensation.

(4) All reductions in compensation occurring since the beginning of your base period to the date of separation will be included in the determination as to whether your compensation was reduced by 25% or more.

(5) The percentage of reduction will be based on your most recent pay grade, salary, or other benefits you received or have accepted on a permanent basis. It does not include any temporary raises or other compensation for performing temporary duties.

NEW SECTION

WAC 192-150-120 Reduction in hours of 25% or more—RCW 50.20.050 (2)(b)(vi). (1) Your "usual hours" will be determined based on:

(a) The hours of work agreed on by you and your employer as part of your individual hiring agreement;

(b) For seasonal jobs, the number of hours you customarily work during the season; or

(c) For piecework, the number of hours you customarily work to complete a fixed volume of work.

(2) To constitute good cause for quitting under this section, employer action must have caused the reduction in your usual hours.

(3) All reductions in hours occurring since the beginning of your base period through the date of separation will be included in the determination as to whether your hours were reduced by 25% or more.

(4) In determining the percentage of reduction, the department will not consider any temporary overtime or additional hours performed on a temporary basis.

NEW SECTION

WAC 192-150-125 Change in worksite—RCW 50.20.050 (2)(b)(vii). (1) The location of your employment must have changed due to employer action. The change must have:

(a) Substantially increased the distance you travel to the new worksite or increased the difficulty or inconvenience of travel; and

(b) Resulted in a commute distance or time that is greater than is customary for workers in your job classification and labor market area.

(2) For purposes of this section:

(a) "Job classification" means your occupation at the time you quit work;

(b) "Labor market area" means the geographic area in which workers in your location and occupation customarily work. In determining whether a labor union's jurisdictional area is consistent with an individual member's labor market, the department will determine where the majority of union members in that member's location and occupation customarily work.

(3) Good cause for quitting work cannot be established under this section if the worksite location and distance to work was known at the time of hire.

NEW SECTION

WAC 192-150-130 Worksite safety—RCW 50.22.050 (2)(b)(viii). (1) At the time of hire, you can reasonably expect that your worksite complies with applicable federal and state health and safety regulations. If, after beginning work or accepting the job offer, you become aware of a safety issue

that was not previously disclosed by your employer, the department will consider the safety of the worksite to have deteriorated.

(2) To establish good cause for quitting work under this section, you must notify your employer of the safety issue and give your employer a reasonable period of time to correct the situation. For purposes of this section:

(a) "Employer" means your supervisor, manager, or other individual who could reasonably be expected to have authority to correct the safety condition at issue;

(b) "Reasonable period of time" means the amount of time a reasonably prudent person would have remained at the worksite or continued working in the presence of the condition at issue. In addition:

(i) For health or safety issues that present imminent danger of serious bodily injury or death to any person, your employer must take immediate steps to correct the situation;

(ii) If your employer has been issued a citation by a regulatory agency charged with monitoring health or safety conditions, the employer must correct the condition within the time period specified in the citation.

(c) "Serious bodily injury" means bodily injury which creates a probability of death, or which causes serious permanent disfigurement, or which causes a significant loss or impairment of the function of any bodily part or organ whether permanent or temporary.

NEW SECTION

WAC 192-150-135 Illegal activities at the worksite—RCW 50.20.050 (2)(b)(ix). (1) Illegal activities include violations of both civil and criminal law.

(2) To establish good cause for quitting work under this section, you must notify your employer of the illegal activity and give your employer a reasonable period of time to correct the situation. You are not required to notify your employer before quitting when your employer is conducting the illegal activity and notifying your employer could jeopardize your safety or is contrary to other federal and state laws (for example, whistleblower protection laws).

(3) "Employer" means your supervisor, manager, or other individual who could reasonably be expected to have authority to correct the illegal activity at issue;

(4) A "reasonable period of time" is the period a reasonably prudent person would be expected to continue working in the presence of the activity at issue.

NEW SECTION

WAC 192-150-140 Change in usual work that violates religion or sincere moral beliefs—RCW 50.20.050 (2)(b)(x). (1) For purposes of this section, "usual work" means job duties or conditions:

(a) Originally agreed upon by you and your employer in your hiring agreement; or

(b) Customary for workers in your job classification; or

(c) You consistently performed during your base period;

or

(d) Mutually agreed to by you and your employer prior to the employer action changing your job duties.

(2) The following criteria will be used to determine whether you had good cause for quitting work under this section:

(a) The change in your usual work must be the result of action taken by your employer;

(b) The work must require you to violate your religious beliefs or sincere moral convictions; mere disapproval of the employer's method of conducting business is not good cause for leaving work under this section;

(c) You must notify your employer that the work violates your religion or sincere moral beliefs, unless doing so would be futile;

(d) The work or activity must directly, rather than indirectly, affect your religious or moral beliefs; and

(e) The objectionable condition must exist in fact, rather than be a matter of speculation.

(3) You will not have good cause for quitting work under this section if:

(a) You are inconsistent or insincere in your objections;

(b) The objection is raised as a sham or a means of avoiding work; or

(c) You knew of the objectionable aspects of the work at the time of hire, or you continued working under the objectionable conditions.

NEW SECTION

WAC 192-150-150 When is a separation considered a refusal of new work? (1) Section 3304 (a)(5) of the Federal Unemployment Tax Act and RCW 50.20.110 prohibit the denial of benefits to individuals who refuse to accept new work when the wages, hours, or other conditions of work are substantially less favorable to the individual than those prevailing for similar work in the locality.

(2) For purposes of this chapter, "new work" includes an offer by your present employer of:

(a) Different duties than those you agreed to perform in your current employment contract or agreement; or

(b) Different terms or conditions of employment from those in the existing contract or agreement.

(3) When your employer changes your pay, hours, or conditions of work in a manner that does not constitute good cause under RCW 50.20.050(2), the department will determine whether the change constitutes an offer of new work. If it does, the department will also determine if the new work is substantially less favorable than similar work in your labor market area.

(a) If the department determines the change constitutes an offer of new work, and the new work is substantially less favorable, the separation will be treated as a layoff due to lack of work and the issue of the refusal of new work adjudicated under RCW 50.20.080.

(i) The refusal of new work will be adjudicated even if you have not claimed benefits for the week in which the refusal occurred; and

(ii) The employer offering the new work is an interested party to the work refusal decision.

(b) If the department determines the change does not constitute an offer of new work, or the new work is not sub-

stantially less favorable, the separation from work will be adjudicated as a voluntary quit under RCW 50.20.050(2).

(4) If the reduction in your pay or hours is ten percent or less, the department will presume that it is not substantially less favorable and adjudicate the separation under RCW 50.20.050(2). You can overcome this presumption by providing additional information to the department to support a finding that the job was not suitable as provided in RCW 50.20.110.

(5) If you continue working for your employer after being notified of the change(s) in working conditions, the department will consider that you have agreed to the new terms and conditions of employment and have accepted the offer of new work. If you subsequently quit work because of these changes, the department will consider that you have voluntarily left work for personal reasons. This provision does not apply when you give notice of your intent to quit work upon being notified of the change(s) in working conditions and simply continue to work during an agreed upon notice period.

(6) For purposes of this section, the following definitions apply:

(a) "Conditions of work" includes fringe benefits such as life and health insurance; paid sick, vacation, and annual leave; provisions for leaves of absence and holiday leave; pensions, annuities and retirement provisions; and severance pay. It also includes job security and reemployment rights; training and promotion policies; wage guarantees; unionization; grievance procedures; work rules, including health and safety rules; medical and welfare programs; physical conditions such as heat, light and ventilation; shifts of employment; and permanency of work.

(b) "Prevailing" means the most typical or customary in a particular occupation for a given area. Whether a wage rate is prevailing for your labor market area will be determined based on information provided by the department's labor market and economic analysis branch.

(c) "Similar work" means similarity of the operations performed, the skill, ability and knowledge required, and the responsibilities involved.

(d) "Substantially less favorable" means the work is materially reduced below the standard under which the greatest number of individuals in your occupation and labor market area customarily work, or the work would have a significantly unfavorable impact on you.

NEW SECTION

WAC 192-150-200 General provisions—Misconduct and gross misconduct—RCW 50.04.294 and RCW 50.20.066. (1) The action or behavior that resulted in your discharge or suspension from employment must be connected with your work to constitute misconduct or gross misconduct.

(2) The action or behavior must result in harm or create the potential for harm to your employer's interests. This harm may be tangible, such as damage to equipment or property, or intangible, such as damage to your employer's reputation or a negative impact on staff morale.

(3) RCW 50.04.294, subsections (1)(c) and (3)(b), will be distinguished as follows:

(a) Subsection (1)(c) "Carelessness or negligence that causes or would likely cause serious bodily harm to your employer or fellow employee" means that your action results in serious bodily injury or a reasonably prudent person would know it is likely to result in serious bodily injury.

(b) Subsection (3)(b) "Inadvertence or ordinary negligence in isolated instances" means that your action is an accident or mistake and is not likely to result in serious bodily injury.

NEW SECTION

WAC 192-150-205 Definitions—Misconduct and gross misconduct—RCW 50.04.294 and RCW 50.20.066. For purposes of this chapter, the following definitions will apply:

(1) "Willful" means intentional behavior done deliberately or knowingly, where you are aware that you are violating or disregarding the rights of your employer or a co-worker.

(2) "Wanton" means malicious behavior showing extreme indifference to a risk, injury, or harm to another that is known or should have been known to you. It includes a failure to act when there is a duty to do so, knowing that injury could result.

(3) "Carelessness" and "negligence" mean failure to exercise the care that a reasonably prudent person usually exercises.

(4) "Serious bodily harm" means bodily injury which creates a probability of death, or which causes significant permanent disfigurement, or which causes a significant loss or impairment of the function of any bodily part or organ.

(5) "Criminal act" means any act classified as a felony, gross misdemeanor, or misdemeanor under state or federal law.

(6) "Flagrant" means conspicuously bad or offensive behavior showing contemptuous disregard for the law, morality, or the rights of others. This blatant behavior must be so obviously inconsistent with what is right or proper that it can neither escape notice nor be condoned.

NEW SECTION

WAC 192-150-210 Willful or wanton disregard—RCW 50.04.294 (1)(a) and (2). (1) "Repeated inexcusable tardiness" means repeated instances of tardiness that are unjustified or that would not cause a reasonably prudent person in the same circumstances to be tardy. Your employer must have warned you at least twice, either verbally or in writing, about your tardiness, and violation of such warnings must have been the immediate cause of your discharge.

(2) "Dishonesty related to employment" means the intent to deceive the employer on a material fact. It includes, but is not limited to, making a false statement on an employment application and falsifying the employer's records.

(3) "Repeated and inexcusable absences" means repeated absences that are unjustified or that would not cause a reasonably prudent person in the same circumstances to be absent. Previous warnings from your employer are not required, but your repeated absences must have been the immediate cause of your discharge.

(4) A company rule is reasonable if it is related to your job duties, is a normal business requirement or practice for your occupation or industry, or is required by law or regulation.

(5) The department will find that you knew or should have known about a company rule if you were provided an employee orientation on company rules, you were provided a copy or summary of the rule in writing, or the rule is posted in an area that is normally frequented by you and your co-workers, and the rule is conveyed or posted in a language that can be understood by you.

(6) You are considered to be acting within your "scope of employment" if you are:

- (a) Representing your employer in an official capacity;
- (b) On your employer's property whether on duty or not;
- (c) Operating equipment under your employer's ownership or control;
- (d) Delivering products or goods on behalf of your employer; or
- (e) Acting in any other capacity at the direction of your employer.

NEW SECTION

WAC 192-150-215 Discharges for felony or gross misdemeanor or for gross misconduct—Responsibility for providing information. In any job separation where there is a potential disqualification under RCW 50.20.065 or RCW 50.20.066, the employer is responsible for notifying the department in a timely manner of any resolution of issues.

If an employer notifies the department of a potential disqualification under RCW 50.20.065 or RCW 50.20.066 within ten days of receiving the notice required by WAC 192-130-060, the department will review the claimant's eligibility for benefits.

NEW SECTION

WAC 192-150-220 Discharges for gross misconduct or for felony or gross misdemeanor. (1) **Effective dates.** The provisions of RCW 50.20.065 will apply to claims with an effective date prior to January 4, 2004. The provisions of RCW 50.20.066 will apply to claims with an effective date of January 4, 2004, and thereafter.

(2) **Definitions.**

(a) "Criminal act" means every action defined as a crime by the applicable state or federal statutes, including felonies and gross misdemeanors.

(b) "Felony" means every crime that is defined as such by the applicable state or federal statutes.

(c) "Gross misdemeanor" means every crime which is defined as such by the applicable state or federal statutes.

(d) A "competent authority" is:

- (i) A court (including magistrate or court commissioner), prosecuting attorney, or law enforcement agency; or
- (ii) An administrative law judge; or
- (iii) A regulatory agency or professional association charged by law with maintaining professional standards or codes of conduct; or
- (iv) Any other person or body, other than your employer, with authority to administer disciplinary action against you.

(e) An admission to your employer or to an employee of the department that you have committed a criminal act is not considered an admission to a competent authority for the purposes of RCW 50.20.065 and RCW 50.20.066.

(3) **Canceling wage credits.**

(a) For claims with an effective date prior to January 4, 2004: If you have been discharged because of a felony or gross misdemeanor connected with your work of which you have been convicted or have admitted committing, all your hourly wage credits based on that employment since the beginning of your base period will be canceled.

(b) For claims with an effective date of January 4, 2004, and later: If you have been discharged for gross misconduct connected with your work:

(i) All your hourly wage credits based on that employment since the beginning of your base period will be canceled;

(ii) If your wage credits with this employer are fewer than 680 hours, the balance of wage credits up to 680 hours will be canceled proportionately among your base period employers according to each employer's share of your base period wages. Wages from each employer will be removed from the most recent quarter in which wages were reported.

(c) Wage credits may only be canceled based upon an admission of a criminal act if:

- (i) You admit to each and every element of a criminal act which caused you to be discharged; and
- (ii) The admission is made to a competent authority.

AMENDATORY SECTION (Amending WSR 99-13-002, filed 6/3/99, effective 7/4/99)

WAC 192-180-010 Job search requirements—Directives—RCW 50.20.010 (1)(c)(3) and 50.20.240. (1) **Do I have to look for work?** You must be actively seeking work unless you are:

- (a) Attached to an employer; or
- (b) Participating in a training program approved by the commissioner; or

(c) Unemployed due to strike or lockout as provided in RCW 50.20.090(2).

(2) **When should I start my job search?** You must look for work every week that you file a claim for benefits, unless you are exempt under subsection (1).

(3) **What are my weekly job search requirements?**

- (a) At a minimum, you must:
 - (i) Make job search contacts with at least three employers each week; or
 - (ii) If your claim is effective prior to January 4, 2004, participate in an approved documented in-person job search activity at the WorkSource Office or local employment center; or
 - (iii) If your claim is effective January 4, 2004 or later, participate in three approved in-person job search activities at the WorkSource Office or local employment center, or any combination of employer contacts or in-person job search activities for a total of three.

(b) Based on your individual circumstances, such as your occupation, experience, or labor market area, the department

may issue you a directive requiring more than three employer contacts or job search activities a each week.

(c) ~~This subsection does not apply to~~ If you are a member of a full referral union ~~(-)~~ you must be in good standing with your union, eligible for dispatch, and comply with your union's dispatch or referral requirements. Your benefits may be denied for any weeks in which you fail to meet these requirements and you may be directed to seek work outside of your union.

(4) **What is a "job search contact"?** ~~Usually a~~ A job search contact is a contact with an employer ~~in person or by telephone~~ to inquire about or apply for a job. You may use other job search methods that are customary for your occupation and labor market area, including in-person, telephone, internet, or telefax contacts. The work applied for must be suitable (see RCW 50.20.100) unless you choose to look for work in a lower skill area. A contact does not count if it is made with an employer whom you know is not hiring, or if the department determines the contact is designed in whole or in part to avoid meeting the job search requirements.

(5) **What is an "in-person job search activity"?** This is an activity provided through the WorkSource Office or local employment center that will assist you in your reemployment efforts. It includes, but is not limited to, resume development, job search workshops, training classes, and computer tutorials or other facilitated services provided by WorkSource staff and approved by the local WorkSource administrator. For claimants residing in Washington state, an in-person job search activity must be documented in the department's Services, Knowledge and Information Exchange System (SKIES) to qualify. For interstate claimants, the activity must be documented in the one-stop system in the state in which you reside.

(6) **What is a directive?** A directive is a written notice from the department telling you that specific methods of job search are required in order to meet the job search requirements. A written directive need not have been issued to deny benefits for failure to meet the job search requirements in subsection (3).

(7) **When is a directive issued?** The department can issue a directive to clarify or to increase the job search requirements you must meet. Examples include, but are not limited to, cases in which you need to:

- (a) Increase the number of employer contacts each week;
- (b) Change your method of seeking work (such as from resumes to in-person contacts);
- (c) Expand the geographic area in which your job search is conducted; or
- (d) Seek work in a secondary occupation.

(8) **When is the directive effective?** The directive is effective when it is given in writing by the department. It stays in effect until a new written directive is given, or it is rescinded in writing.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 99-13-002, filed 6/3/99, effective 7/4/99)

WAC 192-180-015 Tracking job search activities—RCW 50.20.240. (1) **Do I need to keep track of my job search activities?** You must keep a record or log of your job search contacts and the services in-person job search activities you receive through the WorkSource Office or local employment center unless you are:

- (a) A member of a full referral union; or
- (b) Allowed benefits because you left work to protect yourself or a member of your immediate family from domestic violence or stalking as provided in RCW 50.20.050 (1)(b)(iv) or (2)(b)(iv); or
- (c) Exempt from job search requirements under WAC 192-180-010(1).

(2) **What information do I need to keep in the log?** Your job search log must contain at least the following information:

- (a) For job search contacts, record the date contact was made; the employer's name, address and telephone number; the type of contact (in-person, telephone, etc.); the name of the person you contacted; the type of work you applied for; and the results of your contact;
- (b) For in-person job search activities at the local reemployment center, record the date contact was made; a description of the services you received or the activities in which you participated; and the results of your contact.

(3) **Is there a specific form I must use?** The department will supply you with a form (EMS 10313) to use in tracking your job search activities. You may use your own form or tracking method as long as all information required by this subsection is recorded.

(4) **How long should I keep my log?** Keep your log for at least sixty days after the end of your benefit year or sixty days after receiving your final benefit payment on any extension of benefits a claim, whichever is later.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 99-13-002, filed 6/3/99, effective 7/4/99)

WAC 192-180-020 Monitoring job search activities—RCW 50.20.240. (1) **Will my job search activities be monitored?** Every week that you file a claim for benefits, you must certify that you meet the job search requirements. The department may review your job search activities at any time. If you have been paid benefits for five or more weeks in any benefit year, you must provide the department with a copy of your job search log upon request. You must bring a copy of your job search log to any eligibility job search review interview (see WAC 192-180-025) for which you have been scheduled.

(2) **Will the department verify the information on my job search log?** Employer contacts and other job search activities on your log will be verified whenever the department has a question about the information reported. In addition, when you are scheduled for an eligibility job search

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review interview, your log will be verified with the listed employers on a random basis.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 99-13-002, filed 6/3/99, effective 7/4/99)

WAC 192-180-025 Eligibility Job search review interviews. (1) **What is an eligibility job search review (JSR) interview (ERI)?** The ERI JSR is an interview between you and a representative of the WorkSource Office or local employment center. Its purpose is to review your job search documentation, identify any barriers to your reemployment, develop a plan for resolving barriers that may be identified, and provide advice on how to improve your job search efforts. For interstate claimants, this interview may be conducted by telephone or by the local employment center in a contracted state.

(2) **Will my job search activities be reviewed?** Yes, you must bring your job search log to the interview. The interviewer will review your log with you and discuss areas in which your job search can be improved. The employer contacts and job search activities included in your log will be verified at random. The interviewer may further verify any reported contacts at his or her discretion.

(3) **How many weeks will be reviewed?** (a) The interviewer will review at least one week of your job search documentation. If the job search documentation is unsatisfactory, or you fail to appear for the JSR interview without being excused, you will be scheduled for a second interview in which all weeks claimed will be reviewed.

(b) If you are excused from attending the initial JSR interview, you will be rescheduled for a review of one week of your job search documentation.

(c) You may be excused from attending the initial JSR interview as scheduled only for the following reasons:

(i) Jury duty;

(ii) National Guard duty;

(iii) Natural disaster or acts of nature; or

(iv) Verifiable employment or a job interview.

(d) For purposes of this section, "all weeks" means the latest of the following:

(i) Weeks claimed since January 4, 2004;

(ii) Weeks claimed since you filed your application for benefits; or

(iii) Weeks claimed since your last JSR interview, if applicable.

(4) **Do I need to bring anything else to the JSR interview?** You must be prepared to present proof of your identity during the JSR interview. This includes:

(a) State or government issued photo identification; or

(b) Two of the following government-issued documents:

(i) Voter's registration card;

(ii) U.S. Military identification card or draft record;

(iii) Military dependent's identification card;

(iv) U.S. Coast Guard Merchant Mariner Card;

(v) Native American tribal document;

(vi) U.S. social security card;

(vii) Certification of Birth Abroad issued by the U.S. Department of State;

(viii) Original or certified copy of a birth certificate;

(ix) U.S. Citizen ID Card;

(x) ID Card for use of Resident Citizen in the United States; or

(xi) Unexpired employment authorization document issued by the United States Citizenship and Immigration Services (formerly the Immigration and Naturalization Service).

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 99-13-002, filed 6/3/99, effective 7/4/99)

WAC 192-180-030 Penalties. (1) **Is there a penalty if I don't look for work or fail to report for the JSR interview as directed?** Benefits will be denied if you fail to:

(a) Meet the minimum job search requirements;

(b) Provide information about your job search activities and, once you have been paid five weeks of benefits, provide a copy of your job search log upon request;

(c) Comply with any job search directive issued by the department; or

(d) Report to a scheduled eligibility job search review interview.

(2) **How long will my benefits be denied?** Benefits will be denied for the specific week or week(s) in which you fail to act as described in subsection (1).

(3) **What is the penalty if I don't attend a JSR that has been scheduled to review all weeks claimed?** If you fail to appear for a review of your job search logs for all weeks claimed, fail to produce your job search logs for those weeks, or your logs fail to establish that you have met the minimum job search requirements, such failure will be treated as non-disclosure under RCW 50.20.160(3) and your benefits may be denied for any weeks at issue.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 192-180-040 Directive to attend job search workshop or training course—RCW 50.20.044. (1) The department may direct you, in writing, to attend a job search workshop or training course when it finds that your chances of finding employment will be improved by enrollment in such activity.

(2) You will not be directed to attend a job search workshop or training course if:

(a) You have an offer of bona fide work that begins within two weeks; or

(b) The workshop or training location is outside your labor market or would require you to travel further than the nearest WorkSource office or local employment center; or

(c) You are a member in good standing of a full referral union, unless you are also being required to begin an independent search for work or have been identified as a dislocated worker as defined in RCW 50.04.075.

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(3) If you receive a directive and fail without good cause to attend a substantial portion of the workshop or training course during a week, you will be ineligible for benefits for the entire week. Good cause includes your illness or disability or that of a member of your immediate family, or your presence at a job interview scheduled with an employer. Reasons for absence may be verified and may result in a denial of benefits under RCW 50.20.010.

(4) Participation in a job search workshop when directed meets the definition of an "in-person job search activity" as defined in WAC 192-180-010.

(5) When attending a job search workshop or training course as directed, you will not be ineligible for benefits for failure to be available for work or to actively seek work under the provisions of:

- (a) RCW 50.20.010 (1)(c);
- (b) RCW 50.20.240; or
- (c) RCW 50.22.020(1).

NEW SECTION

WAC 192-200-005 Disqualification of students—RCW 50.20.095. (1) **General rule.** If you are registered in a course of study that provides scholastic instruction of 12 or more credit hours per week, you are disqualified from receiving benefits or credit for your waiting week.

(2) **Period of disqualification.** The disqualification starts with the week the instruction begins or the week you left employment to return to school, whichever is earlier. The disqualification ends at midnight on Saturday of the week prior to the first full week in which you are no longer registered for 12 or more hours of instruction. You will be required to certify to the department that you are not currently registered for 12 or more credit hours and will not be registered for 12 or more credit hours for at least 60 days. If you begin classes within 60 days, all benefits paid since the date of your certification will be considered an overpayment. This overpayment is subject to recovery under RCW 50.20.190. If you are registered for classes that begin more than 60 days in the future, you will not be disqualified under this subsection.

(3) **Disqualification not applicable.** The disqualification does not apply if you:

(a) Are in approved training as provided by RCW 50.20.043; or

(b) When you apply, you demonstrate by a preponderance of the evidence that your student status does not significantly interfere with your actual availability for work.

(4) **Definitions.** As used in this section:

(a) "School" includes primary schools, secondary schools, and institutions of higher education as defined in RCW 50.44.037;

(b) "Scholastic instruction" includes all teaching or opportunity for learning subjects other than those of a strictly vocational nature. Subjects of a vocational nature are those embraced in the definition of "training" contained in WAC 192-200-005.

(c) "Twelve or more hours per week" means 12 or more credit hours per week or its equivalent;

(d) "Preponderance of evidence" means evidence sufficient to persuade a reasonable person considering all the evidence that the proposal is more probably true than not true.

(5) **Students.** Students who claim benefits are subject to all of the provisions of Title 50 RCW including:

(a) RCW 50.20.050 dealing with those who leave work voluntarily without good cause;

(b) RCW 50.20.010 (1)(c) requiring claimants to be able and available for and actively seeking work; and

(c) RCW 50.20.240 requiring claimants to provide evidence of their job search activities as requested by the department.

NEW SECTION

WAC 192-200-010 Training defined—RCW 50.20.043. (1) The term "training" means a course of education with the primary purpose of training in skills that will allow you to obtain employment.

(2) The term "training" does not include beginning a course of education primarily intended to meet the requirements of a baccalaureate or higher degree.

NEW SECTION

WAC 192-200-030 Unemployment benefits while in training. (1) To be eligible for unemployment benefits while in training, the following criteria must be met:

(a) The training must be full-time as defined by the training facility; and

(b) You must be making satisfactory progress in training as defined in WAC 192-270-065.

(2) You must notify the department if you discontinue or suspend training, change your course of study, or reduce enrollment to less than full-time.

(3) If your enrollment drops below full-time or you are not making satisfactory progress, you may be required to show that you are meeting the availability for work and job search requirements of RCW 50.20.010 (1)(c) and RCW 50.20.240, and the provisions of RCW 50.20.080 regarding failure to apply for, or refusal to accept suitable work.

CHAPTER 192-220 WAC OVERPAYMENT NOTICE AND ASSESSMENT

NEW SECTION

WAC 192-220-010 Overpayments—Notification to individual. (1) If a potential overpayment exists, the department will provide you with an overpayment advice of rights, in writing, explaining the following:

(a) The reasons you may have been overpaid;

(b) The amount of the possible overpayment as of the date the notice is mailed;

(c) The fact that the department will collect overpayments as provided in WAC 192-230-100;

(d) The fact that final overpayments are legally enforceable debts which must be repaid whether or not you are claiming unemployment benefits;

(e) The fact that these debts can be the basis for warrants which can result in liens, notices to withhold and deliver per-

sonal properties, garnishment of salaries, and possible sale of real and personal properties;

(f) An explanation that if you are not at fault, you may request a waiver of the overpayment. Waiver means the overpayment does not have to be repaid; and

(g) A statement that you have 10 days to submit information about the possible overpayment and whether you are at fault. Failure to do so means the department will make a decision based on available information about the overpayment and your eligibility for waiver.

NEW SECTION

WAC 192-220-020 Overpayments—Fault provisions. (1) When an overpayment occurs, the department will make a finding of fault or nonfault based on information provided by you and your employer and from information contained in the department's records. After reviewing all such information, you will be considered to be at fault when the overpayment is:

(a) The result of fraud, misrepresentation, or willful non-disclosure;

(b) The result of a discharge for a felony or gross misdemeanor under RCW 50.20.065;

(c) The result of a discharge for gross misconduct under RCW 50.04.294; or

(d) Based on the presence of all of the following three elements:

(i) You were paid benefits in an amount greater than you were entitled to receive and you accepted and retained those benefits; and

(ii) The payment of these benefits was based on incorrect information or a failure to furnish information which you should have provided as outlined in the information for claimants booklet, claimant directives and other reasonable written communications issued by the department; or information which you caused another person to fail to disclose; and

(iii) You had notice that the information should have been reported.

(2) You may be considered at fault, even though you provided the department with all relevant information before the benefit eligibility decision was issued, if the overpayment is the result of payment that you should reasonably have known was improper. The following are some, but not all, examples where you should reasonably have known that a payment was improper and as a result are at fault. These are intended as examples only and do not mean that the department would rule in this manner in every such situation.

(a) You correctly reported earnings but the department paid benefits at the full amount or incorrectly deducted the earnings.

(b) You reported that you were unavailable for one or more customary work days, but the department paid at the full amount and the payment was not a conditional payment.

(c) You received a retroactive pension payment that you had applied for and were reasonably sure would be awarded.

(d) You did not inform the department that you were eligible for benefits on an unexpired claim against another state.

(e) A lower level decision was reversed by the office of administrative hearings, the commissioner or a court because of new information that you did not disclose to the department.

(f) Other circumstances in which department fact finding indicates that you knew the payment was improper.

(3) In deciding whether or not you are at fault, the department will also consider education, mental abilities, emotional state, your experience with claiming unemployment benefits, and other elements of your personal situation which affect your knowledge and ability to comply with reporting all relevant information. This includes information contained in the information for claimants booklet, claimant directives and other reasonable written communications issued by the department.

(4) You will be considered to be without fault when you provided the department with all relevant information before the benefit eligibility decision is issued and the overpayment is the result of payment that you would not reasonably have known was improper. The following are some, but not all, examples of instances in which you may not reasonably have known that a payment was improper and as a result are not at fault. These are intended as examples only and do not mean that the department would rule in this manner in every such situation.

(a) The department erroneously removed a payment stop, resulting in improper payment.

(b) You received a retroactive pension which was backdated by the pension source, not at your request.

(c) A combined wage or federal claim was filed against Washington that should have been filed against another state.

(d) Extended benefits were paid by the department when you would have been eligible for a new claim against Washington or another state.

(e) A lower level decision, in which you had provided all information, was reversed by the office of administrative hearings, the commissioner or a court.

(f) Other circumstances in which department fact finding indicates you did not know the payment was improper.

NEW SECTION

WAC 192-220-030 Overpayments—Equity and good conscience provisions. (1) The department will not consider or grant waiver of an overpayment and will not consider or accept an offer in compromise of an overpayment that is:

(a) Based on an overpayment decision written by a state other than Washington;

(b) The result of a conditional payment as provided in WAC 192-23-900; or

(c) For claims with an effective date of January 4, 2004, and later, the result of being discharged for misconduct or gross misconduct as provided in RCW 50.20.066(5).

(2) Except as provided in subsection (1), the department will grant waiver of an overpayment when it is found that you were without fault in the overpayment and when it is determined that to require repayment would be against equity and good conscience. It will be against equity and good conscience to deny waiver when repayment of the overpayment would deprive you of income required for necessary living

expenses unless there are unusual circumstances which would argue against waiver.

(3) You will be required to provide financial information to the department to determine if the overpayment will be waived. Your failure to provide such information within 10 days from the request date will result in the department making a decision, based on available information, regarding your eligibility for waiver. The department may verify any financial information you provide. Any amount waived based on information that is later found to be fraudulent or misrepresented will be restored to the overpayment balance.

(4) The financial information requested includes:

(a) Your income and, to the extent available to you, other financially contributing members of the household for the previous month, the current month and the month following the date the financial information is requested.

(b) Your current and readily available liquid assets. Liquid assets may include, but are not limited to, checking and savings account balances, stocks, bonds and cash on hand.

(c) Your expenses for the previous month, the current month and the month following the date the financial information is requested.

(5) If your average monthly expenses equal or exceed your average monthly income and there are no substantial liquid assets available, waiver of the overpayment will be considered. The presence of unusual circumstances may justify waiver on other than a financial basis when not to waive would be unconscionable.

(6) When you have been denied waiver or waiver was not considered, you may enter into a payment agreement with the department.

(7) Except as provided in subsection (1), when you have been denied waiver or have been unable to reach a payment agreement with the department you may make an offer in compromise as provided in RCW 50.24.020. The basis for allowing or denying an offer in compromise will be the same criteria used by the department for allowing or denying waiver of an overpayment. Any overpayment amount compromised based on information that is later found to be fraudulent or misrepresented will be restored to the overpayment balance.

CHAPTER 192-240 WAC RECOVERY OF OVERPAYMENTS

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 192-230-100 Recovery of benefit overpayment—By repayment or offset against past or future benefits. (1) If you do not repay an overpayment in full or make the minimum monthly payments provided for in WAC 192-28-130, the overpayment will be deducted from benefits payable for any week(s) you claim.

(2) For overpayments assessed under RCW 50.20.010 because you asked to have your unemployment insurance claim cancelled, the amount deducted will be one hundred percent of benefits payable for each week(s) you claim. The department will ensure you are informed of the advantages

and/or disadvantages of cancelling an existing claim to file a new claim.

(3) If you are currently claiming benefits, the overpayment will not be offset from future weeks payable unless you have missed two or more payments as provided in WAC 192-28-130. If you have missed two or more payments, the overpayment will be offset as described in (a) and (b) below:

(a) If the overpayment was caused by a denial for fraud, misrepresentation, or willful nondisclosure as provided in RCW 50.20.070, the amount deducted will be one hundred percent of benefits payable for each week(s) you claim. These overpayments will be collected first.

(b) For all other overpayments, the amount deducted will be fifty percent of benefits payable for each week you claim. However, you may request the overpayment be repaid at one hundred percent of benefits payable for each week you claim.

(4) If the overpayment has been assessed by another state, the amount deducted will be as follows:

(a) For overpayments caused by a denial for fraud, misrepresentation, or willful nondisclosure, the amount deducted will be one hundred percent of benefits payable for each week(s) you claim. These overpayments will be collected first.

(b) For all other overpayments, the amount deducted will be fifty percent of benefits payable for each week you claim. However, you may request the overpayment be repaid at one hundred percent of benefits payable for each week you claim.

(5) If you have been denied waiver, or if waiver was not considered, you will be notified in writing of your right to enter into a payment agreement with the department or to make an offer in compromise. An offer in compromise will not be approved if the overpayment was caused by a denial under RCW 50.20.065 or RCW 50.20.070 unless there are unusual circumstances which would justify a compromise. An offer in compromise will not be approved if the overpayment was caused by a denial under RCW 50.20.066.

AMENDATORY SECTION (Amending WSR 03-06-038, filed 2/26/03, effective 3/29/03)

WAC 192-240-035 How to qualify for regular shareable or extended benefits after leaving work for marital or domestic reasons—RCW 50.22.020(7). This section applies only to claims with an effective date prior to January 4, 2004. If you were denied benefits because you left work for family reasons as provided in RCW 50.20.050(4) (1)(d), you could qualify for regular benefits either through work and earnings or by reporting in person to your local employment center for each of ten weeks. However, you are not eligible for regular shareable or extended benefits unless, after leaving work, you obtained work and earned wages of seven times your weekly benefit amount. The wages earned must be in employment that is covered by Title 50 RCW or the comparable laws of another state or the federal government.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 03-06-038, filed 2/26/03, effective 3/29/03)

WAC 192-240-040 Penalties. (1) If you claim regular shareable or extended benefits during a week in which you failed to accept any offer of work, or failed to accept a referral or apply for any work as directed by the department:

(a) Benefits will be denied under RCW 50.20.080 if the work was suitable as defined by RCW 50.20.100 and 50.20.110, and you did not have good cause for failing to apply for or accept work;

(b) If benefits are denied as provided in subsection (1)(a), you will also be denied benefits as provided in RCW 50.22.020;

(c) Benefits will be denied under only RCW 50.22.020 if the work was suitable as provided in that statute and WAC 192-240-020, but did not meet the provisions of RCW 50.20.100 and 50.20.080.

(2) If you claim regular shareable or extended benefits during a week in which you failed to meet the job search requirements of WAC 192-240-030, benefits will be denied under RCW 50.22.020, except as provided in subsection (4).

(3) A denial of benefits under RCW 50.22.020 starts the week in which the failure occurs, and continues indefinitely until you show that:

(a) You have worked in at least four weeks; and

(b) You have earned at least four times your weekly benefit amount. The employment does not need to be covered by Title 50 RCW.

(4) If you fail to meet the job search requirements of WAC 192-240-030 because you are hospitalized for treatment of an emergency or life-threatening condition, benefits will be denied under RCW 50.20.010(3) (1)(c). The denial period is only for the week or weeks in which the hospitalization occurred.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 00-05-068, filed 2/15/00, effective 3/17/00)

WAC 192-300-050 Predecessor-successor relationship defined. This section applies only to those individuals and organizations that meet the definition of an employer contained in RCW 50.04.080.

(1) **Predecessor.** You are a "predecessor" if, during any calendar year, you transfer any of the following to another individual or organization:

(a) All, or a portion, of your operating assets as defined in subsection (3) below; or

(b) A separate unit or branch of your trade or business.

(2) **Successor.** You are a "successor" if, during any calendar year, you acquire substantially all of a predecessor employer's operating assets. You are a "partial successor" if, during any calendar year, you acquire:

(a) A portion of a predecessor employer's operating assets, or

(b) A separate unit or branch of a predecessor employer's trade or business.

(3) **Operating assets.** "Operating assets" include the properties you use in the normal course of business operations to generate your operating income. They may include properties that are real or personal, and tangible or intangible. Examples include land, buildings, machinery, equipment, stock of goods, merchandise, fixtures, or goodwill. Employees are not operating assets.

(4) **Transfer of assets.** Transfers from a predecessor to a successor employer may occur by sale, lease, gift, or any legal process, except those listed in subsection (5) below.

(5) **Simultaneous acquisition.** For purposes of successor simultaneous acquisition, the term "simultaneous" means all transfers that occurred as a result of the business acquisition or reorganization, beginning when the acquisition started and ending when the primary entity is transferred.

(6) **Exceptions.** A predecessor-successor relationship will not exist:

(a) For the purposes of chapter 50.24 RCW (payment of taxes), when the property is acquired through court proceedings, including bankruptcies, to enforce a lien, security interest, judgment, or repossession under a security agreement unless the court specifies otherwise;

(b) For the purposes of chapter 50.29 RCW (experience rating), when any four consecutive quarters, one of which includes the acquisition date, pass without reportable employment by either the predecessor, successor, or a combination of both.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 98-14-068, filed 6/30/98, effective 7/31/98)

WAC 192-310-010 Employer reports—RCW 50.12-070. (1) **Master application.** Every person or entity, which has one or more individuals performing services for it in the state of Washington, must file a master application with the department ~~a master application~~ in a format prescribed by the commissioner.

(2) **Quarterly tax and wage reports:**

(a) **Tax report.** Each employer must file a quarterly tax report with the commissioner listing the total wages paid to all individuals in its employ during that calendar quarter.

(b) **Report of employee's wages.** Each employer must file a quarterly report of employee's wages with the commissioner. This report must list each employee by name, social security number, hours worked, and wages paid during that calendar quarter.

(c) **Format.** The quarterly tax and wage reports must be filed in a one of the following formats prescribed by the commissioner:

(i) Electronically, using the current version of UIFast-Tax, UIWebTax, or ICESA Washington; or

(ii) Paper forms supplied by the department (or a certified version of those forms).

(d) **Due dates.** They quarterly tax and wage reports are due by the last day of the month following the end of the calendar quarter being reported. Calendar quarters end on March 31, June 30, September 30 and December 31 of each year. Therefore, reports are due by April 30, July 31, October

31, and January 31, respectively. Exceptions to the time and manner of filing the report must be approved in advance by the commissioner.

(de) Termination of business. Each employer who ceases business or whose account is closed by the department must immediately file:

- (i) A tax report for the current calendar quarter which covers tax payments due to the date such account is closed;
- (ii) A report of employee's wages for the current calendar quarter which includes all wages paid to the date such account is closed.

~~(3) Report form instructions. All form preparation instructions issued by the employment security department have the same force and effect as if they had been incorporated into this regulation.~~

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 98-14-068, filed 6/30/98, effective 7/31/98)

WAC 192-310-025 Application of payments. (1) A payment received with a tax report will be applied to the quarter for which the report is filed. A payment exceeding the legal fees, penalties, interests and taxes due for that quarter will be applied to any other debt as provided in subsection (2). If no debt exists, a credit statement will be issued for any overpayments.

(2) A payment received without a tax report will be applied in the following order of priority, beginning with the oldest quarter:

- (a) ~~Lien fees~~ Costs of audit and collection.
- (b) ~~Warrant fees~~ Penalties for willful misrepresentation of payroll.
- (c) ~~Late tax report penalty~~ Lien fees.
- (d) ~~Late tax payment penalty~~ Warrant fees.
- (e) ~~Interest charges~~ Late tax report penalty.
- (f) ~~Tax payments~~ Penalties for incomplete reporting or reporting using incorrect format.
- (g) Late tax payment penalty.
- (h) Interest charges.
- (i) Tax payments.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 98-14-068, filed 6/30/98, effective 7/31/98)

WAC 192-310-030 Reports and tax payments subject to penalty. (1) ~~Late tax reports.~~ An employer who files a ~~late or incomplete~~ tax report as described in WAC 192-310-010 (2)(a) but does not file it within the time frame prescribed in WAC 192-310-010 (2)(c) is subject to a penalty of ~~ten~~ twenty-five dollars per violation, unless the penalty is waived by the department.

(2) Incomplete Tax Reports. An employer is required to file the report required by WAC 192-310-010 in a complete manner and in the format required by the commissioner.

(a) An "incomplete report" is defined as any report submitted by either a contributory or reimbursable employer where:

- (i) The entire wage report is not submitted timely; or
- (ii) A required element is not reported (social security number, name, hours worked, or wages paid); or
- (iii) A significant number of employees are not reported; or
- (iv) A significant number of any given element is not reported such as, but not limited to, missing social security numbers, names, hours, wages; or
- (v) No employer reference number or Unified Business Identifier (UBI) number is included with the tax or wage report.

(b) An "incorrect format" means any report that is not submitted in the format required by the commissioner under WAC 192-310-010(c).

(3) Penalty for filing an incomplete or incorrect format tax report. An employer who fails to file a report required by RCW 50.12.070 is subject to penalty as follows:

(a) Incomplete tax report. The penalty for filing an incomplete tax report will be two hundred fifty dollars or ten percent of the quarterly contributions for each occurrence, whichever is less. When no quarterly tax is due and an employer has submitted an incomplete report, the following schedule will apply:

| | |
|---|-----------------|
| <u>(i) 1st Occurrence</u> | <u>\$75.00</u> |
| <u>(ii) 2nd Occurrence</u> | <u>\$150.00</u> |
| <u>(iii) 3rd and subsequent occurrences</u> | <u>\$250.00</u> |

(b) Filing tax report in an incorrect format. The penalty for filing a tax report in an incorrect format will be two hundred fifty dollars or ten percent of the quarterly contributions for each occurrence, whichever is less. When no quarterly tax is due and an employer has submitted a tax report in an incorrect format, the following schedule will apply:

| | |
|--|-----------------|
| <u>(i) 1st Occurrence</u> | <u>\$150.00</u> |
| <u>(ii) 2nd and subsequent occurrences</u> | <u>\$250.00</u> |

(4) Knowingly misrepresenting amount of payroll. If an employer knowingly misrepresents to the department the amount of his or her payroll, upon which contributions under this title are based, the employer is liable for a penalty of ten times the difference between the contributions paid, if any, and the amount of contributions the employer should have paid for the period. This penalty is in addition to the amount the employer should have paid. The employer is also liable to the department for the reasonable expenses of auditing his or her books and collecting such sums as provided in WAC 192-340-100.

(2) (5) Report of employee's wages. Any decision to assess a penalty for filing a late or incomplete report of employee's wages as described in WAC 192-310-010 (2)(b) will be made on an individual basis by the chief administrative officer of the tax branch as provided in RCW 50.12.220.

(3) (6) Delinquent tax payments. For purposes of RCW 50.12.220, tax payments are delinquent as provided in WAC 192-310-020 and RCW 1.12.070.

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~~(4) Late penalty. For tax payments due on wages paid, a minimum \$10.00 penalty will be assessed for late payments.~~

~~(5) (7) Penalty waivers.~~ The department may, for good cause, waive penalties in the following situations:

(a) The return was filed on time but inadvertently mailed to another agency;

(b) The delinquency was due to an action of an employee of the department, such as providing incorrect information to the employer when the source can be identified, or not furnishing proper forms to permit the filing of tax reports or the payment of taxes on time;

(c) The delinquency was caused by the death or serious illness, before the filing deadline, of the employer, a member of the employer's immediate family, the employer's accountant, or a member of the accountant's immediate family;

(d) The delinquency was caused by the accidental destruction of the employer's place of business or business records; or

(e) The department finds the employer to be out of compliance during an employer-requested audit, but the department determines the employer made a good faith effort to comply with all applicable laws and rules.

~~(6) (8) Waiver requests.~~ A request for a waiver of penalties must be written, contain all pertinent facts, be accompanied by available proof, and be filed through a tax office. In all cases the burden of proving the facts is on the employer.

~~(7) (9) Extensions.~~ The department, for good cause, may extend the due date for filing a report. The employer must make a deposit with the department in an amount equal to the estimated tax liability for the reporting period or periods for which the extension is granted. This deposit will be credited to the employer's account and applied to the employer's debt. The amount of the deposit is subject to approval by the department.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 00-05-069, filed 2/15/00, effective 3/17/00)

WAC 192-320-070 Conditions for relief of benefit charges due to a voluntary quit. (1) For claims with an effective date prior to January 4, 2004, A a contribution-paying non-local government base year employer, who has not been granted relief of charges under RCW 50.20.020(2) may request relief of charges for a voluntary quit not attributable to the employer under RCW 50.29.020(4) and WAC 192-320-065.

(2) For claims with an effective date on or after January 4, 2004, a contribution-paying non-local government base year employer, who has not been granted relief of charges under RCW 50.20.021(3), may request relief of charges for a voluntary quit not attributable to the employer under RCW 50.29.021(4) and WAC 192-320-065.

(3) Reasons for a voluntary quit not attributable to the employer. A claimant may have been denied unemployment benefits for voluntarily quitting work without good cause, but subsequently requalify for unemployment benefits through work and earnings. Even if the claimant has requalified for benefits, the following reasons for leaving work will

be considered reasons not attributable to the employer may include, but are not limited to:

(a) The claimant's illness or disability or the illness, disability or death of a member(s) of the claimant's immediate family;

(b) The claimant's domestic responsibilities;

(c) Accepting a job with another employer;

(d) Relocating for a spouse's employment;

(e) Starting or resuming school or training;

(f) Being in jail;

(g) The distance to the job site when the job was accepted and the distance at the time of the quit remained the same, or the job location may have changed; but the distance traveled or difficulty of travel was not increased;

(h) Being dissatisfied with wages, hours or other working conditions generally known when the job was accepted; and the working conditions are determined suitable for the occupation in the claimant's labor market.

(4) Reasons for a voluntary quit considered attributable to employer are those work-related factors of such a compelling nature as to cause a reasonably prudent person to leave employment. The work factors must have been reported to the employer if the employer has reasons not to be aware of the conditions, and the employer failed to improve the factors within a reasonable period of time. The reason for quitting may or may not have been determined good cause for voluntarily leaving work under RCW 50.20.050. For benefit charging purposes, however, such work-related factors may include, but are not limited to:

(a) Change in work location which causes an increase in distance and/or difficulty of travel, but only if it is clearly greater than is customary for workers in the individual's classification and labor market;

(b) Deterioration of work site safety provided the employee has reported such safety deterioration to the employer; and the employer has failed to correct the hazards within a reasonable period of time;

(c) Employee skills no longer required for the job;

(d) Unreasonable hardship on the health or morals of the employee;

(e) Reductions in hours;

(f) Reduction in pay;

(g) Notification of impending layoff; and

(h) Such other work-related factors as the commissioner may deem pertinent.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 192-320-075 Charges to the separating employer—RCW 50.29.021 (2)(c). (1) If a claimant voluntarily quits work to accept a job with a new employer, 100% of benefits paid on the claim will be charged to the new employer when this new employer is the claimant's last employer, a base period employer, and a contribution-paying employer.

(2) If a claimant quits work because of the working conditions listed in this subsection, the employer from whom the separation occurred will be charged for 100% of benefits paid

on the claim if the employer is the claimant's last employer, a base period employer, and a contribution-paying employer. These working conditions include:

- (a) A reduction in the individual's usual compensation of 25% or more under WAC 192-150-115;
- (b) A reduction in the individual's usual hours of 25% or more under WAC 192-150-120;
- (c) A change in the work location which caused a substantial increase in distance or difficulty of travel under WAC 192-150-125;
- (d) A deterioration in the individual's worksite safety under WAC 192-150-130;
- (e) Illegal activities in the individual's worksite under WAC 192-150-135; or
- (f) The individual's usual work was changed to work that violates the individual's religious convictions or sincere moral beliefs under WAC 192-150-140.

