

WSR 06-04-049
EXPEDITED RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Docket No. T-051915—Filed January 27, 2006, 10:44 a.m.]

Title of Rule and Other Identifying Information: Repeal WAC 480-31-140 Safety inspections; and amend WAC 480-31-999 Adoption by reference, to remove the reference to WAC 480-31-140 in subsection (2)(b).

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Executive Secretary, Docket No. T-051915, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, AND RECEIVED BY April 3, 2006.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: WAC 480-31-140 requires nonprofit bus service providers to keep specific records on file and subject to inspection by the commission. These records are already required in other sections of chapter 480-31 WAC where the commission adopts by reference Title 49 Code of Federal Regulations; therefore, this rule is redundant.

| WAC 480-31-140 Requires: | Other Rules in Chapter 480-31 WAC Require: |
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| In subsection (1), that the carrier keep records that include a description of each vehicle used, including make, serial number, and year. | In 49 C.F.R. § 396.3, adopted by reference in WAC 480-31-100, retention of records for each vehicle used, including make, serial number, year, and tire size. |
| In subsection (2), that the carrier keep records that reflect the driver's hours of service (duty status). | In 49 C.F.R. § 395.8, adopted by reference in WAC 480-31-130, retention of records that reflect the driver's record of duty status. |
| In subsection (3), that the carrier keep records for each driver's license number. | In 49 C.F.R. § 391.21, adopted by reference in WAC 480-31-130, retention of records for the issuing state, number, and expiration date of each driver's license. |
| In subsection (4), that the carrier keep records of complaints. | In WAC 480-31-090, retention of records of all complaints concerning its service or rates. |

| WAC 480-31-140 Requires: | Other Rules in Chapter 480-31 WAC Require: |
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| In subsection (5), that the carrier keep records of repair, inspection, and maintenance as required by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 396. | In 49 C.F.R. § 396.3, adopted by reference in WAC 480-31-100, retention of records for repair, inspection, and maintenance. |

Reasons Supporting Proposal: The duplicative record-keeping requirements in the same set of rules have caused confusion for service providers. Repealing this rule will eliminate that confusion.

Statutory Authority for Adoption: RCW 81.04.160, 34.05.353.

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

Name of Proponent: Washington utilities and transportation commission, governmental.

Name of Agency Personnel Responsible for Drafting: Betty Young, Compliance Specialist, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, (360) 664-1202; Implementation and Enforcement: Carole J. Washburn, Executive Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, (360) 664-1174.

January 27, 2006

Paul Curl

for Carole J. Washburn

Executive Secretary

AMENDATORY SECTION (Amending WSR 05-21-022, filed 10/10/05, effective 11/10/05)

WAC 480-31-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **North American Standard Out-of-Service Criteria** (OOSC) is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, 2005.

(b) This publication is referenced in WAC 480-31-120 (Equipment—Inspection—Ordered for repairs).

(c) The North American Out-of-Service Criteria is a copyrighted document. Copies are available from CVSA in Washington, D.C.

(2) **Title 49 Code of Federal Regulations**, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, 2004.

(b) This publication is referenced in WAC 480-31-100 (Equipment—Safety), WAC 480-31-120 (Equipment—

Inspection—Ordered for repairs), and WAC 480-31-130 (Operation of motor vehicles) ((and WAC 480-31-140 (Safety inspections))).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 480-31-140 Safety inspections.

**WSR 06-04-101
EXPEDITED RULES
DEPARTMENT OF AGRICULTURE**

[Filed February 1, 2006, 11:44 a.m.]

Title of Rule and Other Identifying Information: Chapter 16-662 WAC, Weights and measures—National handbooks, this chapter establishes requirements for the state of Washington that are reasonably consistent with the uniform rules adopted by the National Conference on Weights and Measures and that are in effect in other states.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Henri Gonzales, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, AND RECEIVED BY April 4, 2006.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This proposal adopts the National Institute of Standards and Technology (NIST) handbooks as follows:

- (1) 2006 edition of NIST Handbook 44 (Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices) as required by RCW 19.94.195; and
- (2) 2006 edition of NIST Handbook 130 (Uniform Laws and Regulations in the areas of legal metrology and engine fuel quality).

There is not a 2006 version of NIST Handbook 133 (Checking the Net Contents of Packaged Goods) - the 2005 (fourth edition) remains the most current.

Reasons Supporting Proposal: RCW 19.94.195 requires that the most current version of NIST Handbook 44 be adopted every year. The department also adopts the current version of NIST Handbook 130 and NIST Handbook 133 in order to maintain uniformity with other states. Forty-eight of

the fifty states use NIST Handbook 130 and the majority of the states use NIST Handbook 44 and NIST Handbook 133.

Statutory Authority for Adoption: Chapters 19.94 and 34.05 RCW.

Statute Being Implemented: Chapter 19.94 RCW.

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

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

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kirk Robinson, 1111 Washington Street, Olympia, WA 98504-2560, (360) 902-1856.

February 1, 2006

Mary A. Martin Toohey
Assistant Director

AMENDATORY SECTION (Amending WSR 05-10-088, filed 5/4/05, effective 6/4/05)

WAC 16-662-105 What national weights and measures standards are adopted by the Washington state department of agriculture (WSDA)? The WSDA adopts the following national standards:

| National standard for: | Contained in the: |
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| (1) The specifications, tolerances, and other technical requirements for the design, manufacture, installation, performance test, and use of weighing and measuring equipment | ((2005)) 2006 Edition of <i>NIST Handbook 44 - Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices</i> |
| (2) The procedures for checking the accuracy of the net contents of packaged goods | Fourth Edition (January 2005) of <i>NIST Handbook 133 - Checking the Net Contents of Packaged Goods</i> |
| (3) The requirements for packaging and labeling, method of sale of commodities, and the examination procedures for price verification | ((2005)) 2006 Edition of <i>NIST Handbook 130 - Uniform Laws and Regulations in the areas of legal metrology and engine fuel quality</i> , specifically: |
| (a) Weights and measures requirements for all food and nonfood commodities in package form | <i>Uniform Packaging and Labeling Regulation</i> as adopted by the National Conference on Weights and Measures and published in <i>NIST Handbook 130</i> , ((2005)) 2006 Edition |
| (b) Weights and measures requirements for the method of sale of food and nonfood commodities | <i>Uniform Regulation for the Method of Sale of Commodities</i> as adopted by the National Conference on Weights and Measures and published in <i>NIST Handbook 130</i> , ((2005)) 2006 Edition |

| National standard for: | Contained in the: |
|--|---|
| (c) Weights and measures requirements for price verification | <i>Examination Procedure for Price Verification</i> as adopted by the National Conference on Weights and Measures and published in <i>NIST Handbook 130</i> , (2005) <u>2006</u> Edition |