(3) Benefits based on wages paid by the following entities will not be charged to the experience-rating account of the separating employer as described in subsections (1) and (2) if they were earned:

- (a) In another state;
- (b) From a local government employer;
- (b) From the federal government; or
- (c) From any branch of the United States military.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 192-340-100 Reasonable audit expenses—RCW 50.12.220 (1)(b). Reasonable expenses for auditing an employer's books and collecting taxes may include:

- (1) Salaries and benefits based on the payrolls documented for state staff conducting the audit (including reporting and follow-up costs);
- (2) Communication costs such as telephone charges for arranging the audit, e-mails, mail or similar communication services;
- (3) Travel costs for expenses such as transportation, lodging, subsistence and related items incurred by state employees traveling for the purpose of conducting the audit. Such costs may be charged on an actual cost basis or on a per diem or mileage basis in lieu of actual costs incurred, or on a combination of the two, provided the method used is applied to an entire trip, and results in charges consistent with those normally allowed by the department;
- (4) Customary standard commercial airfare costs (coach or equivalent);
- (5) Costs for materials and supplies (including the costs of producing reports and audit findings);
- (6) Equipment costs necessary for conducting the audit;
- (7) Collection costs, including court costs, lien and warrant fees, and related costs; and
- (8) Other costs which the department establishes that are directly related to the audit or collection of the penalty (i.e. appeal costs).

REPEALER

The following sections of the Washington Administrative Code are repealed:

| | |
|----------------|--|
| WAC 192-12-011 | Continued claim definitions. |
| WAC 192-12-012 | Conditional payment of continued claim recipients when eligibility is questioned. |
| WAC 192-12-020 | Week defined. |
| WAC 192-12-180 | Training defined. |
| WAC 192-12-184 | Training—Unemployment benefits while pursuing training. |
| WAC 192-12-190 | Directive to attend job search workshop or training or retraining course according to RCW 50.20.044. |
| WAC 192-12-300 | Mailing addresses for notice to employer. |
| WAC 192-12-310 | Notice to employer. |
| WAC 192-12-320 | Mailing of determination notices under RCW 50.20.180. |
| WAC 192-12-330 | Predetermination procedure—Separation issue. |
| WAC 192-12-340 | Discharges for misconduct for felony or gross misdemeanor—Responsibility for providing information. |
| WAC 192-16-019 | Interpretative regulations—Effective date of RCW 50.20.065—Discharges for felony or gross misdemeanor. |
| WAC 192-16-023 | Interpretative regulations—Disqualification of students—RCW 50.20.095. |
| WAC 192-23-014 | Failure to establish ability to or availability for work. |
| WAC 192-23-015 | Failure to establish active search for work. |
| WAC 192-23-016 | Failure to meet work search requirements. |
| WAC 192-23-017 | Failure to respond to a request for information regarding late filing of claims. |
| WAC 192-23-019 | Directive to report for reemployment services. |
| WAC 192-23-061 | Failure to respond to a request for information |

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- regarding a discharge from work.
- WAC 192-23-096 Failure to provide information regarding attendance at school.
- WAC 192-23-800 Certification of ineligibility.
- WAC 192-23-810 Certification of return to full-time work or report of hours worked consistent with full-time work.
- WAC 192-28-105 Recovery of benefit overpayment—Notification to individual.
- WAC 192-28-110 Recovery of benefit overpayment—Fault provisions.
- WAC 192-28-115 Recovery of benefit overpayment—Equity and good conscience provisions,
- WAC 192-28-120 Recovery of benefit overpayment—By repayment or offset against past or future benefits.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.
 Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.
 Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.
 Effective Date of Rule: May 20, 2004, 11:59 p.m.
 May 19, 2004
 J. P. Koenings
 Director
 by Larry Peck

NEW SECTION

WAC 220-56-25500M Halibut—Seasons—Daily and possession limits. Notwithstanding the provisions of WAC 220-56-255, effective 11:59 p.m. May 20, 2004 until further notice:

- (1) Catch Record Card Areas 3, 4 and 12: Closed.
- (2) Catch Record Area 5: Open May 27 through August 14 - Closed 12:01 a.m. Tuesday through 11:59 p.m. Wednesday of each week during the open period.
- (3) Catch Record Card Areas 6-11 and Catch Record Card Area 13: Open through July 24 - Closed 12:01 a.m. Tuesday through 11:59 p.m. Wednesday of each week during the open period.
- (4) Daily limit one halibut. The possession limit is two daily limits of halibut in any form, except the possession limit aboard the fishing vessel is one daily limit.

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. May 20, 2004:

- WAC 220-56-25500L Halibut seasons—Daily and possession limits.

**WSR 04-12-002
 EMERGENCY RULES
 DEPARTMENT OF
 FISH AND WILDLIFE**

[Order 04-118—Filed May 20, 2004, 8:36 a.m., effective May 20, 2004, 11:59 p.m.]

Date of Adoption: May 19, 2004.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-56-25500L; and amending WAC 220-56-255.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The first portion of the halibut quota in Marine Areas 3 and 4 is projected to be taken prior to May 21. The closure is needed to comply with the provisions of the halibut catch sharing plan adopted by the Pacific Fishery Management Council. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

**WSR 04-12-004
 EMERGENCY RULES
 SECRETARY OF STATE
 [Filed May 20, 2004, 1:38 p.m.]**

Date of Adoption: May 20, 2004.

Purpose: To implement an administrative complaint procedure as authorized by section 401, chapter 267, Laws of 2004, and required by the Help America Vote Act of 2002, Public Law 107-252, 116 Stat. 1666 (2002).

Statutory Authority for Adoption: RCW 29.04.080.

Other Authority: Section 204, chapter 267, Laws of 2004.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

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Reasons for this Finding: The federal government has appropriated funds for the implementation of the Help America Vote Act and created several requirements that states must meet in order to receive their allocated share of the money. One requirement is the adoption of an administrative complaint procedure. The emergency adoption of these rules will make the state eligible to receive Washington's share of the money. The agency proposes adopting the rules immediately to allow the state to receive funds that were made available sooner than expected. The agency intends to follow the normal procedure to adopt these rules as permanent but needs the rules in place immediately to receive funds.

Number of Sections Adopted in Order to Comply with Federal Statute: New 12, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 12, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 12, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

May 20, 2004

Steven Excell

Assistant Secretary of State

Chapter 434-263 WAC

ADMINISTRATIVE COMPLAINT PROCEDURE

NEW SECTION

WAC 434-263-005 Purpose. The purpose of these rules is to adopt an administrative complaint procedure mandated by 42 U.S.C. § 15512(a), relating only to state implementation of Title III of the Help America Vote Act of 2002, Public Law 107-252, 116 Stat. 1666 (2002), for both state and federal elections. This process may not be used for the purpose of contesting the results of any primary or election. Election contests are governed by chapter 29A.68 RCW.

NEW SECTION

WAC 434-263-010 Definitions. For purposes of this chapter, the following terms shall have the following meanings:

- (1) "Complainant" means the person who files a complaint under this chapter.
- (2) "Election" means a special, primary or general election.
- (3) "Respondent" means any state or local election official whose actions are asserted, in a complaint under this chapter, to be in violation of Title III.

(4) "Secretary" means the secretary of state or his or her designee.

(5) "State or local election official" means the secretary of state, any county auditor, or any person employed by either the secretary or an auditor whose responsibilities include or directly relate to the administration of any election.

(6) "Title III" means Title III of the Help America Vote Act of 2002, Public Law 107-252, 116 Stat. 1666 (2002), codified at 42 United States Code §§ 15481-15485. Violations include, but are not limited to, voting system standards, provisional voting, accessibility for individuals with disabilities, and voter registration.

NEW SECTION

WAC 434-263-020 Complaints. Any person who believes that there is a violation of any provision of Title III, including a violation which has occurred, is occurring, or is about to occur, by any state or local election official may file a complaint with the secretary under this chapter. All complaints must:

- (1) Be in writing, sworn under oath, signed and notarized. A form is optional if it contains all the required elements;
- (2) Include the complainant's name, telephone number and mailing address;
- (3) Include a clear and concise description of the alleged violation of Title III that is detailed enough to let both the respondent and the secretary know what the complaint is about;
- (4) Be filed with the secretary, with proof of mailing or delivery of a copy to each respondent, no later than thirty days after the certification of the election at issue.
- (5) If a form is provided by the office of the secretary of state, the form shall be available in all languages required by the department of justice.

NEW SECTION

WAC 434-263-030 Adoption of brief adjudicative proceedings. All complaints filed pursuant to this chapter shall be treated as brief adjudicative proceedings, and the secretary adopts RCW 34.05.482 through 34.05.494 to govern such proceedings. The secretary has determined that the interests involved in such complaints do not warrant the procedures of RCW 34.05.413 through 34.05.479. If a complaint is written in a language as provided in the Voting Rights Act of 1965, the office of the secretary of state shall obtain a translator to facilitate processing the complaint.

NEW SECTION

WAC 434-263-040 Processing of complaint. (1) The secretary may process the complaint in any of the following ways:

- (a) The secretary may dismiss the complaint, and issue a final determination, if it does not comply with WAC 434-263-020 or if it does not, on its face, allege a violation of Title III with regard to an election;

(b) The secretary may, with the agreement of the parties, resolve the matter informally, and issue a determination without formal proceedings; or

(c) The secretary may schedule the matter for a brief adjudicative proceeding. The secretary shall do so if the complaint is not dismissed pursuant to (a) of this subsection and a party so requests.

(2) The secretary may consolidate complaints if they relate to the same actions or events, or if they raise common questions of law or fact.

NEW SECTION

WAC 434-263-050 Brief adjudicative proceeding. (1) The secretary shall designate one or more people to act as presiding officer(s) of a brief adjudicative hearing. A presiding officer may be:

- (a) The assistant or deputy secretary;
- (b) The director of elections;
- (c) The deputy director of the elections division;
- (d) Any county auditor; or
- (e) An administrative law judge.

The designee shall not be from an office named in the complaint.

(2) Before issuing a determination on the complaint, the presiding officer shall give each party an opportunity to explain the party's view of the matter, including an opportunity to be informed of the secretary's view of the matter if applicable. A determination may be based upon written submissions and documents, unless a party or the presiding officer requests a hearing on the record within ten days after the filing of the complaint.

(3) The presiding officer may schedule a hearing on the record:

- (a) In person at a convenient location;
- (b) By conference telephone call; or
- (c) By such other method that permits the parties to hear and participate in the proceeding simultaneously.

Witnesses at a hearing shall be sworn upon oath. A party who requests a hearing but fails to make himself or herself available for hearing within the time available for initial determination shall be deemed to have waived the hearing.

(4) The presiding officer may permit or solicit the submission of written materials or oral presentations by persons who are not parties if the presiding officer determines that such submissions would be helpful in evaluating the complaint.

(5) The secretary shall establish and maintain the record of the proceedings as required by RCW 34.05.494. If a hearing on the record is conducted, the record shall include a transcript or audio recording of the hearing.

NEW SECTION

WAC 434-263-060 Initial determination and remedies. (1) The presiding officer shall render a written initial decision within forty-five days after the complaint is filed, unless the complainant consents to a longer period. The determination shall include a statement as to whether, based upon a preponderance of the evidence, a violation of Title III has been established with regard to an election. If the presid-

ing officer determines that a violation has occurred, the determination shall specify the appropriate remedy, if one exists. If the presiding officer determines that no violation has been established, the complaint shall be dismissed.

(2) The remedy awarded under this section shall be directed to the improvement of processes or procedures governed by Title III and must be consistent with state law. Remedies may include written findings that a violation of Title III has occurred and strategies for insuring that the violation does not occur again, as well as any other remedy available to the secretary under law. The remedy may not include any award of monetary damages, costs, penalties or attorney fees, and may not include the invalidation of any vote, ballot, primary or election. Remedies addressing the validity of any primary or election or of any ballot or vote may be obtained only as otherwise provided by law.

(3) The initial determination shall include a summary of the process for obtaining an administrative review and shall include notice that judicial review may be available.

NEW SECTION

WAC 434-263-070 Administrative review. (1) Any aggrieved party may request an administrative review of the initial determination. If the secretary does not receive a request, in writing, for an administrative review within twenty-one days of service of the initial determination then the initial determination automatically becomes a final determination. If the parties have not requested an administrative review, the secretary may review the presiding officer's adjudication on his or her own motion as provided by RCW 34.05.491.

(2) The reviewing officer may be the secretary, the assistant or deputy secretary, or the director of elections, except that the same person may not serve as both the presiding officer and reviewing officer. The reviewing officer shall give each party an opportunity to explain the party's view of the matter, but must render a final determination within ninety days after the original filing of the complaint unless the complainant consents to a longer period. The determination of the reviewing officer is final and no further administrative review is available. The final determination shall include notice that judicial review may be available.

NEW SECTION

WAC 434-263-080 Alternative dispute resolution. (1) If a final determination is not rendered within forty-five days after the filing of the complaint, or within such additional time to which the complainant may consent, then the complaint shall be transferred to a board of arbitration, which must resolve the complaint within sixty additional days, which may not be extended. The board of arbitration shall be composed of three members, designated by the secretary, at least two of whom must be county auditors or election managers. No two members of the panel may be employed by the same office, agency or other employer.

(2) The arbitrators shall review the record compiled in proceedings prior to the transfer, including the tape or transcript of any hearing, but may not conduct any further hearing or receive any additional testimony, evidence, or other

submissions. The arbitrators shall determine the appropriate resolution of the complaint by majority vote. No further administrative review is available, but the arbitrator's final determination shall include notice that judicial review may be available.

NEW SECTION

WAC 434-263-090 Publication. All final determinations shall be posted on the secretary's website, lodged with the state library or state archives, and distributed to others upon request and upon payment of copying costs. Copies shall be provided to the parties at no cost.

NEW SECTION

WAC 434-263-100 No necessity to exhaust administrative remedies. It is not necessary to exhaust any administrative remedies available under this chapter in order to pursue any other legal action provided by law.

WSR 04-12-011
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 04-121—Filed May 21, 2004, 4:10 p.m., effective May 24, 2004,
12:01 a.m.]

Date of Adoption: May 21, 2004.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-24-04000N; and amending WAC 220-24-040.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: A harvestable surplus of salmon is available for the troll fleet. These rules are adopted at the recommendation of the Pacific Fisheries Management Council, in accordance with preseason fishing plans. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making:

New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: May 24, 2004, 12:01 a.m.

May 21, 2004

J. P. Koenings

Director

NEW SECTION

WAC 220-24-04000N All-citizen commercial salmon troll. Notwithstanding the provisions of WAC 220-24-040, effective immediately until further notice it is unlawful to fish for salmon with troll gear or to land salmon taken with troll gear into a Washington port except during the seasons provided for in this section:

(1) Salmon Management and Catch Reporting Areas 1, 2, 3 and that portion of Area 4 west of 125°05'00" W longitude and south of 48°23'00" N latitude open May 24 through May 26, 2004. The Cape Flattery and Columbia River Control Zones are closed.

(2) Landing and possession limit of 70 chinook per boat for the whole opening.

(3) Minimum size for chinook salmon is 28 inches in length. No minimum size for pink, sockeye or chum salmon. It is unlawful to possess coho salmon.

(4) Lawful troll gear is restricted to all legal troll gear with single point, single shank barbless hooks.

(5) Fishers must land and deliver their catch within 24 hours of any closure of a fishery provided for in this section, and must land and deliver within the Salmon Management and Catch Reporting Areas 1, 2, 3 or 4.

(6) The Cape Flattery Control Zone is defined as the area from Cape Flattery (48°23'00" N latitude) to the northern boundary of the U.S. EEZ: and the area from Cape Flattery south to Cape Alava, 48°10'00" N latitude and west of 125°05'00" W longitude.

(7) Columbia Control Zone - An area at the Columbia River mouth, bounded on the west by a line running north-east/southwest between the red lighted Buoy #4 (46°13'35" N. Lat., 124°06'50" W. long.) and the green lighted Buoy #7 (46°15'09" N. lat., 124°06'16" W. long.); on the east, by the Buoy #10 line which bears north/south at 357° true from the south jetty at 46°14'00" N. lat., 124°03'07" West. long. to its intersection with the north jetty; on the north, by a line running northeast/southwest between the green lighted Buoy #7 to the tip of the north jetty (46°14'48" N. lat., 124°05'20" W. long.) and then along the north jetty to the point of intersection with the Buoy #10 line; and, on the south, by a line running northeast/southwest between the red lighted Buoy #4 and tip of the south jetty (46°14'03" N. lat., 124°04'05" W. long.), and then along the south jetty to the point of intersection with the Buoy #10 line.

(8) It is unlawful to fish in Salmon Management and Catch Reporting Areas 1, 2, 3 or 4 with fish on board taken south of Cape Falcon, Oregon, and all fish taken from Salmon Management and Catch Reporting Areas 1, 2, 3, and 4 must be landed before fishing south of Cape Falcon, Oregon.

(9) It is unlawful for wholesale dealers and trollers retailing their fish to fail to report their landing by 10:00 a.m. the day following landing. Ticket information can be telephoned in by calling 1-866-791-1279 or faxing the information to (360) 902-2949 or E-mailing to trollfishtickets@dfw.wa.gov. Report the dealer name, the purchasing location, the date of purchase, the fish ticket numbers, the gear used, the catch area, the species. The total number for each species and the total weight for each species including halibut.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. May 27, 2004:

WAC 220-24-04000N All-citizen commercial salmon troll.

WSR 04-12-012
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 04-120—Filed May 21, 2004, 4:11 p.m.]

Date of Adoption: May 21, 2004.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-44-05000A; and amending WAC 220-44-050.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: These rules were adopted by the Pacific Fisheries Management Council and provide harvest of available stocks of bottomfish, while reserving brood stock for future fisheries. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

May 21, 2004

J. P. Koenings
Director

NEW SECTION

WAC 220-44-05000B Coastal bottom fish catch limits. Notwithstanding the provisions of WAC 220-44-050, effective immediately until further notice: (1) It is unlawful to possess, transport through the waters of the state, or land into any Washington port bottom fish taken from Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A-1, 59A-2, 60A-1, 60A-2, 61, 62, or 63 in excess of the amounts or less than the minimum sizes, or in violation of any gear, handling or landing requirement, established by the Pacific Fisheries Management Council and published in the Federal Register, Volume 69, No. 96, published May 18, 2004. Therefore, persons must consult the federal regulations, which are incorporated by reference and made a part of Chapter 220-44 WAC. Where rules refer to the fishery management area, that area is extended to include Washington State waters coterminous with the Exclusive Economic Zone. A copy of the federal rules may be obtained by contacting Evan Jacoby at (360) 902-2930.

(a) Effective immediately until further notice, it is unlawful to possess, transport through the waters of the state, or land into any Washington port, walleye pollock taken with trawl gear from Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A-1, 59A-2, 60A-1, 60A-2, 61, 62, or 63, except by trawl vessels participating in the directed Pacific whiting fishery and the directed coastal groundfish fishery.

(b) Effective immediately until further notice, it is unlawful for trawl vessels participating in the directed Pacific whiting and/or the directed coastal groundfish fishery to land incidental catches of walleye pollock greater than forty percent of their total landing by weight, not to exceed 10,000 pounds.

(2) At the time of landing of coastal bottom fish into a Washington port, the fish buyer receiving the fish is required to clearly mark on the fish receiving ticket, in the space reserved for dealer's use, all legally defined trawl gear aboard the vessel at the time of delivery. The three trawl gear types are: midwater trawl, roller trawl and small foot rope trawl (foot rope less than eight inches in diameter). The notation of the gear type(s) aboard the vessel is required prior to the signing of the fish receiving ticket by the vessel representative.

(3) Vessels engaged in chartered research for National Marine Fisheries Service (NMFS) may land and sell bottomfish caught during that research without the catch being counted toward any trip or cumulative limit for the participating vessel. Vessels that have been compensated for research work by NMFS with an Exempted Fishing Permit (EFP) to land fish as payment for such research may land and sell fish authorized under the EFP without the catch being counted toward any trip or cumulative limit for the participating vessel. Any bottomfish landed during authorized NMFS

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research or under the authority of a compensating EFP for past chartered research work must be reported on a separate fish receiving ticket and not included on any fish receiving ticket reporting bottomfish landed as part of any trip or cumulative limit. Bottomfish landed under the authority of NMFS research work or an EFP compensating research with fish must be clearly marked "NMFS Compensation Trip" on the fish receiving ticket in the space reserved for dealer's use. The NMFS scientist in charge must sign the fish receiving ticket in the area reserved for dealer's use if any bottomfish are landed during authorized NMFS research. If the fish are landed under the authority of an EFP as payment for research work, the EFP number must be listed in the dealer's use space.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-44-05000A Coastal bottomfish catch limits. (04-05)

**WSR 04-12-013
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 04-119—Filed May 21, 2004, 4:13 p.m., effective June 8, 2004, 8:00 a.m.]

Date of Adoption: May 21, 2004.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900K; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation is needed to close Gilchrist Pond to eliminate premature harvest of catchable trout dedicated to the "Fishing Kids" event. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: June 8, 2004, 8:00 a.m.

May 21, 2004

J. P. Koenings

Director

NEW SECTION

WAC 232-28-61900K Exceptions to statewide rules—Gilchrist Pond (Whitman County) Notwithstanding the provisions of WAC 232-28-619, effective 8:00 a.m. June 8 through 9:00 a.m. June 12, 2004 it is unlawful to fish in those waters of Gilchrist Pond.

REPEALER

The following section of the Washington Administrative Code is repealed effective 9:00 a.m. June 12, 2004:

WAC 232-28-61900K Exceptions to statewide rules—Gilchrist Pond (Whitman County)

**WSR 04-12-021
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 04-122—Filed May 25, 2004, 4:22 p.m.]

Date of Adoption: May 25, 2004.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05100U and 220-32-05100V; and amending WAC 220-32-051.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Sets fourth and final week for treaty Indian spring season commercial fishery. Harvestable numbers of salmon are available under the guideline of 9%. Allows the sale of fish caught in platform and hook and line fishery to be sold. Allows the sale of fish caught in Yakama Nation tributary fisheries to be sold when those tributaries are open under Yakama Nation rules. The fishery catches are expected to remain within the allocation and guidelines of the 2001 management agreement and will be consistent with the biological opinion. Rule is consistent with action of the Columbia River compact on May 25, 2004. Conforms state rules with tribal rules. There is insufficient time to promulgate permanent regulations.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal

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Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

May 25, 2004

J. P. Koenings

Director

NEW SECTION

WAC 220-32-05100V Columbia River salmon seasons above Bonneville Dam. Notwithstanding the provisions of WAC 220-32-050, WAC 220-32-051, WAC 220-32-052, WAC 220-32-058, effective immediately until further notice, it is unlawful for a person to take or possess salmon, steelhead, shad, carp, or sturgeon taken for commercial purposes in Columbia River Salmon Management Catch Reporting Areas 1F, 1G, and 1H, and the Wind River, White Salmon River, Klickitat River, and Drano Lake except those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla, and Nez Perce treaties may fish for salmon, shad, carp, or sturgeon under the following provisions, pursuant to lawfully enacted tribal rules:

1) Open Periods: 6:00 a.m. May 26 to 6:00 p.m. May 28, 2004

a) Open Areas: SMCRA 1F, 1G, 1H

b) Gear: Gillnets. No mesh restriction

2) Open Periods: immediately to 6:00 p.m. May 31, 2004

a) Open Areas: SMCRA 1F, 1G, 1H,

b) Gear: hoop nets, dip bag nets, and rod and reel with hook and line.

3) Open Periods: immediately to 6:00 p.m. May 31, 2004 only during those days and hours when those tributaries are open under lawfully enacted Yakama Nation tribal subsistence fisheries, for enrolled Yakama Nation members.

a) Open Areas: Klickitat River, Drano Lake, Wind River, and White Salmon

b) Gear: hoop nets, dip bag nets, and rod and reel with hook and line. Gill nets may be used in Drano Lake.

4) Allowable sale includes: salmon, steelhead, walleye, shad, and carp. Sturgeon between 45 inches and 60 inches in length may be retained in the Bonneville Pool (SMCRA 1F) for subsistence purposes only. Sturgeon between 4 feet and 5 feet in length may be retained in The Dalles and John Day pools (SMCRA 1G, 1H) for subsistence purposes only. Commercial sales of platform and hook and line caught fish are allowed during commercial gillnet openings. Fish may also be sold from Washington tributaries during the open

Yakama Nation fishing periods within those areas, as described in item #3.

5) Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

6) There will be no sanctuary in effect at Spring Creek National Fish Hatchery.

7) Notwithstanding the provisions of WAC 220-32-058, the closed area at the mouth of:

a) Hood River are those waters along the Oregon side of the Columbia River and extends to mid-stream at right angles to the thread of the Columbia River between markers located approximately 0.85 miles down river from the west bank at the end of the break wall at the west end of the port of Hood River and 1/2 mile upriver from the east bank.

b) Herman Creek are those waters upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of the boat ramp.

c) Deschutes River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points 1/2 mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

d) Umatilla River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points 1/2 mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

e) Big White Salmon River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between a marker located 1/2 mile downstream from the west bank upstream to Light "35".

f) Wind River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between markers located 1 1/4 miles downstream from the west bank and 1/2 mile upstream from the east bank.

g) Klickitat River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between the downstream margin of Lyle Landing downstream to a marker located near the railroad tunnel approximately 1/8 miles downstream from the west bank.

h) Little White Salmon River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between Light "27" upstream to a marker located approximately 1/2 mile upstream from the eastern shoreline.

8) Notwithstanding the provisions of WAC 220-22-010, during the open periods described above:

a. Area 1F (Bonneville Pool) includes those waters of the Columbia River upstream from the Bridge of the Gods, and downstream from the west end of the 3 Mile Rapids located approximately 1.8 miles below the Dalles Dam.

b. Area 1G includes those waters of the Columbia River upstream from a line drawn between a deadline marker on the Oregon shore located approximately 3/4 miles above The Dalles Dam fishway exit, thence at a right angle to the thread of the river to a point in mid-river, then downstream to Light

"1" on the Washington shore, and downstream from Preacher's Eddy Light below John Day Dam.

c. Area 1H includes those waters of the Columbia River upstream from a fishing boundary marker approximately 1/2 mile above the John Day River, Oregon, extending at a right angle across the thread of the river to a point in mid-river, then downstream to a fishing boundary marker on the Washington shore approximately opposite the mouth of the John Day River, and downstream from a line at a right angle across the thread of the river one mile downstream from McNary Dam.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-05100U Columbia River salmon seasons above Bonneville Dam. (04-113)

The following section of the Washington Administrative Code is repealed effective 6:01 p.m. May 31, 2004:

WAC 220-32-05100V Columbia River salmon seasons above Bonneville Dam.

**WSR 04-12-032
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 04-123—Filed May 26, 2004, 4:32 p.m.]

Date of Adoption: May 26, 2004.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-25500M; and amending WAC 220-56-255.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: There is sufficient quota to reopen the fishery for one day only on May 29 in Catch Record Card Areas 3 and 4. The fishery will then close and is scheduled to reopen June 15 when the second portion of the quota becomes available. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

May 26, 2004

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-56-25500N Halibut—Seasons—Daily and possession limits. Notwithstanding the provisions of WAC 220-56-255:

(1) Catch Record Card Areas 3 and 4: Open 12:01 a.m. through 11:59 p.m. May 29.

The following area southwest of Cape Flattery is closed to halibut fishing at all times: Those waters within an eastward facing "C" shaped closed area defined as: Beginning at 48°18'N, 125°18'W, thence to 48°N18', 124°59'W, thence to 48°11'N, 124°59'W, thence to 48°11'N, 125°11'W, thence to 48°04'N, 125°11'W, thence to 48°04'N, 124°59'W, thence to 48°00'N, 124°59'W, thence to 48°00'N, 125°18'W, thence to the point of origin.

(2) Catch Record Area 5: Open May 27 through August 14 - Closed 12:01 a.m. Tuesday through 11:59 p.m. Wednesday of each week during the open period.

(3) Catch Record Card Areas 6-11 and Catch Record Card Area 13: Open through July 24 - Closed 12:01 a.m. Tuesday through 11:59 p.m. Wednesday of each week during the open period.

(4) Catch Record Card Area 12: Closed.

(5) Daily limit one halibut. The possession limit is two daily limits of halibut in any form, except the possession limit aboard the fishing vessel is one daily limit.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-25500M Halibut seasons—Daily and possession limits.

**WSR 04-12-033
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 04-124—Filed May 27, 2004, 11:07 a.m., effective June 1, 2004, 12:01 a.m.]

Date of Adoption: May 27, 2004.

EMERGENCY

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900L; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The Klickitat River is expected to reach its escapement goal of spring chinook, making more adult salmon available for harvest. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: June 1, 2004, 12:01 a.m.

May 27, 2004

Evan Jacoby
for Jeff Koenings
Director

NEW SECTION

WAC 232-28-61900L Exceptions to statewide rules—Klickitat River. Notwithstanding the provisions of WAC 232-28-619, effective June 1 through July 31, 2004, in those waters of the Klickitat River from 400 feet above the #5 fishway, upstream to the boundary markers just below the Klickitat Hatchery, special daily limit of six salmon, no more than two may be adults. Minimum size is 12 inches in length.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. August 1, 2004:

WAC 232-28-61900L Exceptions to statewide rules—Klickitat River.

WSR 04-12-035
EMERGENCY RULES
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed May 27, 2004, 1:43 p.m., effective June 10, 2004]

Date of Adoption: February 25, 2004.

Purpose: To implement chapter 4, Laws of 2004 (HB 2418), which provides additional benefits for certain law enforcement officers' and fire fighters's retirement system members who incur a disability in the line of duty.

Statutory Authority for Adoption: RCW 41.50.050(5).

Other Authority: RCW 41.26.470.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This law goes into effect on June 10, 2004. It provides benefits for members of the law enforcement officers' and fire fighters' retirement system who are totally incapacitated for continued employment by their employer due to a disability incurred in the line of duty. Observing the time requirements of notice and opportunity to comment would be contrary to the interest of eligible law enforcement officers and fire fighters with duty-related disabilities.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 0, Repealed 0.

Effective Date of Rule: June 10, 2004.

May 25, 2004

John F. Charles
Director

NEW SECTION

WAC 415-104-480 Does the disability I incurred in the line of duty qualify me for retirement benefits? (1) Who is entitled to benefits provided for in RCW 41.26.470 for a disability incurred in the line of duty?

Any member of the law enforcement officers' and fire fighters' retirement system (LEOFF) Plan 2 who is deemed by the department to:

(a) Have incurred a disability in the line of duty on or after January 1, 2001; and

(b) Be totally incapacitated for continued employment by your employer.

The disability may be physical or mental, and may be caused by injury or occupational disease.

(2) How is "line of duty" defined?

Line of duty means any action or activity done in conjunction with your employment or your status as a law enforcement officer or fire fighter that is required, obligated, or authorized by law, rule, regulations, or condition of employment or service.

(3) How do I apply for benefits under this section?

You must submit:

(a) A completed three-part disability retirement application provided by the department.

(i) Part 1: Disability retirement application. You must complete, sign and have notarized.

(ii) Part 2: Employer's statement and report. Your employer must complete, sign and return directly to the department.

(iii) Part 3: Medical report. You must complete section one. The remainder must be completed and signed by a person licensed according to Washington state law to practice medicine and surgery, osteopathic medicine and surgery, chiropractic, naturopathy, podiatry, dentistry, or optometry;

(b) Verification of a determination of disability from the Washington state department of labor and industries (L&I), if available;

(c) Additional information that may be requested by the department; and

(d) Any other material you wish the department to consider.

(4) What types of evidence will the department use to determine if I am entitled to benefits under this section?

The department will consider:

(a) Information and determinations obtained from L&I;

(b) The documentation you submit;

(c) Facts surrounding your injury or occupational disease;

(d) Your job description;

(e) Your membership records, maintained by the department;

(f) Materials obtained or provided by your employer; and

(g) Any other relevant evidence.

(5) What would disqualify me for benefits under this section?

The department will not qualify you for a duty-related (line of duty) determination if any of the following apply:

(a) The department of labor and industries denies your claim;

(b) The disability occurred as a result of intentional misconduct;

(c) An action was taken by you intentionally to bring about your own disability;

(d) You were voluntarily intoxicated at the time of disability, as evidenced by a blood alcohol level of .20 per centum or greater;

(e) Your mental or physical faculties were affected by the voluntary induction of drugs or other substances in the body; or

(f) You were performing your duties in a grossly negligent manner at the time the disability occurred.

(6) Who decides if I meet the requirements for benefits under this section?

The LEOFF plan administrator.

(7) Do I have the right to petition a decision made by the LEOFF plan administrator?

Yes. If the LEOFF plan administrator denies your request for a disability benefit or determines your disability is not duty related under this section, you have the right to request a review of that decision according to the provisions of chapter 415-04 WAC.

(8) Are my disability benefits taxable?

DRS reports disability benefits as required by federal law. Based on current federal law, part of your benefit may be taxable. You should consult with your own tax advisor regarding all questions of federal or state income, payroll, personal property or other tax consequences regarding any payments you receive from the department.

It is important that you realize that the department does not:

(a) Guarantee that payments should or should not be designated as exempt from federal income tax;

(b) Guarantee that it was correct in withholding or not withholding taxes from benefit payments to you;

(c) Represent or guarantee that any particular federal or state income, payroll, personal property or other tax consequence will occur because of its nontaxable determination; or

(d) Assume any liability for your compliance with the Internal Revenue Code.

(9) When does a disability retirement benefit end?

Your disability benefit will cease if you return to work in a LEOFF-covered position, or:

(a) Medical examination reveals that you have recovered from the incapacitating disability; and

(b) You are no longer entitled to workers' compensation benefits under Title 51 RCW.

**WSR 04-12-036
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 04-125—Filed May 27, 2004, 3:24 p.m., effective June 2, 2004, 9:00 p.m.]

Date of Adoption: May 27, 2004.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-32500Q; and amending WAC 220-56-325.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation is needed to ensure an orderly fishery, manage within court-ordered shar-

ing requirements, and to ensure conservation. The state recreational share of spot shrimp has been taken in the southern portion of Marine Area 7, and the state recreational share of spot shrimp is available in the Discovery Bay and Port Angeles shrimp districts. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: June 2, 2004, 9:00 p.m.

May 27, 2004

Evan Jacoby

for Jeff Koenings

Director

NEW SECTION

WAC 220-56-32500R Shrimp—Areas and seasons. Notwithstanding the provisions of WAC 220-56-325:

1) Effective immediately, until further notice, it is unlawful to fish for or possess shrimp taken for personal use in all waters of the Port Townsend Shrimp District, except as provided for in this section:

(a) All waters of the Port Townsend Shrimp District south of a line from Kala Point to Walan Point are open Thursdays and Saturdays of each week to the harvest of all shrimp, except Spot shrimp.

(b) It is unlawful to possess spot shrimp and all spot shrimp must immediately be returned to the water unharmed.

2) Effective immediately, until further notice, it is unlawful to fish for or possess shrimp taken for personal use in all waters of Marine Area 10.

3) Effective immediately, until further notice, it is unlawful to fish for or possess shrimp taken for personal use in all waters of Marine Areas 8-1 and 8-2, Marine Area 9 outside of the Port Townsend Shrimp District, and Marine Area 11, except as provided for in this section:

(a) Open to the harvest of all shrimp species except spot shrimp, and all spot shrimp must immediately be returned to the water unharmed.

(b) It is unlawful to set or pull shrimp gear in waters greater than 150 feet deep.

4) Effective 9:00 p.m. June 2, 2004, until further notice, it is unlawful to fish for or possess shrimp taken for personal use in Marine Area 7 south of a line from Biz Point on Fidalgo Island to Cape St Mary on Lopez Island, then south of the shores of Lopez Island to Davis Point, then south of a

line from Davis Point to Cattle Point on San Juan Island, then south of the shores of San Juan Island to Lime Kiln Point light, then south of a line due west from Lime Kiln Point light to the international boundary.

5) Effective 7:00 a.m. June 5, 2004, until further notice, it is lawful to fish for or possess shrimp taken for personal use in all waters of the Discovery Bay and Port Angeles Shrimp Districts from 7:00 a.m. to 3:00 p.m. each day. Gear must be removed from the water during closed periods and spot shrimp may be retained on Saturdays only.

REPEALER

The following section of the Washington Administrative Code is repealed effective 9:00 p.m. June 2, 2004:

WAC 220-56-32500Q Shrimp—Areas and seasons (04-117)

WSR 04-12-041

EMERGENCY RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed May 28, 2004, 8:28 a.m., effective June 1, 2004]

Date of Adoption: May 20, 2004.

Purpose: To comply with federal Public Law 104-191 (Health Insurance Portability and Accountability Act (HIPAA) of 1996), which mandates HIPAA changes be effective no later than October 16, 2003. This rule-making order extends the emergency rule that has been in effect since October 8, 2003. The two previous emergency orders were adopted under WSR 04-04-073 and 03-21-038.

A CR-101 notice was filed September 30, 2003, under WSR 03-20-103, and MAA is actively undertaking the appropriate steps to complete the permanent rule adoption process.

Citation of Existing Rules Affected by this Order: Amending WAC 388-535A-0050 and 388-535A-0060.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.530.

Other Authority: Public Law 104-191 (Health Insurance Portability and Accountability Act of 1996).

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: This emergency rule is needed to continue to meet the requirements of the federal Health Insurance Portability and Accountability Act of 1996 while the department completes the permanent rule-making process.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 1, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: June 1, 2004.

May 20, 2004

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-01-050, filed 12/11/01, effective 1/11/02)

WAC 388-535A-0050 Authorization~~((s))~~ and prior authorization~~((, and expedited prior authorization))~~ for orthodontic services. (1) When MAA authorizes a service, that authorization indicates only that the specific service is medically necessary; it is not a guarantee of payment. The client must be eligible for the covered service at the time the service is provided.

(2) MAA does not require prior authorization for orthodontic treatment of a client with cleft lip, cleft palate, or craniofacial anomaly when the client is:

(a) Eligible under WAC 388-535A-0020; and

(b) Being treated by a department-recognized cleft palate or craniofacial team.

(3) MAA requires prior authorization for orthodontic treatment of:

(a) Severe handicapping malocclusions;

(b) Dental malocclusions that result in severe dental functional impairment;

(c) Those cases that result in a score less than thirty on the Washington Modified HLD Index Scale; and

(d) Services provided per WAC 388-535A-0030.

~~(((4)) MAA allows orthodontists to use expedited prior authorization (EPA) for those cases that score thirty or more on the Washington Modified HLD Index Scale. The EPA process is designed to eliminate the need for telephone prior authorization for selected procedures. The orthodontist must create an authorization number using the process explained in MAA's orthodontic billing instructions. When MAA finds that a provider is using EPA inappropriately, MAA may:~~

~~(a) Require the provider to obtain prior authorization from MAA before providing services to any client; or~~

~~(b) Take one or more of the actions in WAC 388-502-0230(3).))~~

AMENDATORY SECTION (Amending WSR 02-01-050, filed 12/11/01, effective 1/11/02)

WAC 388-535A-0060 Reimbursement for orthodontic services. (1) MAA considers that a provider who furnishes covered orthodontic services to an eligible client has accepted MAA's rates and fees.

(2) Payment for orthodontic services is based on MAA's schedule of maximum allowances; fees listed in the fee schedule are the maximum allowable fees.

~~(3) ((MAA uses state assigned procedure codes to identify covered orthodontic services.~~

~~(4))) MAA does not cover out-of-state orthodontic treatment.~~

~~(((5))) (4) Orthodontic providers who are in department-designated border areas must:~~

~~(a) Meet the licensure requirements of their state; and~~

~~(b) Meet the same criteria for payment as in-state providers, including the requirements to contract with MAA.~~

~~(((6))) (5) MAA reimburses for interceptive orthodontic treatment for cleft palate or craniofacial anomaly per WAC 388-535A-0050.~~

~~(((7))) (6) With the exception of the conditions listed in subsection ((6))) (5) of this section, MAA reimburses for interceptive orthodontic treatment once per client's lifetime for clients with severe handicapping malocclusions.~~

~~(((8))) (7) MAA reimburses for limited transitional orthodontic treatment for a maximum of one year from original appliance placement. Follow up treatment is allowed in three-month increments, beginning three months after the initial placement.~~

~~(((9))) (8) MAA reimburses for comprehensive full orthodontic treatment up to a maximum of two years from original appliance placement. Six follow up treatments are allowed in three-month increments, beginning six months after the initial placement.~~

~~(((10))) (9) If the client's eligibility for orthodontic treatment under WAC 388-535A-0020 ends before the conclusion of the orthodontic treatment, payment for any remaining treatment is the individual's responsibility; MAA does not reimburse for these services.~~

~~(((11))) (10) The client is responsible for payment of any orthodontic service or treatment received during any period of ineligibility, even if the treatment was started when the client was eligible; MAA does not reimburse for these services.~~

~~(((12))) (11) The client is responsible for paying for services when the client has not disclosed coverage to the provider, per WAC 388-502-0160 and 388-501-0200; MAA does not reimburse in these situations.~~

WSR 04-12-051

EMERGENCY RULES

WASHINGTON STATE TOXICOLOGIST

[Filed May 28, 2004, 12:38 p.m., effective June 10, 2004]

Date of Adoption: May 27, 2004.

Purpose: The purpose of this emergency rule making is to indicate approval by the state toxicologist of thermometers used in the breath alcohol testing program.

Citation of Existing Rules Affected by this Order: Amending WAC 448-13-020.

Statutory Authority for Adoption: RCW 46.61.506.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Chapter 68, Laws of 2004 (SHB 3055), effective June 10, 2004, amends RCW 46.61-506(4) to require that prior to the start of a breath alcohol test, the temperature of the simulator solution must be measured by a thermometer approved of by the state toxicologist. It is therefore necessary for the state toxicologist to approve thermometers on or before June 10, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: June 10, 2004.

May 27, 2004

Barry K. Logan, Ph.D.

Washington State Toxicologist

[AMENDATORY SECTION (Amending WSR 95-20-025, filed 9/27/95)]

WAC 448-13-020 Approval of breath test (~~(instruments)~~ equipment. ~~((Pursuant to RCW 46.61.506, the DataMaster is the only breath test instrument approved by the state toxicologist as a device for the measurement of alcohol in a person's breath. A simulator filled with a certified simulator solution will be attached to each instrument to provide a known external standard as defined in WAC 448-13-030(13). The simulator used must be on the National Highway Traffic Safety Administration (NHTSA) conforming products list. Any agency, group, or individual seeking approval or certification from the state toxicologist for the use of other breath test instruments for evidential breath testing programs in the state of Washington should contact the state toxicologist at the address given in WAC 448-13-210.))~~ (1) Pursuant to RCW 46.61.506, the following instruments are approved for the quantitative measurement of alcohol in a person's breath:

(a) The DataMaster.

(2) Pursuant to RCW 46.61.506, the following thermometers are approved:

(a) Mercury in glass thermometers with a scale graduated in tenths of a degree measuring a range between 33.5 and 34.5 degrees centigrade; and

(b) Digital thermometer system contained within the Guth 2100 wet bath simulator.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

**WSR 04-12-060
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 04-126—Filed May 28, 2004, 1:37 p.m.]

Date of Adoption: May 28, 2004.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900E; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The "release wild chinook" restriction was inadvertently included in the "2004/2005 Sport Fishing Rules—Fishing in Washington" pamphlet. The expected return of wild summer chinook above Priest Rapids Dam in 2004 is strong enough to allow some recreational harvest opportunity. Upper Columbia River summer chinook are not listed under the Endangered Species Act. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

May 28, 2004

Evan Jacoby

for Jeff Koening

Director

NEW SECTION

WAC 232-28-61900M Exceptions to statewide rules—2004 North of Falcon Notwithstanding the provisions of WAC 232-28-619, it is unlawful to violate the following provisions:

Columbia River

1. from Rocky Point—Tongue Point line to I-5: Salmon: Open immediately through June 15, daily limit 6 hatchery chinook jacks.

2. from Rocky Point—Tongue Point line to 395 bridge at Pasco: Salmon: Open June 16 through July 31,

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daily limit 6 fish, of which no more than 2 may be adults. Release wild Chinook, and Sockeye.

3. from 395 bridge at Pasco upstream to Priest Rapids Dam: Salmon: Open June 16 through July 31, daily limit of six salmon of which no more than two may be adults. Minimum size is 12 inches in length. Release sockeye salmon.

4. from Priest Rapids Dam to Wells Dam: Salmon: Open July 16 until further notice. Daily limit 6 fish, of which no more than 2 may be adults. Release Coho and Sockeye.

5. from Wells Dam to Chief Joseph Dam: Salmon: Open July 16 until further notice, from Highway 173 bridge at Brewster to Highway 17 bridge at Bridgeport. Daily limit 6 fish, of which no more than 2 may be adults. Release Coho and Sockeye.

Cowlitz River (Cowlitz/Lewis County)

1. from boundary markers at mouth to Mayfield Dam: Salmon: Open immediately until further notice, daily limit 6 fish, of which no more than 2 may be adults. Release wild Coho, and Chum. Release wild Chinook through July 31.

2. from posted PUD sign on Peters Road to mouth of Ohanepecosh River and mouth of Muddy Fork: Salmon: Effective immediately until further notice, salmon minimum size 12 inches.

Kalama River (Cowlitz County), from mouth upstream to one thousand feet below fishway at upper salmon hatchery: Year-round season except during the period the temporary fish rack is installed. Waters from Modrow Bridge downstream to one thousand five hundred feet below the rack are closed waters.

Lewis River (Clark. Co.), from boundary markers at mouth to mouth of the East Fork: Salmon: Open immediately until further notice, daily limit 6 fish, of which no more than 2 may be adults. Release wild Coho, and Chum. Release wild Chinook through July 31.

Lewis River, North Fork (Cowlitz Co.) from mouth to Colvin Creek:

1. All species: Effective immediately until further notice, lawful to fish from a floating device.

2. Salmon: Open immediately until further notice, daily limit 6 fish, of which no more than 2 may be adults. Release wild Coho, and Chum. Release wild Chinook through July 31.

Lewis River, North Fork (Cowlitz Co.) from Colvin Creek to overhead powerlines below Merwin Dam: Salmon: Open immediately until further notice, daily limit 6 fish, of which no more than 2 may be adults. Release wild Coho, and Chum. Release wild Chinook through July 31.

REPEALER

The following section of the Washington Administrative Code is repealed:

| | |
|-------------------|---|
| WAC 232-28-61900E | Exceptions to statewide rules—2004 North of Falcon. (04-97) |
|-------------------|---|

WSR 04-12-061 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 04-127—Filed May 28, 2004, 1:38 p.m., effective June 2, 2004, 9:00 p.m.]

Date of Adoption: May 28, 2004.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-32500R; and amending WAC 220-56-325.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation is needed to ensure an orderly fishery, manage within court-ordered sharing requirements, and to ensure conservation. The state recreational share of spot shrimp has been taken in the southern portion of Marine Area 7 and the state recreational share of spot shrimp is available in the Discovery Bay and Port Angeles shrimp districts. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: June 2, 2004, 9:00 p.m.

May 28, 2004

Evan Jacoby

for Jeff Koenings

Director

NEW SECTION

WAC 220-56-32500S Shrimp—Areas and seasons. Notwithstanding the provisions of WAC 220-56-325:

1) Effective immediately, until further notice, it is unlawful to fish for or possess shrimp taken for personal use in all waters of the Port Townsend Shrimp District, except as provided for in this section:

(a) All waters of the Port Townsend Shrimp District south of a line from Kala Point to Walan Point are open Thursdays and Saturdays of each week to the harvest of all shrimp, except Spot shrimp.

(b) It is unlawful to possess spot shrimp and all spot shrimp must immediately be returned to the water unharmed.

2) Effective immediately, until further notice, it is unlawful to fish for or possess shrimp taken for personal use in all waters of Marine Area 10.

3) Effective immediately, until further notice, it is unlawful to fish for or possess shrimp taken for personal use in all waters of Marine Areas 8-1 and 8-2, Marine Area 9 outside of the Port Townsend Shrimp District, and Marine Area 11, except as provided for in this section:

(a) Open to the harvest of all shrimp species except spot shrimp, and all spot shrimp must immediately be returned to the water unharmed.

(b) It is unlawful to set or pull shrimp gear in waters greater than 150 feet deep.

4) Effective 9:00 p.m. June 2, 2004, until further notice, it is unlawful to fish for or possess shrimp taken for personal use in Marine Area 7 south of a line from Biz Point on Fidalgo Island to Cape St Mary on Lopez Island, then south of the shores of Lopez Island to Davis Point, then south of a line from Davis Point to Cattle Point on San Juan Island, then south of the shores of San Juan Island to Lime Kiln Point light, then south of a line due west from Lime Kiln Point light to the international boundary.

5) Effective 7:00 a.m. June 5, 2004, until further notice, it is lawful to fish for or possess shrimp taken for personal use in all waters of the Discovery Bay and Port Angeles Shrimp Districts from 7:00 a.m. to 3:00 p.m. each day. Gear must be removed from the water during closed periods and spot shrimp may be retained on Saturdays only from the Discovery Bay Shrimp District and Saturday and Sunday only from the Port Angeles Shrimp District.

general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Through surveys and comments, the Transportation Improvement Board (TIB) has identified several changes to the management of its programs. Streamlining the allocation methodology allows local agency customers to better understand how TIB funds are allocated. The new methodology was developed in consultation with local agency representatives and does not significantly change the net distributions to the regions. Emergency changes are necessary so they can be incorporated into the FY 2006 Call for Projects to be announced on June 2, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

May 28, 2004

R. Struna

Chief Financial Officer

EMERGENCY

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-32500R Shrimp—Areas and seasons (04-125)

WSR 04-12-065

EMERGENCY RULES

TRANSPORTATION IMPROVEMENT BOARD

[Filed May 28, 2004, 3:49 p.m.]

Date of Adoption: May 21, 2004.

Purpose: Modify the methodology used when allocating funds in the arterial improvement program (WAC 479-12-130), pedestrian safety and mobility program (WAC 479-12-430), and the transportation partnership program (WAC 479-14-130).

Citation of Existing Rules Affected by this Order: Amending WAC 479-12-130, 479-12-430, and 479-14-130.

Statutory Authority for Adoption: RCW 47.26.80 [47.26.080] and 47.26.84 [47.26.084].

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or

AMENDATORY SECTION (Amending WSR 99-24-038, filed 11/23/99, effective 12/24/99)

WAC 479-12-130 Apportionment of funds to arterial improvement program regions. (~~Beginning 1995, every four years, the board shall determine the distribution formula to apportion unobligated arterial trust account funds to each urban region. The distribution formula shall be defined in the following manner:~~

~~(1) One third of the ratio shall be the population the urban areas of each region bears to the total population of all urban areas of the state as last determined by the office of financial management;~~

~~(2) One third of the ratio shall be the vehicle to mile ratio traveled on the classified arterial system within the urban areas of each region, compared to the total vehicle to mile ratio traveled on all classified urban arterial systems;~~

~~(3) One third of the ratio shall be an actual or historical indicator of needs within the region as determined by the board.~~

~~The distribution of funds within each region shall be administered so as to permit complete arterial improvement program projects in each arterial classification to be authorized and funded.)~~ **Apportionment of funds to arterial improvement program regions shall be defined in the following manner:**

(1) One-half of the ratio shall be the population of the urban areas of each region divided by the total population of all urban areas of the state as last determined by the office of financial management;

(2) One-half of the ratio shall be the amount of functionally classified lane miles of the arterial system within the urban areas of each region, divided by the total lane miles for the entire functionally classified urban arterial system;

(3) A region's allocation can be adjusted by up to five percent. Beginning 2004, regional allocations will be reviewed every five years to compensate for changes in project participation.

(2) One-half of the ratio shall be the amount of functionally classified lane miles of the arterial system within the urban areas of each region, divided by the total lane miles for the entire functionally classified urban arterial system;

(3) A region's allocation can be adjusted by up to five percent. Beginning 2004, regional allocations will be reviewed every five years to compensate for changes in project participation.

Regionally significant transportation projects submitted for funding by the TIB and approved by the legislature are exempt from the regional distribution formula.

AMENDATORY SECTION (Amending WSR 03-16-077, filed 8/4/03, effective 9/4/03)

WAC 479-12-430 Apportionment of funds to pedestrian safety and mobility program regions. Of the funds obligated to pedestrian safety and mobility projects within urban areas, the amount apportioned to projects in a region ~~((will be within plus or minus five percent of the ratio which the population of urban areas in a region bears to the statewide population for urban areas as last determined by the office of financial management.))~~ shall be defined in the following manner:

(1) One-half of the ratio shall be the population of the urban areas of each region divided by the total population of all urban areas of the state as last determined by the office of financial management;

(2) One-half of the ratio shall be the amount of functionally classified lane miles of the arterial system within the urban areas of each region, divided by the total lane miles for the entire functionally classified urban arterial system;

(3) A region's allocation can be adjusted by up to five percent. Beginning 2004, regional allocations will be reviewed every five years to compensate for changes in project participation.

Of the funds obligated to pedestrian safety and mobility projects within small cities, the amount apportioned to projects in a region will be within plus or minus five percent of the ratio which the population of cities under five thousand in a region bears to the statewide population for cities under five thousand as last determined by the office of financial management.

AMENDATORY SECTION (Amending WSR 00-22-001, filed 10/19/00, effective 11/19/00)

WAC 479-14-130 Apportionment of funds to transportation partnership program regions. Of the funds in the program, ~~((forty percent will be allocated to projects on a statewide basis and then, at least fifteen percent will be allocated to projects in the east region, at least fifteen percent to projects in the west region, and approximately thirty percent to projects in the Puget Sound region))~~ the amount apportioned to projects in a region shall be defined in the following manner:

(1) One-half of the ratio shall be the population of the urban areas of each region divided by the total population of all urban areas of the state as last determined by the office of financial management;

EMERGENCY

WSR 04-12-006

NOTICE OF PUBLIC MEETINGS

BELLINGHAM TECHNICAL COLLEGE

[Memorandum—May 20, 2004]

The board of trustees of Bellingham Technical College will meet in special session on Tuesday, May 4, 2004, 9:00 a.m. to 4:00 p.m., at 2825 Roeder Avenue, Bellingham, WA, to discuss educational access, campus master plan, college foundation, and board goals. An executive session will be held to discuss pending and potential litigation with counsel pursuant to RCW 42.30.100; however, no final action will be taken as a result of such discussions. Call 738-3105 ext. 334 for information.

The regularly scheduled meeting of the board of trustees of Bellingham Technical College scheduled for May 20, 2004, has been canceled. Call 738-3105 ext. 334 for information.

WSR 04-12-007

NOTICE OF PUBLIC MEETINGS

**WASHINGTON SCHOOL
FOR THE DEAF**

[Memorandum—May 18, 2004]

Following are the schedule changes for the Washington School for the Deaf board of trustees:

- July 8, 2004, board meeting - cancelled.
- The board will hold a summer retreat (no decisions will be made) on July 26/27, 2004. The location of the retreat will be at ESD 101 in Spokane.
- August 12, 2004, board meeting - cancelled.

WSR 04-12-008

NOTICE OF PUBLIC MEETINGS

**DEPARTMENT OF
LABOR AND INDUSTRIES**

(Board of Boiler Rules)

(Electrical Board)

[Memorandum—May 20, 2004]

The Board of Boiler Rules and the Electrical Board will hold a special meeting relating to the report to the legislature.

| DATE | TIME | LOCATION |
|---------------|-----------|--|
| June 15, 2004 | 9:00 a.m. | Red Lion Hotel Fir Ballroom 2300 Evergreen Park Drive Olympia, WA 98501 |

Please call (360) 602-6411 if you have any questions.

WSR 04-12-016

NOTICE OF PUBLIC MEETINGS

EASTERN WASHINGTON UNIVERSITY

[Memorandum—May 11, 2004]

On Wednesday, May 12, 2004, the Eastern Washington University board of trustees will hold a special meeting by conference call beginning at 10:30 a.m. in PUB 263 (on the Cheney campus).

The sole purpose of this special meeting is for the board to consider and take action on Memorandum of Understanding 2004-01 with the United Faculty of Eastern.

WSR 04-12-017

NOTICE OF PUBLIC MEETINGS

**WESTERN WASHINGTON
GROWTH MANAGEMENT HEARINGS BOARD**

[Memorandum—May 24, 2004]

The board meeting for July for the Western Washington Growth Management Hearings Board is going to be held on July 7 instead of July 14 due to a hearing on that date.

WSR 04-12-018

ATTORNEY GENERAL'S OFFICE

[Filed May 25, 2004, 12:28 p.m.]

**NOTICE OF REQUEST FOR ATTORNEY GENERAL'S OPINION
WASHINGTON ATTORNEY GENERAL**

The Washington Attorney General issues formal published opinions in response to requests by the heads of state agencies, state legislators, and county prosecuting attorneys. When it appears that individuals outside the Attorney General's Office have information or expertise that will assist in the preparation of a particular opinion, a summary of that opinion request will be published in the state register. If you are interested in commenting on a request listed in this volume of the register, you should notify the Attorney General's Office of your interest by June 23, 2004. This is not the due date by which comments must be received. However, if you do not notify the Attorney General's Office of your interest in commenting on an opinion request by this date, the opinion may be issued before your comments have been received. You may notify the Attorney General's Office of your intention to comment by calling (360) 664-3027, or by writing to the Solicitor General, Office of the Attorney General, P.O. Box 40100, Olympia, WA 98504-0100. When you notify the office of your intention to comment, you will be provided with a copy of the opinion request in which you are interested, information about the Attorney General's Opinion process, information on how to submit your comments, and a due date by which your comments must be received to ensure that they are fully considered.

The Attorney General's Office seeks public input on the following opinion request(s):

MISC.

**04-05-04 Request by Janice Niemi, Chair
Gambling Commission**

1. Are transfer of funds from the gambling revolving fund to the state general fund in conflict with RCW 9.46, et seq., which provides that the gambling revolving fund is to be used for the collection of fees to license and regulate gambling? Assuming for the sake of argument that they are in conflict, can the Legislature amend the policy and intent of the Gambling Act in this manner?

2. Do these repeated transfers violate article VII, section 5 of the state constitution?

3. Do these transfers violate the state/tribal Compacts and the Indian Gaming Regulatory Act (IGRA)?

4. Do these transfers constitute a state tax on Indian Tribes in violation of federal law?

5. Does OFM have the authority to reduce allotments and thereby change the Commission's budgetary and policy decisions, and use budget notes to impliedly repeal the provisions of RCW 9.46.100?

WSR 04-12-022

OFFICE OF THE GOVERNOR

[Filed May 25, 2004, 4:42 p.m.]

NOTICE OF APPEAL

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 04-13 issue of the Register.

WSR 04-12-030

**NOTICE OF PUBLIC MEETINGS
LOTTERY COMMISSION**

[Memorandum—May 26, 2004]

All commission meetings commence at 9:00 a.m. However, the July 22, 2004, commission meeting will commence at 8:30 a.m.

WSR 04-12-031

**NOTICE OF PUBLIC MEETINGS
SKAGIT VALLEY COLLEGE**

[Memorandum—May 21, 2004]

The regular meeting time of the June 10, 2004, board of trustees will be changed from meeting at 1:30 p.m. on July 10, 2004, to meeting at 11:00 a.m. on June 10, 2004. The meeting will be held at the Skagit Valley College San Juan Center, 221 Weber Way, Friday Harbor, WA.

WSR 04-12-034

DEPARTMENT OF ECOLOGY

[Filed May 27, 2004, 1:42 p.m.]

**Water Cleanup Plan List
Public Comments Invited on Water Cleanup Plan List for
Fiscal Year 2005**

What is a Water Cleanup Plan? Water cleanup plans, also called total maximum daily loads or TMDLs, are used to restore water bodies (streams, rivers, lakes, and estuaries) to good water quality. They include the following:

- Description of the type, amount, and sources of water pollution in a particular water body or segment.
- Analysis of how much the pollution needs to be reduced or eliminated to attain water quality standards.
- Strategy to control pollution.
- Monitoring plan to assess effectiveness.

The Washington Department of Ecology (ecology) usually does the scientific analysis required for a TMDL. Then, local people help identify specific sources of pollution and the best approaches for addressing the problems. The plans may include pollutant limits in wastewater discharge permits for municipalities and industries, and recommendations for practices such as fencing, planting trees, and ensuring buffers next to streams.

Why do we need to clean up the water? The federal Clean Water Act requires that all states restore their waters to be "fishable and swimmable." To achieve this goal, the state of Washington has established water quality standards designed to protect the beneficial uses of our water bodies. Beneficial uses include drinking water, recreation, and habitat for fish and other aquatic life.

According to its agreement with the United States Environmental Protection Agency, ecology is on a fifteen-year schedule to produce cleanup plans for about seven hundred polluted water bodies on the 1996 list of impaired water bodies ("the 303d list"). However, there is an even more important reason: Washington's citizens have clearly said they would rather have clean water than dirty water.

Why did we pick these water bodies? Every year, we choose individual water bodies or watersheds from the list of impaired waters in each of our four regions on which to develop water cleanup plans. To help us select these waters, we met with local groups in communities in fall of 2004. Eventually all the water bodies on the impaired waters list will have a water cleanup plan.

Contact ecology if you have comments on the list for this year (see table below) or if you have information on any of these watersheds that might help with our cleanup planning. Work begins on these projects in fall of 2005. However, actions to improve water quality can be initiated at any time and are on-going in many watersheds throughout Washington. The entire list of impaired water bodies can be viewed on our website: <http://www.ecy.wa.gov/programs/wq/303d>.

MISC.

Water Cleanup Plan
List for FY 2005

| Regional Office | Primary Location | Waterbody(s) Name | Pollution Problems |
|-----------------|-----------------------------------|---|--|
| CRO | Yakima County | *Selah Ditch | Fecal Coliform (bacteria), Temperature, Dissolved Oxygen |
| CRO | Kittitas County | Upper Yakima River | Temperature |
| ERO | Whitman County | Palouse River | Dissolved Oxygen, pH, Fecal Coliform (bacteria), Ammonia, Temperature, Toxic Chemicals |
| ERO | Spokane County | Newman Lake | Phosphorous |
| NWRO | Skagit County | Samish Watershed | Fecal Coliform (bacteria) |
| NWRO | Snohomish County | *Old Stillaguamish Channel in Stillaguamish River watershed | Dissolved Oxygen; pH |
| NWRO | Snohomish County | Little Bear Creek | Fecal Coliform (bacteria) |
| SWRO | Clark, Skamania counties | E. Fork Lewis River | Temperature, Fecal Coliform (bacteria) |
| SWRO | Lewis, Cowlitz, Skamania counties | Gifford Pinchot National Forest | Temperature |

* Proposed project if resources are available this year.

Definitions of Pollution Problems: Although not necessarily agents of disease, fecal coliform bacteria indicate the presence of disease-carrying organisms that live in the same environment as the fecal coliform bacteria.

A certain minimum amount of dissolved oxygen must be present in water for aquatic life to survive.

Temperature is important because it governs the kinds of aquatic life that can live in a stream.

pH is a term used to indicate the alkalinity or acidity of a substance as ranked on a scale from 1.0 to 14.0. Neutral pH is 7.0. Acidity increases as the pH gets lower.

Toxic Chemicals, such as DDT and PCBs, can persist in sediments and be present in water, and have adverse effects on humans and aquatic organisms.

Phosphorous serves as a nutrient or "fertilizer" for algae and aquatic plants. Too much algae causes aesthetic problems and reduces oxygen levels in lakes and streams.

Please address your comments on the priority list by **June 24, 2004**, to Ron McBride, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, e-mail rmc461@ecy.wa.gov, phone (360) 407-6469, fax (360) 407-6426. Contact Ron for more information.

WSR 04-12-037

OFFICE OF
INSURANCE COMMISSIONER

[Filed May 27, 2004, 4:43 p.m.]

TECHNICAL ASSISTANCE ADVISORY

T 04-01

TO: All property and casualty insurance insurers.

SUBJECT: Automobile insurance coverage for returning Armed Forces members.

DATE: May 27, 2004.

The Office of the Insurance Commissioner has received information indicating some automobile insurers ("insurers") are denying reinstatement, refusing to write, or raising premium rates for members of the Armed Forces who are returning from active service. These individuals discontinued or otherwise modified their automobile insurance coverage here in Washington while in active military service overseas.

The insurance commissioner is aware that some insurers are not applying their continuous coverage underwriting and rating standards to policyholders who are on active military service. These insurers are commended for their actions; they are role models for the industry.

Underwriting and rating standards often appropriately take into consideration whether the insurance applicant has had continuous insurance coverage. In this instance, however, these underwriting requirements are inappropriate and should be waived. These servicemen and women, who have risked their lives on behalf of and in defense of our country, should not be penalized for their service.

The insurance commissioner is issuing this advisory to request that all insurers waive any such underwriting or rating requirements for returning members of our Armed Forces. If a member of the Armed Forces was a policyholder in good standing at the time of leaving for active duty, and can show proof that such active service was the reason for the loss in continuity of insurance coverage, the insurance commissioner requests insurers reinstatè the policies and treat the servicemen and women as if their coverage was continuous.

The insurance commissioner asks for similar consideration for returning members of the Armed Forces who are new applicants to the insurer. If an applicant was in good standing with another insurer prior to leaving for active duty, and such active service was the reason for the loss in continuity of coverage, the insurer should treat the applicant as if they had continuous insurance coverage throughout their term of active duty.

If you have any questions regarding this advisory, please contact Scott Jarvis, Deputy Commissioner for Consumer Protection, at (360) 725-7262 or ScottJ@oic.wa.gov.

MISC.

WSR 04-12-040
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed May 28, 2004, 8:27 a.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 04-26 MAA.
Subject: Kidney center services—Additional billable HCPCS J-codes.

Effective Date: May 14, 2004.

Document Description: **Retroactive to dates of service on and after January 1, 2004**, the Medical Assistance Administration (MAA) added three healthcare common procedure coding system (HCPCS) J-codes to the list of codes billable by kidney centers.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, Department of Social and Health Services, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail salmobl@dshs.wa.gov.

May 20, 2004
Ann Myers, Manager
Rules and Publications Section

WSR 04-12-045
INTERPRETIVE AND POLICY STATEMENT
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed May 28, 2004, 10:05 a.m.]

In accordance with RCW 34.05.230(12), following is a list of policy and interpretive statements issued by the department for March and April 2004.

If you have any questions or need additional information, please call Carmen Moore at (360) 902-4206.

POLICY AND INTERPRETIVE STATEMENTS

Insurance Services Division

Temporarily medically unable to participate in private sector vocational services.

The memorandum clarifies situations where it may be appropriate to close vocational services due to the worker being temporarily medically not able to participate in vocational services.

In general, a vocational referral should not be closed unless there is documentation that the worker will be medically unstable for at least ninety consecutive days.

For the purposes of this memorandum, the term "medically unstable" refers to any situation where medical documentation shows that the worker will not be released based on objective medical findings for participation in vocational services, and/or the worker will not be medically released for

any kind of work, for at least ninety consecutive days. This may be due to accepted conditions, nonaccepted conditions, or a combination of the two.

If a vocational rehabilitation counselor (VRC) recommends referral closure, the VRC should document what condition(s) are causing medical instability, and identify (if possible) when the worker may be able to participate again, based on medical documentation. In addition, prior to closing a referral as medically unstable, vocational rehabilitation counselors should report on all information required by WAC. This new policy is effective March 10, 2004.

Contact Valerie Grimm, Mailstop 4208, phone (360) 902-5005.

WISHA Services Division

WISHA Regional Directive (WRD) 33.27, "Cholinesterase Depression."

WISHA Regional Directive (WRD) 33.27, "Cholinesterase Depression," provides guidance to WISHA enforcement and consultation staff regarding follow-up data collection for a reported significant cholinesterase depression under the cholinesterase monitoring rule for agriculture (WAC 296-307-148). This new policy is effective April 19, 2004.

Contact Marcia Benn, Mailstop 44648, phone (360) 902-5503.

WISHA Regional Directive (WRD) 32.15, "Diving Search & Rescue."

This WISHA regional directive (WRD), "Diving Search & Rescue," which applies to all WISHA enforcement and consultation activities involving the application of chapter 296-37 WAC to the public sector (or to private employers involved in search and rescue, including those acting in support of the public sector), has been amended to update code references. There is no change in policy. This policy was amended April 16, 2004.

Contact Marcia Benn, Mailstop 44648, phone (360) 902-5503.

Specialty Compliance Services Division

Clarify the term "Independent Power Producer" as used in RCW 19.28.091 (2)(c) and WAC 296-46B-925(18).

This policy clarifies the exemption for independent power producers allowed in RCW 19.28.091 (2)(c). This policy will be effective April 29, 2004.

Contact Christine Swanson, Mailstop 4400, phone (360) 902-6411.

Carmen Moore
Rules Coordinator

MISC.

WSR 04-12-074
NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE
CENTER

[Memorandum—May 28, 2004]

Revised Board Meeting Schedule - July 2004

The board of directors of the Washington State Convention and Trade Center (WSCTC) has revised the board meeting schedule for the month of July 2004.

The board meeting for Tuesday, July 20, 2004, has been canceled. The WSCTC board has added to the schedule an offsite retreat for Friday and Saturday, July 16 and 17, 2004. Retreat details are as follows:

Location: Salish Lodge and Spa, 6501 Railroad Avenue S.E., Snoqualmie, WA.

July 16: Friday will begin with meetings 9:00 a.m. through noon. Following a lunch break, meetings will continue 1:00 p.m. through 5:00 p.m. The agenda for Friday will include discussion of trends in the hospitality industry, an overview of WSCTC corporate goals and project recommendations for 2005. No action will be taken on this day.

July 17: Saturday will begin with a work session at 8:30 a.m., followed by a board meeting 9:30 a.m. through 11:30 a.m. This meeting will be followed by an executive session. Action will be taken at the board meeting.

The retreat is open to the public.

WSR 04-12-075
NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE

[Memorandum—June 1, 2004]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College scheduled for June 17, 2004, has been canceled and rescheduled for Friday, June 25, 2004, 3:00 - 5:00 p.m., in the College Services Building Board Room on the Bellingham Technical College campus. Call 738-3105 ext. 334 for information.

WSR 04-12-076
NOTICE OF PUBLIC MEETINGS
SHORELINE COMMUNITY COLLEGE

[Memorandum—May 27, 2004]

The board of trustees of Shoreline Community College will meet in special session on June 2, 2004, from 10:00 a.m. to 2:00 p.m. in the small conference room of the Administration Building 1000. The board will convene into executive session for the purpose of evaluating the performance of a public employee and may move into the office of the president for the executive session.

We will also notify local area media of the special session.

Please call (206) 546-4552 or e-mail Michele Foley at mfoley@shoreline.edu if you have further questions or need additional clarification.

WSR 04-12-078
NOTICE OF PUBLIC MEETINGS
COMMUNITY ECONOMIC
REVITALIZATION BOARD

[Memorandum—June 1, 2004]

Change of Meeting Location for
July 15, 2004, CERB Meeting

The Community Economic Revitalization Board (CERB) will change the meeting location for the July 15, 2004, meeting only. The new meeting location for the July meeting is the Skamania Lodge, 1131 S.W. Skamania Lodge Way, Stevenson, WA 98648. The CERB meeting will be held in the Adams Room. The meeting will begin at 8:30 a.m.

WSR 04-12-080
OFFICE OF THE GOVERNOR

[Filed June 2, 2004, 8:50 a.m.]

NOTICE OF APPEAL
RCW 34.05.330(3)

Pursuant to RCW 34.05.330(3), you are hereby notified for publication in the Washington State Register that:

On May 25, 2004, the Governor received a petition from Doug Lydig, Lydig Construction requesting a repeal of an emergency rule adopted on May 5, 2004 by the Department of Labor and Industries, relating to operating dump trucks in reverse.

DATE: May 27, 2004

Jennifer Joly

General Counsel to the Governor

May 25, 2004

Doug Lydig
 Lydig Construction
 11001 East Montgomery Drive
 Spokane, Washington 99206

Dear Mr. Lydig:

Pursuant to RCW 34.05.350(3), I have reviewed your May 20, 2004 petition requesting the repeal of WAC 296-155-610, concerning operating dump trucks in reverse. I find that the Department of Labor and Industries (L&I) had a proper basis for its decision to adopt this rule on an emergency basis; therefore, I have denied your request for repeal.

RCW 34.05.350 (1)(a) provides that an agency may dispense with rulemaking requirements and adopt a rule on an emergency basis if the "immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest..." I believe these conditions were met.

As noted in your petition, L&I has been working with stakeholders from the construction industry for the last two years to develop comprehensive rules that address dangers to workers in construction traffic zones. Protection from operating dump trucks driving in reverse was included as part of the overall proposal.

In mid January 2004 specific data was available for the first time that showed seventeen fatalities in highway construction work zones between 1998 and 2003. While there were a variety of causes for these fatalities, it was clear that there was a very specific and immediate danger to workers from dump trucks. Six fatalities were the direct result of employees being backed over by dump trucks. In each case these trucks were equipped with a functioning automatic backup alarm and in compliance with existing rules. Two of the six dump truck fatalities occurred in the 2003 highway construction season.

With the rapid approach of the 2004 construction season, the reasonable likelihood of new fatalities, and the knowledge that the full rulemaking on construction traffic zone safety will not be completed until early 2005, L&I's immediate adoption of WAC 296-155-610 is necessary for the preservation of the public health, safety, and general welfare.

With respect to notice of this emergency rule, L&I held a stakeholder meeting on April 16th to discuss the necessity for the emergency rulemaking. Several representatives of the construction industry were in attendance. Additionally, after the meeting, L&I circulated the draft rule, including consensus revisions that emerged from the April 16th meeting, to an even broader group of stakeholders. No comments in opposition were received. Nonetheless, I understand that formal notice to stakeholders concerning the official adoption of this emergency rule was delayed. Accordingly, the department has agreed to suspend enforcement until June 1, 2004 to give employers more time to comply with this rule.

I encourage you to continue working with L&I on the remaining portions of the construction traffic zone safety rules. Thank you for your commitment to safe workplaces.

Sincerely,

Gary Locke
Governor

cc:

Dennis Cooper, Code Reviser
Rich Nafziger, Chief Clerk, House of Representatives
Milt Doumit, Secretary of the Senate
Paul Trause, Director, Department of Labor and Industries

tries

WSR 04-12-081
OFFICE OF THE GOVERNOR

[Filed June 2, 2004, 8:50 a.m.]

NOTICE OF APPEAL
RCW 34.05.330(3)

Pursuant to RCW 34.05.330(3), you are hereby notified for publication in the Washington State Register that:

On May 21, 2004, the Governor received a petition from William H. Davis, May-Davis Inc. requesting a repeal of an emergency rule adopted on May 5, 2004 by the Department of Labor and Industries, relating to operating dump trucks in reverse.

DATE: May 27, 2004

Jennifer Joly

General Counsel to the Governor

May 25, 2004

William H. Davis
May-Davis Inc.
P.O. Box 11589
Spokane, WA 99211

Dear Mr. Davis:

Pursuant to RCW 34.05.350(3), I have reviewed your May 19, 2004 petition requesting the repeal of WAC 296-155-610, concerning operating dump trucks in reverse. I find that the Department of Labor and Industries (L&I) had a proper basis for its decision to adopt this rule on an emergency basis; therefore, I have denied your request for repeal.

RCW 34.05.350 (1)(a) provides that an agency may dispense with rulemaking requirements and adopt a rule on an emergency basis if the "immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest..." I believe these conditions were met.

As noted in your petition, L&I has been working with stakeholders from the construction industry for the last two years to develop comprehensive rules that address dangers to workers in construction traffic zones. Protection from operating dump trucks driving in reverse was included as part of the overall proposal.

In mid January 2004 specific data was available for the first time that showed seventeen fatalities in highway construction work zones between 1998 and 2003. While there were a variety of causes for these fatalities, it was clear that there was a very specific and immediate danger to workers from dump trucks. Six fatalities were the direct result of employees being backed over by dump trucks. In each case these trucks were equipped with a functioning automatic backup alarm and in compliance with existing rules. Two of the six dump truck fatalities occurred in the 2003 highway construction season.

With the rapid approach of the 2004 construction season, the reasonable likelihood of new fatalities, and the knowledge that the full rulemaking on construction traffic zone safety will not be completed until early 2005, L&I's immediate adoption of WAC 296-155-610 is necessary for the preservation of the public health, safety, and general welfare.

With respect to notice of this emergency rule, L&I held a stakeholder meeting on April 16th to discuss the necessity for the emergency rulemaking. Several representatives of the construction industry were in attendance. Additionally, after the meeting, L&I circulated the draft rule, including consensus revisions that emerged from the April 16th meeting, to an even broader group of stakeholders. No comments in opposition were received. Nonetheless, I understand that formal notice to stakeholders concerning the official adoption of this emergency rule was delayed. Accordingly, the department has agreed to suspend enforcement until June 1, 2004 to give employers more time to comply with this rule.

I encourage you to continue working with L&I on the remaining portions of the construction traffic zone safety rules. Thank you for your commitment to safe workplaces.

Sincerely,

Gary Locke
Governor

cc:

Dennis Cooper, Code Reviser
Rich Nafziger, Chief Clerk, House of Representatives
Milt Doumit, Secretary of the Senate
Paul Trause, Director, Department of Labor and Industries

WSR 04-12-082
OFFICE OF THE GOVERNOR

[Filed June 2, 2004, 8:51 a.m.]

NOTICE OF APPEAL
RCW 34.05.330(3)

Pursuant to RCW 34.05.330(3), you are hereby notified for publication in the Washington State Register that:

On May 26, 2004, the Governor received an appeal to a formal rule petition denial by the Department of Retirement Systems regarding WAC 415-112-015(3), which pertains the contract period for Teachers Retirement System (TRS) members. The appeal of the formal rule petition has been requested by Mr. Bobby J. Woolley.

DATE: May 26, 2004

Jennifer Joly

General Counsel to the Governor

WSR 04-12-083

NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE

[Memorandum—June 2, 2004]

The board of trustees of Bellingham Technical College will meet in special session on Wednesday, June 2, 2004, at 8:15 a.m., in the College Services Board Room on the Bellingham Technical College campus to discuss matters covered under RCW 42.30.110. Action may be taken as a result of board discussion. Call 738-3105 ext. 334 for information.

WSR 04-12-084

DEPARTMENT OF ECOLOGY

[Filed June 2, 2004, 9:44 a.m.]

DEPARTMENT OF ECOLOGY
NOTICE OF PUBLIC HEARING

Including Energy Facility Site Evaluation
Council Regulations
in Washington's State Implementation Plan
July 6, 2004

The Washington State Department of Ecology (ecology) will conduct a public hearing with the Energy Facility Site Evaluation Council (EFSEC) on Tuesday, July 6, 2004. The purpose of this hearing is to solicit comment on including EFSEC's amended chapter 463-39 WAC into the Washington state implementation plan (SIP). The SIP is a statewide plan for meeting federal health-based standards for certain air pollutants.

The proposed changes are necessary to achieve consistency in state and federal air quality rules for stationary sources. The changes also clarify requirements for existing and new stationary sources of air pollution by eliminating conflicts with chapter 70.94 RCW and 40 C.F.R. Part 51. When incorporated into the SIP, the rules will also reduce the number of duplicative applicable state and local regulations.

Ecology invites comments including the following amended sections of the regulation in the SIP:

- WAC 463-39-005
- WAC 463-39-030
- WAC 463-39-100
- WAC 463-39-135
- WAC 463-39-170
- WAC 463-39-230

Upon final adoption and request from EFSEC, this amended regulation will be submitted by ecology to the Environmental Protection Agency for inclusion in the Washington SIP.

The hearing is scheduled on Tuesday, July 6, 2004, at 2:00 p.m., at WSU Building No. 4, Third Floor, Conference Room 308, 925 Plum Street S.E., Olympia, WA 98504-7600.

For a SIP hearing, only comments on whether or not to include the changes in the SIP are considered. Written comments must be postmarked no later than July 9, 2004, and should be sent to Brett Rude, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600.

For more information about the content of the draft regulations prior to the hearing, please contact Irina Makarow, EFSEC, (360) 956-2047.

For more information about the updates or the SIP process prior to the hearing, please contact Melissa McEachron, Ecology, (360) 407-6860 or Brett Rude, Ecology, (360) 407-6847.

If you need special accommodations, please contact Mariah Laamb of EFSEC at (360) 956-2121 by June 25, 2004.

WSR 04-12-085

DEPARTMENT OF ECOLOGY

[Filed June 2, 2004, 10:07 a.m.]

ANNOUNCEMENT OF ISSUANCE OF GENERAL PERMIT FOR WATER TREATMENT PLANTS

Introduction: On June 16, 2004, ecology reissued the wastewater discharge general permit for water treatment plants located in Washington state. This permit becomes effective on July 16, 2004. The proposed permit implements the Federal Clean Water Act and State Water Pollution Control Act. The purpose of the permit is to control the discharge of pollutants from water treatment plants into waters of the state. Water treatment plants are facilities that produce drinking water.

All water treatment plants that discharge to surface water and meet the following criteria require coverage under this general permit:

- Produce potable water or "industrial" water (primary treatment/settled water);
- Are not part of a larger, permitted facility (e.g., pulp and paper mill);
- Discharge wastewater from water treatment filtration processes (filter backwash, sedimentation/presedimentation basin washwater, filter-to-waste); and
- Have a maximum production capacity of 50,000 gallons a day or more of treated drinking water.

Summary of Public Involvement Process: Notice of the proposed permit was published in the state register and in six newspapers of general circulation around the state on April 21, 2004. A public workshop and hearing on the proposed permit were held at the ecology headquarters' building in Lacey, Washington on May 24, 2004. The public comment period closed May 27, 2004.

Summary of Revisions Based on Public Comments and Testimony: Ecology received public comment and testimony. A minor revision was made to the permit as a result of the comments received during the formal public comment period. The revision added language to S3.C., Compliance with Standards. The additional language emphasizes that the prohibition to violate water quality standards applies to the addition of treatment chemicals. The complete text of the comments and the responsiveness summary is available upon request or on the internet at www.ecy.wa.gov/programs/wq/wtp. **Permit Coverage:** Facilities with coverage under the previous permit do not need to apply for coverage. They will

automatically receive coverage under the revised permit. Facilities that do not have coverage but meet the requirements for coverage must complete and submit an application for coverage. You can obtain additional information and download an application form from the internet address above or by contacting Carey Cholski.

- By mail: Carey Cholski
Washington State Department of Ecology
P.O. Box 47775
Olympia, WA 98504-7775
- By phone: (360) 407-6279
- By e-mail: cgru461@ecy.wa.gov

Appeal Procedures: Pursuant to RCW 43.21B.310, the terms and conditions of the permit may be appealed within thirty days of the issuance of the general permit. An appeal must be filed with the Pollution Control Hearings Board, P.O. Box 40903, Olympia, WA 98504-0903. In addition, a copy of this appeal must be served on the Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600. The procedures and requirements for the appeal process are contained in RCW 43.21B.310.

The terms and conditions of a general permit, as they apply to an individual discharger, are appealable within thirty days of the effective date of coverage of that discharger, in accordance with chapter 43.21B RCW. This appeal is limited to the general permit's applicability or nonapplicability to a specific discharger.

Ecology is an equal opportunity agency. If you have special accommodation needs or require this document in an alternative format, please contact Carey Cholski at (360) 407-6279 or TTY for hearing impaired at 711 or 1-800-833-6388.

WSR 04-12-089

INTERPRETIVE AND POLICY STATEMENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed June 2, 2004, 11:01 a.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document title: Numbered Memorandum 04-25 MAA.
Subject: Prescription drug program—Maximum allowable cost update.

Effective date: May 17, 2004.

Document description: **Effective for dates of service on and after June 1, 2004**, the Medical Assistance Administration (MAA) will implement the following changes to the prescription drug program:

1. New additions to the Maximum Allowable Cost (MAC) list;
2. Deletions from the MAC list; and
3. Adjustments to existing MACs.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, Department of Social and Health Services, Medical Assistance Administration, Division of Policy and Analysis, P.O.

Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail salmobl@dshs.wa.gov.

May 27, 2004
Ann Myers, Manager
Rules and Publications Section

WSR 04-12-090
INTERPRETIVE AND POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed June 2, 2004, 11:02 a.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: WAC Implementation Guide.

Subject: Chapter 388-805 WAC, Certification requirements for chemical dependency service providers.

Effective Date: July 1, 2004.

Document Description: The Department of Social and Health Services (DSHS) Division of Alcohol and Substance Abuse (DASA) WAC implementation guide (WIG) is a resource manual about chapter 388-805 WAC that is used by chemical dependency service providers. The WIG provides interpretive guidelines, background information, additional resource information, and general expectations about chapter 388-805 WAC, and describes survey procedures used by DSHS DASA certification specialists.

To receive a copy of the interpretive or policy statement, contact Washington State Alcohol/Drug Clearinghouse, 6535 5th Place South, Seattle, WA 98108-0243, phone 1-800-662-9111 (from within Washington state) or (206) 725-9696 (from Seattle or outside Washington), fax (206) 760-0589, e-mail clearinghouse@adhl.org, or website <http://www.clearinghouse.adhl.org/>.

May 27, 2004
John M. Cox

MISC.



Table of WAC Sections Affected

KEY TO TABLE

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

Symbols:

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an existing section
- NEW = New section not previously codified
- OBJECT = Notice of objection by Joint Administrative Rules Review Committee
- PREP = Preproposal comments
- RE-AD = Readoption of existing section
- RECOD = Recodification of previously codified section
- REP = Repeal of existing section
- RESCIND = Rescind of existing section
- REVIEW = Review of previously adopted rule
- SUSP = Suspending an existing section

Suffixes:

- C = Continuance of previous proposal
- E = Emergency action
- P = Proposed action
- S = Supplemental notice
- W = Withdrawal of proposed action
- X = Expedited rule making
- XA = Expedited adoption
- XR = Expedited repeal
- No suffix means permanent action

WAC # Shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # Shows the issue of the Washington State Register where the document may be found; the last three digits identify the document within the issue.

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| 16-231-230 | PREP | 04-03-004 | 16-232-030 | PREP | 04-03-004 | 16-301-440 | AMD | 04-08-043 |
| 16-231-235 | PREP | 04-03-004 | 16-232-035 | PREP | 04-03-004 | 16-301-450 | REP-P | 04-05-118 |
| 16-231-300 | PREP | 04-03-004 | 16-232-041 | PREP | 04-03-004 | 16-301-450 | REP | 04-08-043 |
| 16-231-305 | PREP | 04-03-004 | 16-232-044 | PREP | 04-03-004 | 16-301-455 | REP-P | 04-05-118 |
| 16-231-310 | PREP | 04-03-004 | 16-232-047 | PREP | 04-03-004 | 16-301-455 | REP | 04-08-043 |
| 16-231-315 | PREP | 04-03-004 | 16-232-050 | PREP | 04-03-004 | 16-301-460 | REP-P | 04-05-118 |
| 16-231-320 | PREP | 04-03-004 | 16-232-053 | PREP | 04-03-004 | 16-301-460 | REP | 04-08-043 |
| 16-231-325 | PREP | 04-03-004 | 16-232-056 | PREP | 04-03-004 | 16-301-465 | REP-P | 04-05-118 |
| 16-231-330 | PREP | 04-03-004 | 16-232-059 | PREP | 04-03-004 | 16-301-465 | REP | 04-08-043 |
| 16-231-335 | PREP | 04-03-004 | 16-232-062 | PREP | 04-03-004 | 16-301-470 | REP-P | 04-05-118 |

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| 16-301-470 | REP | 04-08-043 | 16-390-250 | NEW-P | 04-08-128 | 16-450-022 | NEW | 04-05-117 |
| 16-301-475 | REP-P | 04-05-118 | 16-390-250 | NEW | 04-11-078 | 16-450-024 | NEW | 04-05-117 |
| 16-301-475 | REP | 04-08-043 | 16-390-260 | NEW-P | 04-08-128 | 16-450-026 | NEW | 04-05-117 |
| 16-301-480 | REP-P | 04-05-118 | 16-390-260 | NEW | 04-11-078 | 16-450-028 | NEW | 04-05-117 |
| 16-301-480 | REP | 04-08-043 | 16-390-270 | NEW-P | 04-08-128 | 16-450-032 | NEW | 04-05-117 |
| 16-301-485 | REP-P | 04-05-118 | 16-390-270 | NEW | 04-11-078 | 16-450-040 | NEW | 04-05-117 |
| 16-301-485 | REP | 04-08-043 | 16-390-280 | NEW-P | 04-08-128 | 16-450-042 | NEW | 04-05-117 |
| 16-302-385 | AMD-P | 04-05-120 | 16-390-280 | NEW | 04-11-078 | 16-450-044 | NEW | 04-05-117 |
| 16-302-385 | AMD | 04-08-044 | 16-400-007 | REP-P | 04-08-128 | 16-450-046 | NEW | 04-05-117 |
| 16-302-685 | AMD | 04-06-018 | 16-400-007 | REP | 04-11-078 | 16-450-048 | NEW | 04-05-117 |
| 16-303-340 | AMD | 04-06-029 | 16-400-008 | REP-P | 04-08-128 | 16-450-050 | NEW | 04-05-117 |
| 16-319-041 | AMD | 04-06-028 | 16-400-008 | REP | 04-11-078 | 16-450-060 | NEW | 04-05-117 |
| 16-324-375 | AMD-X | 04-07-170 | 16-400-010 | REP-P | 04-08-128 | 16-450-070 | NEW | 04-05-117 |
| 16-324-375 | AMD | 04-12-026 | 16-400-010 | REP | 04-11-078 | 16-458-075 | REP-P | 04-08-128 |
| 16-324-393 | AMD-X | 04-07-170 | 16-400-040 | REP-P | 04-08-128 | 16-458-075 | REP | 04-11-078 |
| 16-324-393 | AMD | 04-12-026 | 16-400-040 | REP | 04-11-078 | 16-458-085 | REP-P | 04-08-128 |
| 16-324-398 | AMD-X | 04-07-170 | 16-400-045 | REP-P | 04-08-128 | 16-458-085 | REP | 04-11-078 |
| 16-324-398 | AMD | 04-12-026 | 16-400-045 | REP | 04-11-078 | 16-459-001 | REP | 04-05-117 |
| 16-324-720 | REP-X | 04-07-170 | 16-400-060 | REP-P | 04-08-128 | 16-459-00101 | REP | 04-05-117 |
| 16-324-720 | REP | 04-12-026 | 16-400-060 | REP | 04-11-078 | 16-459-010 | REP | 04-05-117 |
| 16-324-730 | REP-X | 04-07-170 | 16-400-100 | REP-P | 04-08-128 | 16-459-020 | REP | 04-05-117 |
| 16-324-730 | REP | 04-12-026 | 16-400-100 | REP | 04-11-078 | 16-459-030 | REP | 04-05-117 |
| 16-324-740 | REP-X | 04-07-170 | 16-400-150 | REP-P | 04-08-128 | 16-459-040 | REP | 04-05-117 |
| 16-324-740 | REP | 04-12-026 | 16-400-150 | REP | 04-11-078 | 16-470 | PREP | 04-09-080 |
| 16-324-750 | REP-X | 04-07-170 | 16-400-210 | REP-P | 04-08-128 | 16-470-105 | AMD-C | 04-05-025 |
| 16-324-750 | REP | 04-12-026 | 16-400-210 | REP | 04-11-078 | 16-470-105 | AMD | 04-09-027 |
| 16-328 | PREP | 04-09-082 | 16-400-270 | REP-P | 04-08-128 | 16-470-750 | NEW-E | 04-08-082 |
| 16-333 | PREP | 04-09-081 | 16-400-270 | REP | 04-11-078 | 16-470-755 | NEW-E | 04-08-082 |
| 16-350-040 | AMD-P | 04-07-171 | 16-401 | PREP | 04-04-108 | 16-470-760 | NEW-E | 04-08-082 |
| 16-350-040 | AMD | 04-11-025 | 16-401 | PREP | 04-06-082 | 16-470-765 | NEW-E | 04-08-082 |
| 16-350-045 | AMD-P | 04-07-171 | 16-401 | PREP | 04-09-079 | 16-470-770 | NEW-E | 04-08-082 |
| 16-350-045 | AMD | 04-11-025 | 16-401-070 | NEW-P | 04-07-172 | 16-470-775 | NEW-E | 04-08-082 |
| 16-390-005 | NEW-P | 04-08-128 | 16-401-070 | NEW | 04-11-026 | 16-481 | PREP | 04-09-078 |
| 16-390-005 | NEW | 04-11-078 | 16-402 | AMD-P | 04-06-083 | 16-512-002 | REP | 04-07-128 |
| 16-390-010 | NEW-P | 04-08-128 | 16-402 | PREP | 04-07-045 | 16-512-005 | AMD | 04-07-128 |
| 16-390-010 | NEW | 04-11-078 | 16-402 | AMD | 04-09-084 | 16-512-006 | NEW | 04-07-128 |
| 16-390-020 | NEW-P | 04-08-128 | 16-402-010 | AMD-P | 04-06-083 | 16-512-010 | AMD | 04-07-128 |
| 16-390-020 | NEW | 04-11-078 | 16-402-010 | AMD | 04-09-084 | 16-512-020 | AMD | 04-07-128 |
| 16-390-030 | NEW-P | 04-08-128 | 16-402-020 | AMD-P | 04-06-083 | 16-512-030 | REP | 04-07-128 |
| 16-390-030 | NEW | 04-11-078 | 16-402-020 | AMD | 04-09-084 | 16-512-040 | AMD | 04-07-128 |
| 16-390-040 | NEW-P | 04-08-128 | 16-402-030 | NEW-P | 04-06-083 | 16-512-050 | AMD | 04-07-128 |
| 16-390-040 | NEW | 04-11-078 | 16-402-030 | NEW | 04-09-084 | 16-528-004 | NEW | 04-10-057 |
| 16-390-060 | NEW-P | 04-08-128 | 16-402-040 | NEW-P | 04-06-083 | 16-528-005 | NEW | 04-10-057 |
| 16-390-060 | NEW | 04-11-078 | 16-402-040 | NEW | 04-09-084 | 16-528-010 | AMD | 04-10-057 |
| 16-390-100 | NEW-P | 04-08-128 | 16-402-100 | NEW-E | 04-07-046 | 16-528-020 | AMD | 04-10-057 |
| 16-390-100 | NEW | 04-11-078 | 16-402-100 | NEW-P | 04-11-111 | 16-528-030 | REP | 04-10-057 |
| 16-390-150 | NEW-P | 04-08-128 | 16-402-110 | NEW-E | 04-07-046 | 16-528-040 | AMD | 04-10-057 |
| 16-390-150 | NEW | 04-11-078 | 16-402-110 | NEW-P | 04-11-111 | 16-528-110 | AMD | 04-10-058 |
| 16-390-200 | NEW-P | 04-08-128 | 16-402-120 | NEW-E | 04-07-046 | 16-528-150 | AMD | 04-10-058 |
| 16-390-200 | NEW | 04-11-078 | 16-402-120 | NEW-P | 04-11-111 | 16-528-220 | REP | 04-10-058 |
| 16-390-210 | NEW-P | 04-08-128 | 16-402-130 | NEW-E | 04-07-046 | 16-530-005 | NEW-P | 04-03-111 |
| 16-390-210 | NEW | 04-11-078 | 16-402-130 | NEW-P | 04-11-111 | 16-530-006 | NEW-P | 04-03-111 |
| 16-390-220 | NEW-P | 04-08-128 | 16-449-001 | REP | 04-05-117 | 16-530-010 | AMD-P | 04-03-111 |
| 16-390-220 | NEW | 04-11-078 | 16-449-010 | REP | 04-05-117 | 16-530-020 | AMD-P | 04-03-111 |
| 16-390-230 | NEW-P | 04-08-128 | 16-449-020 | REP | 04-05-117 | 16-530-030 | REP-P | 04-03-111 |
| 16-390-230 | NEW | 04-11-078 | 16-449-030 | REP | 04-05-117 | 16-530-040 | AMD-P | 04-03-111 |
| 16-390-240 | NEW-P | 04-08-128 | 16-450-005 | NEW | 04-05-117 | 16-532-005 | NEW-W | 04-10-056 |
| 16-390-240 | NEW | 04-11-078 | 16-450-010 | NEW | 04-05-117 | 16-532-006 | NEW-W | 04-10-056 |
| 16-390-242 | NEW-P | 04-08-128 | 16-450-012 | NEW | 04-05-117 | 16-532-010 | AMD-W | 04-10-056 |
| 16-390-242 | NEW | 04-11-078 | 16-450-014 | NEW | 04-05-117 | 16-532-020 | AMD-W | 04-10-056 |
| 16-390-245 | NEW-P | 04-08-128 | 16-450-016 | NEW | 04-05-117 | 16-532-030 | REP-W | 04-10-056 |
| 16-390-245 | NEW | 04-11-078 | 16-450-020 | NEW | 04-05-117 | 16-532-040 | AMD-W | 04-10-056 |

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| 16-532-060 | AMD-W | 04-10-056 | 51- 11-1432 | AMD-W | 04-07-082 | 131- 16-094 | AMD | 04-07-094 |
| 16-532-065 | REP-W | 04-10-056 | 51- 11-1433 | AMD-W | 04-07-082 | 131- 16-095 | AMD-P | 04-04-033 |
| 16-532-101 | REP | 04-10-059 | 51- 11-1436 | AMD-W | 04-07-082 | 131- 16-095 | AMD | 04-07-094 |
| 16-532-103 | NEW-W | 04-10-055 | 51- 11-1437 | AMD-W | 04-07-082 | 131- 16-450 | AMD-P | 04-07-095 |
| 16-532-105 | NEW-W | 04-10-055 | 51- 11-1440 | AMD-W | 04-07-082 | 131- 16-450 | AMD | 04-11-028 |
| 16-532-110 | AMD-W | 04-10-075 | 51- 11-1454 | AMD-W | 04-07-082 | 131- 28-026 | AMD-P | 04-07-093 |
| 16-532-115 | NEW-W | 04-10-075 | 51- 11-1513 | AMD-W | 04-07-082 | 131- 28-026 | AMD | 04-11-027 |
| 16-532-120 | AMD | 04-10-059 | 51- 11-1521 | AMD-W | 04-07-082 | 132G-124-040 | PREP | 04-12-001 |
| 16-536-005 | NEW-P | 04-04-107 | 51- 13-106 | AMD-X | 04-03-033 | 132L- 19-010 | NEW-P | 04-10-052 |
| 16-536-006 | NEW-P | 04-04-107 | 51- 13-106 | AMD | 04-07-192 | 132L- 26-010 | AMD-P | 04-10-052 |
| 16-536-010 | AMD-P | 04-04-107 | 51- 13-201 | AMD-X | 04-03-033 | 132L- 26-025 | AMD-P | 04-10-052 |
| 16-536-020 | AMD-P | 04-04-107 | 51- 13-201 | AMD | 04-07-192 | 132L- 26-030 | AMD-P | 04-10-052 |
| 16-536-030 | REP-P | 04-04-107 | 51- 13-302 | AMD-X | 04-03-033 | 132L- 26-035 | REP-P | 04-10-052 |
| 16-536-040 | AMD-P | 04-04-107 | 51- 13-302 | AMD | 04-07-192 | 132L- 26-040 | REP-P | 04-10-052 |
| 16-536-060 | AMD-P | 04-04-107 | 51- 13-303 | AMD-X | 04-03-033 | 132L- 26-050 | REP-P | 04-10-052 |
| 16-545-005 | NEW-P | 04-09-104 | 51- 13-303 | AMD | 04-07-192 | 132L- 26-055 | REP-P | 04-10-052 |
| 16-545-006 | NEW-P | 04-09-104 | 51- 13-304 | AMD-X | 04-03-033 | 132L- 26-060 | REP-P | 04-10-052 |
| 16-545-010 | AMD-P | 04-09-104 | 51- 13-304 | AMD | 04-07-192 | 132L- 26-065 | REP-P | 04-10-052 |
| 16-545-020 | AMD-P | 04-09-104 | 51- 13-402 | AMD-X | 04-03-033 | 132L- 26-070 | REP-P | 04-10-052 |
| 16-545-030 | REP-P | 04-09-104 | 51- 13-402 | AMD | 04-07-192 | 132L- 26-075 | REP-P | 04-10-052 |
| 16-561-005 | NEW-P | 04-07-194 | 51- 13-502 | AMD-X | 04-03-033 | 132L- 26-080 | REP-P | 04-10-052 |
| 16-561-006 | NEW-P | 04-07-194 | 51- 13-502 | AMD | 04-07-192 | 132L-108-050 | AMD-P | 04-10-052 |
| 16-561-010 | AMD-P | 04-07-194 | 51- 13-503 | AMD-X | 04-03-033 | 132L-108-090 | NEW-P | 04-10-052 |
| 16-561-020 | AMD-P | 04-07-194 | 51- 13-503 | AMD | 04-07-192 | 132L-108-100 | NEW-P | 04-10-052 |
| 16-561-030 | REP-P | 04-07-194 | 51- 51-2439 | NEW-W | 04-07-083 | 132L-117-010 | AMD-P | 04-10-052 |
| 16-561-040 | AMD-P | 04-07-194 | 51- 51-2802 | NEW-W | 04-07-083 | 132L-117-020 | AMD-P | 04-10-052 |
| 16-561-060 | AMD-P | 04-07-194 | 51- 52-0504 | NEW-W | 04-07-084 | 132L-117-030 | AMD-P | 04-10-052 |
| 16-662-105 | AMD-X | 04-07-044 | 67- 16-020 | NEW-X | 04-07-110 | 132L-117-040 | AMD-P | 04-10-052 |
| 16-662-105 | AMD | 04-12-025 | 67- 16-020 | NEW | 04-12-029 | 132L-117-060 | AMD-P | 04-10-052 |
| 16-675 | PREP | 04-09-083 | 67- 16-030 | NEW-X | 04-07-110 | 132L-117-080 | AMD-P | 04-10-052 |
| 16-690-001 | REP | 04-05-117 | 67- 16-030 | NEW | 04-12-029 | 132L-117-090 | AMD-P | 04-10-052 |
| 16-690-010 | REP | 04-05-117 | 67- 16-040 | NEW-X | 04-07-110 | 132L-117-110 | AMD-P | 04-10-052 |
| 16-690-015 | REP | 04-05-117 | 67- 16-040 | NEW | 04-12-029 | 132L-117-130 | AMD-P | 04-10-052 |
| 16-690-020 | REP | 04-05-117 | 82- 50-021 | AMD-X | 04-08-126 | 132L-117-140 | AMD-P | 04-10-052 |
| 16-690-025 | REP | 04-05-117 | 106-124-900 | NEW-P | 04-06-014 | 132L-117-160 | AMD-P | 04-10-052 |
| 16-690-030 | REP | 04-05-117 | 106-124-900 | NEW | 04-12-015 | 132L-117-170 | AMD-P | 04-10-052 |
| 16-690-035 | REP | 04-05-117 | 106-124-910 | NEW-P | 04-06-014 | 132L-117-180 | AMD-P | 04-10-052 |
| 16-690-040 | REP | 04-05-117 | 106-124-910 | NEW | 04-12-015 | 132L-117-190 | AMD-P | 04-10-052 |
| 16-690-045 | REP | 04-05-117 | 106-124-920 | NEW-P | 04-06-014 | 132L-117-210 | AMD-P | 04-10-052 |
| 16-690-100 | REP | 04-05-117 | 106-124-920 | NEW | 04-12-015 | 132L-117-230 | AMD-P | 04-10-052 |
| 16-750-011 | AMD-X | 04-07-021 | 118- 33-010 | REP | 04-08-007 | 132L-117-240 | AMD-P | 04-10-052 |
| 16-750-015 | AMD-X | 04-07-021 | 118- 33-020 | REP | 04-08-007 | 132L-117-250 | AMD-P | 04-10-052 |
| 16-752 | PREP | 04-10-111 | 118- 33-030 | REP | 04-08-007 | 132L-117-260 | AMD-P | 04-10-052 |
| 36- 12 | PREP | 04-09-009 | 118- 33-040 | REP | 04-08-007 | 132L-117-270 | AMD-P | 04-10-052 |
| 36- 13 | PREP | 04-09-009 | 118- 33-050 | REP | 04-08-007 | 132L-117-280 | AMD-P | 04-10-052 |
| 36- 14 | PREP | 04-09-009 | 118- 33-060 | REP | 04-08-007 | 132L-117-290 | AMD-P | 04-10-052 |
| 51- 04-030 | AMD-X | 04-03-034 | 118- 33-070 | REP | 04-08-007 | 132L-120-080 | AMD-P | 04-10-052 |
| 51- 04-030 | AMD | 04-07-193 | 118- 33-080 | REP | 04-08-007 | 132L-120-130 | AMD-P | 04-10-052 |
| 51- 11-0602 | AMD-W | 04-07-082 | 118- 33-090 | REP | 04-08-007 | 132L-122-010 | NEW-P | 04-10-052 |
| 51- 11-1006 | AMD-W | 04-07-082 | 118- 33-100 | REP | 04-08-007 | 132L-122-020 | NEW-P | 04-10-052 |
| 51- 11-1132 | AMD-W | 04-07-082 | 118- 33-110 | REP | 04-08-007 | 132L-122-030 | NEW-P | 04-10-052 |
| 51- 11-1310 | AMD-W | 04-07-082 | 118- 33-120 | REP | 04-08-007 | 132L-133-020 | AMD-P | 04-10-052 |
| 51- 11-1312 | AMD-W | 04-07-082 | 131 | PREP | 04-03-032 | 132L-133-030 | NEW-P | 04-10-052 |
| 51- 11-1322 | AMD-W | 04-07-082 | 131- 16-070 | AMD-P | 04-04-033 | 132L-136-011 | RECOD-P | 04-10-052 |
| 51- 11-1323 | AMD-W | 04-07-082 | 131- 16-070 | AMD | 04-07-094 | 132L-136-020 | AMD-P | 04-10-052 |
| 51- 11-1331 | AMD-W | 04-07-082 | 131- 16-091 | AMD-P | 04-04-033 | 132L-136-020 | DECOD-P | 04-10-052 |
| 51- 11-1334 | AMD-W | 04-07-082 | 131- 16-091 | AMD | 04-07-094 | 132L-136-021 | NEW-P | 04-10-052 |
| 51- 11-1411 | AMD-W | 04-07-082 | 131- 16-092 | AMD-P | 04-04-033 | 132L-136-025 | NEW-P | 04-10-052 |
| 51- 11-1413 | AMD-W | 04-07-082 | 131- 16-092 | AMD | 04-07-094 | 132L-136-026 | NEW-P | 04-10-052 |
| 51- 11-1414 | AMD-W | 04-07-082 | 131- 16-093 | AMD-P | 04-04-033 | 132L-136-030 | AMD-P | 04-10-052 |
| 51- 11-1416 | AMD-W | 04-07-082 | 131- 16-093 | AMD | 04-07-094 | 132L-136-040 | AMD-P | 04-10-052 |
| 51- 11-1423 | AMD-W | 04-07-082 | 131- 16-094 | AMD-P | 04-04-033 | 132L-136-050 | AMD-P | 04-10-052 |

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| 132L-136-060 | AMD-P | 04-10-052 | 132Q-276-110 | AMD | 04-10-065 | 173-175-500 | AMD-P | 04-09-109 |
| 132L-136-070 | AMD-P | 04-10-052 | 132V-120 | PREP | 04-05-022 | 173-175-510 | AMD-P | 04-09-109 |
| 132L-136-080 | AMD-P | 04-10-052 | 132V-120-020 | AMD-P | 04-09-017 | 173-175-520 | AMD-P | 04-09-109 |
| 132L-140-010 | AMD-P | 04-10-052 | 132V-120-030 | AMD-P | 04-09-017 | 173-175-610 | AMD-P | 04-09-109 |
| 132L-140-020 | AMD-P | 04-10-052 | 132V-120-040 | AMD-P | 04-09-017 | 173-175-620 | AMD-P | 04-09-109 |
| 132L-140-030 | REP-P | 04-10-052 | 132V-120-050 | AMD-P | 04-09-017 | 173-175-705 | NEW-P | 04-09-109 |
| 132L-276-010 | AMD-P | 04-10-052 | 132V-120-070 | AMD-P | 04-09-017 | 173-175-725 | NEW-P | 04-09-109 |
| 132L-276-020 | AMD-P | 04-10-052 | 132V-120-080 | AMD-P | 04-09-017 | 173-175-735 | NEW-P | 04-09-109 |
| 132L-276-030 | REP-P | 04-10-052 | 132V-120-090 | AMD-P | 04-09-017 | 173-175-755 | NEW-P | 04-09-109 |
| 132L-276-040 | REP-P | 04-10-052 | 132V-120-100 | AMD-P | 04-09-017 | 173-175-765 | NEW-P | 04-09-109 |
| 132L-276-050 | AMD-P | 04-10-052 | 132V-120-110 | AMD-P | 04-09-017 | 173-175-775 | NEW-P | 04-09-109 |
| 132L-276-060 | AMD-P | 04-10-052 | 132V-120-120 | AMD-P | 04-09-017 | 173-175-785 | NEW-P | 04-09-109 |
| 132L-276-070 | AMD-P | 04-10-052 | 132V-120-130 | AMD-P | 04-09-017 | 173-175-795 | NEW-P | 04-09-109 |
| 132L-276-080 | AMD-P | 04-10-052 | 132V-120-140 | AMD-P | 04-09-017 | 173-224-030 | AMD-P | 04-08-104 |
| 132L-276-090 | AMD-P | 04-10-052 | 132V-120-150 | AMD-P | 04-09-017 | 173-224-040 | AMD-P | 04-08-104 |
| 132L-276-100 | AMD-P | 04-10-052 | 132V-120-160 | AMD-P | 04-09-017 | 173-224-050 | AMD-P | 04-08-104 |
| 132L-276-110 | AMD-P | 04-10-052 | 132V-120-170 | AMD-P | 04-09-017 | 173-224-090 | AMD-P | 04-08-104 |
| 132L-276-120 | AMD-P | 04-10-052 | 132V-120-180 | AMD-P | 04-09-017 | 173-300-020 | AMD-X | 04-11-067 |
| 132L-276-130 | AMD-P | 04-10-052 | 132V-120-200 | AMD-P | 04-09-017 | 173-300-030 | AMD-X | 04-11-067 |
| 132L-276-140 | AMD-P | 04-10-052 | 132V-120-210 | AMD-P | 04-09-017 | 173-300-050 | AMD-X | 04-11-067 |
| 132L-276-900 | AMD-P | 04-10-052 | 132V-120-220 | AMD-P | 04-09-017 | 173-300-060 | AMD-X | 04-11-067 |
| 132L-280-010 | REP-P | 04-10-052 | 132V-120-240 | AMD-P | 04-09-017 | 173-300-070 | AMD-X | 04-11-067 |
| 132L-280-015 | REP-P | 04-10-052 | 132V-120-241 | AMD-P | 04-09-017 | 173-300-075 | NEW-X | 04-11-067 |
| 132L-280-020 | REP-P | 04-10-052 | 132V-120-245 | AMD-P | 04-09-017 | 173-300-080 | AMD-X | 04-11-067 |
| 132L-280-030 | REP-P | 04-10-052 | 132V-120-270 | AMD-P | 04-09-017 | 173-300-090 | AMD-X | 04-11-067 |
| 132L-280-040 | REP-P | 04-10-052 | 132V-120-280 | AMD-P | 04-09-017 | 173-300-100 | AMD-X | 04-11-067 |
| 132L-280-050 | REP-P | 04-10-052 | 132V-120-290 | AMD-P | 04-09-017 | 173-300-110 | AMD-X | 04-11-067 |
| 132L-280-060 | REP-P | 04-10-052 | 132V-120-295 | NEW-P | 04-09-017 | 173-300-120 | AMD-X | 04-11-067 |
| 132L-280-070 | REP-P | 04-10-052 | 132V-120-300 | AMD-P | 04-09-017 | 173-300-130 | AMD-X | 04-11-067 |
| 132L-280-080 | REP-P | 04-10-052 | 132V-120-310 | AMD-P | 04-09-017 | 173-300-140 | AMD-X | 04-11-067 |
| 132L-280-090 | REP-P | 04-10-052 | 132V-120-320 | AMD-P | 04-09-017 | 173-303 | PREP | 04-04-101 |
| 132L-280-100 | REP-P | 04-10-052 | 132V-120-335 | NEW-P | 04-09-017 | 173-400 | PREP-W | 04-10-010 |
| 132L-280-110 | REP-P | 04-10-052 | 132V-120-340 | NEW-P | 04-09-017 | 173-405 | PREP-W | 04-10-010 |
| 132L-280-120 | REP-P | 04-10-052 | 132V-120-345 | NEW-P | 04-09-017 | 173-410 | PREP-W | 04-10-010 |
| 132L-300-010 | NEW-P | 04-10-052 | 132V-130 | PREP | 04-05-021 | 173-410 | PREP-W | 04-10-010 |
| 132L-300-020 | NEW-P | 04-10-052 | 132V-130-020 | AMD-P | 04-09-016 | 173-433 | PREP-W | 04-10-010 |
| 132L-300-030 | NEW-P | 04-10-052 | 136-28-010 | AMD | 04-05-001 | 173-434 | PREP-W | 04-10-010 |
| 132L-300-040 | NEW-P | 04-10-052 | 136-130-040 | AMD | 04-05-001 | 173-503 | PREP | 04-06-027 |
| 132L-300-050 | NEW-P | 04-10-052 | 136-130-060 | AMD | 04-05-001 | 173-517 | PREP | 04-07-185 |
| 132L-300-060 | NEW-P | 04-10-052 | 136-130-070 | AMD | 04-05-001 | 173-518 | PREP | 04-07-129 |
| 132L-300-070 | NEW-P | 04-10-052 | 137-28-260 | AMD-P | 04-05-076 | 173-531A | PREP | 04-11-038 |
| 132L-300-080 | NEW-P | 04-10-052 | 137-28-260 | AMD | 04-07-163 | 173-532 | PREP | 04-08-061 |
| 132L-300-085 | NEW-P | 04-10-052 | 139-01-100 | AMD-P | 04-02-040 | 173-563 | PREP | 04-11-038 |
| 132L-300-090 | NEW-P | 04-10-052 | 139-01-100 | AMD | 04-07-146 | 180-08 | PREP | 04-12-115 |
| 132L-300-100 | NEW-P | 04-10-052 | 139-05-210 | PREP | 04-04-017 | 180-10 | PREP | 04-12-115 |
| 132L-300-110 | NEW-P | 04-10-052 | 139-05-210 | AMD-P | 04-07-145 | 180-16 | PREP | 04-12-114 |
| 132L-400-010 | REP-P | 04-10-052 | 139-05-242 | PREP | 04-11-054 | 180-16-220 | AMD | 04-04-093 |
| 132L-400-020 | REP-P | 04-10-052 | 139-05-915 | PREP | 04-05-064 | 180-16-220 | PREP | 04-09-066 |
| 132L-400-030 | REP-P | 04-10-052 | 139-05-915 | AMD-P | 04-08-130 | 180-16-225 | AMD | 04-04-093 |
| 132L-400-040 | REP-P | 04-10-052 | 139-10-210 | PREP | 04-06-057 | 180-16-227 | AMD | 04-04-093 |
| 132Q-01-006 | AMD | 04-10-065 | 139-10-210 | AMD-P | 04-09-069 | 180-18 | PREP | 04-12-114 |
| 132Q-01-010 | AMD | 04-10-065 | 173-26-105 | REP-X | 04-05-105 | 180-18-050 | AMD | 04-04-093 |
| 132Q-01-020 | AMD | 04-10-065 | 173-26-105 | REP | 04-10-068 | 180-18-055 | AMD | 04-04-093 |
| 132Q-01-040 | AMD | 04-10-065 | 173-175-010 | AMD-P | 04-09-109 | 180-18-090 | NEW | 04-04-093 |
| 132Q-01-050 | AMD | 04-10-065 | 173-175-020 | AMD-P | 04-09-109 | 180-20 | PREP | 04-12-113 |
| 132Q-113-010 | AMD | 04-10-065 | 173-175-030 | AMD-P | 04-09-109 | 180-20-009 | AMD-P | 04-04-087 |
| 132Q-136-030 | AMD | 04-10-065 | 173-175-070 | REP-P | 04-09-109 | 180-20-009 | AMD | 04-08-055 |
| 132Q-136-040 | AMD | 04-10-065 | 173-175-230 | AMD-P | 04-09-109 | 180-20-021 | NEW-P | 04-04-087 |
| 132Q-276-020 | AMD | 04-10-065 | 173-175-250 | AMD-P | 04-09-109 | 180-20-021 | NEW | 04-08-055 |
| 132Q-276-030 | AMD | 04-10-065 | 173-175-360 | AMD-P | 04-09-109 | 180-20-101 | AMD-P | 04-04-087 |
| 132Q-276-040 | AMD | 04-10-065 | 173-175-370 | AMD-P | 04-09-109 | 180-20-101 | AMD | 04-08-055 |
| 132Q-276-090 | AMD | 04-10-065 | 173-175-390 | AMD-P | 04-09-109 | 180-20-111 | AMD-P | 04-04-087 |
| | | | | | | 180-20-111 | AMD | 04-08-055 |

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| 180- 22 | PREP | 04-12-112 | 180- 79A-223 | AMD | 04-04-012 | 192- 12-300 | REP-E | 04-02-039 |
| 180- 24 | PREP | 04-12-112 | 180- 79A-226 | AMD | 04-04-011 | 192- 12-300 | REP-E | 04-10-071 |
| 180- 24-225 | NEW | 04-04-091 | 180- 79A-231 | PREP | 04-04-084 | 192- 12-300 | REP-P | 04-10-114 |
| 180- 25 | PREP | 04-12-111 | 180- 79A-257 | AMD | 04-04-009 | 192- 12-310 | REP-E | 04-02-039 |
| 180- 26 | PREP | 04-12-111 | 180- 79A-257 | AMD | 04-04-011 | 192- 12-310 | REP-E | 04-10-071 |
| 180- 27 | PREP | 04-12-111 | 180- 81 | PREP | 04-08-056 | 192- 12-310 | REP-P | 04-10-114 |
| 180- 27-100 | PREP | 04-10-086 | 180- 82 | PREP | 04-08-056 | 192- 12-320 | REP-E | 04-02-039 |
| 180- 27-120 | PREP | 04-12-116 | 180- 82A | PREP | 04-08-056 | 192- 12-320 | REP-E | 04-10-071 |
| 180- 29 | PREP | 04-12-111 | 180- 83 | PREP | 04-08-056 | 192- 12-320 | REP-P | 04-10-114 |
| 180- 31 | PREP | 04-12-111 | 180- 85 | PREP | 04-08-056 | 192- 12-330 | REP-E | 04-02-039 |
| 180- 32 | PREP | 04-12-111 | 180- 85-077 | AMD-P | 04-10-087 | 192- 12-330 | REP-E | 04-10-071 |
| 180- 33 | PREP | 04-12-111 | 180- 85-105 | AMD-P | 04-04-085 | 192- 12-330 | REP-P | 04-10-114 |
| 180- 34 | PREP | 04-12-111 | 180- 85-105 | AMD | 04-08-054 | 192- 12-340 | REP-E | 04-02-039 |
| 180- 36 | PREP | 04-12-111 | 180- 86 | PREP | 04-08-056 | 192- 12-340 | REP-E | 04-10-071 |
| 180- 37 | PREP | 04-12-110 | 180- 87 | PREP | 04-08-056 | 192- 12-340 | REP-P | 04-10-114 |
| 180- 38 | PREP | 04-12-110 | 180- 88 | PREP | 04-09-064 | 192- 16-009 | AMD-E | 04-02-039 |
| 180- 39 | PREP | 04-12-110 | 180- 90 | PREP | 04-12-107 | 192- 16-009 | AMD-E | 04-10-071 |
| 180- 40 | PREP | 04-12-110 | 180- 95 | PREP | 04-12-106 | 192- 16-009 | AMD-P | 04-10-114 |
| 180- 41 | PREP | 04-12-110 | 180- 96 | PREP | 04-12-105 | 192- 16-015 | AMD-E | 04-02-039 |
| 180- 43 | PREP | 04-12-110 | 180- 97 | PREP | 04-12-104 | 192- 16-015 | AMD-E | 04-10-071 |
| 180- 44 | PREP | 04-12-109 | 181- 01-002 | NEW-P | 04-04-105 | 192- 16-015 | AMD-P | 04-10-114 |
| 180- 46 | PREP | 04-09-065 | 181- 01-002 | NEW | 04-08-047 | 192- 16-016 | AMD-E | 04-02-039 |
| 180- 46-005 | REP-W | 04-07-081 | 181- 01-003 | NEW-P | 04-04-106 | 192- 16-016 | AMD-E | 04-10-071 |
| 180- 46-010 | REP-W | 04-07-081 | 181- 01-003 | NEW | 04-08-048 | 192- 16-016 | AMD-P | 04-10-114 |
| 180- 46-015 | REP-W | 04-07-081 | 182 | PREP | 04-07-079 | 192- 16-019 | REP-E | 04-02-039 |
| 180- 46-020 | REP-W | 04-07-081 | 182- 12 | PREP | 04-07-080 | 192- 16-019 | REP-E | 04-10-071 |
| 180- 46-025 | REP-W | 04-07-081 | 182- 12-115 | PREP | 04-11-011 | 192- 16-019 | REP-P | 04-10-114 |
| 180- 46-030 | REP-W | 04-07-081 | 182- 16-040 | PREP | 04-07-079 | 192- 16-023 | REP-E | 04-02-039 |
| 180- 46-035 | REP-W | 04-07-081 | 182- 20-400 | AMD | 04-03-006 | 192- 16-023 | REP-E | 04-10-071 |
| 180- 46-040 | REP-W | 04-07-081 | 182- 25-040 | AMD-X | 04-11-039 | 192- 16-023 | REP-P | 04-10-114 |
| 180- 46-045 | REP-W | 04-07-081 | 182- 50-001 | NEW | 04-06-021 | 192- 23-014 | REP-E | 04-02-039 |
| 180- 46-050 | REP-W | 04-07-081 | 182- 50-005 | NEW | 04-06-021 | 192- 23-014 | REP-E | 04-10-071 |
| 180- 46-055 | REP-W | 04-07-081 | 182- 50-010 | NEW | 04-06-021 | 192- 23-014 | REP-P | 04-10-114 |
| 180- 46-065 | REP-W | 04-07-081 | 182- 50-015 | NEW | 04-06-021 | 192- 23-015 | REP-E | 04-02-039 |
| 180- 50 | PREP | 04-12-108 | 182- 50-025 | NEW | 04-06-021 | 192- 23-015 | REP-E | 04-10-071 |
| 180- 50-300 | AMD-P | 04-04-086 | 182- 50-030 | NEW | 04-06-021 | 192- 23-015 | REP-P | 04-10-114 |
| 180- 50-320 | AMD-P | 04-04-086 | 182- 50-035 | NEW | 04-06-021 | 192- 23-016 | REP-E | 04-02-039 |
| 180- 51 | PREP | 04-09-062 | 182- 50-200 | NEW | 04-06-021 | 192- 23-016 | REP-E | 04-10-071 |
| 180- 51-050 | AMD | 04-04-093 | 192- 04-040 | AMD-E | 04-02-039 | 192- 23-016 | REP-P | 04-10-114 |
| 180- 51-061 | AMD | 04-04-092 | 192- 04-040 | AMD-E | 04-10-071 | 192- 23-017 | REP-E | 04-02-039 |
| 180- 52 | PREP | 04-12-108 | 192- 04-040 | AMD-P | 04-10-114 | 192- 23-017 | REP-E | 04-10-071 |
| 180- 55 | PREP | 04-12-108 | 192- 04-050 | AMD-E | 04-02-039 | 192- 23-017 | REP-P | 04-10-114 |
| 180- 55-005 | AMD | 04-04-093 | 192- 04-050 | AMD-E | 04-10-071 | 192- 23-019 | REP-E | 04-02-039 |
| 180- 55-015 | AMD | 04-04-093 | 192- 04-050 | AMD-P | 04-10-114 | 192- 23-019 | REP-E | 04-10-071 |
| 180- 55-020 | AMD | 04-04-093 | 192- 12-011 | REP-E | 04-02-039 | 192- 23-019 | REP-P | 04-10-114 |
| 180- 55-034 | AMD | 04-04-093 | 192- 12-011 | REP-E | 04-10-071 | 192- 23-019 | REP-P | 04-10-114 |
| 180- 55-150 | REP | 04-04-093 | 192- 12-011 | REP-P | 04-10-114 | 192- 23-061 | REP-E | 04-02-039 |
| 180- 56 | PREP | 04-12-108 | 192- 12-011 | REP-P | 04-10-114 | 192- 23-061 | REP-E | 04-10-071 |
| 180- 57 | PREP | 04-09-061 | 192- 12-012 | REP-E | 04-02-039 | 192- 23-061 | REP-P | 04-10-114 |
| 180- 72 | PREP | 04-09-063 | 192- 12-012 | REP-E | 04-10-071 | 192- 23-096 | REP-E | 04-02-039 |
| 180- 77 | PREP | 04-08-056 | 192- 12-012 | REP-P | 04-10-114 | 192- 23-096 | REP-E | 04-10-071 |
| 180- 77A | PREP | 04-08-056 | 192- 12-020 | REP-E | 04-02-039 | 192- 23-096 | REP-P | 04-10-114 |
| 180- 78A | PREP | 04-08-056 | 192- 12-020 | REP-E | 04-10-071 | 192- 23-800 | REP-E | 04-02-039 |
| 180- 78A-100 | AMD | 04-04-090 | 192- 12-020 | REP-P | 04-10-114 | 192- 23-800 | REP-E | 04-10-071 |
| 180- 78A-270 | AMD | 04-04-089 | 192- 12-180 | REP-E | 04-02-039 | 192- 23-800 | REP-P | 04-10-114 |
| 180- 78A-507 | AMD | 04-04-010 | 192- 12-180 | REP-E | 04-10-071 | 192- 23-810 | REP-E | 04-02-039 |
| 180- 79A | PREP | 04-08-056 | 192- 12-180 | REP-P | 04-10-114 | 192- 23-810 | REP-E | 04-10-071 |
| 180- 79A-030 | AMD | 04-04-011 | 192- 12-184 | REP-E | 04-02-039 | 192- 23-810 | REP-P | 04-10-114 |
| 180- 79A-117 | AMD | 04-04-088 | 192- 12-184 | REP-E | 04-10-071 | 192- 28-105 | REP-E | 04-02-039 |
| 180- 79A-140 | PREP | 04-04-084 | 192- 12-184 | REP-P | 04-10-114 | 192- 28-105 | REP-E | 04-10-071 |
| 180- 79A-206 | AMD | 04-04-011 | 192- 12-190 | REP-E | 04-02-039 | 192- 28-105 | REP-P | 04-10-114 |
| 180- 79A-213 | AMD | 04-04-011 | 192- 12-190 | REP-E | 04-10-071 | 192- 28-110 | REP-E | 04-02-039 |
| | | | 192- 12-190 | REP-P | 04-10-114 | 192- 28-110 | REP-E | 04-10-071 |

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| 196-09-010 | AMD | 04-04-001 | 199-08-390 | NEW-E | 04-10-002 | 208-690-075 | NEW-P | 04-11-110 |
| 196-09-050 | NEW | 04-04-001 | 199-08-395 | NEW-E | 04-10-002 | 208-690-080 | NEW-E | 04-07-182 |
| 196-09-055 | NEW | 04-04-001 | 199-08-400 | NEW-E | 04-10-002 | 208-690-080 | NEW-P | 04-11-110 |
| 196-09-060 | NEW | 04-04-001 | 199-08-405 | NEW-E | 04-10-002 | 208-690-090 | NEW-E | 04-07-182 |
| 196-09-100 | NEW | 04-04-001 | 199-08-410 | NEW-E | 04-10-002 | 208-690-090 | NEW-P | 04-11-110 |
| 196-09-110 | NEW | 04-04-001 | 199-08-415 | NEW-E | 04-10-002 | 208-690-100 | NEW-E | 04-07-182 |
| 196-09-120 | NEW | 04-04-001 | 199-08-420 | NEW-E | 04-10-002 | 208-690-100 | NEW-P | 04-11-110 |
| 196-12-005 | NEW | 04-04-001 | 199-08-425 | NEW-E | 04-10-002 | 208-690-110 | NEW-E | 04-07-182 |
| 196-12-010 | AMD | 04-04-001 | 199-08-426 | NEW-E | 04-10-002 | 208-690-110 | NEW-P | 04-11-110 |
| 196-12-020 | AMD | 04-04-001 | 199-08-427 | NEW-E | 04-10-002 | 208-690-112 | NEW-E | 04-07-182 |
| 196-12-030 | AMD | 04-04-001 | 199-08-428 | NEW-E | 04-10-002 | 208-690-112 | NEW-P | 04-11-110 |
| 196-12-045 | AMD | 04-04-001 | 199-08-429 | NEW-E | 04-10-002 | 208-690-115 | NEW-E | 04-07-182 |
| 196-12-050 | AMD | 04-04-001 | 199-08-430 | NEW-E | 04-10-002 | 208-690-115 | NEW-P | 04-11-110 |
| 196-12-055 | NEW | 04-04-001 | 199-08-435 | NEW-E | 04-10-002 | 208-690-120 | NEW-E | 04-07-182 |
| 196-12-065 | NEW | 04-04-001 | 199-08-440 | NEW-E | 04-10-002 | 208-690-120 | NEW-P | 04-11-110 |
| 196-16-006 | NEW | 04-04-001 | 199-08-445 | NEW-E | 04-10-002 | 208-690-130 | NEW-E | 04-07-182 |
| 196-16-007 | AMD | 04-04-001 | 199-08-450 | NEW-E | 04-10-002 | 208-690-130 | NEW-P | 04-11-110 |
| 196-16-010 | AMD | 04-04-001 | 199-08-455 | NEW-E | 04-10-002 | 208-690-140 | NEW-E | 04-07-182 |
| 196-16-020 | AMD | 04-04-001 | 199-08-460 | NEW-E | 04-10-002 | 208-690-140 | NEW-P | 04-11-110 |
| 196-16-031 | AMD | 04-04-001 | 199-08-465 | NEW-E | 04-10-002 | 208-690-150 | NEW-E | 04-07-182 |
| 196-16-035 | NEW | 04-04-001 | 199-08-470 | NEW-E | 04-10-002 | 208-690-150 | NEW-P | 04-11-110 |
| 196-20-005 | NEW-P | 04-04-027 | 199-08-475 | NEW-E | 04-10-002 | 208-690-160 | NEW-E | 04-07-182 |
| 196-20-005 | NEW | 04-10-067 | 199-08-480 | NEW-E | 04-10-002 | 208-690-160 | NEW-P | 04-11-110 |
| 196-20-010 | AMD-P | 04-04-027 | 199-08-485 | NEW-E | 04-10-002 | 208-690-170 | NEW-E | 04-07-182 |
| 196-20-010 | AMD | 04-10-067 | 199-08-490 | NEW-E | 04-10-002 | 208-690-170 | NEW-P | 04-11-110 |
| 196-20-020 | AMD-P | 04-04-027 | 199-08-495 | NEW-E | 04-10-002 | 208-690-180 | NEW-E | 04-07-182 |
| 196-20-020 | AMD | 04-10-067 | 199-08-500 | NEW-E | 04-10-002 | 208-690-180 | NEW-P | 04-11-110 |
| 196-20-030 | AMD-P | 04-04-027 | 199-08-510 | NEW-E | 04-10-002 | 212-17-060 | AMD-E | 04-11-061 |
| 196-20-030 | AMD | 04-10-067 | 199-08-515 | NEW-E | 04-10-002 | 212-17-480 | NEW-E | 04-11-061 |
| 196-21-005 | NEW | 04-04-001 | 199-08-520 | NEW-E | 04-10-002 | 212-17-485 | NEW-E | 04-11-061 |
| 196-21-010 | AMD | 04-04-001 | 199-08-525 | NEW-E | 04-10-002 | 212-17-490 | NEW-E | 04-11-061 |
| 196-21-020 | AMD | 04-04-001 | 199-08-535 | NEW-E | 04-10-002 | 212-17-495 | NEW-E | 04-11-061 |
| 196-21-030 | AMD | 04-04-001 | 199-08-540 | NEW-E | 04-10-002 | 212-17-500 | NEW-E | 04-11-061 |
| 196-23 | PREP | 04-10-011 | 199-08-545 | NEW-E | 04-10-002 | 212-17-505 | NEW-E | 04-11-061 |
| 196-23-070 | AMD | 04-04-001 | 199-08-550 | NEW-E | 04-10-002 | 212-17-510 | NEW-E | 04-11-061 |
| 196-24-041 | REP | 04-04-001 | 199-08-555 | NEW-E | 04-10-002 | 212-17-515 | NEW-E | 04-11-061 |
| 196-24-080 | REP | 04-04-001 | 199-08-565 | NEW-E | 04-10-002 | 212-17-520 | NEW-E | 04-11-061 |
| 196-24-085 | REP | 04-04-001 | 199-08-570 | NEW-E | 04-10-002 | 212-17-525 | NEW-E | 04-11-061 |
| 196-24-100 | REP | 04-04-001 | 199-08-580 | NEW-E | 04-10-002 | 212-17-530 | NEW-E | 04-11-061 |
| 196-24-105 | REP | 04-04-001 | 204-91A | PREP | 04-10-054 | 212-17-535 | NEW-E | 04-11-061 |
| 196-24-110 | REP-W | 04-05-061 | 204-96-010 | AMD | 04-07-012 | 212-17-540 | NEW-E | 04-11-061 |
| 196-25-001 | AMD | 04-04-001 | 208-690-010 | NEW-E | 04-07-182 | 220-12-020 | AMD | 04-07-009 |
| 196-25-002 | AMD-W | 04-05-061 | 208-690-010 | NEW-P | 04-11-110 | 220-16-270 | AMD | 04-07-009 |
| 196-25-005 | AMD | 04-04-001 | 208-690-020 | NEW-E | 04-07-182 | 220-16-470 | AMD-X | 04-12-073 |
| 196-25-010 | AMD | 04-04-001 | 208-690-020 | NEW-P | 04-11-110 | 220-16-47000B | NEW-E | 04-10-034 |
| 196-25-020 | REP | 04-04-001 | 208-690-030 | NEW-E | 04-07-182 | 220-16-550 | AMD | 04-07-009 |
| 196-25-030 | REP | 04-04-001 | 208-690-030 | NEW-P | 04-11-110 | 220-16-800 | NEW | 04-07-009 |
| 196-25-040 | AMD-W | 04-05-061 | 208-690-031 | NEW-E | 04-07-182 | 220-16-810 | NEW | 04-07-009 |
| 196-25-050 | AMD | 04-04-001 | 208-690-031 | NEW-P | 04-11-110 | 220-20-056 | REP | 04-10-108 |
| 196-25-100 | REP | 04-04-001 | 208-690-035 | NEW-E | 04-07-182 | 220-20-080 | AMD | 04-08-025 |
| 196-26A | PREP | 04-10-011 | 208-690-035 | NEW-P | 04-11-110 | 220-24-04000L | NEW-E | 04-10-001 |
| 196-27A-025 | NEW-W | 04-05-061 | 208-690-040 | NEW-E | 04-07-182 | 220-24-04000L | REP-E | 04-10-001 |
| 199-08-300 | NEW-E | 04-10-002 | 208-690-040 | NEW-P | 04-11-110 | 220-24-04000L | REP-E | 04-11-010 |
| 199-08-305 | NEW-E | 04-10-002 | 208-690-045 | NEW-E | 04-07-182 | 220-24-04000M | NEW-E | 04-11-052 |
| 199-08-310 | NEW-E | 04-10-002 | 208-690-045 | NEW-P | 04-11-110 | 220-24-04000M | REP-E | 04-11-052 |
| 199-08-315 | NEW-E | 04-10-002 | 208-690-050 | NEW-E | 04-07-182 | 220-24-04000N | NEW-E | 04-12-011 |
| 199-08-320 | NEW-E | 04-10-002 | 208-690-050 | NEW-P | 04-11-110 | 220-24-04000N | REP-E | 04-12-011 |
| 199-08-325 | NEW-E | 04-10-002 | 208-690-060 | NEW-E | 04-07-182 | 220-32-05100P | NEW-E | 04-03-075 |
| 199-08-335 | NEW-E | 04-10-002 | 208-690-060 | NEW-P | 04-11-110 | 220-32-05100P | REP-E | 04-03-075 |
| 199-08-340 | NEW-E | 04-10-002 | 208-690-070 | NEW-E | 04-07-182 | 220-32-05100P | REP-E | 04-04-053 |
| 199-08-350 | NEW-E | 04-10-002 | 208-690-070 | NEW-P | 04-11-110 | 220-32-05100Q | NEW-E | 04-04-053 |
| 199-08-385 | NEW-E | 04-10-002 | 208-690-075 | NEW-E | 04-07-182 | 220-32-05100Q | REP-E | 04-04-053 |

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| WAC # | ACTION | WSR # | WAC # | ACTION | WSR # | WAC # | ACTION | WSR # |
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| 220-32-05100Q | REP-E | 04-07-027 | 220-47-411 | AMD-X | 04-12-129 | 220-56-128 | AMD-X | 04-11-119 |
| 220-32-05100R | NEW-E | 04-07-027 | 220-47-428 | AMD-X | 04-12-129 | 220-56-12800H | NEW-E | 04-10-034 |
| 220-32-05100R | REP-E | 04-07-027 | 220-47-430 | REP-X | 04-12-129 | 220-56-150 | AMD | 04-07-009 |
| 220-32-05100S | NEW-E | 04-10-064 | 220-48-01500T | NEW-E | 04-07-029 | 220-56-175 | AMD | 04-10-033 |
| 220-32-05100S | REP-E | 04-10-064 | 220-48-02900D | NEW-E | 04-05-056 | 220-56-180 | AMD-X | 04-11-119 |
| 220-32-05100T | NEW-E | 04-11-022 | 220-48-03200C | NEW-E | 04-05-056 | 220-56-18000C | NEW-E | 04-10-034 |
| 220-32-05100T | REP-E | 04-11-022 | 220-48-06200C | NEW-E | 04-05-056 | 220-56-195 | AMD-X | 04-11-119 |
| 220-32-05100T | REP-E | 04-11-074 | 220-49-02000P | NEW-E | 04-05-056 | 220-56-19500M | NEW-E | 04-10-034 |
| 220-32-05100U | NEW-E | 04-11-074 | 220-49-05600C | NEW-E | 04-05-056 | 220-56-215 | AMD | 04-07-009 |
| 220-32-05100U | REP-E | 04-11-074 | 220-52-03000U | NEW-E | 04-11-051 | 220-56-232 | NEW-W | 04-10-077 |
| 220-32-05100U | REP-E | 04-12-021 | 220-52-03000U | REP-E | 04-11-051 | 220-56-235 | AMD | 04-07-009 |
| 220-32-05100V | NEW-E | 04-12-021 | 220-52-04000U | REP-E | 04-05-007 | 220-56-235 | AMD-W | 04-10-073 |
| 220-32-05100V | REP-E | 04-12-021 | 220-52-04000V | NEW-E | 04-05-007 | 220-56-23500S | NEW-E | 04-05-057 |
| 220-32-06000B | NEW-E | 04-10-064 | 220-52-04000V | REP-E | 04-05-014 | 220-56-23500T | NEW-E | 04-07-006 |
| 220-32-06000B | REP-E | 04-10-064 | 220-52-04000W | NEW-E | 04-05-014 | 220-56-23500T | REP-E | 04-07-006 |
| 220-33-01000A | NEW-E | 04-08-011 | 220-52-04000W | REP-E | 04-06-003 | 220-56-250 | AMD | 04-07-009 |
| 220-33-01000A | REP-E | 04-08-026 | 220-52-04000X | NEW-E | 04-06-003 | 220-56-250 | AMD-W | 04-10-073 |
| 220-33-01000B | NEW-E | 04-08-026 | 220-52-04000X | REP-E | 04-07-013 | 220-56-25000F | NEW-E | 04-07-005 |
| 220-33-01000B | REP-E | 04-09-021 | 220-52-04000Y | NEW-E | 04-07-013 | 220-56-25000G | NEW-E | 04-10-042 |
| 220-33-01000C | NEW-E | 04-09-021 | 220-52-04000Y | REP-E | 04-07-019 | 220-56-25000G | REP-E | 04-10-042 |
| 220-33-01000C | REP-E | 04-11-001 | 220-52-04000Z | NEW-E | 04-07-019 | 220-56-25500K | NEW-E | 04-10-027 |
| 220-33-01000D | NEW-E | 04-11-075 | 220-52-04600D | REP-E | 04-03-049 | 220-56-25500K | REP-E | 04-10-043 |
| 220-33-01000D | REP-E | 04-11-075 | 220-52-04600F | REP-E | 04-05-007 | 220-56-25500L | NEW-E | 04-10-043 |
| 220-33-01000Q | REP-E | 04-04-071 | 220-52-04600G | NEW-E | 04-03-049 | 220-56-25500L | REP-E | 04-12-002 |
| 220-33-01000R | NEW-E | 04-04-071 | 220-52-04600G | REP-E | 04-06-042 | 220-56-25500M | NEW-E | 04-12-002 |
| 220-33-01000R | REP-E | 04-04-071 | 220-52-04600H | NEW-E | 04-05-007 | 220-56-25500M | REP-E | 04-12-032 |
| 220-33-01000S | NEW-E | 04-06-002 | 220-52-04600H | REP-E | 04-06-013 | 220-56-25500N | NEW-E | 04-12-032 |
| 220-33-01000S | REP-E | 04-06-002 | 220-52-04600I | NEW-E | 04-06-013 | 220-56-26700B | NEW-E | 04-05-057 |
| 220-33-01000S | REP-E | 04-06-059 | 220-52-04600I | REP-E | 04-07-013 | 220-56-27000R | REP-E | 04-07-116 |
| 220-33-01000T | NEW-E | 04-06-059 | 220-52-04600J | NEW-E | 04-06-042 | 220-56-27000R | REP-E | 04-07-123 |
| 220-33-01000T | REP-E | 04-07-008 | 220-52-04600J | REP-E | 04-08-038 | 220-56-27000S | NEW-E | 04-05-057 |
| 220-33-01000U | NEW-E | 04-07-008 | 220-52-04600K | NEW-E | 04-07-013 | 220-56-27000T | NEW-E | 04-07-116 |
| 220-33-01000U | REP-E | 04-07-028 | 220-52-04600K | REP-E | 04-07-042 | 220-56-27000T | REP-E | 04-07-116 |
| 220-33-01000V | NEW-E | 04-07-028 | 220-52-04600L | NEW-E | 04-07-042 | 220-56-27000T | REP-E | 04-07-123 |
| 220-33-01000V | REP-E | 04-07-050 | 220-52-04600M | NEW-E | 04-08-038 | 220-56-27000U | NEW-E | 04-07-123 |
| 220-33-01000W | NEW-E | 04-07-050 | 220-52-04600M | REP-E | 04-08-038 | 220-56-27000U | REP-E | 04-07-123 |
| 220-33-01000W | REP-E | 04-07-078 | 220-52-05100P | NEW-E | 04-09-007 | 220-56-282 | AMD | 04-07-009 |
| 220-33-01000X | NEW-E | 04-07-078 | 220-52-05100P | REP-E | 04-10-025 | 220-56-310 | AMD | 04-07-009 |
| 220-33-01000X | REP-E | 04-07-118 | 220-52-05100Q | NEW-E | 04-10-025 | 220-56-315 | AMD | 04-07-009 |
| 220-33-01000Y | NEW-E | 04-07-118 | 220-52-05100Q | REP-E | 04-11-044 | 220-56-325 | AMD | 04-07-009 |
| 220-33-01000Y | REP-E | 04-07-169 | 220-52-05100R | NEW-E | 04-11-044 | 220-56-32500K | NEW-E | 04-09-020 |
| 220-33-01000Z | NEW-E | 04-07-169 | 220-52-07100D | NEW-E | 04-03-031 | 220-56-32500K | REP-E | 04-09-052 |
| 220-33-01000Z | REP-E | 04-08-011 | 220-52-07100D | REP-E | 04-05-008 | 220-56-32500L | NEW-E | 04-09-052 |
| 220-33-03000U | NEW-E | 04-09-018 | 220-52-07100E | NEW-E | 04-05-008 | 220-56-32500L | REP-E | 04-09-102 |
| 220-33-03000U | REP-E | 04-09-018 | 220-52-07100E | REP-E | 04-05-045 | 220-56-32500M | NEW-E | 04-09-102 |
| 220-33-04000U | REP-E | 04-07-117 | 220-52-07100F | NEW-E | 04-05-045 | 220-56-32500M | REP-E | 04-10-028 |
| 220-33-04000U | REP-E | 04-07-117 | 220-52-07100F | REP-E | 04-06-041 | 220-56-32500N | NEW-E | 04-10-028 |
| 220-33-04000V | NEW-E | 04-07-117 | 220-52-07100G | NEW-E | 04-06-041 | 220-56-32500N | REP-E | 04-11-014 |
| 220-33-04000V | REP-E | 04-07-117 | 220-52-07300J | REP-E | 04-03-010B | 220-56-32500P | NEW-E | 04-11-014 |
| 220-33-070 | NEW-W | 04-10-074 | 220-52-07300K | NEW-E | 04-03-010B | 220-56-32500P | REP-E | 04-11-077 |
| 220-36-023 | AMD-X | 04-11-109 | 220-52-07300K | REP-E | 04-03-074 | 220-56-32500Q | NEW-E | 04-11-077 |
| 220-40-027 | AMD-X | 04-11-109 | 220-52-07300L | NEW-E | 04-03-074 | 220-56-32500Q | REP-E | 04-12-036 |
| 220-44-05000A | NEW-E | 04-03-010C | 220-52-07300L | REP-E | 04-06-012 | 220-56-32500R | NEW-E | 04-12-036 |
| 220-44-05000A | REP-E | 04-12-012 | 220-55-061 | NEW-P | 04-05-068 | 220-56-32500R | REP-E | 04-12-061 |
| 220-44-05000B | NEW-E | 04-12-012 | 220-55-061 | NEW | 04-08-063 | 220-56-32500S | NEW-E | 04-12-061 |
| 220-44-05000Z | REP-E | 04-03-010C | 220-56-100 | AMD-W | 04-05-060 | 220-56-330 | AMD | 04-07-009 |
| 220-47-301 | AMD-X | 04-12-129 | 220-56-100 | AMD | 04-07-009 | 220-56-335 | AMD | 04-07-009 |
| 220-47-302 | AMD-X | 04-12-129 | 220-56-100 | AMD-X | 04-11-119 | 220-56-350 | AMD | 04-07-009 |
| 220-47-303 | AMD-X | 04-12-129 | 220-56-10000C | NEW-E | 04-10-034 | 220-56-35000Q | NEW-E | 04-03-010A |
| 220-47-307 | AMD-X | 04-12-129 | 220-56-115 | AMD | 04-07-009 | 220-56-35000Q | REP-E | 04-06-035 |
| 220-47-311 | AMD-X | 04-12-129 | 220-56-118 | NEW | 04-07-009 | 220-56-35000R | NEW-E | 04-06-035 |
| 220-47-325 | AMD-X | 04-12-129 | 220-56-123 | AMD-X | 04-11-119 | 220-56-35000R | REP-E | 04-07-043 |
| 220-47-401 | AMD-X | 04-12-129 | | | | | | |

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| WAC # | ACTION | WSR # | WAC # | ACTION | WSR # | WAC # | ACTION | WSR # |
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| 220-56-35000S | NEW-E | 04-07-043 | 230-04-196 | REP-P | 04-05-078 | 232-28-352 | AMD | 04-11-036 |
| 220-56-35000S | REP-E | 04-09-006 | 230-04-196 | REP | 04-09-028 | 232-28-619 | AMD | 04-07-009 |
| 220-56-35000T | NEW-E | 04-09-006 | 230-12-045 | AMD-P | 04-07-103 | 232-28-619 | AMD-X | 04-11-069 |
| 220-56-36000A | NEW-E | 04-10-070 | 230-12-045 | AMD | 04-11-091 | 232-28-619 | AMD-X | 04-11-119 |
| 220-56-36000A | REP-E | 04-10-070 | 230-12-330 | AMD-P | 04-11-090 | 232-28-61900A | NEW-E | 04-09-103 |
| 220-56-36000W | NEW-E | 04-03-048 | 230-12-340 | AMD-P | 04-11-090 | 232-28-61900A | REP-E | 04-09-103 |
| 220-56-36000W | REP-E | 04-03-048 | 230-20-059 | AMD | 04-07-102 | 232-28-61900A | REP-E | 04-11-003 |
| 220-56-36000X | NEW-E | 04-05-100 | 230-30-033 | AMD-P | 04-09-088 | 232-28-61900B | NEW-E | 04-10-005 |
| 220-56-36000X | REP-E | 04-05-100 | 230-30-072 | AMD-P | 04-02-045 | 232-28-61900B | REP-E | 04-10-005 |
| 220-56-36000Y | NEW-E | 04-07-097 | 230-40-070 | PREP | 04-04-061 | 232-28-61900B | REP-E | 04-10-036 |
| 220-56-36000Y | REP-E | 04-07-097 | 230-40-070 | AMD-P | 04-07-147 | 232-28-61900C | NEW-E | 04-10-034 |
| 220-56-36000Z | NEW-E | 04-09-058 | 230-40-070 | AMD-P | 04-09-087 | 232-28-61900D | NEW-E | 04-10-036 |
| 220-56-36000Z | REP-E | 04-09-058 | 230-40-070 | AMD | 04-11-092 | 232-28-61900D | REP-E | 04-10-036 |
| 220-56-370 | REP | 04-07-009 | 230-40-120 | AMD-C | 04-04-036 | 232-28-61900D | REP-E | 04-11-002 |
| 220-56-380 | AMD | 04-07-009 | 230-40-120 | AMD | 04-06-005 | 232-28-61900E | NEW-E | 04-10-063 |
| 220-56-38000G | NEW-E | 04-03-010A | 230-40-120 | AMD-W | 04-07-051 | 232-28-61900E | REP-E | 04-12-060 |
| 220-56-39000B | NEW-E | 04-05-057 | 230-40-625 | AMD-P | 04-11-089 | 232-28-61900F | REP-E | 04-07-004 |
| 220-56-41000A | NEW-E | 04-05-057 | 230-40-823 | AMD | 04-06-058 | 232-28-61900F | NEW-E | 04-11-002 |
| 220-69-241 | AMD | 04-05-028 | 230-40-825 | AMD-P | 04-11-089 | 232-28-61900F | REP-E | 04-11-073 |
| 220-72-01000B | NEW-E | 04-08-037 | 232-12-004 | AMD-P | 04-05-099 | 232-28-61900G | NEW-E | 04-03-047 |
| 220-72-011 | AMD-P | 04-05-069 | 232-12-004 | AMD | 04-11-036 | 232-28-61900G | REP-E | 04-03-047 |
| 220-72-089 | AMD-P | 04-05-069 | 232-12-005 | NEW-P | 04-05-099 | 232-28-61900G | REP-E | 04-04-028 |
| 220-72-08900C | NEW-E | 04-08-037 | 232-12-005 | NEW | 04-11-036 | 232-28-61900G | NEW-E | 04-11-003 |
| 220-72-090 | AMD-P | 04-05-069 | 232-12-014 | AMD-P | 04-05-110 | 232-28-61900G | REP-E | 04-11-003 |
| 220-72-09000C | NEW-E | 04-08-037 | 232-12-014 | AMD | 04-11-036 | 232-28-61900H | NEW-E | 04-04-028 |
| 220-88B-030 | AMD | 04-05-027 | 232-12-019 | AMD | 04-07-009 | 232-28-61900H | REP-E | 04-04-028 |
| 220-88B-040 | AMD | 04-05-027 | 232-12-047 | AMD-P | 04-05-106 | 232-28-61900H | REP-E | 04-05-032 |
| 220-88C-030 | AMD-P | 04-07-186 | 232-12-047 | AMD | 04-11-036 | 232-28-61900H | NEW-E | 04-11-021 |
| 220-88C-030 | AMD | 04-10-035 | 232-12-054 | AMD-P | 04-05-106 | 232-28-61900H | REP-E | 04-11-021 |
| 220-88C-03000 | NEW-E | 04-10-041 | 232-12-054 | AMD | 04-11-036 | 232-28-61900I | NEW-E | 04-04-060 |
| 220-88C-040 | AMD-P | 04-07-186 | 232-12-064 | AMD-P | 04-05-099 | 232-28-61900I | NEW-E | 04-11-050 |
| 220-88C-040 | AMD | 04-10-035 | 232-12-064 | AMD | 04-11-036 | 232-28-61900I | REP-E | 04-11-050 |
| 220-88C-04000 | NEW-E | 04-10-041 | 232-12-064 | AMD | 04-07-009 | 232-28-61900J | NEW-E | 04-05-015 |
| 220-100-110 | AMD-X | 04-09-046 | 232-12-168 | AMD | 04-07-009 | 232-28-61900J | REP-E | 04-05-015 |
| 220-110-035 | PREP | 04-04-008 | 232-12-271 | AMD-P | 04-05-099 | 232-28-61900J | REP-E | 04-05-015 |
| 220-110-035 | AMD-P | 04-08-064 | 232-12-271 | AMD | 04-11-036 | 232-28-61900J | NEW-E | 04-11-076 |
| 220-125-010 | AMD | 04-05-026 | 232-12-271 | AMD | 04-11-036 | 232-28-61900J | REP-E | 04-11-076 |
| 222-08-010 | AMD | 04-05-122 | 232-12-31500K | REP-E | 04-08-065 | 232-28-61900J | REP-E | 04-11-076 |
| 222-08-020 | AMD | 04-05-122 | 232-12-31500L | NEW-E | 04-08-065 | 232-28-61900K | NEW-E | 04-05-033 |
| 222-08-020 | DECOD | 04-05-122 | 232-12-31500L | REP-E | 04-08-065 | 232-28-61900K | REP-E | 04-05-033 |
| 222-08-030 | AMD | 04-05-122 | 232-12-619 | AMD | 04-07-009 | 232-28-61900K | REP-E | 04-07-026 |
| 222-08-030 | AMD | 04-05-122 | 232-12-619 | AMD-X | 04-11-119 | 232-28-61900K | NEW-E | 04-12-013 |
| 222-08-030 | DECOD | 04-05-122 | 232-12-61900V | NEW-E | 04-10-034 | 232-28-61900K | REP-E | 04-12-013 |
| 222-08-035 | DECOD | 04-05-122 | 232-12-828 | AMD-P | 04-05-106 | 232-28-61900L | NEW-E | 04-05-048 |
| 222-08-040 | AMD | 04-05-122 | 232-12-828 | AMD | 04-11-036 | 232-28-61900L | REP-E | 04-05-048 |
| 222-08-050 | NEW | 04-05-122 | 232-28-248 | AMD-P | 04-05-115 | 232-28-61900L | NEW-E | 04-12-033 |
| 222-08-060 | NEW | 04-05-122 | 232-28-248 | AMD | 04-11-036 | 232-28-61900L | REP-E | 04-12-033 |
| 222-08-070 | NEW | 04-05-122 | 232-28-271 | AMD | 04-03-026 | 232-28-61900M | NEW-E | 04-07-007 |
| 222-08-080 | NEW | 04-05-122 | 232-28-272 | AMD-P | 04-05-109 | 232-28-61900M | REP-E | 04-07-007 |
| 222-08-090 | NEW | 04-05-122 | 232-28-272 | AMD | 04-11-036 | 232-28-61900M | NEW-E | 04-12-060 |
| 222-08-100 | NEW | 04-05-122 | 232-28-273 | AMD-P | 04-05-111 | 232-28-61900N | NEW-E | 04-07-004 |
| 222-08-120 | NEW | 04-05-122 | 232-28-273 | AMD | 04-11-036 | 232-28-61900N | REP-E | 04-07-004 |
| 222-08-130 | NEW | 04-05-122 | 232-28-282 | AMD-P | 04-05-111 | 232-28-61900P | NEW-E | 04-07-026 |
| 222-08-140 | RECOD | 04-05-122 | 232-28-282 | AMD | 04-11-036 | 232-28-61900P | REP-E | 04-07-026 |
| 222-08-150 | RECOD | 04-05-122 | 232-28-333 | AMD-P | 04-05-113 | 232-28-61900P | REP-E | 04-09-049 |
| 222-08-160 | RECOD | 04-05-122 | 232-28-335 | AMD-P | 04-05-114 | 232-28-61900Q | NEW-E | 04-07-067 |
| 222-12-090 | AMD | 04-05-087 | 232-28-335 | AMD | 04-11-036 | 232-28-61900Q | REP-E | 04-07-067 |
| 222-16-010 | AMD | 04-05-087 | 232-28-337 | AMD-P | 04-05-116 | 232-28-61900R | NEW-E | 04-08-005 |
| 230-02-030 | AMD-X | 04-12-038 | 232-28-337 | AMD | 04-11-036 | 232-28-61900R | REP-E | 04-08-005 |
| 230-02-035 | AMD-X | 04-12-038 | 232-28-341 | AMD-P | 04-05-112 | 232-28-61900R | REP-E | 04-08-013 |
| 230-04-124 | AMD-W | 04-05-059 | 232-28-341 | AMD | 04-11-036 | 232-28-61900S | NEW-E | 04-08-013 |
| 230-04-192 | REP-P | 04-05-078 | 232-28-351 | AMD-P | 04-05-107 | 232-28-61900T | NEW-E | 04-08-049 |
| 230-04-192 | REP | 04-09-028 | 232-28-351 | AMD | 04-11-036 | 232-28-61900T | REP-E | 04-08-049 |
| | | | 232-28-352 | AMD-P | 04-05-108 | 232-28-61900U | NEW-E | 04-09-047 |

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| WAC # | ACTION | WSR # | WAC # | ACTION | WSR # | WAC # | ACTION | WSR # |
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| 232- 28-61900V | NEW-E | 04-09-019 | 246- 50-001 | AMD-W | 04-02-066 | 246-260-021 | NEW-P | 04-08-099 |
| 232- 28-61900V | REP-E | 04-09-019 | 246- 50-005 | NEW-W | 04-02-066 | 246-260-030 | REP-P | 04-08-099 |
| 232- 28-61900W | NEW-E | 04-09-023 | 246- 50-010 | AMD-W | 04-02-066 | 246-260-031 | NEW-P | 04-08-099 |
| 232- 28-61900W | REP-E | 04-09-023 | 246- 50-020 | AMD-W | 04-02-066 | 246-260-040 | REP-P | 04-08-099 |
| 232- 28-61900W | REP-E | 04-09-103 | 246- 50-030 | AMD-W | 04-02-066 | 246-260-041 | NEW-P | 04-08-099 |
| 232- 28-61900X | NEW-E | 04-09-022 | 246- 50-035 | NEW-W | 04-02-066 | 246-260-050 | REP-P | 04-08-099 |
| 232- 28-61900X | REP-E | 04-09-022 | 246- 50-040 | REP-W | 04-02-066 | 246-260-051 | NEW-P | 04-08-099 |
| 232- 28-61900Y | NEW-E | 04-09-048 | 246- 50-990 | AMD-W | 04-02-066 | 246-260-060 | REP-P | 04-08-099 |
| 232- 28-61900Y | REP-E | 04-11-072 | 246-101-015 | PREP | 04-12-119 | 246-260-061 | NEW-P | 04-08-099 |
| 232- 28-61900Z | NEW-E | 04-09-049 | 246-101-101 | PREP | 04-12-119 | 246-260-070 | REP-P | 04-08-099 |
| 232- 28-61900Z | REP-E | 04-09-049 | 246-101-201 | PREP | 04-12-119 | 246-260-071 | NEW-P | 04-08-099 |
| 232- 28-61900Z | REP-E | 04-10-005 | 246-101-301 | PREP | 04-12-119 | 246-260-080 | REP-P | 04-08-099 |
| 232- 28-620 | AMD-X | 04-11-079 | 246-217-010 | PREP-W | 04-06-020 | 246-260-081 | NEW-P | 04-08-099 |
| 232- 28-62000P | NEW-E | 04-10-034 | 246-217-010 | AMD-P | 04-09-056 | 246-260-090 | REP-P | 04-08-099 |
| 232- 28-621 | AMD-X | 04-11-079 | 246-217-010 | AMD-C | 04-11-097 | 246-260-091 | NEW-P | 04-08-099 |
| 232- 28-62100N | NEW-E | 04-10-034 | 246-217-015 | PREP-W | 04-06-020 | 246-260-100 | REP-P | 04-08-099 |
| 236- 12-290 | AMD-P | 04-05-101 | 246-232-020 | AMD | 04-04-055 | 246-260-101 | NEW-P | 04-08-099 |
| 236- 12-470 | PREP | 04-10-112 | 246-232-040 | AMD | 04-04-055 | 246-260-110 | REP-P | 04-08-099 |
| 236- 51-001 | NEW | 04-07-104 | 246-232-050 | AMD | 04-04-055 | 246-260-111 | NEW-P | 04-08-099 |
| 236- 51-005 | NEW | 04-07-104 | 246-232-060 | AMD | 04-04-055 | 246-260-120 | REP-P | 04-08-099 |
| 236- 51-006 | NEW | 04-07-104 | 246-233-001 | AMD | 04-04-055 | 246-260-121 | NEW-P | 04-08-099 |
| 236- 51-010 | NEW | 04-07-104 | 246-233-005 | NEW | 04-04-055 | 246-260-130 | REP-P | 04-08-099 |
| 236- 51-100 | NEW | 04-07-104 | 246-233-015 | NEW | 04-04-055 | 246-260-131 | NEW-P | 04-08-099 |
| 236- 51-110 | NEW | 04-07-104 | 246-233-020 | AMD | 04-04-055 | 246-260-140 | REP-P | 04-08-099 |
| 236- 51-115 | NEW | 04-07-104 | 246-233-025 | NEW | 04-04-055 | 246-260-141 | NEW-P | 04-08-099 |
| 236- 51-120 | NEW | 04-07-104 | 246-233-030 | NEW | 04-04-055 | 246-260-150 | REP-P | 04-08-099 |
| 236- 51-200 | NEW | 04-07-104 | 246-233-035 | NEW | 04-04-055 | 246-260-151 | NEW-P | 04-08-099 |
| 236- 51-205 | NEW | 04-07-104 | 246-233-040 | NEW | 04-04-055 | 246-260-160 | REP-P | 04-08-099 |
| 236- 51-210 | NEW | 04-07-104 | 246-235-093 | AMD | 04-04-055 | 246-260-170 | REP-P | 04-08-099 |
| 236- 51-215 | NEW | 04-07-104 | 246-235-095 | AMD | 04-04-055 | 246-260-171 | NEW-P | 04-08-099 |
| 236- 51-220 | NEW | 04-07-104 | 246-235-097 | AMD | 04-04-055 | 246-260-181 | NEW-P | 04-08-099 |
| 236- 51-225 | NEW | 04-07-104 | 246-239-080 | AMD | 04-04-055 | 246-260-191 | NEW-P | 04-08-099 |
| 236- 51-300 | NEW | 04-07-104 | 246-247-010 | AMD-P | 04-07-180 | 246-260-200 | REP-P | 04-08-099 |
| 236- 51-302 | NEW | 04-07-104 | 246-247-040 | AMD-P | 04-07-180 | 246-260-201 | NEW-P | 04-08-099 |
| 236- 51-305 | NEW | 04-07-104 | 246-247-045 | NEW-P | 04-07-180 | 246-260-210 | REP-P | 04-08-099 |
| 236- 51-306 | NEW | 04-07-104 | 246-247-075 | AMD-W | 04-02-067 | 246-260-211 | NEW-P | 04-08-099 |
| 236- 51-310 | NEW | 04-07-104 | 246-247-075 | AMD-P | 04-07-180 | 246-260-220 | REP-P | 04-08-099 |
| 236- 51-320 | NEW | 04-07-104 | 246-247-080 | AMD-P | 04-07-180 | 246-260-221 | NEW-P | 04-08-099 |
| 236- 51-400 | NEW | 04-07-104 | 246-247-085 | AMD-P | 04-07-180 | 246-260-230 | REP-P | 04-08-099 |
| 236- 51-405 | NEW | 04-07-104 | 246-247-110 | AMD-W | 04-02-067 | 246-260-240 | REP-P | 04-08-099 |
| 236- 51-410 | NEW | 04-07-104 | 246-247-110 | AMD-P | 04-07-180 | 246-260-250 | REP-P | 04-08-099 |
| 236- 51-500 | NEW | 04-07-104 | 246-247-120 | AMD-W | 04-02-067 | 246-260-260 | REP-P | 04-08-099 |
| 236- 51-502 | NEW | 04-07-104 | 246-247-120 | AMD-P | 04-07-180 | 246-260-999 | NEW-P | 04-08-099 |
| 236- 51-505 | NEW | 04-07-104 | 246-247-130 | AMD-W | 04-02-067 | 246-260-99901 | NEW-P | 04-08-099 |
| 236- 51-510 | NEW | 04-07-104 | 246-247-130 | AMD-P | 04-07-180 | 246-260-99902 | NEW-P | 04-08-099 |
| 236- 51-515 | NEW | 04-07-104 | 246-254-053 | AMD-P | 04-07-181 | 246-272B | PREP | 04-03-010 |
| 236- 51-600 | NEW | 04-07-104 | 246-254-053 | AMD | 04-12-125 | 246-282-990 | AMD-P | 04-11-098 |
| 236- 51-605 | NEW | 04-07-104 | 246-254-070 | AMD-P | 04-07-175 | 246-290 | PREP | 04-06-044 |
| 236- 51-610 | NEW | 04-07-104 | 246-254-070 | AMD | 04-12-124 | 246-290-010 | AMD | 04-04-056 |
| 236- 51-615 | NEW | 04-07-104 | 246-254-080 | AMD-P | 04-07-175 | 246-290-025 | AMD | 04-04-056 |
| 236- 51-620 | NEW | 04-07-104 | 246-254-080 | AMD | 04-12-124 | 246-290-130 | AMD | 04-04-056 |
| 236- 51-700 | NEW | 04-07-104 | 246-254-090 | AMD | 04-04-055 | 246-290-300 | AMD | 04-04-056 |
| 236- 51-710 | NEW | 04-07-104 | 246-254-090 | AMD-P | 04-07-175 | 246-290-310 | AMD | 04-04-056 |
| 236- 51-715 | NEW | 04-07-104 | 246-254-090 | AMD | 04-12-124 | 246-290-320 | AMD | 04-04-056 |
| 236- 51-720 | NEW | 04-07-104 | 246-254-100 | AMD-P | 04-07-175 | 246-290-480 | AMD | 04-04-056 |
| 236- 51-725 | NEW | 04-07-104 | 246-254-100 | AMD | 04-12-124 | 246-290-601 | AMD | 04-04-056 |
| 236- 51-730 | NEW | 04-07-104 | 246-254-120 | AMD-P | 04-07-175 | 246-290-630 | AMD | 04-04-056 |
| 236- 51-735 | NEW | 04-07-104 | 246-254-120 | AMD | 04-12-124 | 246-290-660 | AMD | 04-04-056 |
| 236- 51-740 | NEW | 04-07-104 | 246-260 | AMD-C | 04-12-118 | 246-290-664 | AMD | 04-04-056 |
| 236- 51-745 | NEW | 04-07-104 | 246-260-001 | AMD-P | 04-08-099 | 246-290-666 | AMD | 04-04-056 |
| 246- 01 | PREP | 04-06-043 | 246-260-010 | AMD-P | 04-08-099 | 246-290-72010 | AMD | 04-04-056 |
| 246- 08 | PREP | 04-06-043 | 246-260-020 | REP-P | 04-08-099 | 246-290-72012 | AMD | 04-04-056 |

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| 246-290-990 | AMD-C | 04-10-013 | 246-817-560 | PREP | 04-09-055 | 246-888-010 | AMD-P | 04-08-097 |
| 246-290-990 | AMD | 04-12-123 | 246-828-030 | REP | 04-02-068 | 246-888-020 | AMD-P | 04-08-097 |
| 246-292-160 | AMD-P | 04-06-046 | 246-828-045 | AMD | 04-02-068 | 246-888-030 | AMD-P | 04-08-097 |
| 246-292-160 | AMD-C | 04-10-013 | 246-828-055 | REP | 04-02-068 | 246-888-040 | RECOD-P | 04-08-097 |
| 246-292-160 | AMD | 04-12-123 | 246-828-061 | REP | 04-02-068 | 246-888-040 | REP-P | 04-08-097 |
| 246-294-001 | AMD | 04-06-047 | 246-828-070 | REP | 04-02-068 | 246-888-050 | DECOD-P | 04-08-097 |
| 246-294-010 | AMD | 04-06-047 | 246-828-075 | AMD | 04-02-068 | 246-888-050 | RECOD-P | 04-08-097 |
| 246-294-020 | AMD | 04-06-047 | 246-828-090 | AMD | 04-02-068 | 246-888-060 | DECOD-P | 04-08-097 |
| 246-294-030 | AMD | 04-06-047 | 246-828-095 | AMD | 04-02-068 | 246-888-060 | RECOD-P | 04-08-097 |
| 246-294-040 | AMD | 04-06-047 | 246-828-100 | AMD | 04-02-068 | 246-888-070 | AMD-P | 04-08-097 |
| 246-294-050 | AMD | 04-06-047 | 246-828-105 | AMD | 04-02-068 | 246-888-070 | DECOD-P | 04-08-097 |
| 246-294-060 | AMD | 04-06-047 | 246-828-220 | AMD | 04-02-068 | 246-888-070 | RECOD-P | 04-08-097 |
| 246-294-070 | AMD | 04-06-047 | 246-828-270 | AMD | 04-02-068 | 246-888-080 | DECOD-P | 04-08-097 |
| 246-294-080 | AMD | 04-06-047 | 246-828-290 | AMD | 04-02-068 | 246-888-080 | RECOD-P | 04-08-097 |
| 246-294-090 | AMD | 04-06-047 | 246-828-320 | AMD | 04-02-068 | 246-888-090 | DECOD-P | 04-08-097 |
| 246-310-010 | AMD-X | 04-10-014 | 246-828-330 | AMD | 04-02-068 | 246-888-090 | RECOD-P | 04-08-097 |
| 246-310-132 | REP-P | 04-11-099 | 246-828-350 | AMD | 04-02-068 | 246-888-100 | DECOD-P | 04-08-097 |
| 246-310-261 | AMD-P | 04-11-099 | 246-828-500 | AMD | 04-02-068 | 246-888-100 | RECOD-P | 04-08-097 |
| 246-310-262 | AMD-P | 04-11-099 | 246-828-550 | AMD | 04-02-068 | 246-888-110 | DECOD-P | 04-08-097 |
| 246-310-263 | NEW-P | 04-11-099 | 246-828-990 | AMD | 04-02-068 | 246-915-010 | AMD-P | 04-08-046 |
| 246-310-990 | AMD-P | 04-11-099 | 246-840-010 | AMD-E | 04-05-043 | 246-915-040 | PREP | 04-07-195 |
| 246-320-010 | AMD | 04-11-057 | 246-840-010 | AMD-P | 04-09-057 | 246-915-050 | PREP | 04-07-178 |
| 246-320-370 | NEW | 04-11-057 | 246-840-700 | AMD-E | 04-06-009 | 246-915-078 | AMD-P | 04-08-046 |
| 246-335-990 | PREP | 04-09-054 | 246-840-700 | AMD-P | 04-10-078 | 246-915-085 | AMD-P | 04-03-104 |
| 246-360-001 | AMD-P | 04-12-117 | 246-840-840 | AMD-E | 04-05-043 | 246-915-085 | AMD | 04-08-101 |
| 246-360-010 | AMD-P | 04-12-117 | 246-840-840 | AMD-P | 04-09-057 | 246-915-100 | PREP | 04-07-173 |
| 246-360-020 | AMD-P | 04-12-117 | 246-840-850 | AMD-E | 04-05-043 | 246-915-105 | PREP | 04-07-174 |
| 246-360-030 | AMD-P | 04-12-117 | 246-840-850 | AMD-P | 04-09-057 | 246-915-120 | PREP | 04-07-176 |
| 246-360-035 | NEW-P | 04-12-117 | 246-840-860 | AMD-E | 04-05-043 | 246-915-140 | AMD-P | 04-08-046 |
| 246-360-040 | AMD-P | 04-12-117 | 246-840-860 | AMD-P | 04-09-057 | 246-915-160 | AMD-P | 04-08-046 |
| 246-360-050 | AMD-P | 04-12-117 | 246-840-870 | AMD-E | 04-05-043 | 246-915-180 | PREP | 04-07-177 |
| 246-360-070 | AMD-P | 04-12-117 | 246-840-870 | AMD-P | 04-09-057 | 246-915-182 | NEW-P | 04-03-119 |
| 246-360-080 | AMD-P | 04-12-117 | 246-840-880 | AMD-E | 04-05-043 | 246-915-182 | NEW | 04-08-102 |
| 246-360-090 | AMD-P | 04-12-117 | 246-840-880 | AMD-P | 04-09-057 | 246-915-210 | AMD-P | 04-03-107 |
| 246-360-100 | AMD-P | 04-12-117 | 246-840-890 | AMD-E | 04-05-043 | 246-915-210 | AMD | 04-08-100 |
| 246-360-110 | AMD-P | 04-12-117 | 246-840-890 | AMD-P | 04-09-057 | 246-915-220 | AMD-P | 04-03-107 |
| 246-360-120 | AMD-P | 04-12-117 | 246-840-900 | REP-E | 04-05-043 | 246-915-220 | AMD | 04-08-100 |
| 246-360-130 | AMD-P | 04-12-117 | 246-840-900 | AMD-P | 04-09-057 | 246-915-230 | AMD-P | 04-03-107 |
| 246-360-140 | AMD-P | 04-12-117 | 246-840-905 | NEW-P | 04-09-057 | 246-915-230 | AMD | 04-08-100 |
| 246-360-150 | AMD-P | 04-12-117 | 246-840-910 | AMD-E | 04-06-009 | 246-915-240 | AMD-P | 04-03-107 |
| 246-360-160 | AMD-P | 04-12-117 | 246-840-910 | AMD-P | 04-10-078 | 246-915-240 | AMD | 04-08-100 |
| 246-360-180 | AMD-P | 04-12-117 | 246-840-930 | AMD-E | 04-06-009 | 246-915-250 | AMD-P | 04-03-107 |
| 246-360-200 | AMD-P | 04-12-117 | 246-840-930 | AMD-P | 04-10-078 | 246-915-250 | AMD | 04-08-100 |
| 246-360-220 | NEW-P | 04-12-117 | 246-840-940 | AMD-E | 04-06-009 | 246-915-260 | AMD-P | 04-03-107 |
| 246-360-230 | NEW-P | 04-12-117 | 246-840-940 | AMD-P | 04-10-078 | 246-915-260 | AMD | 04-08-100 |
| 246-360-500 | AMD-P | 04-12-117 | 246-840-990 | AMD | 04-04-054 | 246-915-270 | AMD-P | 04-03-107 |
| 246-808-190 | PREP | 04-02-064 | 246-841-405 | AMD-E | 04-06-008 | 246-915-270 | AMD | 04-08-100 |
| 246-808-535 | PREP | 04-02-064 | 246-841-405 | AMD-P | 04-10-079 | 246-915-280 | AMD-P | 04-03-107 |
| 246-809-610 | AMD | 04-06-010 | 246-847 | PREP | 04-11-094 | 246-915-280 | AMD | 04-08-100 |
| 246-809-620 | AMD | 04-06-010 | 246-847-080 | PREP | 04-11-096 | 246-918-120 | AMD-P | 04-05-044 |
| 246-809-630 | AMD | 04-06-010 | 246-847-115 | PREP | 04-11-096 | 246-918-120 | AMD | 04-11-100 |
| 246-809-700 | NEW | 04-06-011 | 246-847-190 | PREP | 04-11-095 | 246-919-110 | AMD | 04-04-067 |
| 246-809-710 | NEW | 04-06-011 | 246-851-570 | NEW | 04-05-004 | 246-919-320 | AMD | 04-04-067 |
| 246-809-720 | NEW | 04-06-011 | 246-851-580 | NEW-P | 04-06-045 | 246-919-330 | AMD-W | 04-04-078 |
| 246-812 | PREP | 04-12-120 | 246-851-580 | NEW | 04-12-127 | 246-919-360 | AMD | 04-04-067 |
| 246-815-020 | AMD-P | 04-12-122 | 246-851-590 | NEW-P | 04-06-045 | 246-919-480 | PREP | 04-03-106 |
| 246-815-050 | AMD-P | 04-12-122 | 246-851-590 | NEW | 04-12-127 | 246-924-510 | NEW-P | 04-08-098 |
| 246-815-100 | AMD-P | 04-12-122 | 246-851-600 | NEW | 04-05-004 | 246-924-515 | NEW-P | 04-08-098 |
| 246-815-110 | AMD-P | 04-12-122 | 246-851-610 | NEW-P | 04-06-045 | 246-930-010 | PREP-W | 04-10-012 |
| 246-815-115 | AMD-P | 04-12-122 | 246-851-610 | NEW | 04-12-127 | 246-930-030 | PREP-W | 04-10-012 |
| 246-817-135 | PREP | 04-08-096 | 246-873-090 | PREP-W | 04-07-010 | 246-930-040 | PREP-W | 04-10-012 |

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| 246-930-075 | PREP-W | 04-10-012 | 251-30-030 | AMD | 04-11-045 | 260-49-100 | NEW-E | 04-11-056 |
| 246-930-200 | PREP-W | 04-10-012 | 251-30-030 | DECOD | 04-11-045 | 260-60-350 | AMD | 04-05-093 |
| 246-930-310 | PREP-W | 04-10-012 | 251-30-030 | RECOD | 04-11-045 | 260-60-360 | AMD | 04-05-093 |
| 246-930-320 | PREP-W | 04-10-012 | 251-30-032 | NEW-P | 04-07-188 | 260-70-545 | NEW | 04-05-094 |
| 246-930-330 | PREP-W | 04-10-012 | 251-30-032 | NEW | 04-11-045 | 260-70-630 | AMD | 04-05-095 |
| 246-930-410 | PREP-W | 04-10-012 | 251-30-034 | NEW-P | 04-07-188 | 260-75 | PREP | 04-10-049 |
| 246-976-161 | AMD | 04-08-103 | 251-30-034 | NEW | 04-11-045 | 260-88 | PREP | 04-10-015 |
| 246-976-171 | AMD | 04-08-103 | 251-30-040 | REP-P | 04-07-188 | 260-88-010 | AMD | 04-05-096 |
| 246-976-930 | AMD | 04-08-103 | 251-30-040 | REP | 04-11-045 | 263-12-01501 | AMD-P | 04-11-117 |
| 246-976-935 | AMD-P | 04-07-179 | 251-30-050 | REP-P | 04-07-188 | 263-12-020 | AMD-P | 04-11-117 |
| 246-976-935 | AMD | 04-12-126 | 251-30-050 | REP | 04-11-045 | 263-12-050 | AMD-P | 04-11-117 |
| 250-20-041 | AMD-P | 04-03-108 | 251-30-055 | AMD-P | 04-07-188 | 263-12-105 | NEW-P | 04-11-117 |
| 250-20-041 | AMD | 04-08-060 | 251-30-055 | AMD | 04-11-045 | 263-12-117 | AMD-P | 04-11-117 |
| 250-65 | PREP | 04-08-059 | 251-30-057 | AMD-P | 04-07-188 | 284-03 | AMD-P | 04-11-107 |
| 251-01-160 | AMD-P | 04-11-115 | 251-30-057 | AMD | 04-11-045 | 284-03-005 | NEW-P | 04-11-107 |
| 251-01-201 | AMD-P | 04-11-115 | 251-30-060 | REP-P | 04-07-188 | 284-03-010 | AMD-P | 04-11-107 |
| 251-01-305 | AMD-P | 04-11-115 | 251-30-060 | REP | 04-11-045 | 284-03-015 | NEW-P | 04-11-107 |
| 251-01-310 | AMD-P | 04-11-115 | 260 | PREP | 04-08-057 | 284-03-020 | AMD-P | 04-11-107 |
| 251-01-382 | AMD-P | 04-11-115 | 260-08-600 | REP | 04-05-089 | 284-03-025 | NEW-P | 04-11-107 |
| 251-04-030 | AMD-P | 04-11-115 | 260-08-610 | REP | 04-05-089 | 284-03-030 | AMD-P | 04-11-107 |
| 251-04-050 | REP-P | 04-11-115 | 260-08-620 | AMD | 04-05-089 | 284-03-035 | NEW-P | 04-11-107 |
| 251-04-060 | AMD-P | 04-11-115 | 260-08-630 | AMD | 04-05-089 | 284-03-040 | AMD-P | 04-11-107 |
| 251-04-070 | AMD-P | 04-11-115 | 260-08-640 | REP | 04-05-089 | 284-03-045 | NEW-P | 04-11-107 |
| 251-04-160 | AMD-P | 04-11-115 | 260-08-650 | AMD | 04-05-089 | 284-03-050 | AMD-P | 04-11-107 |
| 251-04-170 | AMD-P | 04-11-115 | 260-08-660 | AMD | 04-05-089 | 284-03-055 | NEW-P | 04-11-107 |
| 251-05-040 | AMD-P | 04-11-115 | 260-14-010 | AMD | 04-05-090 | 284-03-060 | AMD-P | 04-11-107 |
| 251-06-010 | AMD-P | 04-11-115 | 260-14-040 | AMD-E | 04-11-056 | 284-03-065 | NEW-P | 04-11-107 |
| 251-06-020 | AMD-P | 04-11-115 | 260-14-050 | PREP | 04-10-047 | 284-03-070 | AMD-P | 04-11-107 |
| 251-06-090 | AMD-P | 04-11-115 | 260-16-065 | NEW | 04-05-091 | 284-03-075 | NEW-P | 04-11-107 |
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| 251-08-005 | AMD-P | 04-11-115 | 260-24-510 | AMD-E | 04-09-053 | 284-03-090 | REP-P | 04-11-107 |
| 251-08-007 | AMD-P | 04-11-115 | 260-24-510 | AMD-W | 04-10-006 | 284-03-100 | AMD-P | 04-11-107 |
| 251-08-031 | AMD-P | 04-11-115 | 260-24-650 | AMD-P | 04-04-045 | 284-03-105 | NEW-P | 04-11-107 |
| 251-08-070 | AMD-P | 04-11-115 | 260-24-650 | AMD | 04-07-074 | 284-03-110 | REP-P | 04-11-107 |
| 251-08-112 | AMD-P | 04-11-115 | 260-28-140 | REP | 04-05-092 | 284-03-120 | REP-P | 04-11-107 |
| 251-08-160 | AMD-P | 04-11-115 | 260-32-200 | PREP | 04-10-007 | 284-03-130 | REP-P | 04-11-107 |
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| 251-09-090 | AMD-P | 04-11-115 | 260-36-120 | AMD-P | 04-04-046 | 284-03-990 | REP-P | 04-11-107 |
| 251-09-094 | AMD-P | 04-11-115 | 260-36-120 | AMD | 04-07-075 | 284-03-99001 | REP-P | 04-11-107 |
| 251-09-100 | AMD-P | 04-11-115 | 260-40-100 | AMD-P | 04-05-088 | 284-24A | PREP | 04-11-108 |
| 251-14-015 | NEW-W | 04-07-187 | 260-40-100 | AMD | 04-09-026 | 284-74-400 | NEW | 04-04-070 |
| 251-19-070 | AMD-P | 04-11-115 | 260-40-160 | AMD-P | 04-04-047 | 284-74-410 | NEW | 04-04-070 |
| 251-19-140 | AMD-P | 04-11-115 | 260-40-160 | AMD | 04-07-076 | 284-74-420 | NEW | 04-04-070 |
| 251-22-165 | AMD-P | 04-11-115 | 260-48 | PREP | 04-10-048 | 284-74-430 | NEW | 04-04-070 |
| 251-22-240 | AMD-P | 04-11-115 | 260-48-620 | AMD-P | 04-04-048 | 284-74-440 | NEW | 04-04-070 |
| 251-23-010 | AMD-P | 04-11-115 | 260-48-620 | AMD | 04-07-077 | 284-74-450 | NEW | 04-04-070 |
| 251-24-010 | AMD-P | 04-11-115 | 260-48-700 | AMD-E | 04-11-056 | 284-74-460 | NEW | 04-04-070 |
| 251-30-010 | AMD-P | 04-07-188 | 260-48-890 | AMD-P | 04-04-048 | 287-01-030 | AMD | 04-03-114 |
| 251-30-010 | DECOD-P | 04-07-188 | 260-48-890 | AMD | 04-07-077 | 287-02-030 | AMD | 04-03-114 |
| 251-30-010 | RECOD-P | 04-07-188 | 260-48-900 | AMD-P | 04-04-048 | 287-02-130 | AMD | 04-03-114 |
| 251-30-010 | AMD | 04-11-045 | 260-48-900 | AMD | 04-07-077 | 292-10-040 | AMD-X | 04-12-005 |
| 251-30-010 | DECOD | 04-11-045 | 260-48-910 | AMD-P | 04-04-048 | 292-110-060 | AMD-P | 04-12-077 |
| 251-30-010 | RECOD | 04-11-045 | 260-48-910 | AMD | 04-07-077 | 296-05-007 | AMD-P | 04-04-014 |
| 251-30-020 | AMD-P | 04-07-188 | 260-49-010 | NEW-E | 04-11-056 | 296-05-007 | AMD | 04-10-032 |
| 251-30-020 | DECOD-P | 04-07-188 | 260-49-020 | NEW-E | 04-11-056 | 296-05-008 | NEW-P | 04-04-014 |
| 251-30-020 | RECOD-P | 04-07-188 | 260-49-030 | NEW-E | 04-11-056 | 296-05-008 | NEW | 04-10-032 |
| 251-30-020 | AMD | 04-11-045 | 260-49-040 | NEW-E | 04-11-056 | 296-17 | PREP | 04-04-098 |
| 251-30-020 | DECOD | 04-11-045 | 260-49-050 | NEW-E | 04-11-056 | 296-17 | PREP | 04-04-100 |
| 251-30-020 | RECOD | 04-11-045 | 260-49-060 | NEW-E | 04-11-056 | 296-17 | PREP | 04-09-098 |
| 251-30-030 | AMD-P | 04-07-188 | 260-49-070 | NEW-E | 04-11-056 | 296-17-31013 | AMD-P | 04-07-122 |
| 251-30-030 | DECOD-P | 04-07-188 | 260-49-080 | NEW-E | 04-11-056 | 296-17-644 | AMD-W | 04-06-060 |

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| 296-17-870 | AMD-P | 04-07-121 | 296-24 | PREP | 04-06-078 | 296-24-19003 | REP-P | 04-03-085 |
| 296-17-870 | AMD | 04-10-045 | 296-24 | PREP | 04-07-154 | 296-24-19005 | REP-P | 04-03-085 |
| 296-17-895 | AMD-P | 04-07-122 | 296-24 | PREP | 04-07-157 | 296-24-19007 | REP-P | 04-03-085 |
| 296-19A-210 | AMD-S | 04-03-035 | 296-24 | PREP | 04-08-090 | 296-24-19009 | REP-P | 04-03-085 |
| 296-19A-210 | AMD | 04-08-045 | 296-24 | PREP | 04-11-062 | 296-24-19011 | REP-P | 04-03-085 |
| 296-19A-480 | AMD-S | 04-03-035 | 296-24-012 | AMD | 04-07-161 | 296-24-19013 | REP-P | 04-03-085 |
| 296-19A-480 | AMD | 04-08-045 | 296-24-110 | REP-P | 04-03-102 | 296-24-19015 | REP-P | 04-03-085 |
| 296-20-01002 | AMD-P | 04-03-082 | 296-24-11001 | REP-P | 04-03-102 | 296-24-195 | REP-P | 04-03-085 |
| 296-20-01002 | AMD | 04-08-040 | 296-24-11003 | REP-P | 04-03-102 | 296-24-19501 | REP-P | 04-03-085 |
| 296-20-02704 | AMD-P | 04-03-082 | 296-24-11005 | REP-P | 04-03-102 | 296-24-19503 | REP-P | 04-03-085 |
| 296-20-02704 | AMD | 04-08-040 | 296-24-11007 | REP-P | 04-03-102 | 296-24-19505 | REP-P | 04-03-085 |
| 296-20-02705 | AMD-P | 04-03-082 | 296-24-11009 | REP-P | 04-03-102 | 296-24-19507 | REP-P | 04-03-085 |
| 296-20-02705 | AMD | 04-08-040 | 296-24-11011 | REP-P | 04-03-102 | 296-24-19509 | REP-P | 04-03-085 |
| 296-20-03011 | AMD-P | 04-03-082 | 296-24-11013 | REP-P | 04-03-102 | 296-24-19511 | REP-P | 04-03-085 |
| 296-20-03011 | AMD | 04-08-040 | 296-24-11015 | REP-P | 04-03-102 | 296-24-19513 | REP-P | 04-03-085 |
| 296-20-03012 | AMD-P | 04-03-082 | 296-24-11017 | REP-P | 04-03-102 | 296-24-19514 | REP-P | 04-03-085 |
| 296-20-03012 | AMD | 04-08-040 | 296-24-119 | REP-P | 04-03-102 | 296-24-19517 | REP-P | 04-03-085 |
| 296-20-135 | AMD-P | 04-05-075 | 296-24-120 | REP | 04-07-161 | 296-24-197 | REP-P | 04-03-085 |
| 296-20-135 | AMD | 04-09-100 | 296-24-135 | REP-X | 04-12-069 | 296-24-200 | REP-P | 04-03-085 |
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| 296-20-2015 | NEW | 04-04-029 | 296-24-14001 | REP-X | 04-12-069 | 296-24-20005 | REP-P | 04-03-085 |
| 296-20-2020 | NEW-W | 04-10-072 | 296-24-14003 | REP-X | 04-12-069 | 296-24-20007 | REP-P | 04-03-085 |
| 296-20-2025 | NEW | 04-04-029 | 296-24-14005 | REP-X | 04-12-069 | 296-24-20009 | REP-P | 04-03-085 |
| 296-20-2030 | NEW | 04-04-029 | 296-24-14007 | REP-X | 04-12-069 | 296-24-20011 | REP-P | 04-03-085 |
| 296-20-210 | REP | 04-04-029 | 296-24-14009 | REP-X | 04-12-069 | 296-24-20013 | REP-P | 04-03-085 |
| 296-23-220 | AMD-P | 04-05-075 | 296-24-14011 | REP-X | 04-12-069 | 296-24-20015 | REP-P | 04-03-085 |
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| 296-23-230 | AMD-P | 04-05-075 | 296-24-15001 | REP-P | 04-03-085 | 296-24-20019 | REP-P | 04-03-085 |
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| 296-23-255 | REP | 04-04-029 | 296-24-15005 | REP-P | 04-03-085 | 296-24-205 | REP-P | 04-03-085 |
| 296-23-260 | REP | 04-04-029 | 296-24-15007 | REP-P | 04-03-085 | 296-24-20501 | REP-P | 04-03-085 |
| 296-23-265 | REP | 04-04-029 | 296-24-15009 | REP-P | 04-03-085 | 296-24-20503 | REP-P | 04-03-085 |
| 296-23-26501 | REP | 04-04-029 | 296-24-165 | REP-P | 04-03-085 | 296-24-20505 | REP-P | 04-03-085 |
| 296-23-26502 | REP | 04-04-029 | 296-24-16501 | REP-P | 04-03-085 | 296-24-20507 | REP-P | 04-03-085 |
| 296-23-26503 | REP | 04-04-029 | 296-24-16503 | REP-P | 04-03-085 | 296-24-20509 | REP-P | 04-03-085 |
| 296-23-26504 | REP | 04-04-029 | 296-24-16505 | REP-P | 04-03-085 | 296-24-20511 | REP-P | 04-03-085 |
| 296-23-26505 | REP | 04-04-029 | 296-24-16507 | REP-P | 04-03-085 | 296-24-20513 | REP-P | 04-03-085 |
| 296-23-26506 | REP | 04-04-029 | 296-24-16509 | REP-P | 04-03-085 | 296-24-20515 | REP-P | 04-03-085 |
| 296-23-267 | REP | 04-04-029 | 296-24-16511 | REP-P | 04-03-085 | 296-24-20517 | REP-P | 04-03-085 |
| 296-23-270 | REP | 04-04-029 | 296-24-16513 | REP-P | 04-03-085 | 296-24-20519 | REP-P | 04-03-085 |
| 296-23-302 | NEW | 04-04-029 | 296-24-16515 | REP-P | 04-03-085 | 296-24-20521 | REP-P | 04-03-085 |
| 296-23-307 | NEW | 04-04-029 | 296-24-16517 | REP-P | 04-03-085 | 296-24-20523 | REP-P | 04-03-085 |
| 296-23-312 | NEW | 04-04-029 | 296-24-16519 | REP-P | 04-03-085 | 296-24-20525 | REP-P | 04-03-085 |
| 296-23-317 | NEW | 04-04-029 | 296-24-16521 | REP-P | 04-03-085 | 296-24-20527 | REP-P | 04-03-085 |
| 296-23-322 | NEW | 04-04-029 | 296-24-16523 | REP-P | 04-03-085 | 296-24-20529 | REP-P | 04-03-085 |
| 296-23-327 | NEW | 04-04-029 | 296-24-16525 | REP-P | 04-03-085 | 296-24-20531 | REP-P | 04-03-085 |
| 296-23-332 | NEW | 04-04-029 | 296-24-16527 | REP-P | 04-03-085 | 296-24-20533 | REP-P | 04-03-085 |
| 296-23-337 | NEW | 04-04-029 | 296-24-16529 | REP-P | 04-03-085 | 296-24-20699 | REP-P | 04-03-085 |
| 296-23-342 | NEW | 04-04-029 | 296-24-16531 | REP-P | 04-03-085 | 296-24-20700 | REP-P | 04-03-085 |
| 296-23-347 | NEW | 04-04-029 | 296-24-16533 | REP-P | 04-03-085 | 296-24-20710 | REP-P | 04-03-085 |
| 296-23-352 | NEW | 04-04-029 | 296-24-16535 | REP-P | 04-03-085 | 296-24-20720 | REP-P | 04-03-085 |
| 296-23-357 | NEW | 04-04-029 | 296-24-16537 | REP-P | 04-03-085 | 296-24-20730 | REP-P | 04-03-085 |
| 296-23-362 | NEW | 04-04-029 | 296-24-16539 | REP-P | 04-03-085 | 296-24-21701 | REP-P | 04-12-071 |
| 296-23-367 | NEW | 04-04-029 | 296-24-180 | REP-P | 04-03-085 | 296-24-21703 | REP-P | 04-12-071 |
| 296-23-372 | NEW | 04-04-029 | 296-24-18001 | REP-P | 04-03-085 | 296-24-21707 | REP-P | 04-12-071 |
| 296-23-377 | NEW | 04-04-029 | 296-24-18003 | REP-P | 04-03-085 | 296-24-21709 | REP-P | 04-12-071 |
| 296-23-381 | NEW | 04-04-029 | 296-24-18005 | REP-P | 04-03-085 | 296-24-21711 | REP-P | 04-12-071 |
| 296-23-382 | NEW | 04-04-029 | 296-24-18007 | REP-P | 04-03-085 | 296-24-21713 | REP-P | 04-12-071 |
| 296-23-387 | NEW | 04-04-029 | 296-24-18009 | REP-P | 04-03-085 | 296-24-230 | REP-P | 04-08-039 |
| 296-23-392 | NEW | 04-04-029 | 296-24-190 | REP-P | 04-03-085 | 296-24-23001 | REP-P | 04-08-039 |

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| 296-24-23007 | REP-P | 04-08-039 | 296-46B-430 | AMD-P | 04-08-088 | 296-62-07342 | AMD | 04-10-026 |
| 296-24-23009 | REP-P | 04-08-039 | 296-46B-430 | AMD | 04-12-049 | 296-62-07375 | AMD | 04-10-026 |
| 296-24-23011 | REP-P | 04-08-039 | 296-46B-900 | AMD-P | 04-08-088 | 296-62-07427 | AMD | 04-10-026 |
| 296-24-23013 | REP-P | 04-08-039 | 296-46B-900 | AMD | 04-12-049 | 296-62-07460 | AMD | 04-10-026 |
| 296-24-23015 | REP-P | 04-08-039 | 296-46B-905 | AMD-P | 04-08-088 | 296-62-07470 | AMD | 04-10-026 |
| 296-24-23017 | REP-P | 04-08-039 | 296-46B-905 | AMD | 04-12-049 | 296-62-07521 | AMD | 04-10-026 |
| 296-24-23019 | REP-P | 04-08-039 | 296-46B-910 | AMD-P | 04-08-088 | 296-62-07540 | AMD | 04-10-026 |
| 296-24-23021 | REP-P | 04-08-039 | 296-46B-910 | AMD | 04-12-049 | 296-62-07631 | AMD | 04-10-026 |
| 296-24-23023 | REP-P | 04-08-039 | 296-46B-911 | AMD-P | 04-08-088 | 296-62-07727 | AMD | 04-10-026 |
| 296-24-23025 | REP-P | 04-08-039 | 296-46B-911 | AMD | 04-12-049 | 296-62-09041 | AMD | 04-10-026 |
| 296-24-23027 | REP-P | 04-08-039 | 296-46B-915 | AMD-P | 04-08-088 | 296-62-141 | AMD | 04-03-081 |
| 296-24-23029 | REP-P | 04-08-039 | 296-46B-915 | AMD | 04-12-049 | 296-62-14533 | AMD | 04-10-026 |
| 296-24-23031 | REP-P | 04-08-039 | 296-46B-920 | AMD-P | 04-08-088 | 296-62-20023 | AMD | 04-10-026 |
| 296-24-23033 | REP-P | 04-08-039 | 296-46B-920 | AMD | 04-12-049 | 296-62-300 | AMD | 04-02-053 |
| 296-24-23035 | REP-P | 04-08-039 | 296-46B-925 | AMD-P | 04-08-088 | 296-62-40019 | AMD | 04-10-026 |
| 296-24-23037 | REP-P | 04-08-039 | 296-46B-925 | AMD | 04-12-049 | 296-65 | PREP | 04-05-073 |
| 296-24-233 | AMD-P | 04-12-071 | 296-46B-930 | AMD-P | 04-08-088 | 296-78-540 | AMD | 04-07-160 |
| 296-24-260 | REP | 04-09-099 | 296-46B-930 | AMD | 04-12-049 | 296-78-56511 | AMD-P | 04-03-085 |
| 296-24-33009 | AMD-X | 04-12-069 | 296-46B-935 | AMD-P | 04-08-088 | 296-78-590 | AMD-P | 04-03-085 |
| 296-24-37013 | AMD-X | 04-12-069 | 296-46B-935 | AMD | 04-12-049 | 296-78-605 | AMD-P | 04-03-085 |
| 296-24-47511 | AMD-P | 04-08-039 | 296-46B-940 | AMD-P | 04-08-088 | 296-78-615 | AMD-P | 04-03-085 |
| 296-24-56527 | AMD | 04-07-161 | 296-46B-940 | AMD | 04-12-049 | 296-78-650 | AMD-P | 04-03-085 |
| 296-24-61703 | AMD | 04-07-161 | 296-46B-945 | AMD-P | 04-08-088 | 296-78-660 | AMD-P | 04-03-085 |
| 296-24-63399 | AMD | 04-07-161 | 296-46B-945 | AMD | 04-12-049 | 296-78-665 | AMD-P | 04-03-085 |
| 296-24-67509 | PREP | 04-07-155 | 296-46B-950 | AMD-P | 04-08-088 | 296-78-690 | AMD-P | 04-03-085 |
| 296-24-69003 | AMD-P | 04-03-085 | 296-46B-950 | AMD | 04-12-049 | 296-78-70503 | AMD-P | 04-03-085 |
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| 296-24-975 | AMD-P | 04-03-102 | 296-46B-995 | AMD-P | 04-08-088 | 296-78-71505 | AMD-P | 04-03-085 |
| 296-24-980 | AMD-X | 04-12-069 | 296-46B-995 | AMD | 04-12-049 | 296-79-030 | AMD-P | 04-03-085 |
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| 296-30-081 | AMD-P | 04-08-091 | 296-46B-999 | AMD | 04-12-049 | 296-96-00500 | AMD-P | 04-08-087 |
| 296-31-070 | AMD-P | 04-08-091 | 296-54-573 | AMD-P | 04-03-085 | 296-96-00500 | AMD | 04-12-047 |
| 296-37-510 | AMD-X | 04-11-065 | 296-54-57310 | AMD-P | 04-03-102 | 296-96-00600 | AMD-P | 04-08-087 |
| 296-37-515 | AMD-X | 04-11-065 | 296-56 | PREP | 04-07-154 | 296-96-00600 | AMD | 04-12-047 |
| 296-37-570 | AMD-X | 04-11-065 | 296-56-60115 | AMD-X | 04-05-072 | 296-96-00650 | AMD-P | 04-08-087 |
| 296-37-575 | AMD | 04-10-026 | 296-56-60115 | AMD | 04-11-066 | 296-96-00650 | AMD | 04-12-047 |
| 296-37-595 | NEW-X | 04-11-065 | 296-56-60243 | AMD-X | 04-05-072 | 296-96-00700 | AMD-P | 04-08-087 |
| 296-45-125 | AMD | 04-07-160 | 296-56-60243 | AMD | 04-11-066 | 296-96-00700 | AMD | 04-12-047 |
| 296-45-175 | AMD-P | 04-03-102 | 296-59-130 | AMD-P | 04-03-085 | 296-96-00800 | AMD-P | 04-08-087 |
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| 296-46B-020 | AMD | 04-12-049 | 296-62 | PREP | 04-09-097 | 296-96-00900 | NEW-P | 04-08-087 |
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| 296-46B-210 | AMD-P | 04-08-088 | 296-62-05207 | REP | 04-10-026 | 296-96-00903 | NEW | 04-12-047 |
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| 296-46B-300 | AMD | 04-12-049 | 296-62-05219 | REP | 04-10-026 | 296-96-00910 | NEW-P | 04-08-087 |
| 296-46B-314 | AMD-P | 04-08-088 | 296-62-05221 | REP | 04-10-026 | 296-96-00910 | NEW | 04-12-047 |
| 296-46B-314 | AMD | 04-12-049 | 296-62-05223 | REP | 04-10-026 | 296-96-00912 | NEW-P | 04-08-087 |
| 296-46B-334 | AMD-P | 04-08-088 | 296-62-05305 | AMD-P | 04-07-159 | 296-96-00912 | NEW | 04-12-047 |
| 296-46B-334 | AMD | 04-12-049 | 296-62-07314 | AMD | 04-10-026 | 296-96-00914 | NEW-P | 04-08-087 |

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| 296-96-00916 | NEW | 04-12-047 | 296-96-02290 | NEW | 04-12-047 | 296-96-07100 | AMD-P | 04-08-087 |
| 296-96-00918 | NEW-P | 04-08-087 | 296-96-02310 | AMD-P | 04-08-087 | 296-96-07100 | AMD | 04-12-047 |
| 296-96-00918 | NEW | 04-12-047 | 296-96-02310 | AMD | 04-12-047 | 296-96-07170 | AMD-P | 04-08-087 |
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| 296-96-00922 | NEW-P | 04-08-087 | 296-96-02317 | NEW-P | 04-08-087 | 296-96-07180 | AMD | 04-12-047 |
| 296-96-00922 | NEW | 04-12-047 | 296-96-02317 | NEW | 04-12-047 | 296-96-07190 | AMD-P | 04-08-087 |
| 296-96-00924 | NEW-P | 04-08-087 | 296-96-02318 | NEW-P | 04-08-087 | 296-96-07190 | AMD | 04-12-047 |
| 296-96-00924 | NEW | 04-12-047 | 296-96-02318 | NEW | 04-12-047 | 296-96-07200 | AMD-P | 04-08-087 |
| 296-96-00926 | NEW-P | 04-08-087 | 296-96-02320 | AMD-P | 04-08-087 | 296-96-07200 | AMD | 04-12-047 |
| 296-96-00926 | NEW | 04-12-047 | 296-96-02320 | AMD | 04-12-047 | 296-96-07215 | NEW-P | 04-08-087 |
| 296-96-00930 | NEW-P | 04-08-087 | 296-96-02325 | AMD-P | 04-08-087 | 296-96-07215 | NEW | 04-12-047 |
| 296-96-00930 | NEW | 04-12-047 | 296-96-02325 | AMD | 04-12-047 | 296-96-07230 | AMD-P | 04-08-087 |
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| 296-96-01000 | AMD | 04-12-047 | 296-96-02330 | AMD | 04-12-047 | 296-96-07250 | AMD-P | 04-08-087 |
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| 296-96-01005 | AMD | 04-12-047 | 296-96-02340 | AMD | 04-12-047 | 296-96-08010 | AMD-P | 04-08-087 |
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| 296-96-01007 | NEW-P | 04-08-087 | 296-96-02355 | AMD-P | 04-11-063 | 296-96-08020 | AMD | 04-12-047 |
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| 296-96-01027 | AMD-P | 04-08-087 | 296-96-02362 | NEW | 04-12-047 | 296-96-08030 | AMD | 04-12-047 |
| 296-96-01027 | AMD | 04-12-047 | 296-96-02363 | NEW-P | 04-08-087 | 296-96-08050 | AMD-P | 04-08-087 |
| 296-96-01035 | AMD-P | 04-08-087 | 296-96-02363 | NEW | 04-12-047 | 296-96-08050 | AMD | 04-12-047 |
| 296-96-01035 | AMD | 04-12-047 | 296-96-02364 | NEW-P | 04-08-087 | 296-96-08060 | AMD-P | 04-08-087 |
| 296-96-01070 | AMD-P | 04-08-087 | 296-96-02364 | NEW | 04-12-047 | 296-96-08060 | AMD | 04-12-047 |
| 296-96-01070 | AMD | 04-12-047 | 296-96-02365 | REP-P | 04-08-087 | 296-96-08090 | AMD-P | 04-08-087 |
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| 296-96-01075 | NEW | 04-12-047 | 296-96-02366 | NEW-P | 04-08-087 | 296-96-08100 | AMD-P | 04-08-087 |
| 296-96-01080 | REP-P | 04-08-087 | 296-96-02366 | NEW | 04-12-047 | 296-96-08100 | AMD | 04-12-047 |
| 296-96-01080 | REP | 04-12-047 | 296-96-02367 | NEW-P | 04-08-087 | 296-96-08110 | AMD-P | 04-08-087 |
| 296-96-02230 | NEW-P | 04-08-087 | 296-96-02367 | NEW | 04-12-047 | 296-96-08110 | AMD | 04-12-047 |
| 296-96-02230 | NEW | 04-12-047 | 296-96-02370 | NEW-P | 04-08-087 | 296-96-08140 | AMD-P | 04-08-087 |
| 296-96-02232 | NEW-P | 04-08-087 | 296-96-02370 | NEW | 04-12-047 | 296-96-08140 | AMD | 04-12-047 |
| 296-96-02232 | NEW | 04-12-047 | 296-96-02371 | NEW-P | 04-08-087 | 296-96-08150 | AMD-P | 04-08-087 |
| 296-96-02235 | NEW-P | 04-08-087 | 296-96-02371 | NEW | 04-12-047 | 296-96-08150 | AMD | 04-12-047 |
| 296-96-02235 | NEW | 04-12-047 | 296-96-05010 | AMD-P | 04-08-087 | 296-96-08160 | AMD-P | 04-08-087 |
| 296-96-02240 | AMD-P | 04-08-087 | 296-96-05010 | AMD | 04-12-047 | 296-96-08160 | AMD | 04-12-047 |
| 296-96-02240 | AMD | 04-12-047 | 296-96-05030 | AMD-P | 04-08-087 | 296-96-08170 | AMD-P | 04-08-087 |
| 296-96-02275 | AMD-P | 04-08-087 | 296-96-05030 | AMD | 04-12-047 | 296-96-08170 | AMD | 04-12-047 |
| 296-96-02275 | AMD | 04-12-047 | 296-96-05070 | AMD-P | 04-08-087 | 296-96-08175 | AMD-P | 04-08-087 |
| 296-96-02276 | NEW-P | 04-08-087 | 296-96-05070 | AMD | 04-12-047 | 296-96-08175 | AMD | 04-12-047 |
| 296-96-02276 | NEW | 04-12-047 | 296-96-05160 | AMD-P | 04-08-087 | 296-96-08180 | AMD-P | 04-08-087 |
| 296-96-02277 | AMD-P | 04-08-087 | 296-96-05160 | AMD | 04-12-047 | 296-96-08180 | AMD | 04-12-047 |
| 296-96-02277 | AMD | 04-12-047 | 296-96-05170 | AMD-P | 04-08-087 | 296-96-08190 | AMD-P | 04-08-087 |
| 296-96-02278 | AMD-P | 04-08-087 | 296-96-05170 | AMD | 04-12-047 | 296-96-08190 | AMD | 04-12-047 |
| 296-96-02278 | AMD | 04-12-047 | 296-96-05230 | AMD-P | 04-08-087 | 296-96-08200 | AMD-P | 04-08-087 |
| 296-96-02280 | AMD-P | 04-08-087 | 296-96-05230 | AMD | 04-12-047 | 296-96-08200 | AMD | 04-12-047 |
| 296-96-02280 | AMD | 04-12-047 | 296-96-05290 | AMD-P | 04-08-087 | 296-96-08215 | NEW-P | 04-08-087 |
| 296-96-02281 | AMD-P | 04-08-087 | 296-96-05290 | AMD | 04-12-047 | 296-96-08215 | NEW | 04-12-047 |
| 296-96-02281 | AMD | 04-12-047 | 296-96-07010 | AMD-P | 04-08-087 | 296-96-08220 | AMD-P | 04-08-087 |
| 296-96-02282 | NEW-P | 04-08-087 | 296-96-07010 | AMD | 04-12-047 | 296-96-08220 | AMD | 04-12-047 |
| 296-96-02282 | NEW | 04-12-047 | 296-96-07021 | NEW-P | 04-08-087 | 296-96-08230 | AMD-P | 04-08-087 |
| 296-96-02283 | NEW-P | 04-08-087 | 296-96-07021 | NEW | 04-12-047 | 296-96-08230 | AMD | 04-12-047 |
| 296-96-02283 | NEW | 04-12-047 | 296-96-07024 | NEW-P | 04-08-087 | 296-96-08250 | AMD-P | 04-08-087 |
| 296-96-02285 | NEW-P | 04-08-087 | 296-96-07024 | NEW | 04-12-047 | 296-96-08250 | AMD | 04-12-047 |

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| 296-96-09002 | AMD | 04-12-047 | 296-96-14080 | AMD | 04-12-047 | 296-155-617 | REP-P | 04-12-071 |
| 296-96-09003 | NEW-P | 04-08-087 | 296-96-16040 | AMD-P | 04-08-087 | 296-155-61701 | REP-P | 04-12-071 |
| 296-96-09003 | NEW | 04-12-047 | 296-96-16040 | AMD | 04-12-047 | 296-155-61703 | REP-P | 04-12-071 |
| 296-96-09004 | NEW-P | 04-08-087 | 296-96-16150 | AMD-P | 04-08-087 | 296-155-61705 | REP-P | 04-12-071 |
| 296-96-09004 | NEW | 04-12-047 | 296-96-16150 | AMD | 04-12-047 | 296-155-61707 | REP-P | 04-12-071 |
| 296-96-10002 | NEW-P | 04-08-087 | 296-96-23100 | AMD-P | 04-08-087 | 296-155-61709 | REP-P | 04-12-071 |
| 296-96-10002 | NEW | 04-12-047 | 296-96-23100 | AMD | 04-12-047 | 296-155-61711 | REP-P | 04-12-071 |
| 296-96-11000 | REP-P | 04-08-087 | 296-96-23101 | AMD-P | 04-08-087 | 296-155-61713 | REP-P | 04-12-071 |
| 296-96-11000 | REP | 04-12-047 | 296-96-23101 | AMD | 04-12-047 | 296-155-682 | AMD-P | 04-03-085 |
| 296-96-11001 | AMD-P | 04-08-087 | 296-96-23117 | NEW-P | 04-08-087 | 296-200A-900 | AMD-P | 04-08-092 |
| 296-96-11001 | AMD | 04-12-047 | 296-96-23117 | NEW | 04-12-047 | 296-200A-900 | AMD | 04-12-048 |
| 296-96-11016 | AMD-P | 04-08-087 | 296-96-23118 | NEW-P | 04-08-087 | 296-301-020 | AMD-P | 04-03-085 |
| 296-96-11016 | AMD | 04-12-047 | 296-96-23118 | NEW | 04-12-047 | 296-301-020 | PREP | 04-06-078 |
| 296-96-11019 | AMD-P | 04-08-087 | 296-96-23119 | NEW-P | 04-08-087 | 296-301-020 | AMD-X | 04-12-069 |
| 296-96-11019 | AMD | 04-12-047 | 296-96-23119 | NEW | 04-12-047 | 296-301-170 | AMD-P | 04-03-085 |
| 296-96-11022 | AMD-P | 04-08-087 | 296-96-23151 | AMD-P | 04-08-087 | 296-302-010 | REP-P | 04-03-085 |
| 296-96-11022 | AMD | 04-12-047 | 296-96-23151 | AMD | 04-12-047 | 296-302-015 | REP-P | 04-03-085 |
| 296-96-11045 | AMD-P | 04-08-087 | 296-96-23240 | AMD-P | 04-08-087 | 296-302-020 | REP-P | 04-03-085 |
| 296-96-11045 | AMD | 04-12-047 | 296-96-23240 | AMD | 04-12-047 | 296-302-025 | REP-P | 04-03-085 |
| 296-96-11057 | AMD-P | 04-08-087 | 296-96-23270 | AMD-P | 04-08-087 | 296-302-02501 | REP-P | 04-03-085 |
| 296-96-11057 | AMD | 04-12-047 | 296-96-23270 | AMD | 04-12-047 | 296-302-02503 | REP-P | 04-03-085 |
| 296-96-11078 | AMD-P | 04-08-087 | 296-96-23287 | AMD-P | 04-08-087 | 296-302-02505 | REP-P | 04-03-085 |
| 296-96-11078 | AMD | 04-12-047 | 296-96-23287 | AMD | 04-12-047 | 296-302-02507 | REP-P | 04-03-085 |
| 296-96-11080 | NEW-P | 04-08-087 | 296-96-23303 | NEW-P | 04-11-063 | 296-302-02509 | REP-P | 04-03-085 |
| 296-96-11080 | NEW | 04-12-047 | 296-96-23610 | AMD-P | 04-08-087 | 296-302-02511 | REP-P | 04-03-085 |
| 296-96-13135 | NEW-P | 04-08-087 | 296-96-23610 | AMD | 04-12-047 | 296-302-02513 | REP-P | 04-03-085 |
| 296-96-13135 | NEW | 04-12-047 | 296-104 | PREP | 04-08-114 | 296-302-02515 | REP-P | 04-03-085 |
| 296-96-13139 | NEW-P | 04-08-087 | 296-104-700 | AMD-P | 04-08-115 | 296-302-02517 | REP-P | 04-03-085 |
| 296-96-13139 | NEW | 04-12-047 | 296-115-050 | AMD-P | 04-03-085 | 296-302-02519 | REP-P | 04-03-085 |
| 296-96-13143 | NEW-P | 04-08-087 | 296-127 | PREP | 04-06-063 | 296-302-03001 | REP-P | 04-03-085 |
| 296-96-13143 | NEW | 04-12-047 | 296-127-011 | AMD-X | 04-03-083 | 296-302-03003 | REP-P | 04-03-085 |
| 296-96-13145 | NEW-P | 04-08-087 | 296-127-011 | AMD | 04-10-083 | 296-302-035 | REP-P | 04-03-085 |
| 296-96-13145 | NEW | 04-12-047 | 296-127-01377 | AMD-P | 04-12-068 | 296-302-040 | REP-P | 04-03-085 |
| 296-96-13147 | NEW-P | 04-08-087 | 296-150C-3000 | AMD-P | 04-08-092 | 296-302-045 | REP-P | 04-03-085 |
| 296-96-13147 | NEW | 04-12-047 | 296-150C-3000 | AMD | 04-12-048 | 296-302-050 | REP-P | 04-03-085 |
| 296-96-13149 | NEW-P | 04-08-087 | 296-150F-3000 | AMD-P | 04-08-092 | 296-302-05501 | REP-P | 04-03-085 |
| 296-96-13149 | NEW | 04-12-047 | 296-150F-3000 | AMD | 04-12-048 | 296-302-05503 | REP-P | 04-03-085 |
| 296-96-13151 | NEW-P | 04-08-087 | 296-150M-3000 | AMD-P | 04-08-092 | 296-302-060 | REP-P | 04-03-085 |
| 296-96-13151 | NEW | 04-12-047 | 296-150M-3000 | AMD | 04-12-048 | 296-302-065 | REP-P | 04-03-085 |
| 296-96-13153 | NEW-P | 04-08-087 | 296-150P-3000 | AMD-P | 04-08-092 | 296-302-06501 | REP-P | 04-03-085 |
| 296-96-13153 | NEW | 04-12-047 | 296-150P-3000 | AMD | 04-12-048 | 296-302-06503 | REP-P | 04-03-085 |
| 296-96-13155 | NEW-P | 04-08-087 | 296-150R-3000 | AMD-P | 04-08-092 | 296-302-06505 | REP-P | 04-03-085 |
| 296-96-13155 | NEW | 04-12-047 | 296-150R-3000 | AMD | 04-12-048 | 296-302-06507 | REP-P | 04-03-085 |
| 296-96-13157 | NEW-P | 04-08-087 | 296-150T-3000 | AMD-P | 04-08-092 | 296-302-06509 | REP-P | 04-03-085 |
| 296-96-13157 | NEW | 04-12-047 | 296-150T-3000 | AMD | 04-12-048 | 296-302-06511 | REP-P | 04-03-085 |
| 296-96-13159 | NEW-P | 04-08-087 | 296-150V-3000 | AMD-P | 04-08-092 | 296-302-06513 | REP-P | 04-03-085 |
| 296-96-13159 | NEW | 04-12-047 | 296-150V-3000 | AMD | 04-12-048 | 296-302-06515 | REP-P | 04-03-085 |
| 296-96-13161 | NEW-P | 04-08-087 | 296-155 | PREP | 04-03-084 | 296-302-06517 | REP-P | 04-03-085 |
| 296-96-13161 | NEW | 04-12-047 | 296-155 | PREP | 04-05-074 | 296-302-06519 | REP-P | 04-03-085 |
| 296-96-13167 | NEW-P | 04-08-087 | 296-155-120 | PREP | 04-11-062 | 296-302-06521 | REP-P | 04-03-085 |
| 296-96-13167 | NEW | 04-12-047 | 296-155-120 | AMD | 04-07-160 | 296-302-06523 | REP-P | 04-03-085 |
| 296-96-13169 | NEW-P | 04-08-087 | 296-155-17331 | AMD | 04-10-026 | 296-302-06525 | REP-P | 04-03-085 |
| 296-96-13169 | NEW | 04-12-047 | 296-155-174 | AMD | 04-10-026 | 296-302-06527 | REP-P | 04-03-085 |
| 296-96-13171 | NEW-P | 04-08-087 | 296-155-300 | REP-X | 04-12-069 | 296-302-06529 | REP-P | 04-03-085 |
| 296-96-13171 | NEW | 04-12-047 | 296-155-429 | AMD-P | 04-03-102 | 296-302-06531 | REP-P | 04-03-085 |
| 296-96-14045 | AMD-P | 04-08-087 | 296-155-487 | AMD-P | 04-03-085 | 296-303-030 | AMD-P | 04-03-085 |
| 296-96-14045 | AMD | 04-12-047 | 296-155-488 | AMD-P | 04-03-085 | 296-305-01515 | AMD | 04-07-160 |
| 296-96-14060 | AMD-P | 04-08-087 | 296-155-525 | AMD-P | 04-03-085 | 296-305-02501 | AMD | 04-10-026 |
| 296-96-14060 | AMD | 04-12-047 | 296-155-575 | REP | 04-09-099 | 296-305-04501 | PREP | 04-08-090 |
| 296-96-14070 | AMD-P | 04-08-087 | 296-155-576 | REP | 04-09-099 | 296-305-04501 | PREP | 04-11-062 |
| 296-96-14070 | AMD | 04-12-047 | 296-155-610 | AMD-E | 04-10-107 | 296-305-06519 | AMD-P | 04-03-085 |

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| 296-307-039 | AMD | 04-07-160 | 296-800-31010 | AMD-W | 04-11-058 | 296-806-20012 | NEW-P | 04-03-085 |
| 296-307-03905 | AMD | 04-07-160 | 296-800-31020 | AMD-W | 04-11-058 | 296-806-20014 | NEW-P | 04-03-085 |
| 296-307-03910 | REP | 04-07-160 | 296-800-31070 | AMD-W | 04-11-058 | 296-806-20016 | NEW-P | 04-03-085 |
| 296-307-03915 | REP | 04-07-160 | 296-800-35052 | PREP | 04-06-078 | 296-806-20018 | NEW-P | 04-03-085 |
| 296-307-03925 | REP | 04-07-160 | 296-800-35052 | AMD-X | 04-12-069 | 296-806-20020 | NEW-P | 04-03-085 |
| 296-307-14505 | AMD-X | 04-07-162 | 296-800-370 | AMD-W | 04-11-058 | 296-806-20022 | NEW-P | 04-03-085 |
| 296-307-14510 | AMD-X | 04-07-162 | 296-802-100 | NEW | 04-10-026 | 296-806-20024 | NEW-P | 04-03-085 |
| 296-400A-005 | AMD-P | 04-08-089 | 296-802-200 | NEW | 04-10-026 | 296-806-20026 | NEW-P | 04-03-085 |
| 296-400A-005 | AMD | 04-12-046 | 296-802-20005 | NEW | 04-10-026 | 296-806-20028 | NEW-P | 04-03-085 |
| 296-400A-020 | AMD-P | 04-08-089 | 296-802-20010 | NEW | 04-10-026 | 296-806-20030 | NEW-P | 04-03-085 |
| 296-400A-020 | AMD | 04-12-046 | 296-802-20015 | NEW | 04-10-026 | 296-806-20032 | NEW-P | 04-03-085 |
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| 296-400A-021 | AMD | 04-12-046 | 296-802-30005 | NEW | 04-10-026 | 296-806-20036 | NEW-P | 04-03-085 |
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| 296-400A-023 | NEW | 04-12-046 | 296-802-40005 | NEW | 04-10-026 | 296-806-20040 | NEW-P | 04-03-085 |
| 296-400A-026 | AMD-P | 04-08-089 | 296-802-40010 | NEW | 04-10-026 | 296-806-20042 | NEW-P | 04-03-085 |
| 296-400A-026 | AMD | 04-12-046 | 296-802-40015 | NEW | 04-10-026 | 296-806-20044 | NEW-P | 04-03-085 |
| 296-400A-028 | NEW-P | 04-08-089 | 296-802-500 | NEW | 04-10-026 | 296-806-20046 | NEW-P | 04-03-085 |
| 296-400A-028 | NEW | 04-12-046 | 296-802-50005 | NEW | 04-10-026 | 296-806-20048 | NEW-P | 04-03-085 |
| 296-400A-029 | NEW-P | 04-08-089 | 296-802-50010 | NEW | 04-10-026 | 296-806-20050 | NEW-P | 04-03-085 |
| 296-400A-029 | NEW | 04-12-046 | 296-802-600 | NEW | 04-10-026 | 296-806-20052 | NEW-P | 04-03-085 |
| 296-400A-030 | AMD-P | 04-08-089 | 296-802-60005 | NEW | 04-10-026 | 296-806-20054 | NEW-P | 04-03-085 |
| 296-400A-030 | AMD | 04-12-046 | 296-802-900 | NEW | 04-10-026 | 296-806-20056 | NEW-P | 04-03-085 |
| 296-400A-031 | AMD-P | 04-08-089 | 296-803-100 | NEW-P | 04-03-102 | 296-806-20058 | NEW-P | 04-03-085 |
| 296-400A-031 | AMD | 04-12-046 | 296-803-200 | NEW-P | 04-03-102 | 296-806-300 | NEW-P | 04-03-085 |
| 296-400A-035 | AMD-P | 04-08-089 | 296-803-20005 | NEW-P | 04-03-102 | 296-806-30002 | NEW-P | 04-03-085 |
| 296-400A-035 | AMD | 04-12-046 | 296-803-300 | NEW-P | 04-03-102 | 296-806-30004 | NEW-P | 04-03-085 |
| 296-400A-045 | AMD-P | 04-08-089 | 296-803-30005 | NEW-P | 04-03-102 | 296-806-30006 | NEW-P | 04-03-085 |
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| 296-400A-120 | AMD-P | 04-08-089 | 296-803-40005 | NEW-P | 04-03-102 | 296-806-30010 | NEW-P | 04-03-085 |
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| 296-400A-121 | AMD | 04-12-046 | 296-803-40020 | NEW-P | 04-03-102 | 296-806-30016 | NEW-P | 04-03-085 |
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| 296-400A-130 | AMD-P | 04-08-089 | 296-803-50010 | NEW-P | 04-03-102 | 296-806-30022 | NEW-P | 04-03-085 |
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| 296-400A-150 | NEW-P | 04-08-089 | 296-803-50040 | NEW-P | 04-03-102 | 296-806-30034 | NEW-P | 04-03-085 |
| 296-400A-150 | NEW | 04-12-046 | 296-803-50045 | NEW-P | 04-03-102 | 296-806-30036 | NEW-P | 04-03-085 |
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| 296-400A-300 | AMD-P | 04-08-089 | 296-803-50060 | NEW-P | 04-03-102 | 296-806-405 | NEW-P | 04-03-085 |
| 296-400A-300 | AMD | 04-12-046 | 296-803-600 | NEW-P | 04-03-102 | 296-806-40502 | NEW-P | 04-03-085 |
| 296-400A-400 | AMD-P | 04-08-089 | 296-803-60005 | NEW-P | 04-03-102 | 296-806-40504 | NEW-P | 04-03-085 |
| 296-400A-400 | AMD | 04-12-046 | 296-803-60010 | NEW-P | 04-03-102 | 296-806-40506 | NEW-P | 04-03-085 |
| 296-400A-425 | AMD-P | 04-08-089 | 296-803-60015 | NEW-P | 04-03-102 | 296-806-40508 | NEW-P | 04-03-085 |
| 296-400A-425 | AMD | 04-12-046 | 296-803-700 | NEW-P | 04-03-102 | 296-806-40510 | NEW-P | 04-03-085 |
| 296-800 | PREP | 04-07-157 | 296-803-70005 | NEW-P | 04-03-102 | 296-806-40512 | NEW-P | 04-03-085 |
| 296-800-11045 | PREP | 04-06-078 | 296-803-70010 | NEW-P | 04-03-102 | 296-806-40514 | NEW-P | 04-03-085 |
| 296-800-11045 | AMD-X | 04-12-069 | 296-803-70015 | NEW-P | 04-03-102 | 296-806-40516 | NEW-P | 04-03-085 |
| 296-800-150 | AMD | 04-07-160 | 296-803-800 | NEW-P | 04-03-102 | 296-806-40518 | NEW-P | 04-03-085 |
| 296-800-15005 | AMD | 04-07-160 | 296-806-100 | NEW-P | 04-03-085 | 296-806-40520 | NEW-P | 04-03-085 |
| 296-800-15010 | REP | 04-07-160 | 296-806-200 | NEW-P | 04-03-085 | 296-806-40522 | NEW-P | 04-03-085 |
| 296-800-15015 | REP | 04-07-160 | 296-806-20002 | NEW-P | 04-03-085 | 296-806-40524 | NEW-P | 04-03-085 |
| 296-800-15025 | REP | 04-07-160 | 296-806-20004 | NEW-P | 04-03-085 | 296-806-40526 | NEW-P | 04-03-085 |
| 296-800-17005 | AMD | 04-10-026 | 296-806-20006 | NEW-P | 04-03-085 | 296-806-410 | NEW-P | 04-03-085 |
| 296-800-180 | AMD | 04-10-026 | 296-806-20008 | NEW-P | 04-03-085 | 296-806-41002 | NEW-P | 04-03-085 |

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| 296-806-48046 | NEW-P | 04-03-085 | 296-816-300 | NEW-P | 04-07-159 | 296-829-40010 | NEW | 04-09-099 |
| 296-806-48048 | NEW-P | 04-03-085 | 296-823-100 | AMD-X | 04-07-158 | 296-829-40015 | NEW | 04-09-099 |
| 296-806-48050 | NEW-P | 04-03-085 | 296-823-100 | AMD | 04-12-070 | 296-829-40020 | NEW | 04-09-099 |
| 296-806-48052 | NEW-P | 04-03-085 | 296-823-11010 | AMD-X | 04-07-158 | 296-829-500 | NEW | 04-09-099 |
| 296-806-48054 | NEW-P | 04-03-085 | 296-823-11010 | AMD | 04-12-070 | 296-841 | PREP | 04-07-155 |
| 296-806-48056 | NEW-P | 04-03-085 | 296-823-12010 | AMD-X | 04-07-158 | 296-841 | PREP | 04-07-156 |
| 296-806-48058 | NEW-P | 04-03-085 | 296-823-12010 | AMD | 04-12-070 | 296-841-100 | AMD-X | 04-11-064 |
| 296-806-48060 | NEW-P | 04-03-085 | 296-823-13005 | AMD-X | 04-07-158 | 296-841-20005 | AMD-X | 04-11-064 |
| 296-806-48062 | NEW-P | 04-03-085 | 296-823-13005 | AMD | 04-12-070 | 296-841-20010 | AMD-X | 04-11-064 |
| 296-806-48064 | NEW-P | 04-03-085 | 296-823-14005 | AMD-X | 04-07-158 | 296-841-20020 | AMD-X | 04-11-064 |
| 296-806-48066 | NEW-P | 04-03-085 | 296-823-14005 | AMD | 04-12-070 | 296-841-20025 | NEW-X | 04-11-064 |
| 296-806-48068 | NEW-P | 04-03-085 | 296-823-14015 | AMD-X | 04-07-158 | 296-841-20025 | NEW-X | 04-11-064 |
| 296-806-48070 | NEW-P | 04-03-085 | 296-823-14015 | AMD | 04-12-070 | 296-841-300 | AMD-X | 04-11-064 |
| 296-806-48072 | NEW-P | 04-03-085 | 296-823-14025 | AMD-X | 04-07-158 | 296-843-100 | NEW | 04-02-053 |
| 296-806-48074 | NEW-P | 04-03-085 | 296-823-14025 | AMD | 04-12-070 | 296-843-110 | NEW | 04-02-053 |
| 296-806-48076 | NEW-P | 04-03-085 | 296-823-14050 | AMD-X | 04-07-158 | 296-843-11005 | NEW | 04-02-053 |
| 296-806-48078 | NEW-P | 04-03-085 | 296-823-14050 | AMD | 04-12-070 | 296-843-11010 | NEW | 04-02-053 |
| 296-806-48080 | NEW-P | 04-03-085 | 296-823-14060 | AMD-X | 04-07-158 | 296-843-120 | NEW | 04-02-053 |
| 296-806-48082 | NEW-P | 04-03-085 | 296-823-14060 | AMD | 04-12-070 | 296-843-12005 | NEW | 04-02-053 |
| 296-806-48084 | NEW-P | 04-03-085 | 296-823-14065 | AMD-X | 04-07-158 | 296-843-130 | NEW | 04-02-053 |
| 296-806-48086 | NEW-P | 04-03-085 | 296-823-14065 | AMD | 04-12-070 | 296-843-13005 | NEW | 04-02-053 |
| 296-806-48088 | NEW-P | 04-03-085 | 296-823-15010 | AMD-X | 04-07-158 | 296-843-13010 | NEW | 04-02-053 |
| 296-806-485 | NEW-P | 04-03-085 | 296-823-15010 | AMD | 04-12-070 | 296-843-140 | NEW | 04-02-053 |
| 296-806-48502 | NEW-P | 04-03-085 | 296-823-15015 | AMD-X | 04-07-158 | 296-843-14005 | NEW | 04-02-053 |
| 296-806-500 | NEW-P | 04-03-085 | 296-823-15015 | AMD | 04-12-070 | 296-843-150 | NEW | 04-02-053 |
| 296-809-100 | NEW | 04-03-081 | 296-823-15020 | AMD-X | 04-07-158 | 296-843-15005 | NEW | 04-02-053 |
| 296-809-200 | NEW | 04-03-081 | 296-823-15020 | AMD | 04-12-070 | 296-843-15010 | NEW | 04-02-053 |
| 296-809-20002 | NEW | 04-03-081 | 296-823-160 | AMD-X | 04-07-158 | 296-843-15015 | NEW | 04-02-053 |
| 296-809-20004 | NEW | 04-03-081 | 296-823-160 | AMD | 04-12-070 | 296-843-160 | NEW | 04-02-053 |
| 296-809-20006 | NEW | 04-03-081 | 296-823-16005 | AMD-X | 04-07-158 | 296-843-16005 | NEW | 04-02-053 |
| 296-809-300 | NEW | 04-03-081 | 296-823-16005 | AMD | 04-12-070 | 296-843-170 | NEW | 04-02-053 |
| 296-809-30002 | NEW | 04-03-081 | 296-823-16010 | AMD-X | 04-07-158 | 296-843-17005 | NEW | 04-02-053 |
| 296-809-30004 | NEW | 04-03-081 | 296-823-16010 | AMD | 04-12-070 | 296-843-180 | NEW | 04-02-053 |
| 296-809-400 | NEW | 04-03-081 | 296-823-16015 | AMD-X | 04-07-158 | 296-843-18005 | NEW | 04-02-053 |
| 296-809-40002 | NEW | 04-03-081 | 296-823-16015 | AMD | 04-12-070 | 296-843-18010 | NEW | 04-02-053 |
| 296-809-40004 | NEW | 04-03-081 | 296-823-16025 | AMD-X | 04-07-158 | 296-843-18015 | NEW | 04-02-053 |
| 296-809-500 | NEW | 04-03-081 | 296-823-16025 | AMD | 04-12-070 | 296-843-18020 | NEW | 04-02-053 |
| 296-809-50002 | NEW | 04-03-081 | 296-823-16030 | AMD-X | 04-07-158 | 296-843-190 | NEW | 04-02-053 |
| 296-809-50004 | NEW | 04-03-081 | 296-823-16030 | AMD | 04-12-070 | 296-843-19005 | NEW | 04-02-053 |
| 296-809-50006 | NEW | 04-03-081 | 296-823-17010 | AMD-X | 04-07-158 | 296-843-200 | NEW | 04-02-053 |
| 296-809-50008 | NEW | 04-03-081 | 296-823-17010 | AMD | 04-12-070 | 296-843-20005 | NEW | 04-02-053 |
| 296-809-50010 | NEW | 04-03-081 | 296-823-180 | AMD-X | 04-07-158 | 296-843-20010 | NEW | 04-02-053 |
| 296-809-50012 | NEW | 04-03-081 | 296-823-180 | AMD | 04-12-070 | 296-843-20015 | NEW | 04-02-053 |
| 296-809-50014 | NEW | 04-03-081 | 296-823-18015 | AMD-X | 04-07-158 | 296-843-20020 | NEW | 04-02-053 |
| 296-809-50016 | NEW | 04-03-081 | 296-823-18015 | AMD | 04-12-070 | 296-843-20025 | NEW | 04-02-053 |
| 296-809-50018 | NEW | 04-03-081 | 296-823-18045 | AMD-X | 04-07-158 | 296-843-20030 | NEW | 04-02-053 |
| 296-809-50020 | NEW | 04-03-081 | 296-823-18045 | AMD | 04-12-070 | 296-843-20035 | NEW | 04-02-053 |
| 296-809-50022 | NEW | 04-03-081 | 296-823-18050 | AMD-X | 04-07-158 | 296-843-210 | NEW | 04-02-053 |
| 296-809-50024 | NEW | 04-03-081 | 296-823-18050 | AMD | 04-12-070 | 296-843-21005 | NEW | 04-02-053 |
| 296-809-600 | NEW | 04-03-081 | 296-823-18055 | AMD-X | 04-07-158 | 296-843-220 | NEW | 04-02-053 |
| 296-809-60002 | NEW | 04-03-081 | 296-823-18055 | AMD | 04-12-070 | 296-843-22005 | NEW | 04-02-053 |
| 296-809-60004 | NEW | 04-03-081 | 296-823-200 | AMD-X | 04-07-158 | 296-843-22010 | NEW | 04-02-053 |
| 296-809-700 | NEW | 04-03-081 | 296-823-200 | AMD | 04-12-070 | 296-843-300 | NEW | 04-02-053 |
| 296-809-70002 | NEW | 04-03-081 | 296-829-100 | NEW | 04-09-099 | 296-863-10005 | NEW-P | 04-08-039 |
| 296-809-70004 | NEW | 04-03-081 | 296-829-200 | NEW | 04-09-099 | 296-863-200 | NEW-P | 04-08-039 |
| 296-809-800 | NEW | 04-03-081 | 296-829-20005 | NEW | 04-09-099 | 296-863-20005 | NEW-P | 04-08-039 |
| 296-816-100 | NEW-P | 04-07-159 | 296-829-20010 | NEW | 04-09-099 | 296-863-20010 | NEW-P | 04-08-039 |
| 296-816-200 | NEW-P | 04-07-159 | 296-829-300 | NEW | 04-09-099 | 296-863-20015 | NEW-P | 04-08-039 |
| 296-816-20005 | NEW-P | 04-07-159 | 296-829-30005 | NEW | 04-09-099 | 296-863-20020 | NEW-P | 04-08-039 |
| 296-816-20010 | NEW-P | 04-07-159 | 296-829-30010 | NEW | 04-09-099 | 296-863-20025 | NEW-P | 04-08-039 |
| 296-816-20015 | NEW-P | 04-07-159 | 296-829-400 | NEW | 04-09-099 | 296-863-20030 | NEW-P | 04-08-039 |
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| 296-863-300 | NEW-P | 04-08-039 | 308-20-090 | AMD | 04-05-005 | 308-66-250 | NEW-P | 04-12-079 |
| 296-863-30005 | NEW-P | 04-08-039 | 308-20-101 | NEW | 04-05-005 | 308-66-260 | NEW-P | 04-12-079 |
| 296-863-30010 | NEW-P | 04-08-039 | 308-20-110 | AMD | 04-05-005 | 308-77-180 | REP | 04-09-012 |
| 296-863-30015 | NEW-P | 04-08-039 | 308-20-550 | AMD | 04-05-005 | 308-78-010 | AMD | 04-06-001 |
| 296-863-30020 | NEW-P | 04-08-039 | 308-20-555 | NEW | 04-05-005 | 308-78-045 | AMD | 04-06-001 |
| 296-863-30025 | NEW-P | 04-08-039 | 308-56A | PREP | 04-05-121 | 308-93-030 | PREP | 04-07-054 |
| 296-863-30030 | NEW-P | 04-08-039 | 308-56A-020 | AMD-P | 04-04-006 | 308-93-050 | PREP | 04-07-054 |
| 296-863-30035 | NEW-P | 04-08-039 | 308-56A-020 | AMD | 04-08-080 | 308-96A | PREP | 04-03-002 |
| 296-863-30040 | NEW-P | 04-08-039 | 308-56A-024 | NEW-P | 04-11-112 | 308-96A | PREP | 04-03-003 |
| 296-863-400 | NEW-P | 04-08-039 | 308-56A-030 | AMD-P | 04-03-120 | 308-96A-005 | PREP | 04-03-002 |
| 296-863-40005 | NEW-P | 04-08-039 | 308-56A-030 | AMD | 04-07-168 | 308-96A-005 | AMD-P | 04-10-003 |
| 296-863-40010 | NEW-P | 04-08-039 | 308-56A-040 | AMD-P | 04-03-120 | 308-96A-021 | AMD-P | 04-03-121 |
| 296-863-40015 | NEW-P | 04-08-039 | 308-56A-040 | AMD | 04-07-168 | 308-96A-021 | AMD | 04-08-079 |
| 296-863-40020 | NEW-P | 04-08-039 | 308-56A-075 | AMD-X | 04-09-033 | 308-96A-026 | AMD-P | 04-04-022 |
| 296-863-40025 | NEW-P | 04-08-039 | 308-56A-140 | AMD-P | 04-04-006 | 308-96A-026 | AMD | 04-08-002 |
| 296-863-40030 | NEW-P | 04-08-039 | 308-56A-140 | AMD | 04-08-080 | 308-96A-070 | PREP | 04-09-032 |
| 296-863-40035 | NEW-P | 04-08-039 | 308-56A-150 | AMD-P | 04-04-022 | 308-96A-070 | AMD-E | 04-09-044 |
| 296-863-40040 | NEW-P | 04-08-039 | 308-56A-150 | AMD | 04-08-002 | 308-96A-070 | AMD-P | 04-12-072 |
| 296-863-40045 | NEW-P | 04-08-039 | 308-56A-250 | PREP | 04-08-006 | 308-96A-071 | PREP | 04-09-032 |
| 296-863-40050 | NEW-P | 04-08-039 | 308-56A-405 | PREP | 04-11-106 | 308-96A-071 | AMD-E | 04-09-044 |
| 296-863-40055 | NEW-P | 04-08-039 | 308-56A-410 | PREP | 04-11-106 | 308-96A-071 | AMD-P | 04-12-072 |
| 296-863-40060 | NEW-P | 04-08-039 | 308-56A-415 | PREP | 04-11-106 | 308-96A-072 | AMD-P | 04-03-121 |
| 296-863-40065 | NEW-P | 04-08-039 | 308-56A-420 | PREP | 04-11-106 | 308-96A-072 | AMD | 04-08-079 |
| 296-863-500 | NEW-P | 04-08-039 | 308-56A-450 | AMD-P | 04-04-022 | 308-96A-072 | AMD | 04-08-079 |
| 296-863-50005 | NEW-P | 04-08-039 | 308-56A-450 | AMD | 04-08-002 | 308-96A-074 | AMD-P | 04-03-121 |
| 296-863-600 | NEW-P | 04-08-039 | 308-56A-455 | AMD-P | 04-04-006 | 308-96A-074 | AMD | 04-08-079 |
| 296-863-60005 | NEW-P | 04-08-039 | 308-56A-455 | AMD | 04-08-080 | 308-96A-076 | PREP | 04-09-029 |
| 296-863-60010 | NEW-P | 04-08-039 | 308-56A-460 | AMD-P | 04-04-006 | 308-96A-077 | PREP | 04-09-031 |
| 296-863-60015 | NEW-P | 04-08-039 | 308-56A-460 | AMD | 04-08-080 | 308-96A-078 | PREP | 04-09-030 |
| 296-863-700 | NEW-P | 04-08-039 | 308-56A-500 | AMD-P | 04-04-049 | 308-96A-079 | PREP | 04-09-060 |
| 296-864-100 | NEW-P | 04-12-071 | 308-56A-500 | AMD | 04-08-081 | 308-96A-175 | PREP | 04-09-032 |
| 296-864-200 | NEW-P | 04-12-071 | 308-56A-505 | AMD-P | 04-04-049 | 308-96A-175 | AMD-E | 04-09-044 |
| 296-864-20005 | NEW-P | 04-12-071 | 308-56A-505 | AMD | 04-08-081 | 308-96A-175 | AMD-P | 04-12-072 |
| 296-864-20010 | NEW-P | 04-12-071 | 308-56A-525 | PREP | 04-08-058 | 308-96A-306 | AMD-P | 04-10-003 |
| 296-864-20015 | NEW-P | 04-12-071 | 308-56A-640 | AMD | 04-03-016 | 308-96A-307 | PREP | 04-09-059 |
| 296-864-300 | NEW-P | 04-12-071 | 308-61-135 | PREP | 04-12-010 | 308-96A-311 | PREP | 04-03-003 |
| 296-864-30005 | NEW-P | 04-12-071 | 308-61-190 | AMD-P | 04-06-004 | 308-96A-311 | AMD-P | 04-10-003 |
| 296-864-30010 | NEW-P | 04-12-071 | 308-61-190 | AMD | 04-12-063 | 308-96A-312 | AMD-P | 04-10-003 |
| 296-864-30015 | NEW-P | 04-12-071 | 308-63 | PREP | 04-11-104 | 308-96A-313 | AMD-P | 04-10-003 |
| 296-864-400 | NEW-P | 04-12-071 | 308-63-090 | PREP | 04-12-009 | 308-96A-314 | AMD-P | 04-10-003 |
| 296-864-40005 | NEW-P | 04-12-071 | 308-65 | PREP | 04-11-105 | 308-96A-316 | AMD-P | 04-10-003 |
| 296-864-40010 | NEW-P | 04-12-071 | 308-66-110 | AMD-P | 04-12-079 | 308-96A-550 | AMD-P | 04-03-121 |
| 296-864-40015 | NEW-P | 04-12-071 | 308-66-120 | AMD-P | 04-12-079 | 308-96A-550 | AMD | 04-08-079 |
| 296-864-40020 | NEW-P | 04-12-071 | 308-66-140 | AMD-P | 04-12-079 | 308-96A-560 | AMD-P | 04-03-121 |
| 296-864-500 | NEW-P | 04-12-071 | 308-66-145 | AMD-P | 04-12-079 | 308-96A-560 | AMD | 04-08-079 |
| 296-864-50005 | NEW-P | 04-12-071 | 308-66-152 | AMD-P | 04-12-079 | 308-99-020 | AMD-P | 04-07-047 |
| 296-864-50010 | NEW-P | 04-12-071 | 308-66-155 | AMD-P | 04-12-079 | 308-99-020 | AMD-W | 04-08-001 |
| 296-864-50015 | NEW-P | 04-12-071 | 308-66-157 | AMD-P | 04-12-079 | 308-99-040 | AMD-P | 04-07-047 |
| 296-864-50020 | NEW-P | 04-12-071 | 308-66-160 | AMD-P | 04-12-079 | 308-99-040 | AMD-W | 04-08-001 |
| 296-864-600 | NEW-P | 04-12-071 | 308-66-165 | AMD-P | 04-12-079 | 308-99-060 | AMD-P | 04-07-047 |
| 296-864-60005 | NEW-P | 04-12-071 | 308-66-175 | AMD-P | 04-12-079 | 308-99-060 | AMD-W | 04-08-001 |
| 296-864-60010 | NEW-P | 04-12-071 | 308-66-180 | AMD-P | 04-12-079 | 308-124A-025 | AMD-P | 04-03-039 |
| 296-864-700 | NEW-P | 04-12-071 | 308-66-190 | AMD-P | 04-12-079 | 308-124A-025 | AMD | 04-08-012 |
| 308-13-150 | PREP | 04-06-030 | 308-66-195 | AMD-P | 04-12-079 | 308-124A-110 | AMD-P | 04-03-039 |
| 308-15 | PREP | 04-04-050 | 308-66-200 | AMD-P | 04-12-079 | 308-124A-110 | AMD | 04-07-153 |
| 308-17-150 | AMD-P | 04-07-032 | 308-66-210 | AMD-P | 04-12-079 | 308-124A-440 | AMD-P | 04-03-039 |
| 308-17-150 | AMD | 04-12-024 | 308-66-211 | AMD-P | 04-12-079 | 308-124A-440 | AMD | 04-08-012 |
| 308-18-150 | AMD-P | 04-07-031 | 308-66-212 | AMD-P | 04-12-079 | 308-124C-030 | AMD-P | 04-03-037 |
| 308-18-150 | AMD | 04-12-023 | 308-66-214 | AMD-P | 04-12-079 | 308-124C-030 | AMD | 04-07-151 |
| 308-20-010 | AMD | 04-05-005 | 308-66-220 | AMD-P | 04-12-079 | 308-124D-030 | AMD-P | 04-03-038 |
| 308-20-040 | AMD | 04-05-005 | 308-66-225 | AMD-P | 04-12-079 | 308-124D-030 | AMD | 04-07-152 |
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| 308-127-140 | AMD | 04-08-003 | 314- 29 | PREP | 04-08-109 | 356- 05-370 | AMD-P | 04-11-114 |
| 308-127-160 | AMD-P | 04-05-098 | 314- 42 | PREP | 04-08-109 | 356- 05-375 | AMD-P | 04-11-114 |
| 308-127-160 | AMD | 04-08-003 | 326- 02-010 | AMD-P | 04-02-043 | 356- 05-477 | AMD-P | 04-11-114 |
| 308-127-160 | AMD-P | 04-09-095 | 326- 02-010 | AMD | 04-08-093 | 356- 05-479 | AMD-P | 04-11-114 |
| 308-127-160 | AMD | 04-12-028 | 326- 02-030 | AMD-P | 04-02-043 | 356- 06-003 | AMD-P | 04-11-114 |
| 308-127-225 | AMD-P | 04-05-098 | 326- 02-030 | AMD | 04-08-093 | 356- 06-040 | AMD-P | 04-11-114 |
| 308-127-225 | AMD | 04-08-003 | 326- 02-034 | AMD-P | 04-07-041 | 356- 06-065 | AMD-P | 04-11-114 |
| 308-129-110 | AMD-P | 04-09-096 | 326- 02-040 | AMD-P | 04-02-043 | 356- 06-080 | REP-P | 04-11-114 |
| 308-129-110 | AMD | 04-12-027 | 326- 02-040 | AMD | 04-08-093 | 356- 06-100 | AMD-P | 04-11-114 |
| 308-390-101 | AMD-P | 04-09-105 | 326- 02-045 | AMD-P | 04-02-043 | 356- 06-110 | AMD-P | 04-11-114 |
| 308-390-102 | AMD-P | 04-09-105 | 326- 02-045 | AMD | 04-08-093 | 356- 06-120 | AMD-P | 04-11-114 |
| 308-390-104 | AMD-P | 04-09-105 | 326- 07-030 | AMD-P | 04-02-043 | 356- 07-040 | AMD-P | 04-11-114 |
| 308-390-105 | AMD-P | 04-09-105 | 326- 07-030 | AMD | 04-08-093 | 356- 09-040 | AMD-P | 04-11-114 |
| 308-390-108 | AMD-P | 04-09-105 | 326- 20-010 | AMD-P | 04-02-043 | 356- 10-020 | AMD-P | 04-11-114 |
| 308-390-200 | REP-P | 04-09-105 | 326- 20-010 | AMD | 04-08-093 | 356- 10-045 | AMD-P | 04-11-114 |
| 308-390-201 | AMD-P | 04-09-105 | 326- 20-045 | NEW-P | 04-02-043 | 356- 14-010 | AMD-P | 04-11-114 |
| 308-390-203 | AMD-P | 04-09-105 | 326- 20-045 | NEW | 04-08-093 | 356- 14-031 | AMD-P | 04-11-114 |
| 308-390-204 | AMD-P | 04-09-105 | 326- 20-046 | NEW-P | 04-02-043 | 356- 14-045 | AMD-P | 04-11-114 |
| 308-390-300 | AMD-P | 04-09-105 | 326- 20-046 | NEW | 04-08-093 | 356- 14-062 | AMD-P | 04-11-114 |
| 308-390-302 | AMD-P | 04-09-105 | 326- 20-047 | NEW-P | 04-02-043 | 356- 15-010 | AMD-P | 04-11-114 |
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| 308-390-500 | AMD-P | 04-09-105 | 326- 20-048 | NEW-P | 04-02-043 | 356- 15-060 | AMD-P | 04-11-114 |
| 308-390-502 | AMD-P | 04-09-105 | 326- 20-048 | NEW | 04-08-093 | 356- 15-125 | AMD-P | 04-11-114 |
| 308-390-503 | AMD-P | 04-09-105 | 326- 20-050 | AMD-P | 04-02-043 | 356- 15-130 | AMD-P | 04-11-114 |
| 308-390-505 | AMD-P | 04-09-105 | 326- 20-050 | AMD | 04-08-093 | 356- 18-140 | AMD-E | 04-07-053 |
| 308-390-602 | AMD-P | 04-09-105 | 326- 20-070 | AMD-P | 04-02-043 | 356- 18-220 | AMD-E | 04-07-053 |
| 308-420-200 | AMD-P | 04-05-097 | 326- 20-070 | AMD | 04-08-093 | 356- 22-036 | AMD-P | 04-11-114 |
| 308-420-200 | AMD-W | 04-08-004 | 326- 20-080 | AMD-P | 04-02-043 | 356- 22-230 | AMD-P | 04-11-114 |
| 314- 02 | PREP | 04-08-107 | 326- 20-080 | AMD | 04-08-093 | 356- 26-030 | AMD-P | 04-08-119 |
| 314- 02 | PREP | 04-08-108 | 326- 20-092 | AMD-P | 04-02-041 | 356- 26-030 | AMD | 04-11-046 |
| 314- 02-105 | AMD-P | 04-02-075 | 326- 20-092 | AMD | 04-08-075 | 356- 26-140 | AMD-P | 04-08-119 |
| 314- 02-105 | AMD | 04-07-020 | 326- 20-094 | AMD-P | 04-02-041 | 356- 26-140 | AMD | 04-11-046 |
| 314- 02-105 | PREP | 04-09-111 | 326- 20-094 | AMD | 04-08-075 | 356- 30-143 | AMD-P | 04-11-114 |
| 314- 09 | PREP | 04-08-106 | 326- 20-095 | AMD-P | 04-02-041 | 356- 30-260 | AMD-P | 04-11-114 |
| 314- 11-015 | AMD-X | 04-08-112 | 326- 20-095 | AMD | 04-08-075 | 356- 30-330 | AMD-P | 04-08-119 |
| 314- 11-020 | AMD-X | 04-08-112 | 326- 20-096 | AMD-P | 04-02-041 | 356- 30-330 | AMD | 04-11-046 |
| 314- 11-065 | AMD-X | 04-08-112 | 326- 20-096 | AMD | 04-08-075 | 356- 39-010 | AMD-P | 04-11-114 |
| 314- 11-070 | AMD-X | 04-08-112 | 326- 20-096 | AMD | 04-08-075 | 356- 39-020 | AMD-P | 04-11-114 |
| 314- 12 | PREP | 04-08-107 | 326- 20-098 | AMD-P | 04-02-041 | 356- 46-070 | AMD-P | 04-11-114 |
| 314- 12 | PREP | 04-08-108 | 326- 20-098 | AMD | 04-08-075 | 356- 46-090 | AMD-P | 04-11-114 |
| 314- 16 | PREP | 04-08-107 | 326- 20-110 | AMD-P | 04-02-043 | 356- 46-100 | AMD-P | 04-11-114 |
| 314- 16 | PREP | 04-08-108 | 326- 20-110 | AMD | 04-08-093 | 356- 46-100 | AMD-P | 04-11-114 |
| 314- 17 | PREP | 04-02-074 | 326- 20-120 | AMD-P | 04-02-043 | 356- 46-125 | AMD-P | 04-11-114 |
| 314- 17-020 | AMD-P | 04-08-111 | 326- 20-120 | AMD | 04-08-093 | 356- 56-010 | AMD-P | 04-11-114 |
| 314- 17-030 | AMD-P | 04-08-111 | 326- 20-125 | AMD-P | 04-02-042 | 356- 56-010 | AMD-P | 04-11-114 |
| 314- 17-050 | AMD-P | 04-08-111 | 326- 20-125 | AMD | 04-08-074 | 356- 56-035 | AMD-P | 04-11-114 |
| 314- 17-055 | AMD-P | 04-08-111 | 326- 20-160 | AMD-P | 04-02-043 | 356- 56-070 | AMD-P | 04-11-114 |
| 314- 17-060 | AMD-P | 04-08-111 | 326- 20-160 | AMD | 04-08-093 | 356- 60-010 | AMD-P | 04-07-188 |
| 314- 17-065 | AMD-P | 04-08-111 | 326- 20-173 | AMD-P | 04-02-043 | 356- 60-010 | DECOD-P | 04-07-188 |
| 314- 17-070 | AMD-P | 04-08-111 | 326- 20-173 | AMD | 04-08-093 | 356- 60-010 | RECOD-P | 04-07-188 |
| 314- 17-070 | AMD-P | 04-08-111 | 326- 20-180 | AMD-P | 04-02-043 | 356- 60-010 | AMD | 04-11-045 |
| 314- 17-080 | AMD-P | 04-08-111 | 326- 20-180 | AMD | 04-08-093 | 356- 60-010 | DECOD | 04-11-045 |
| 314- 17-085 | AMD-P | 04-08-111 | 332- 24-301 | AMD-X | 04-08-094 | 356- 60-010 | RECOD | 04-11-045 |
| 314- 17-095 | AMD-P | 04-08-111 | 332-130-100 | AMD-X | 04-05-030 | 356- 60-020 | AMD-P | 04-07-188 |
| 314- 17-105 | AMD-P | 04-08-111 | 332-130-100 | AMD | 04-11-019 | 356- 60-020 | DECOD-P | 04-07-188 |
| 314- 19 | PREP | 04-12-128 | 352- 32 | PREP | 04-06-089 | 356- 60-020 | RECOD-P | 04-07-188 |
| 314- 20 | PREP | 04-08-105 | 352- 32-030 | AMD-W | 04-10-076 | 356- 60-020 | AMD | 04-11-045 |
| 314- 20-020 | AMD | 04-06-007 | 352- 44 | PREP | 04-06-088 | 356- 60-020 | DECOD | 04-11-045 |
| 314- 20-100 | AMD-X | 04-11-113 | 352- 44-020 | PREP | 04-06-088 | 356- 60-020 | RECOD | 04-11-045 |
| 314- 20-105 | REP-X | 04-11-113 | 356- 05-178 | AMD-P | 04-11-114 | 356- 60-030 | AMD-P | 04-07-188 |
| 314- 24 | PREP | 04-08-105 | 356- 05-210 | AMD-P | 04-11-114 | 356- 60-030 | DECOD-P | 04-07-188 |
| 314- 24-190 | AMD-X | 04-11-113 | 356- 05-220 | AMD-P | 04-11-114 | 356- 60-030 | RECOD-P | 04-07-188 |
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| 356-60-030 | RECOD | 04-11-045 | 365-230-110 | NEW-P | 04-05-062 | 388-14A-4110 | PREP | 04-07-062 |
| 356-60-032 | NEW-P | 04-07-188 | 365-230-110 | NEW | 04-10-037 | 388-14A-4120 | PREP-W | 04-07-022 |
| 356-60-032 | NEW | 04-11-045 | 365-230-120 | NEW-P | 04-05-062 | 388-14A-4120 | AMD-E | 04-07-057 |
| 356-60-034 | NEW-P | 04-07-188 | 365-230-120 | NEW | 04-10-037 | 388-14A-4120 | PREP | 04-07-062 |
| 356-60-034 | NEW | 04-11-045 | 365-230-130 | NEW-P | 04-05-062 | 388-14A-4121 | NEW-E | 04-07-057 |
| 356-60-040 | REP-P | 04-07-188 | 365-230-130 | NEW | 04-10-037 | 388-14A-4122 | NEW-E | 04-07-057 |
| 356-60-040 | REP | 04-11-045 | 365-230-132 | NEW-P | 04-05-062 | 388-14A-4123 | NEW-E | 04-07-057 |
| 356-60-050 | REP-P | 04-07-188 | 365-230-132 | NEW | 04-10-037 | 388-14A-4124 | NEW-E | 04-07-057 |
| 356-60-050 | REP | 04-11-045 | 365-230-134 | NEW-P | 04-05-062 | 388-14A-4125 | NEW-E | 04-07-057 |
| 356-60-055 | AMD-P | 04-07-188 | 365-230-134 | NEW | 04-10-037 | 388-14A-4126 | NEW-E | 04-07-057 |
| 356-60-055 | AMD | 04-11-045 | 365-230-140 | NEW-P | 04-05-062 | 388-14A-4130 | PREP-W | 04-07-022 |
| 356-60-057 | AMD-P | 04-07-188 | 365-230-140 | NEW | 04-10-037 | 388-14A-4130 | AMD-E | 04-07-057 |
| 356-60-057 | AMD | 04-11-045 | 365-230-150 | NEW-P | 04-05-062 | 388-14A-4130 | PREP | 04-07-062 |
| 356-60-060 | REP-P | 04-07-188 | 365-230-150 | NEW | 04-10-037 | 388-14A-4135 | NEW-E | 04-07-057 |
| 356-60-060 | REP | 04-11-045 | 365-230-160 | NEW-P | 04-05-062 | 388-14A-4140 | NEW-E | 04-07-057 |
| 357-04-035 | NEW-P | 04-12-088 | 365-230-160 | NEW | 04-10-037 | 388-14A-4143 | NEW-E | 04-07-057 |
| 357-04-040 | NEW-P | 04-12-088 | 365-230-170 | NEW-P | 04-05-062 | 388-14A-4145 | NEW-E | 04-07-057 |
| 357-04-045 | NEW-P | 04-12-088 | 365-230-170 | NEW | 04-10-037 | 388-14A-4150 | NEW-E | 04-07-057 |
| 357-04-050 | NEW-P | 04-12-088 | 365-230-180 | NEW-P | 04-05-062 | 388-14A-4160 | NEW-E | 04-07-057 |
| 357-04-055 | NEW-P | 04-12-088 | 365-230-180 | NEW | 04-10-037 | 388-14A-4165 | NEW-E | 04-07-057 |
| 357-04-065 | NEW-P | 04-12-086 | 365-230-190 | NEW-P | 04-05-062 | 388-14A-4170 | NEW-E | 04-07-057 |
| 357-10-005 | NEW-P | 04-04-109 | 365-230-190 | NEW | 04-10-037 | 388-14A-4175 | NEW-E | 04-07-057 |
| 357-10-005 | NEW | 04-07-052 | 365-230-200 | NEW-P | 04-05-062 | 388-14A-5000 | PREP | 04-07-166 |
| 357-10-010 | NEW-P | 04-04-109 | 365-230-200 | NEW | 04-10-037 | 388-14A-5001 | PREP | 04-08-069 |
| 357-10-010 | NEW | 04-07-052 | 365-230-210 | NEW-P | 04-05-062 | 388-14A-6300 | PREP | 04-09-036 |
| 357-10-020 | NEW-P | 04-04-109 | 365-230-210 | NEW | 04-10-037 | 388-25 | PREP | 04-07-059 |
| 357-10-020 | NEW | 04-07-052 | 365-230-220 | NEW-P | 04-05-062 | 388-25-0225 | PREP | 04-08-068 |
| 357-34-055 | NEW-P | 04-12-087 | 365-230-220 | NEW | 04-10-037 | 388-25-0226 | PREP | 04-08-068 |
| 357-34-070 | NEW-P | 04-12-087 | 365-230-230 | NEW-P | 04-05-062 | 388-25-0230 | PREP | 04-08-068 |
| 357-34-075 | NEW-P | 04-12-087 | 365-230-230 | NEW | 04-10-037 | 388-25-1000 | NEW-E | 04-07-091 |
| 357-34-080 | NEW-P | 04-12-087 | 365-230-240 | NEW-P | 04-05-062 | 388-25-1010 | NEW-E | 04-07-091 |
| 357-34-085 | NEW-P | 04-12-087 | 365-230-240 | NEW | 04-10-037 | 388-25-1020 | NEW-E | 04-07-091 |
| 363-116-070 | AMD-P | 04-10-030 | 365-230-250 | NEW-P | 04-05-062 | 388-25-1030 | NEW-E | 04-07-091 |
| 363-116-185 | AMD-P | 04-10-031 | 365-230-250 | NEW | 04-10-037 | 388-25-1040 | NEW-E | 04-07-091 |
| 363-116-300 | AMD-P | 04-08-008 | 365-230-260 | NEW-P | 04-05-062 | 388-25-1050 | NEW-E | 04-07-091 |
| 363-116-300 | AMD | 04-12-014 | 365-230-260 | NEW | 04-10-037 | 388-27-0120 | AMD-E | 04-03-018 |
| 365-230-010 | NEW-P | 04-05-062 | 365-230-270 | NEW-P | 04-05-062 | 388-27-0120 | AMD | 04-06-024 |
| 365-230-010 | NEW | 04-10-037 | 365-230-270 | NEW | 04-10-037 | 388-27-0130 | AMD-E | 04-03-018 |
| 365-230-015 | NEW-P | 04-05-062 | 371-08-306 | NEW | 04-03-001 | 388-27-0130 | AMD | 04-06-024 |
| 365-230-015 | NEW | 04-10-037 | 371-08-315 | AMD | 04-03-001 | 388-27-0135 | AMD-E | 04-03-018 |
| 365-230-016 | NEW-P | 04-05-062 | 388-02-0215 | AMD-E | 04-07-090 | 388-27-0135 | AMD | 04-06-024 |
| 365-230-016 | NEW | 04-10-037 | 388-11-032 | PREP-W | 04-07-112 | 388-27-0155 | AMD-E | 04-03-018 |
| 365-230-020 | NEW-P | 04-05-062 | 388-11-045 | PREP-W | 04-07-112 | 388-27-0155 | AMD | 04-06-024 |
| 365-230-020 | NEW | 04-10-037 | 388-11-048 | PREP-W | 04-07-112 | 388-27-0160 | AMD-E | 04-03-018 |
| 365-230-030 | NEW-P | 04-05-062 | 388-11-205 | PREP-W | 04-07-112 | 388-27-0160 | AMD | 04-06-024 |
| 365-230-030 | NEW | 04-10-037 | 388-14-045 | PREP-W | 04-07-112 | 388-27-0165 | AMD-E | 04-03-018 |
| 365-230-035 | NEW-P | 04-05-062 | 388-14-450 | PREP-W | 04-07-112 | 388-27-0165 | AMD | 04-06-024 |
| 365-230-035 | NEW | 04-10-037 | 388-14A | PREP | 04-07-113 | 388-27-0175 | AMD-E | 04-03-018 |
| 365-230-040 | NEW-P | 04-05-062 | 388-14A-1020 | PREP | 04-06-053 | 388-27-0175 | AMD | 04-06-024 |
| 365-230-040 | NEW | 04-10-037 | 388-14A-1020 | AMD-E | 04-07-057 | 388-27-0190 | AMD-E | 04-03-018 |
| 365-230-050 | NEW-P | 04-05-062 | 388-14A-1020 | PREP | 04-09-036 | 388-27-0190 | AMD | 04-06-024 |
| 365-230-050 | NEW | 04-10-037 | 388-14A-3140 | PREP | 04-09-036 | 388-27-0195 | AMD-E | 04-03-018 |
| 365-230-060 | NEW-P | 04-05-062 | 388-14A-3370 | PREP | 04-09-036 | 388-27-0195 | AMD | 04-06-024 |
| 365-230-060 | NEW | 04-10-037 | 388-14A-3600 | PREP | 04-09-036 | 388-27-0200 | AMD-E | 04-03-018 |
| 365-230-070 | NEW-P | 04-05-062 | 388-14A-3810 | PREP | 04-06-053 | 388-27-0200 | AMD | 04-06-024 |
| 365-230-070 | NEW | 04-10-037 | 388-14A-3810 | PREP | 04-09-036 | 388-27-0210 | AMD-E | 04-03-018 |
| 365-230-080 | NEW-P | 04-05-062 | 388-14A-4040 | AMD-E | 04-07-057 | 388-27-0210 | AMD | 04-06-024 |
| 365-230-080 | NEW | 04-10-037 | 388-14A-4100 | PREP-W | 04-07-022 | 388-27-0215 | AMD-E | 04-03-018 |
| 365-230-090 | NEW-P | 04-05-062 | 388-14A-4100 | AMD-E | 04-07-057 | 388-27-0215 | AMD | 04-06-024 |
| 365-230-090 | NEW | 04-10-037 | 388-14A-4100 | PREP | 04-07-062 | 388-27-0220 | AMD-E | 04-03-018 |
| 365-230-100 | NEW-P | 04-05-062 | 388-14A-4110 | PREP-W | 04-07-022 | 388-27-0220 | AMD | 04-06-024 |

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| 388-27-0225 | REP-E | 04-03-018 | 388-71-0955 | PREP | 04-07-061 | 388-72A-0115 | NEW-E | 04-09-094 |
| 388-27-0225 | REP | 04-06-024 | 388-71-0960 | PREP | 04-07-061 | 388-78A | PREP | 04-06-072 |
| 388-27-0230 | AMD-E | 04-03-018 | 388-71-0960 | AMD-E | 04-10-062 | 388-78A | PREP | 04-07-189 |
| 388-27-0230 | AMD | 04-06-024 | 388-71-0960 | AMD-P | 04-10-101 | 388-78A | PREP-W | 04-08-034 |
| 388-27-0235 | REP-E | 04-03-018 | 388-71-0965 | PREP | 04-07-061 | 388-78A-0010 | REP-P | 04-11-116 |
| 388-27-0235 | REP | 04-06-024 | 388-71-1105 | AMD-E | 04-10-062 | 388-78A-0020 | REP-P | 04-11-116 |
| 388-27-0240 | REP-E | 04-03-018 | 388-71-1105 | AMD-P | 04-10-101 | 388-78A-0030 | REP-P | 04-11-116 |
| 388-27-0240 | REP | 04-06-024 | 388-72A | PREP | 04-09-089 | 388-78A-0040 | REP-P | 04-11-116 |
| 388-27-0245 | REP-E | 04-03-018 | 388-72A-0010 | AMD-E | 04-09-094 | 388-78A-0050 | REP-P | 04-11-116 |
| 388-27-0245 | REP | 04-06-024 | 388-72A-0010 | AMD-P | 04-10-097 | 388-78A-0060 | REP-P | 04-11-116 |
| 388-27-0270 | REP-E | 04-03-018 | 388-72A-0010 | AMD-W | 04-11-082 | 388-78A-0070 | REP-P | 04-11-116 |
| 388-27-0270 | REP | 04-06-024 | 388-72A-0010 | AMD-S | 04-11-086 | 388-78A-0080 | REP-P | 04-11-116 |
| 388-71-0105 | AMD-E | 04-06-039 | 388-72A-0036 | NEW-E | 04-09-094 | 388-78A-0090 | REP-P | 04-11-116 |
| 388-71-0116 | NEW-E | 04-06-039 | 388-72A-0036 | NEW-P | 04-10-097 | 388-78A-0100 | REP-P | 04-11-116 |
| 388-71-0194 | AMD-E | 04-10-062 | 388-72A-0036 | NEW-W | 04-11-082 | 388-78A-0110 | REP-P | 04-11-116 |
| 388-71-0194 | AMD-P | 04-10-101 | 388-72A-0036 | NEW-S | 04-11-086 | 388-78A-0120 | REP-P | 04-11-116 |
| 388-71-0202 | AMD | 04-04-042 | 388-72A-0037 | NEW-E | 04-09-094 | 388-78A-0130 | REP-P | 04-11-116 |
| 388-71-0202 | AMD-E | 04-10-062 | 388-72A-0038 | NEW-E | 04-09-094 | 388-78A-0140 | REP-P | 04-11-116 |
| 388-71-0202 | AMD-P | 04-10-101 | 388-72A-0039 | NEW-E | 04-09-094 | 388-78A-0150 | REP-P | 04-11-116 |
| 388-71-0405 | AMD-E | 04-10-062 | 388-72A-0040 | REP-E | 04-09-094 | 388-78A-0160 | REP-P | 04-11-116 |
| 388-71-0405 | AMD-P | 04-10-101 | 388-72A-0041 | NEW-E | 04-09-094 | 388-78A-0170 | REP-P | 04-11-116 |
| 388-71-0410 | AMD-E | 04-10-062 | 388-72A-0041 | NEW-P | 04-10-097 | 388-78A-0180 | REP-P | 04-11-116 |
| 388-71-0410 | AMD-P | 04-10-101 | 388-72A-0041 | NEW-W | 04-11-082 | 388-78A-0190 | REP-P | 04-11-116 |
| 388-71-0415 | AMD-E | 04-10-062 | 388-72A-0041 | NEW-S | 04-11-086 | 388-78A-0200 | REP-P | 04-11-116 |
| 388-71-0415 | AMD-P | 04-10-101 | 388-72A-0042 | NEW-P | 04-10-097 | 388-78A-0210 | REP-P | 04-11-116 |
| 388-71-0420 | AMD-E | 04-10-062 | 388-72A-0042 | NEW-W | 04-11-082 | 388-78A-0220 | REP-P | 04-11-116 |
| 388-71-0420 | AMD-P | 04-10-101 | 388-72A-0042 | NEW-S | 04-11-086 | 388-78A-0230 | REP-P | 04-11-116 |
| 388-71-0425 | AMD-E | 04-10-062 | 388-72A-0053 | NEW-E | 04-10-062 | 388-78A-0240 | REP-P | 04-11-116 |
| 388-71-0425 | AMD-P | 04-10-101 | 388-72A-0053 | NEW-P | 04-10-101 | 388-78A-0250 | REP-P | 04-11-116 |
| 388-71-0440 | AMD-E | 04-10-062 | 388-72A-0055 | AMD-E | 04-09-094 | 388-78A-0260 | REP-P | 04-11-116 |
| 388-71-0440 | AMD-P | 04-10-101 | 388-72A-0057 | NEW-E | 04-10-062 | 388-78A-0270 | REP-P | 04-11-116 |
| 388-71-0465 | AMD-E | 04-10-062 | 388-72A-0057 | NEW-P | 04-10-101 | 388-78A-0280 | REP-P | 04-11-116 |
| 388-71-0465 | AMD-P | 04-10-101 | 388-72A-0058 | NEW-E | 04-10-062 | 388-78A-0290 | REP-P | 04-11-116 |
| 388-71-0470 | AMD-E | 04-10-062 | 388-72A-0058 | NEW-P | 04-10-101 | 388-78A-0300 | REP-P | 04-11-116 |
| 388-71-0470 | AMD-P | 04-10-101 | 388-72A-0060 | AMD-E | 04-09-094 | 388-78A-0310 | REP-P | 04-11-116 |
| 388-71-0480 | AMD-E | 04-10-062 | 388-72A-0060 | AMD-E | 04-10-062 | 388-78A-0320 | REP-P | 04-11-116 |
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| 388-71-0510 | AMD-E | 04-10-062 | 388-72A-0065 | AMD-E | 04-09-094 | 388-78A-0340 | REP-P | 04-11-116 |
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| 388-71-0531 | REP-E | 04-07-058 | 388-72A-0069 | NEW-E | 04-09-094 | 388-78A-0370 | REP-P | 04-11-116 |
| 388-71-0531 | PREP | 04-07-060 | 388-72A-0070 | AMD-E | 04-09-094 | 388-78A-0380 | REP-P | 04-11-116 |
| 388-71-0531 | REP-P | 04-11-085 | 388-72A-0075 | REP-E | 04-09-094 | 388-78A-0390 | REP-P | 04-11-116 |
| 388-71-05665 | AMD-E | 04-10-062 | 388-72A-0080 | AMD-E | 04-09-094 | 388-78A-0400 | REP-P | 04-11-116 |
| 388-71-05665 | AMD-P | 04-10-101 | 388-72A-0081 | NEW-E | 04-09-094 | 388-78A-0410 | REP-P | 04-11-116 |
| 388-71-0700 | AMD-E | 04-10-062 | 388-72A-0082 | NEW-E | 04-09-094 | 388-78A-0420 | REP-P | 04-11-116 |
| 388-71-0700 | AMD-P | 04-10-101 | 388-72A-0083 | NEW-E | 04-09-094 | 388-78A-0430 | REP-P | 04-11-116 |
| 388-71-0708 | AMD-E | 04-10-062 | 388-72A-0084 | NEW-E | 04-09-094 | 388-78A-0440 | REP-P | 04-11-116 |
| 388-71-0708 | AMD-P | 04-10-101 | 388-72A-0085 | AMD-E | 04-09-094 | 388-78A-0450 | REP-P | 04-11-116 |
| 388-71-0900 | PREP | 04-07-061 | 388-72A-0086 | NEW-E | 04-09-094 | 388-78A-0460 | REP-P | 04-11-116 |
| 388-71-0905 | PREP | 04-07-061 | 388-72A-0086 | NEW-P | 04-10-097 | 388-78A-0470 | REP-P | 04-11-116 |
| 388-71-0910 | PREP | 04-07-061 | 388-72A-0086 | NEW-W | 04-11-082 | 388-78A-0480 | REP-P | 04-11-116 |
| 388-71-0915 | PREP | 04-07-061 | 388-72A-0086 | NEW-S | 04-11-086 | 388-78A-0490 | REP-P | 04-11-116 |
| 388-71-0915 | AMD-E | 04-10-062 | 388-72A-0087 | NEW-E | 04-09-094 | 388-78A-0500 | REP-P | 04-11-116 |
| 388-71-0915 | AMD-P | 04-10-101 | 388-72A-0090 | AMD-E | 04-09-094 | 388-78A-0510 | REP-P | 04-11-116 |
| 388-71-0920 | PREP | 04-07-061 | 388-72A-0092 | NEW-E | 04-09-094 | 388-78A-0520 | REP-P | 04-11-116 |
| 388-71-0925 | PREP | 04-07-061 | 388-72A-0095 | AMD-E | 04-09-094 | 388-78A-0530 | REP-P | 04-11-116 |
| 388-71-0930 | PREP | 04-07-061 | 388-72A-0095 | AMD-P | 04-10-097 | 388-78A-0540 | REP-P | 04-11-116 |
| 388-71-0935 | PREP | 04-07-061 | 388-72A-0095 | AMD-W | 04-11-082 | 388-78A-0550 | REP-P | 04-11-116 |
| 388-71-0940 | PREP | 04-07-061 | 388-72A-0095 | AMD-S | 04-11-086 | 388-78A-0560 | REP-P | 04-11-116 |
| 388-71-0945 | PREP | 04-07-061 | 388-72A-0100 | AMD-E | 04-10-062 | 388-78A-0570 | REP-P | 04-11-116 |
| 388-71-0950 | PREP | 04-07-061 | 388-72A-0100 | AMD-P | 04-10-101 | 388-78A-0580 | REP-P | 04-11-116 |

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| 388- 78A-3210 | NEW-P | 04-11-116 | 388-140-0180 | NEW-E | 04-03-0100 | 388-140-0490 | NEW-E | 04-03-0100 |
| 388- 78A-3220 | NEW-P | 04-11-116 | 388-140-0185 | NEW-E | 04-03-0100 | 388-140-0495 | NEW-E | 04-03-0100 |
| 388- 78A-3230 | NEW-P | 04-11-116 | 388-140-0190 | NEW-E | 04-03-0100 | 388-140-0500 | NEW-E | 04-03-0100 |
| 388- 96 | PREP | 04-08-133 | 388-140-0195 | NEW-E | 04-03-0100 | 388-140-0505 | NEW-E | 04-03-0100 |
| 388- 97-017 | PREP | 04-12-095 | 388-140-0200 | NEW-E | 04-03-0100 | 388-140-0510 | NEW-E | 04-03-0100 |
| 388- 97-125 | PREP | 04-06-055 | 388-140-0205 | NEW-E | 04-03-0100 | 388-140-0515 | NEW-E | 04-03-0100 |
| 388-105 | PREP | 04-10-089 | 388-140-0210 | NEW-E | 04-03-0100 | 388-140-0520 | NEW-E | 04-03-0100 |
| 388-105-0005 | AMD-P | 04-04-044 | 388-140-0215 | NEW-E | 04-03-0100 | 388-140-0525 | NEW-E | 04-03-0100 |
| 388-105-0005 | AMD-E | 04-06-038 | 388-140-0220 | NEW-E | 04-03-0100 | 388-140-0530 | NEW-E | 04-03-0100 |
| 388-105-0005 | AMD-W | 04-06-056 | 388-140-0225 | NEW-E | 04-03-0100 | 388-140-0535 | NEW-E | 04-03-0100 |
| 388-105-0005 | AMD-P | 04-06-075 | 388-140-0230 | NEW-E | 04-03-0100 | 388-140-0540 | NEW-E | 04-03-0100 |
| 388-105-0005 | AMD | 04-09-092 | 388-140-0235 | NEW-E | 04-03-0100 | 388-140-0545 | NEW-E | 04-03-0100 |
| 388-105-0030 | AMD-P | 04-04-044 | 388-140-0240 | NEW-E | 04-03-0100 | 388-140-0550 | NEW-E | 04-03-0100 |
| 388-105-0030 | AMD-E | 04-06-038 | 388-140-0245 | NEW-E | 04-03-0100 | 388-140-0560 | NEW-E | 04-03-0100 |
| 388-105-0030 | AMD-W | 04-06-056 | 388-140-0250 | NEW-E | 04-03-0100 | 388-140-0565 | NEW-E | 04-03-0100 |
| 388-105-0030 | AMD-P | 04-06-075 | 388-140-0255 | NEW-E | 04-03-0100 | 388-140-0570 | NEW-E | 04-03-0100 |
| 388-105-0030 | AMD | 04-09-092 | 388-140-0260 | NEW-E | 04-03-0100 | 388-140-0575 | NEW-E | 04-03-0100 |
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| 388-105-0040 | AMD-E | 04-06-038 | 388-140-0270 | NEW-E | 04-03-0100 | 388-140-0585 | NEW-E | 04-03-0100 |
| 388-105-0040 | AMD-W | 04-06-056 | 388-140-0275 | NEW-E | 04-03-0100 | 388-140-0590 | NEW-E | 04-03-0100 |
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| 388-105-0045 | NEW-E | 04-06-038 | 388-140-0295 | NEW-E | 04-03-0100 | 388-140-0610 | NEW-E | 04-03-0100 |
| 388-105-0045 | NEW-W | 04-06-056 | 388-140-0300 | NEW-E | 04-03-0100 | 388-140-0615 | NEW-E | 04-03-0100 |
| 388-105-0045 | NEW-P | 04-06-075 | 388-140-0305 | NEW-E | 04-03-0100 | 388-140-0620 | NEW-E | 04-03-0100 |
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| 388-140-0020 | NEW-E | 04-03-0100 | 388-140-0330 | NEW-E | 04-03-0100 | 388-148 | AMD | 04-08-073 |
| 388-140-0025 | NEW-E | 04-03-0100 | 388-140-0335 | NEW-E | 04-03-0100 | 388-148-0005 | AMD-P | 04-03-116 |
| 388-140-0030 | NEW-E | 04-03-0100 | 388-140-0340 | NEW-E | 04-03-0100 | 388-148-0005 | AMD | 04-08-073 |
| 388-140-0035 | NEW-E | 04-03-0100 | 388-140-0345 | NEW-E | 04-03-0100 | 388-148-0010 | AMD-P | 04-03-116 |
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| 388-140-0045 | NEW-E | 04-03-0100 | 388-140-0355 | NEW-E | 04-03-0100 | 388-148-0015 | AMD-P | 04-03-116 |
| 388-140-0050 | NEW-E | 04-03-0100 | 388-140-0360 | NEW-E | 04-03-0100 | 388-148-0015 | AMD | 04-08-073 |
| 388-140-0055 | NEW-E | 04-03-0100 | 388-140-0365 | NEW-E | 04-03-0100 | 388-148-0020 | AMD-P | 04-03-116 |
| 388-140-0060 | NEW-E | 04-03-0100 | 388-140-0370 | NEW-E | 04-03-0100 | 388-148-0020 | AMD | 04-08-073 |
| 388-140-0065 | NEW-E | 04-03-0100 | 388-140-0375 | NEW-E | 04-03-0100 | 388-148-0025 | AMD-P | 04-03-116 |
| 388-140-0070 | NEW-E | 04-03-0100 | 388-140-0380 | NEW-E | 04-03-0100 | 388-148-0025 | AMD | 04-08-073 |
| 388-140-0075 | NEW-E | 04-03-0100 | 388-140-0385 | NEW-E | 04-03-0100 | 388-148-0035 | AMD-P | 04-03-116 |
| 388-140-0080 | NEW-E | 04-03-0100 | 388-140-0390 | NEW-E | 04-03-0100 | 388-148-0035 | AMD-E | 04-05-035 |
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| 388-140-0090 | NEW-E | 04-03-0100 | 388-140-0400 | NEW-E | 04-03-0100 | 388-148-0040 | AMD-P | 04-03-116 |
| 388-140-0095 | NEW-E | 04-03-0100 | 388-140-0405 | NEW-E | 04-03-0100 | 388-148-0040 | AMD-E | 04-05-035 |
| 388-140-0100 | NEW-E | 04-03-0100 | 388-140-0410 | NEW-E | 04-03-0100 | 388-148-0040 | AMD | 04-08-073 |
| 388-140-0105 | NEW-E | 04-03-0100 | 388-140-0415 | NEW-E | 04-03-0100 | 388-148-0045 | AMD-P | 04-03-116 |
| 388-140-0110 | NEW-E | 04-03-0100 | 388-140-0420 | NEW-E | 04-03-0100 | 388-148-0045 | AMD-E | 04-05-035 |
| 388-140-0115 | NEW-E | 04-03-0100 | 388-140-0425 | NEW-E | 04-03-0100 | 388-148-0045 | AMD | 04-08-073 |
| 388-140-0120 | NEW-E | 04-03-0100 | 388-140-0430 | NEW-E | 04-03-0100 | 388-148-0050 | AMD-P | 04-03-116 |
| 388-140-0125 | NEW-E | 04-03-0100 | 388-140-0435 | NEW-E | 04-03-0100 | 388-148-0050 | AMD-E | 04-05-035 |
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| 388-140-0140 | NEW-E | 04-03-0100 | 388-140-0450 | NEW-E | 04-03-0100 | 388-148-0055 | AMD | 04-08-073 |
| 388-140-0145 | NEW-E | 04-03-0100 | 388-140-0455 | NEW-E | 04-03-0100 | 388-148-0058 | NEW-P | 04-03-116 |
| 388-140-0150 | NEW-E | 04-03-0100 | 388-140-0460 | NEW-E | 04-03-0100 | 388-148-0058 | NEW-E | 04-05-035 |
| 388-140-0155 | NEW-E | 04-03-0100 | 388-140-0465 | NEW-E | 04-03-0100 | 388-148-0058 | NEW | 04-08-073 |
| 388-140-0160 | NEW-E | 04-03-0100 | 388-140-0470 | NEW-E | 04-03-0100 | 388-148-0060 | AMD-P | 04-03-116 |
| 388-140-0165 | NEW-E | 04-03-0100 | 388-140-0475 | NEW-E | 04-03-0100 | 388-148-0060 | AMD-E | 04-05-035 |
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| 388-148-0065 | AMD | 04-08-073 | 388-148-0250 | AMD | 04-08-073 | 388-148-0445 | AMD-P | 04-03-116 |
| 388-148-0070 | AMD-P | 04-03-116 | 388-148-0255 | AMD-P | 04-03-116 | 388-148-0445 | AMD | 04-08-073 |
| 388-148-0070 | AMD | 04-08-073 | 388-148-0255 | AMD | 04-08-073 | 388-148-0450 | REP-P | 04-03-116 |
| 388-148-0075 | AMD-P | 04-03-116 | 388-148-0260 | AMD-P | 04-03-116 | 388-148-0450 | REP | 04-08-073 |
| 388-148-0075 | AMD | 04-08-073 | 388-148-0260 | AMD-E | 04-05-035 | 388-148-0455 | AMD-P | 04-03-116 |
| 388-148-0085 | AMD-P | 04-03-116 | 388-148-0260 | AMD | 04-08-073 | 388-148-0455 | AMD | 04-08-073 |
| 388-148-0085 | AMD | 04-08-073 | 388-148-0265 | AMD-P | 04-03-116 | 388-148-0460 | AMD-P | 04-03-116 |
| 388-148-0090 | AMD-P | 04-03-116 | 388-148-0265 | AMD | 04-08-073 | 388-148-0460 | AMD-E | 04-05-035 |
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| 388-148-0095 | AMD-P | 04-03-116 | 388-148-0270 | AMD-E | 04-05-035 | 388-148-0462 | NEW-E | 04-05-035 |
| 388-148-0095 | AMD-E | 04-05-035 | 388-148-0270 | AMD | 04-08-073 | 388-148-0470 | AMD-P | 04-03-116 |
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| 388-148-0098 | NEW | 04-08-073 | 388-148-0285 | REP-P | 04-03-116 | 388-148-0480 | AMD | 04-08-073 |
| 388-148-0100 | AMD-P | 04-03-116 | 388-148-0285 | REP | 04-08-073 | 388-148-0485 | AMD-P | 04-03-116 |
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| 388-148-0110 | AMD-P | 04-03-116 | 388-148-0300 | AMD | 04-08-073 | 388-148-0487 | NEW-P | 04-03-116 |
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| 388-148-0120 | AMD-P | 04-03-116 | 388-148-0305 | AMD | 04-08-073 | 388-148-0488 | NEW-P | 04-03-116 |
| 388-148-0120 | AMD-E | 04-05-035 | 388-148-0315 | AMD-P | 04-03-116 | 388-148-0488 | NEW | 04-08-073 |
| 388-148-0120 | AMD | 04-08-073 | 388-148-0315 | AMD | 04-08-073 | 388-148-0490 | AMD-P | 04-03-116 |
| 388-148-0125 | AMD-P | 04-03-116 | 388-148-0320 | AMD-P | 04-03-116 | 388-148-0490 | AMD | 04-08-073 |
| 388-148-0125 | AMD-E | 04-05-035 | 388-148-0320 | AMD | 04-08-073 | 388-148-0500 | REP-P | 04-03-116 |
| 388-148-0125 | AMD | 04-08-073 | 388-148-0325 | AMD-P | 04-03-116 | 388-148-0500 | REP | 04-08-073 |
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| 388-148-0127 | NEW | 04-08-073 | 388-148-0335 | AMD-P | 04-03-116 | 388-148-0520 | AMD-E | 04-05-035 |
| 388-148-0130 | AMD-P | 04-03-116 | 388-148-0335 | AMD-E | 04-05-035 | 388-148-0520 | AMD | 04-08-073 |
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| 388-148-0135 | AMD-P | 04-03-116 | 388-148-0340 | AMD-P | 04-03-116 | 388-148-0525 | AMD | 04-08-073 |
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| 388-148-0140 | AMD-P | 04-03-116 | 388-148-0345 | AMD-P | 04-03-116 | 388-148-0535 | AMD | 04-08-073 |
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| 388-148-0150 | AMD-P | 04-03-116 | 388-148-0350 | AMD-P | 04-03-116 | 388-148-0541 | NEW-P | 04-03-116 |
| 388-148-0150 | AMD | 04-08-073 | 388-148-0350 | AMD-E | 04-05-035 | 388-148-0541 | NEW | 04-08-073 |
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| 388-148-0170 | AMD-E | 04-05-035 | 388-148-0355 | AMD-P | 04-03-116 | 388-148-0555 | AMD-P | 04-03-116 |
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| 388-148-0180 | AMD-P | 04-03-116 | 388-148-0360 | REP-P | 04-03-116 | 388-148-0560 | AMD-P | 04-03-116 |
| 388-148-0180 | AMD | 04-08-073 | 388-148-0360 | REP | 04-08-073 | 388-148-0560 | AMD-E | 04-05-035 |
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| 388-148-0220 | AMD | 04-08-073 | 388-148-0395 | AMD-P | 04-03-116 | 388-148-0610 | AMD-P | 04-03-116 |
| 388-148-0225 | AMD-P | 04-03-116 | 388-148-0395 | AMD-E | 04-05-035 | 388-148-0610 | AMD | 04-08-073 |
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| 388-148-0230 | AMD-P | 04-03-116 | 388-148-0400 | AMD-P | 04-03-116 | 388-148-0615 | REP | 04-08-073 |
| 388-148-0230 | AMD | 04-08-073 | 388-148-0400 | AMD | 04-08-073 | 388-148-0620 | AMD-P | 04-03-116 |
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| 388-148-0235 | AMD | 04-08-073 | 388-148-0422 | NEW | 04-08-073 | 388-148-0625 | AMD-P | 04-03-116 |
| 388-148-0240 | AMD-P | 04-03-116 | 388-148-0425 | AMD-P | 04-03-116 | 388-148-0625 | AMD | 04-08-073 |
| 388-148-0240 | AMD | 04-08-073 | 388-148-0425 | AMD | 04-08-073 | 388-148-0630 | REP-P | 04-03-116 |
| 388-148-0245 | AMD-P | 04-03-116 | 388-148-0427 | NEW-E | 04-05-035 | 388-148-0630 | AMD-E | 04-05-035 |

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| 388-148-0635 | REP | 04-08-073 | 388-148-0870 | AMD-P | 04-03-116 | 388-148-1085 | AMD-P | 04-03-116 |
| 388-148-0640 | AMD-P | 04-03-116 | 388-148-0870 | AMD | 04-08-073 | 388-148-1085 | AMD | 04-08-073 |
| 388-148-0640 | AMD | 04-08-073 | 388-148-0875 | AMD-P | 04-03-116 | 388-148-1115 | AMD-P | 04-03-116 |
| 388-148-0645 | AMD-P | 04-03-116 | 388-148-0875 | AMD | 04-08-073 | 388-148-1115 | AMD-E | 04-05-035 |
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| | | | 388-148-1079 | NEW-P | 04-03-116 | 388-155-100 | REP-P | 04-07-134 |

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| 388-155-140 | REP-P | 04-07-134 | 388-290-0005 | AMD | 04-08-021 | 388-290-0085 | AMD | 04-08-021 |
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| 388-155-250 | REP-P | 04-07-134 | 388-290-0020 | AMD-P | 04-02-047 | 388-290-0105 | AMD-P | 04-02-047 |
| 388-155-270 | REP-P | 04-07-134 | 388-290-0020 | AMD | 04-08-021 | 388-290-0105 | AMD | 04-08-021 |
| 388-155-280 | REP-P | 04-07-134 | 388-290-0020 | AMD | 04-08-134 | 388-290-0105 | AMD | 04-08-134 |
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| 388-290-0255 | AMD-P | 04-02-047 | 388-296-0130 | NEW-P | 04-07-134 | 388-296-0790 | NEW-P | 04-07-134 |
| 388-290-0255 | AMD | 04-08-021 | 388-296-0140 | NEW-P | 04-07-134 | 388-296-0800 | NEW-P | 04-07-134 |
| 388-290-0255 | AMD | 04-08-134 | 388-296-0150 | NEW-P | 04-07-134 | 388-296-0810 | NEW-P | 04-07-134 |
| 388-290-0260 | AMD-P | 04-02-047 | 388-296-0160 | NEW-P | 04-07-134 | 388-296-0820 | NEW-P | 04-07-134 |
| 388-290-0260 | AMD | 04-08-021 | 388-296-0170 | NEW-P | 04-07-134 | 388-296-0830 | NEW-P | 04-07-134 |
| 388-290-0260 | AMD | 04-08-134 | 388-296-0180 | NEW-P | 04-07-134 | 388-296-0840 | NEW-P | 04-07-134 |
| 388-290-0265 | AMD-P | 04-02-047 | 388-296-0190 | NEW-P | 04-07-134 | 388-296-0850 | NEW-P | 04-07-134 |
| 388-290-0265 | AMD | 04-08-021 | 388-296-0200 | NEW-P | 04-07-134 | 388-296-0860 | NEW-P | 04-07-134 |
| 388-290-0265 | AMD | 04-08-134 | 388-296-0210 | NEW-P | 04-07-134 | 388-296-0870 | NEW-P | 04-07-134 |
| 388-290-0270 | AMD-P | 04-02-047 | 388-296-0220 | NEW-P | 04-07-134 | 388-296-0880 | NEW-P | 04-07-134 |
| 388-290-0270 | AMD | 04-08-021 | 388-296-0230 | NEW-P | 04-07-134 | 388-296-0890 | NEW-P | 04-07-134 |
| 388-290-0270 | AMD | 04-08-134 | 388-296-0240 | NEW-P | 04-07-134 | 388-296-0900 | NEW-P | 04-07-134 |
| 388-290-0271 | NEW-P | 04-02-047 | 388-296-0250 | NEW-P | 04-07-134 | 388-296-0910 | NEW-P | 04-07-134 |
| 388-290-0271 | NEW | 04-08-021 | 388-296-0260 | NEW-P | 04-07-134 | 388-296-0920 | NEW-P | 04-07-134 |
| 388-290-0271 | NEW | 04-08-134 | 388-296-0270 | NEW-P | 04-07-134 | 388-296-0930 | NEW-P | 04-07-134 |
| 388-290-0273 | NEW-P | 04-02-047 | 388-296-0280 | NEW-P | 04-07-134 | 388-296-0940 | NEW-P | 04-07-134 |
| 388-290-0273 | NEW | 04-08-021 | 388-296-0290 | NEW-P | 04-07-134 | 388-296-0950 | NEW-P | 04-07-134 |
| 388-290-0273 | NEW | 04-08-134 | 388-296-0300 | NEW-P | 04-07-134 | 388-296-0960 | NEW-P | 04-07-134 |
| 388-295-0020 | AMD-P | 04-05-084 | 388-296-0310 | NEW-P | 04-07-134 | 388-296-0970 | NEW-P | 04-07-134 |
| 388-295-0020 | AMD | 04-09-093 | 388-296-0320 | NEW-P | 04-07-134 | 388-296-0980 | NEW-P | 04-07-134 |
| 388-295-0060 | AMD-P | 04-05-084 | 388-296-0330 | NEW-P | 04-07-134 | 388-296-0990 | NEW-P | 04-07-134 |
| 388-295-0060 | AMD | 04-09-093 | 388-296-0340 | NEW-P | 04-07-134 | 388-296-1000 | NEW-P | 04-07-134 |
| 388-295-0070 | AMD-P | 04-05-084 | 388-296-0350 | NEW-P | 04-07-134 | 388-296-1010 | NEW-P | 04-07-134 |

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| 388-296-1030 | NEW-P | 04-07-134 | 388-410-0001 | AMD-C | 04-02-058 | 388-448-0160 | AMD-E | 04-03-010E |
| 388-296-1040 | NEW-P | 04-07-134 | 388-410-0001 | AMD | 04-05-010 | 388-448-0160 | AMD | 04-07-140 |
| 388-296-1050 | NEW-P | 04-07-134 | 388-414-0001 | AMD-P | 04-04-076 | 388-448-0170 | REP-P | 04-02-048 |
| 388-296-1060 | NEW-P | 04-07-134 | 388-414-0001 | AMD | 04-07-139 | 388-448-0170 | REP-E | 04-02-051 |
| 388-296-1070 | NEW-P | 04-07-134 | 388-414-0001 | PREP | 04-08-036 | 388-448-0170 | REP-E | 04-03-010E |
| 388-296-1080 | NEW-P | 04-07-134 | 388-414-0001 | AMD-E | 04-10-061 | 388-448-0170 | REP | 04-07-140 |
| 388-296-1090 | NEW-P | 04-07-134 | 388-414-0001 | AMD-P | 04-10-098 | 388-448-0180 | AMD-P | 04-02-048 |
| 388-296-1100 | NEW-P | 04-07-134 | 388-416-0015 | AMD | 04-03-019 | 388-448-0180 | AMD | 04-07-140 |
| 388-296-1110 | NEW-P | 04-07-134 | 388-416-0030 | REP-P | 04-04-074 | 388-448-0190 | REP-P | 04-02-048 |
| 388-296-1120 | NEW-P | 04-07-134 | 388-416-0030 | REP | 04-07-141 | 388-448-0190 | REP-E | 04-02-051 |
| 388-296-1130 | NEW-P | 04-07-134 | 388-416-0035 | PREP | 04-12-098 | 388-448-0190 | REP-E | 04-03-010E |
| 388-296-1140 | NEW-P | 04-07-134 | 388-418-0005 | AMD-W | 04-02-052 | 388-448-0190 | REP | 04-07-140 |
| 388-296-1150 | NEW-P | 04-07-134 | 388-418-0005 | AMD-P | 04-02-072 | 388-448-0200 | AMD-P | 04-02-048 |
| 388-296-1160 | NEW-P | 04-07-134 | 388-418-0005 | AMD-E | 04-02-073 | 388-448-0200 | AMD | 04-07-140 |
| 388-296-1170 | NEW-P | 04-07-134 | 388-418-0005 | AMD | 04-06-026 | 388-448-0210 | AMD-P | 04-02-048 |
| 388-296-1180 | NEW-P | 04-07-134 | 388-418-0025 | AMD | 04-03-019 | 388-448-0210 | AMD | 04-07-140 |
| 388-296-1190 | NEW-P | 04-07-134 | 388-424-0001 | NEW-P | 04-10-100 | 388-450-0005 | AMD-C | 04-02-058 |
| 388-296-1200 | NEW-P | 04-07-134 | 388-424-0005 | REP-P | 04-10-100 | 388-450-0005 | AMD-W | 04-04-034 |
| 388-296-1210 | NEW-P | 04-07-134 | 388-424-0006 | NEW-P | 04-10-100 | 388-450-0005 | PREP | 04-10-094 |
| 388-296-1220 | NEW-P | 04-07-134 | 388-424-0007 | NEW-P | 04-10-100 | 388-450-0020 | REP | 04-09-005 |
| 388-296-1230 | NEW-P | 04-07-134 | 388-424-0008 | NEW-P | 04-10-100 | 388-450-0050 | AMD-P | 04-11-084 |
| 388-296-1240 | NEW-P | 04-07-134 | 388-424-0009 | NEW-P | 04-10-100 | 388-450-0100 | PREP | 04-05-034 |
| 388-296-1250 | NEW-P | 04-07-134 | 388-424-0010 | AMD-P | 04-10-100 | 388-450-0100 | AMD-P | 04-10-099 |
| 388-296-1260 | NEW-P | 04-07-134 | 388-424-0015 | AMD-P | 04-10-100 | 388-450-0106 | AMD-P | 04-10-099 |
| 388-296-1270 | NEW-P | 04-07-134 | 388-424-0016 | NEW-P | 04-10-100 | 388-450-0116 | AMD-P | 04-10-099 |
| 388-296-1280 | NEW-P | 04-07-134 | 388-424-0020 | AMD-P | 04-10-100 | 388-450-0140 | AMD-P | 04-10-096 |
| 388-296-1290 | NEW-P | 04-07-134 | 388-424-0025 | AMD-P | 04-10-100 | 388-450-0150 | REP | 04-09-005 |
| 388-296-1300 | NEW-P | 04-07-134 | 388-426 | PREP-W | 04-03-052 | 388-450-0156 | AMD-P | 04-10-099 |
| 388-296-1320 | NEW-P | 04-07-134 | 388-426-0005 | AMD | 04-03-050 | 388-450-0165 | AMD-C | 04-02-058 |
| 388-296-1330 | NEW-P | 04-07-134 | 388-434-0005 | AMD | 04-03-019 | 388-450-0165 | AMD | 04-05-010 |
| 388-296-1340 | NEW-P | 04-07-134 | 388-434-0005 | PREP | 04-07-086 | 388-450-0170 | AMD | 04-03-051 |
| 388-296-1350 | NEW-P | 04-07-134 | 388-434-0010 | PREP | 04-11-083 | 388-450-0185 | PREP | 04-12-092 |
| 388-296-1360 | NEW-P | 04-07-134 | 388-436-0002 | AMD-P | 04-02-049 | 388-450-0190 | AMD-P | 04-04-075 |
| 388-296-1370 | NEW-P | 04-07-134 | 388-436-0002 | AMD-E | 04-03-098 | 388-450-0190 | AMD | 04-07-138 |
| 388-296-1380 | NEW-P | 04-07-134 | 388-436-0002 | AMD | 04-07-023 | 388-450-0190 | PREP | 04-12-092 |
| 388-296-1390 | NEW-P | 04-07-134 | 388-436-0015 | AMD-C | 04-02-057 | 388-450-0195 | PREP | 04-12-092 |
| 388-296-1400 | NEW-P | 04-07-134 | 388-436-0015 | AMD | 04-05-013 | 388-450-0215 | AMD | 04-06-052 |
| 388-296-1410 | NEW-P | 04-07-134 | 388-436-0040 | AMD-C | 04-02-058 | 388-450-0500 | PREP | 04-07-085 |
| 388-296-1420 | NEW-P | 04-07-134 | 388-436-0040 | AMD | 04-05-010 | 388-452-0005 | AMD-P | 04-06-040 |
| 388-296-1430 | NEW-P | 04-07-134 | 388-438-0100 | REP-P | 04-04-074 | 388-452-0005 | AMD | 04-10-102 |
| 388-296-1440 | NEW-P | 04-07-134 | 388-438-0100 | REP-E | 04-06-023 | 388-454-0010 | AMD-C | 04-03-010F |
| 388-296-1450 | NEW-P | 04-07-134 | 388-438-0100 | REP | 04-07-141 | 388-454-0010 | AMD | 04-05-012 |
| 388-310-1500 | AMD-C | 04-02-058 | 388-438-0110 | AMD-P | 04-10-099 | 388-462-0020 | AMD-P | 04-10-099 |
| 388-310-1500 | AMD | 04-05-010 | 388-440 | PREP-W | 04-03-052 | 388-466-0130 | AMD-C | 04-02-058 |
| 388-310-1600 | AMD-P | 04-03-095 | 388-440-0001 | AMD-C | 04-02-058 | 388-466-0130 | AMD | 04-05-010 |
| 388-310-1600 | AMD | 04-07-025 | 388-440-0001 | AMD | 04-05-010 | 388-470-0040 | REP | 04-09-003 |
| 388-310-1650 | AMD-P | 04-03-095 | 388-442-0010 | PREP | 04-10-091 | 388-472-0010 | AMD-P | 04-03-093 |
| 388-310-1650 | AMD | 04-07-025 | 388-444-0055 | AMD-C | 04-02-058 | 388-473-0010 | PREP | 04-12-097 |
| 388-310-2000 | AMD-C | 04-02-058 | 388-444-0055 | AMD | 04-05-010 | 388-475-0050 | NEW | 04-09-002 |
| 388-310-2000 | AMD | 04-05-010 | 388-446-0005 | AMD-P | 04-03-094 | 388-475-0100 | NEW | 04-09-002 |
| 388-400-0005 | AMD-P | 04-10-099 | 388-448-0001 | AMD-P | 04-02-048 | 388-475-0150 | NEW | 04-09-002 |
| 388-400-0005 | PREP | 04-12-096 | 388-448-0001 | AMD | 04-07-140 | 388-475-0200 | NEW | 04-09-002 |
| 388-400-0010 | AMD-P | 04-10-099 | 388-448-0010 | AMD-P | 04-02-048 | 388-475-0250 | NEW | 04-09-002 |
| 388-400-0025 | AMD-P | 04-10-099 | 388-448-0010 | AMD | 04-07-140 | 388-475-0300 | NEW | 04-09-002 |
| 388-400-0040 | AMD-P | 04-10-096 | 388-448-0020 | AMD-P | 04-02-048 | 388-475-0350 | NEW | 04-09-003 |
| 388-400-0040 | AMD-P | 04-10-099 | 388-448-0020 | AMD | 04-07-140 | 388-475-0400 | NEW | 04-09-003 |
| 388-408-0015 | PREP | 04-07-164 | 388-448-0030 | AMD-P | 04-02-048 | 388-475-0450 | NEW | 04-09-003 |
| 388-408-0034 | AMD-P | 04-02-050 | 388-448-0030 | AMD | 04-07-140 | 388-475-0500 | NEW | 04-09-003 |
| 388-408-0034 | AMD | 04-06-025 | 388-448-0120 | AMD-P | 04-02-048 | 388-475-0550 | NEW | 04-09-004 |
| 388-408-0035 | AMD-P | 04-02-050 | 388-448-0120 | AMD | 04-07-140 | 388-475-0600 | NEW | 04-09-004 |
| 388-408-0035 | AMD | 04-06-025 | 388-448-0160 | AMD-P | 04-02-048 | 388-475-0650 | NEW | 04-09-004 |

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| 388-475-0750 | NEW | 04-09-004 | 388-517-0300 | PREP | 04-10-090 | 388-533-0386 | NEW-P | 04-05-083 |
| 388-475-0800 | NEW | 04-09-005 | 388-526 | PREP | 04-04-096 | 388-533-0390 | NEW-P | 04-05-083 |
| 388-475-0820 | NEW | 04-09-005 | 388-527-2700 | AMD-P | 04-05-082 | 388-533-701 | NEW-P | 04-07-136 |
| 388-475-0840 | NEW | 04-09-005 | 388-527-2700 | AMD | 04-10-060 | 388-533-701 | NEW | 04-11-008 |
| 388-475-0860 | NEW | 04-09-005 | 388-527-2730 | AMD-P | 04-05-082 | 388-533-710 | NEW-P | 04-07-136 |
| 388-475-0880 | NEW | 04-09-005 | 388-527-2730 | AMD | 04-10-060 | 388-533-710 | NEW | 04-11-008 |
| 388-475-0900 | NEW | 04-09-005 | 388-527-2733 | AMD-P | 04-05-082 | 388-533-720 | NEW-P | 04-07-136 |
| 388-475-1050 | AMD-X | 04-09-091 | 388-527-2733 | AMD | 04-10-060 | 388-533-720 | NEW | 04-11-008 |
| 388-475-1250 | AMD-X | 04-09-091 | 388-527-2740 | AMD-P | 04-05-082 | 388-533-730 | NEW-P | 04-07-136 |
| 388-478-0005 | AMD-C | 04-02-058 | 388-527-2740 | AMD | 04-10-060 | 388-533-730 | NEW | 04-11-008 |
| 388-478-0005 | AMD | 04-05-010 | 388-527-2742 | AMD-P | 04-05-082 | 388-535 | PREP | 04-07-115 |
| 388-478-0055 | AMD-S | 04-03-096 | 388-527-2742 | AMD | 04-10-060 | 388-535-1050 | AMD-X | 04-07-142 |
| 388-478-0055 | AMD | 04-07-024 | 388-527-2750 | AMD-P | 04-05-082 | 388-535-1065 | AMD-X | 04-07-142 |
| 388-478-0060 | PREP | 04-12-092 | 388-527-2750 | AMD | 04-10-060 | 388-535A-0050 | AMD-E | 04-04-073 |
| 388-478-0075 | AMD-E | 04-07-143 | 388-527-2754 | AMD-P | 04-05-082 | 388-535A-0050 | AMD-E | 04-12-041 |
| 388-478-0075 | PREP | 04-07-165 | 388-527-2754 | AMD | 04-10-060 | 388-535A-0060 | AMD-E | 04-04-073 |
| 388-478-0075 | AMD-E | 04-09-001 | 388-527-2790 | AMD-P | 04-05-082 | 388-535A-0060 | AMD-E | 04-12-041 |
| 388-478-0075 | AMD-P | 04-12-042 | 388-527-2790 | AMD | 04-10-060 | 388-538-063 | PREP | 04-04-095 |
| 388-478-0080 | AMD-E | 04-11-013 | 388-527-2792 | NEW-P | 04-05-082 | 388-538-063 | NEW-P | 04-09-090 |
| 388-478-0085 | AMD-E | 04-07-167 | 388-527-2792 | NEW | 04-10-060 | 388-538-112 | AMD-P | 04-07-135 |
| 388-484-0005 | AMD-C | 04-02-058 | 388-527-2795 | AMD-P | 04-05-082 | 388-542 | PREP | 04-10-093 |
| 388-484-0005 | AMD | 04-05-010 | 388-527-2795 | AMD | 04-10-060 | 388-542-0100 | AMD | 04-08-018 |
| 388-492 | PREP-W | 04-04-094 | 388-529 | PREP | 04-06-054 | 388-542-0125 | AMD | 04-08-018 |
| 388-492 | PREP | 04-04-097 | 388-530-1050 | PREP | 04-09-035 | 388-542-0500 | AMD | 04-08-018 |
| 388-492-0010 | REP-E | 04-05-003 | 388-530-1125 | PREP | 04-09-035 | 388-544 | PREP-W | 04-04-031 |
| 388-492-0020 | AMD-E | 04-05-003 | 388-530-1200 | PREP | 04-09-035 | 388-544 | PREP | 04-07-087 |
| 388-492-0030 | AMD-E | 04-05-003 | 388-530-1250 | PREP | 04-09-035 | 388-545 | PREP-W | 04-04-031 |
| 388-492-0040 | AMD-E | 04-05-003 | 388-530-1260 | PREP | 04-09-035 | 388-546 | PREP | 04-02-060 |
| 388-492-0040 | PREP | 04-12-092 | 388-530-1850 | PREP | 04-03-089 | 388-546-0001 | AMD-P | 04-12-103 |
| 388-492-0050 | AMD-E | 04-05-003 | 388-530-1850 | AMD-P | 04-07-137 | 388-546-0100 | AMD-P | 04-12-103 |
| 388-492-0060 | AMD-E | 04-05-003 | 388-530-1850 | AMD | 04-11-009 | 388-546-0150 | AMD-P | 04-12-103 |
| 388-492-0070 | AMD-E | 04-05-003 | 388-531 | PREP | 04-12-093 | 388-546-0200 | AMD-P | 04-12-103 |
| 388-492-0070 | PREP | 04-12-092 | 388-532 | PREP | 04-12-094 | 388-546-0250 | AMD-P | 04-12-103 |
| 388-492-0080 | AMD-E | 04-05-003 | 388-532-001 | NEW | 04-05-011 | 388-546-0300 | AMD-P | 04-12-103 |
| 388-492-0090 | AMD-E | 04-05-003 | 388-532-050 | AMD | 04-05-011 | 388-546-0400 | AMD-P | 04-12-103 |
| 388-492-0100 | AMD-E | 04-05-003 | 388-532-100 | AMD | 04-05-011 | 388-546-0425 | NEW-P | 04-12-103 |
| 388-492-0110 | AMD-E | 04-05-003 | 388-532-110 | NEW | 04-05-011 | 388-546-0450 | AMD-P | 04-12-103 |
| 388-492-0120 | AMD-E | 04-05-003 | 388-532-120 | NEW | 04-05-011 | 388-546-0500 | AMD-P | 04-12-103 |
| 388-492-0130 | AMD-E | 04-05-003 | 388-532-130 | NEW | 04-05-011 | 388-546-0600 | AMD-P | 04-12-103 |
| 388-500-0005 | AMD-W | 04-11-060 | 388-532-140 | NEW | 04-05-011 | 388-546-0700 | AMD-P | 04-12-103 |
| 388-501-0165 | AMD-W | 04-11-059 | 388-532-500 | NEW | 04-05-011 | 388-546-0800 | AMD-P | 04-12-103 |
| 388-502-0160 | PREP | 04-07-088 | 388-532-510 | NEW | 04-05-011 | 388-546-0900 | NEW-P | 04-12-103 |
| 388-503-0505 | AMD-P | 04-04-074 | 388-532-520 | NEW | 04-05-011 | 388-546-1000 | AMD-P | 04-12-103 |
| 388-503-0505 | AMD-E | 04-06-023 | 388-532-530 | NEW | 04-05-011 | 388-546-1500 | NEW-P | 04-12-103 |
| 388-503-0505 | AMD | 04-07-141 | 388-532-540 | NEW | 04-05-011 | 388-546-2500 | NEW-P | 04-12-103 |
| 388-505-0110 | PREP | 04-04-095 | 388-532-550 | NEW | 04-05-011 | 388-546-3000 | NEW-P | 04-12-103 |
| 388-505-0110 | AMD-P | 04-09-090 | 388-532-720 | AMD-P | 04-10-099 | 388-546-4000 | NEW-P | 04-12-103 |
| 388-505-0210 | AMD-P | 04-10-099 | 388-533-0300 | AMD-P | 04-05-083 | 388-547 | PREP-W | 04-04-031 |
| 388-505-0211 | NEW | 04-08-125 | 388-533-0310 | NEW-P | 04-05-083 | 388-550 | PREP | 04-03-092 |
| 388-511-1130 | REP | 04-09-004 | 388-533-0315 | NEW-P | 04-05-083 | 388-550 | PREP | 04-12-093 |
| 388-513-1301 | AMD-E | 04-08-019 | 388-533-0320 | NEW-P | 04-05-083 | 388-550-2800 | PREP | 04-03-091 |
| 388-513-1301 | AMD-P | 04-12-101 | 388-533-0325 | NEW-P | 04-05-083 | 388-550-2900 | PREP | 04-03-091 |
| 388-513-1315 | AMD-E | 04-08-019 | 388-533-0330 | NEW-P | 04-05-083 | 388-550-3100 | PREP | 04-05-085A |
| 388-513-1315 | AMD-P | 04-12-101 | 388-533-0340 | NEW-P | 04-05-083 | 388-550-3100 | AMD-P | 04-08-123 |
| 388-513-1350 | AMD-C | 04-02-056 | 388-533-0345 | NEW-P | 04-05-083 | 388-550-4900 | PREP | 04-03-090 |
| 388-513-1350 | AMD | 04-04-072 | 388-533-0350 | REP-P | 04-05-083 | 388-550-4900 | AMD-P | 04-08-124 |
| 388-513-1380 | AMD-C | 04-02-056 | 388-533-0360 | NEW-P | 04-05-083 | 388-550-4900 | AMD | 04-12-044 |
| 388-513-1380 | AMD | 04-04-072 | 388-533-0365 | NEW-P | 04-05-083 | 388-550-5000 | PREP | 04-03-090 |
| 388-515-1510 | AMD-E | 04-08-019 | 388-533-0370 | NEW-P | 04-05-083 | 388-550-5100 | PREP | 04-03-090 |
| 388-515-1510 | AMD-P | 04-12-101 | 388-533-0375 | NEW-P | 04-05-083 | 388-550-5100 | AMD-P | 04-08-124 |
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| 388-550-5200 | AMD-P | 04-08-124 | 388-825-120 | AMD-E | 04-08-020 | 388-827-0410 | AMD-P | 04-12-102 |
| 388-550-5200 | AMD | 04-12-044 | 388-825-125 | NEW-E | 04-08-020 | 388-835-0085 | AMD-E | 04-10-016 |
| 388-550-5210 | NEW-P | 04-08-124 | 388-825-130 | NEW-E | 04-08-020 | 388-835-0085 | AMD-P | 04-12-099 |
| 388-550-5210 | NEW | 04-12-044 | 388-825-135 | NEW-E | 04-08-020 | 388-835-0090 | AMD-E | 04-10-016 |
| 388-550-5220 | NEW-P | 04-08-124 | 388-825-140 | NEW-E | 04-08-020 | 388-835-0090 | AMD-P | 04-12-099 |
| 388-550-5220 | NEW | 04-12-044 | 388-825-145 | NEW-E | 04-08-020 | 388-835-0100 | AMD-E | 04-10-016 |
| 388-551 | PREP | 04-02-061 | 388-825-150 | NEW-E | 04-08-020 | 388-835-0100 | AMD-P | 04-12-099 |
| 388-551 | PREP-W | 04-07-111 | 388-825-155 | NEW-E | 04-08-020 | 388-835-0115 | AMD-E | 04-10-016 |
| 388-551 | PREP | 04-07-114 | 388-825-160 | NEW-E | 04-08-020 | 388-835-0115 | AMD-P | 04-12-099 |
| 388-553-100 | NEW-C | 04-02-055 | 388-825-165 | NEW-E | 04-08-020 | 388-835-0135 | REP-E | 04-10-016 |
| 388-553-100 | NEW | 04-11-007 | 388-825-170 | REP-E | 04-08-020 | 388-835-0135 | REP-P | 04-12-099 |
| 388-553-200 | NEW-C | 04-02-055 | 388-825-180 | REP-E | 04-08-020 | 388-835-0140 | AMD-E | 04-10-016 |
| 388-553-200 | NEW | 04-11-007 | 388-825-190 | REP-E | 04-08-020 | 388-835-0140 | AMD-P | 04-12-099 |
| 388-553-300 | NEW-C | 04-02-055 | 388-825-210 | PREP | 04-12-091 | 388-837-9005 | NEW-E | 04-10-016 |
| 388-553-300 | NEW | 04-11-007 | 388-825-228 | PREP | 04-12-091 | 388-837-9005 | NEW-P | 04-12-099 |
| 388-553-400 | NEW-C | 04-02-055 | 388-825-230 | PREP | 04-12-091 | 388-837-9015 | NEW-E | 04-10-016 |
| 388-553-400 | NEW | 04-11-007 | 388-825-232 | PREP | 04-12-091 | 388-837-9015 | NEW-P | 04-12-099 |
| 388-553-500 | NEW-C | 04-02-055 | 388-825-234 | PREP | 04-12-091 | 388-837-9020 | NEW-E | 04-10-016 |
| 388-553-500 | NEW | 04-11-007 | 388-825-236 | PREP | 04-12-091 | 388-837-9020 | NEW-P | 04-12-099 |
| 388-720-0020 | AMD-C | 04-02-059 | 388-825-238 | PREP | 04-12-091 | 388-837-9030 | NEW-E | 04-10-016 |
| 388-720-0020 | AMD | 04-05-080 | 388-825-242 | PREP | 04-12-091 | 388-837-9030 | NEW-P | 04-12-099 |
| 388-800-0048 | AMD-P | 04-10-099 | 388-825-248 | PREP | 04-12-091 | 388-837-9040 | NEW-E | 04-10-016 |
| 388-820-020 | AMD | 04-04-043 | 388-825-252 | PREP | 04-12-091 | 388-837-9040 | NEW-P | 04-12-099 |
| 388-820-030 | AMD | 04-04-043 | 388-825-253 | PREP | 04-12-091 | 388-845-0010 | NEW-E | 04-08-020 |
| 388-820-050 | AMD | 04-04-043 | 388-825-254 | PREP | 04-12-091 | 388-845-0015 | NEW-E | 04-08-020 |
| 388-820-056 | NEW | 04-04-043 | 388-825-260 | REP-E | 04-08-020 | 388-845-0020 | NEW-E | 04-08-020 |
| 388-820-060 | AMD | 04-04-043 | 388-825-262 | REP-E | 04-08-020 | 388-845-0025 | NEW-E | 04-08-020 |
| 388-820-070 | AMD | 04-04-043 | 388-825-264 | REP-E | 04-08-020 | 388-845-0030 | NEW-E | 04-08-020 |
| 388-820-076 | NEW | 04-04-043 | 388-825-266 | REP-E | 04-08-020 | 388-845-0035 | NEW-E | 04-08-020 |
| 388-820-086 | NEW | 04-04-043 | 388-825-268 | REP-E | 04-08-020 | 388-845-0040 | NEW-E | 04-08-020 |
| 388-820-090 | AMD | 04-04-043 | 388-825-270 | REP-E | 04-08-020 | 388-845-0045 | NEW-E | 04-08-020 |
| 388-820-100 | AMD | 04-04-043 | 388-825-272 | REP-E | 04-08-020 | 388-845-0050 | NEW-E | 04-08-020 |
| 388-820-120 | AMD | 04-04-043 | 388-825-276 | REP-E | 04-08-020 | 388-845-0055 | NEW-E | 04-08-020 |
| 388-820-230 | AMD | 04-04-043 | 388-825-278 | REP-E | 04-08-020 | 388-845-0060 | NEW-E | 04-08-020 |
| 388-820-260 | AMD | 04-04-043 | 388-825-280 | REP-E | 04-08-020 | 388-845-0065 | NEW-E | 04-08-020 |
| 388-820-290 | AMD | 04-04-043 | 388-825-282 | REP-E | 04-08-020 | 388-845-0070 | NEW-E | 04-08-020 |
| 388-820-300 | AMD | 04-04-043 | 388-825-284 | REP-E | 04-08-020 | 388-845-0075 | NEW-E | 04-08-020 |
| 388-820-310 | AMD | 04-04-043 | 388-825-300 | NEW-E | 04-08-020 | 388-845-0080 | NEW-E | 04-08-020 |
| 388-820-320 | AMD | 04-04-043 | 388-825-305 | NEW-E | 04-08-020 | 388-845-0085 | NEW-E | 04-08-020 |
| 388-820-330 | AMD | 04-04-043 | 388-825-310 | NEW-E | 04-08-020 | 388-845-0090 | NEW-E | 04-08-020 |
| 388-820-340 | AMD | 04-04-043 | 388-825-315 | NEW-E | 04-08-020 | 388-845-0095 | NEW-E | 04-08-020 |
| 388-820-350 | AMD | 04-04-043 | 388-825-320 | NEW-E | 04-08-020 | 388-845-0100 | NEW-E | 04-08-020 |
| 388-820-400 | AMD | 04-04-043 | 388-825-325 | NEW-E | 04-08-020 | 388-845-0105 | NEW-E | 04-08-020 |
| 388-820-405 | NEW | 04-04-043 | 388-825-330 | NEW-E | 04-08-020 | 388-845-0110 | NEW-E | 04-08-020 |
| 388-820-410 | AMD | 04-04-043 | 388-825-335 | NEW-E | 04-08-020 | 388-845-0115 | NEW-E | 04-08-020 |
| 388-820-550 | AMD | 04-04-043 | 388-825-340 | NEW-E | 04-08-020 | 388-845-0120 | NEW-E | 04-08-020 |
| 388-820-555 | NEW | 04-04-043 | 388-825-345 | NEW-E | 04-08-020 | 388-845-0200 | NEW-E | 04-08-020 |
| 388-820-560 | AMD | 04-04-043 | 388-825-355 | NEW-E | 04-08-020 | 388-845-0205 | NEW-E | 04-08-020 |
| 388-820-600 | AMD | 04-04-043 | 388-825-360 | NEW-E | 04-08-020 | 388-845-0210 | NEW-E | 04-08-020 |
| 388-820-650 | AMD | 04-04-043 | 388-825-365 | NEW-E | 04-08-020 | 388-845-0215 | NEW-E | 04-08-020 |
| 388-820-690 | AMD | 04-04-043 | 388-825-370 | NEW-E | 04-08-020 | 388-845-0220 | NEW-E | 04-08-020 |
| 388-825 | PREP | 04-08-071 | 388-825-375 | NEW-E | 04-08-020 | 388-845-0300 | NEW-E | 04-08-020 |
| 388-825-070 | AMD-P | 04-08-072 | 388-825-380 | NEW-E | 04-08-020 | 388-845-0305 | NEW-E | 04-08-020 |
| 388-825-070 | AMD | 04-11-087 | 388-825-385 | NEW-E | 04-08-020 | 388-845-0310 | NEW-E | 04-08-020 |
| 388-825-090 | AMD-P | 04-08-072 | 388-825-390 | NEW-E | 04-08-020 | 388-845-0400 | NEW-E | 04-08-020 |
| 388-825-090 | AMD | 04-11-087 | 388-825-395 | NEW-E | 04-08-020 | 388-845-0405 | NEW-E | 04-08-020 |
| 388-825-100 | AMD-P | 04-12-100 | 388-825-400 | NEW-E | 04-08-020 | 388-845-0410 | NEW-E | 04-08-020 |
| 388-825-101 | NEW-P | 04-12-100 | 388-827 | PREP | 04-08-070 | 388-845-0500 | NEW-E | 04-08-020 |
| 388-825-102 | NEW-P | 04-12-100 | 388-827-0110 | AMD-P | 04-12-102 | 388-845-0505 | NEW-E | 04-08-020 |
| 388-825-103 | NEW-P | 04-12-100 | 388-827-0115 | AMD-P | 04-12-102 | 388-845-0510 | NEW-E | 04-08-020 |
| 388-825-104 | NEW-P | 04-12-100 | 388-827-0175 | AMD-P | 04-12-102 | 388-845-0600 | NEW-E | 04-08-020 |

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| 388-845-0610 | NEW-E | 04-08-020 | 388-845-4005 | NEW-E | 04-08-020 | 392-140-600 | AMD-P | 04-04-005 |
| 388-845-0700 | NEW-E | 04-08-020 | 388-845-4010 | NEW-E | 04-08-020 | 392-140-600 | AMD | 04-08-118 |
| 388-845-0705 | NEW-E | 04-08-020 | 388-845-4015 | NEW-E | 04-08-020 | 392-140-605 | AMD-P | 04-04-005 |
| 388-845-0710 | NEW-E | 04-08-020 | 388-865 | PREP | 04-08-122 | 392-140-605 | AMD | 04-08-118 |
| 388-845-0800 | NEW-E | 04-08-020 | 388-865-0335 | PREP | 04-05-085 | 392-140-608 | AMD-P | 04-04-005 |
| 388-845-0805 | NEW-E | 04-08-020 | 388-865-0340 | PREP | 04-05-085 | 392-140-608 | AMD | 04-08-118 |
| 388-845-0810 | NEW-E | 04-08-020 | 388-865-0465 | AMD-P | 04-05-081 | 392-140-609 | AMD-P | 04-04-005 |
| 388-845-0820 | NEW-E | 04-08-020 | 388-865-0465 | AMD | 04-12-043 | 392-140-609 | AMD | 04-08-118 |
| 388-845-0900 | NEW-E | 04-08-020 | 388-865-0500 | AMD | 04-07-014 | 392-140-626 | AMD-P | 04-04-005 |
| 388-845-0905 | NEW-E | 04-08-020 | 388-865-0501 | REP | 04-07-014 | 392-140-626 | AMD | 04-08-118 |
| 388-845-0910 | NEW-E | 04-08-020 | 388-865-0502 | REP | 04-07-014 | 392-140-630 | AMD-P | 04-04-005 |
| 388-845-1000 | NEW-E | 04-08-020 | 388-865-0504 | REP | 04-07-014 | 392-140-630 | AMD | 04-08-118 |
| 388-845-1010 | NEW-E | 04-08-020 | 388-865-0505 | REP | 04-07-014 | 392-140-640 | AMD-P | 04-04-005 |
| 388-845-1015 | NEW-E | 04-08-020 | 388-865-0510 | REP | 04-07-014 | 392-140-640 | AMD | 04-08-118 |
| 388-845-1100 | NEW-E | 04-08-020 | 388-865-0511 | NEW | 04-07-014 | 392-140-643 | AMD-P | 04-04-005 |
| 388-845-1105 | NEW-E | 04-08-020 | 388-865-0515 | REP | 04-07-014 | 392-140-643 | AMD | 04-08-118 |
| 388-845-1110 | NEW-E | 04-08-020 | 388-865-0516 | NEW | 04-07-014 | 392-140-646 | AMD-P | 04-04-005 |
| 388-845-1200 | NEW-E | 04-08-020 | 388-865-0520 | NEW | 04-07-014 | 392-140-646 | AMD | 04-08-118 |
| 388-845-1205 | NEW-E | 04-08-020 | 388-865-0525 | REP | 04-07-014 | 392-140-653 | AMD-P | 04-04-005 |
| 388-845-1210 | NEW-E | 04-08-020 | 388-865-0526 | NEW | 04-07-014 | 392-140-653 | AMD | 04-08-118 |
| 388-845-1300 | NEW-E | 04-08-020 | 388-865-0530 | REP | 04-07-014 | 392-142-115 | REP-P | 04-05-054 |
| 388-845-1305 | NEW-E | 04-08-020 | 388-865-0531 | NEW | 04-07-014 | 392-142-115 | REP | 04-08-116 |
| 388-845-1310 | NEW-E | 04-08-020 | 388-865-0535 | REP | 04-07-014 | 392-142-130 | REP-P | 04-05-054 |
| 388-845-1400 | NEW-E | 04-08-020 | 388-865-0536 | NEW | 04-07-014 | 392-142-130 | REP | 04-08-116 |
| 388-845-1405 | NEW-E | 04-08-020 | 388-865-0540 | REP | 04-07-014 | 392-142-135 | REP-P | 04-05-054 |
| 388-845-1410 | NEW-E | 04-08-020 | 388-865-0541 | NEW | 04-07-014 | 392-142-135 | REP | 04-08-116 |
| 388-845-1500 | NEW-E | 04-08-020 | 388-865-0545 | REP-W | 04-08-028 | 392-142-165 | AMD-P | 04-05-054 |
| 388-845-1505 | NEW-E | 04-08-020 | 388-865-0546 | REP-W | 04-08-028 | 392-142-165 | AMD | 04-08-116 |
| 388-845-1510 | NEW-E | 04-08-020 | 388-865-0547 | NEW | 04-07-014 | 392-142-205 | AMD-P | 04-05-054 |
| 388-845-1515 | NEW-E | 04-08-020 | 388-865-0550 | REP | 04-07-014 | 392-142-205 | AMD | 04-08-116 |
| 388-845-1600 | NEW-E | 04-08-020 | 388-865-0551 | NEW | 04-07-014 | 392-143-010 | AMD-P | 04-05-055 |
| 388-845-1605 | NEW-E | 04-08-020 | 388-865-0555 | REP | 04-07-014 | 392-143-010 | AMD | 04-08-117 |
| 388-845-1610 | NEW-E | 04-08-020 | 388-865-0557 | REP | 04-07-014 | 392-143-015 | AMD-P | 04-05-055 |
| 388-845-1615 | NEW-E | 04-08-020 | 388-865-0560 | REP | 04-07-014 | 392-143-015 | AMD | 04-08-117 |
| 388-845-1620 | NEW-E | 04-08-020 | 388-865-0561 | NEW | 04-07-014 | 392-143-030 | AMD-P | 04-05-055 |
| 388-845-1700 | NEW-E | 04-08-020 | 388-865-0565 | REP | 04-07-014 | 392-143-030 | AMD | 04-08-117 |
| 388-845-1705 | NEW-E | 04-08-020 | 388-865-0566 | NEW | 04-07-014 | 392-143-031 | AMD-P | 04-05-055 |
| 388-845-1710 | NEW-E | 04-08-020 | 388-865-0570 | NEW | 04-07-014 | 392-143-031 | AMD | 04-08-117 |
| 388-845-1800 | NEW-E | 04-08-020 | 388-865-0575 | NEW | 04-07-014 | 392-143-032 | AMD-P | 04-05-055 |
| 388-845-1805 | NEW-E | 04-08-020 | 388-865-0580 | NEW | 04-07-014 | 392-143-032 | AMD | 04-08-117 |
| 388-845-1810 | NEW-E | 04-08-020 | 388-865-0585 | NEW | 04-07-014 | 392-143-050 | AMD-P | 04-05-055 |
| 388-845-1900 | NEW-E | 04-08-020 | 388-885 | PREP | 04-10-092 | 392-143-050 | AMD | 04-08-117 |
| 388-845-1905 | NEW-E | 04-08-020 | 390 | PREP | 04-05-070 | 392-143-061 | REP-P | 04-05-055 |
| 388-845-1910 | NEW-E | 04-08-020 | 390-05-295 | NEW-P | 04-08-086 | 392-143-061 | REP | 04-08-117 |
| 388-845-2000 | NEW-E | 04-08-020 | 390-05-295 | NEW | 04-12-052 | 392-143-065 | REP-P | 04-05-055 |
| 388-845-2005 | NEW-E | 04-08-020 | 390-12-010 | AMD-P | 04-08-086 | 392-143-065 | REP | 04-08-117 |
| 388-845-2010 | NEW-E | 04-08-020 | 390-12-010 | AMD | 04-12-053 | 392-143-070 | AMD-P | 04-05-055 |
| 388-845-2100 | NEW-E | 04-08-020 | 390-16-207 | AMD-P | 04-08-086 | 392-143-070 | AMD | 04-08-117 |
| 388-845-2105 | NEW-E | 04-08-020 | 390-16-207 | AMD | 04-12-054 | 392-143-080 | AMD-P | 04-05-055 |
| 388-845-2110 | NEW-E | 04-08-020 | 390-16-238 | AMD-P | 04-08-086 | 392-143-080 | AMD | 04-08-117 |
| 388-845-2200 | NEW-E | 04-08-020 | 390-16-238 | AMD | 04-12-055 | 399-30-060 | AMD-X | 04-05-024 |
| 388-845-2205 | NEW-E | 04-08-020 | 390-17-030 | AMD-P | 04-08-086 | 399-30-060 | AMD | 04-09-085 |
| 388-845-2210 | NEW-E | 04-08-020 | 390-17-030 | AMD | 04-12-056 | 415-02-030 | AMD | 04-04-037 |
| 388-845-3000 | NEW-E | 04-08-020 | 390-18-030 | AMD-P | 04-08-086 | 415-02-200 | NEW | 04-04-038 |
| 388-845-3005 | NEW-E | 04-08-020 | 390-18-030 | AMD | 04-12-057 | 415-02-520 | AMD-P | 04-05-039 |
| 388-845-3010 | NEW-E | 04-08-020 | 390-37-030 | AMD-P | 04-08-086 | 415-02-520 | AMD | 04-09-043 |
| 388-845-3015 | NEW-E | 04-08-020 | 390-37-030 | AMD | 04-12-058 | 415-02-720 | NEW | 04-04-040 |
| 388-845-3020 | NEW-E | 04-08-020 | 390-37-041 | AMD-E | 04-07-049 | 415-04-040 | AMD-P | 04-05-017 |
| 388-845-3025 | NEW-E | 04-08-020 | 390-37-041 | AMD-P | 04-08-086 | 415-04-040 | AMD | 04-09-042 |
| 388-845-3030 | NEW-E | 04-08-020 | 390-37-041 | AMD | 04-12-059 | 415-104 | PREP | 04-09-040 |
| 388-845-3035 | NEW-E | 04-08-020 | 392-121-124 | AMD-P | 04-08-127 | 415-104-475 | NEW | 04-04-039 |

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| 415-108-710 | AMD | 04-04-037 | 434-120-110 | NEW | 04-04-018 | 434-263-005 | NEW-E | 04-12-004 |
| 415-110-010 | AMD | 04-04-041 | 434-120-145 | AMD | 04-04-018 | 434-263-010 | NEW-E | 04-12-004 |
| 415-110-680 | AMD | 04-04-041 | 434-120-155 | REP | 04-04-018 | 434-263-020 | NEW-E | 04-12-004 |
| 415-110-685 | NEW | 04-04-041 | 434-120-160 | AMD | 04-04-018 | 434-263-030 | NEW-E | 04-12-004 |
| 415-110-710 | AMD | 04-04-037 | 434-120-170 | AMD | 04-04-018 | 434-263-040 | NEW-E | 04-12-004 |
| 415-110-728 | AMD | 04-04-041 | 434-120-212 | AMD | 04-04-018 | 434-263-050 | NEW-E | 04-12-004 |
| 415-110-910 | AMD | 04-04-041 | 434-120-215 | AMD | 04-04-018 | 434-263-060 | NEW-E | 04-12-004 |
| 415-112-430 | AMD-P | 04-05-063 | 434-120-240 | AMD | 04-04-018 | 434-263-070 | NEW-E | 04-12-004 |
| 415-112-430 | AMD | 04-12-020 | 434-120-250 | AMD | 04-04-018 | 434-263-080 | NEW-E | 04-12-004 |
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| 434-12-005 | NEW | 04-04-018 | 434-120-305 | AMD | 04-04-018 | 434-263-100 | NEW-E | 04-12-004 |
| 434-12-010 | REP | 04-05-041 | 434-120-307 | NEW | 04-04-018 | 434-291-070 | AMD-X | 04-10-084 |
| 434-12-015 | NEW | 04-05-041 | 434-120-310 | AMD | 04-04-018 | 434-291-070 | AMD-X | 04-12-003 |
| 434-12-020 | REP | 04-05-041 | 434-120-320 | REP | 04-04-018 | 434-291-130 | AMD-X | 04-10-084 |
| 434-12-025 | NEW | 04-04-018 | 434-120-320 | AMD | 04-04-018 | 434-291-130 | AMD-X | 04-12-003 |
| 434-12-030 | REP | 04-05-041 | 434-120-330 | AMD | 04-04-018 | 434-291-170 | AMD-X | 04-10-084 |
| 434-12-040 | REP | 04-05-041 | 434-120-345 | NEW | 04-04-018 | 434-291-170 | AMD-X | 04-12-003 |
| 434-12-050 | REP | 04-05-041 | 434-120-355 | NEW | 04-04-018 | 434-324-060 | AMD-X | 04-10-084 |
| 434-12-060 | REP | 04-05-041 | 434-120-360 | NEW | 04-04-018 | 434-324-065 | AMD-X | 04-10-084 |
| 434-12-070 | REP | 04-05-041 | 434-130-020 | REP | 04-04-018 | 434-324-065 | AMD-X | 04-10-084 |
| 434-12-080 | REP | 04-05-041 | 434-130-030 | REP | 04-04-018 | 434-324-085 | AMD-X | 04-10-084 |
| 434-12-090 | REP | 04-05-041 | 434-135-020 | REP | 04-04-018 | 434-324-095 | AMD-X | 04-10-084 |
| 434-12-100 | REP | 04-05-041 | 434-135-030 | REP | 04-04-018 | 434-324-110 | AMD-X | 04-10-084 |
| 434-12-110 | REP | 04-05-041 | 434-135-070 | REP | 04-04-018 | 434-324-115 | AMD-X | 04-10-084 |
| 434-12-120 | REP | 04-05-041 | 434-180-110 | REP | 04-04-018 | 434-324-120 | AMD-X | 04-10-084 |
| 434-12-130 | REP | 04-05-041 | 434-208-060 | AMD-X | 04-10-084 | 434-324-130 | AMD-X | 04-10-084 |
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| 434-12-170 | REP | 04-05-041 | 434-230-170 | AMD-X | 04-10-084 | 434-333-090 | AMD-X | 04-10-084 |
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| 434-12-210 | REP | 04-05-041 | 434-238-030 | AMD-X | 04-10-084 | 434-369-010 | AMD-X | 04-10-084 |
| 434-12-220 | REP | 04-05-041 | 434-238-060 | AMD-X | 04-10-084 | 434-369-020 | AMD-X | 04-10-084 |
| 434-12-230 | REP | 04-05-041 | 434-238-100 | AMD-X | 04-10-084 | 434-369-050 | AMD-X | 04-10-084 |
| 434-110-070 | REP | 04-04-018 | 434-238-110 | AMD-X | 04-10-084 | 434-369-060 | AMD-X | 04-10-084 |
| 434-110-080 | REP | 04-04-018 | 434-238-170 | AMD-X | 04-10-084 | 434-379-010 | AMD-X | 04-10-084 |
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