

**WSR 08-08-012**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**EARLY LEARNING**

[Filed March 19, 2008, 1:19 p.m., effective April 19, 2008]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The department of early learning (DEL) is amending sections of the child care licensing regulations to correct obsolete references to the department of social and health services (DSHS) and DSHS-related laws, rules and program names, and to make other clarifications that do not change the intended effect of the rules. These sections were DSHS rules prior to July 2006, but were transferred to new DEL Title 170 WAC to implement chapter 265, Laws of 2006. This permanent adoption impacts chapter 170-151 WAC, School-age child care minimum licensing requirements; chapter 170-295 WAC, Minimum licensing requirements for child care centers; and chapter 170-296 WAC, Child care business regulations for family home child care.

Please note: Additional corrections in these chapters are being proposed under WSR 08-06-101.

Citation of Existing Rules Affected by this Order: Amending WAC 170-151-010, 170-151-020, 170-151-075, 170-151-092, 170-151-095, 170-151-200, 170-151-420, 170-151-460, 170-151-991, 170-151-992, 170-295-0001, 170-295-0020, 170-295-0030, 170-295-0050, 170-295-0090, 170-295-0110, 170-295-0120, 170-295-0130, 170-295-1020, 170-295-1070, 170-295-2060, 170-295-2070, 170-295-3100, 170-295-3190, 170-295-3200, 170-295-3210, 170-295-4010, 170-295-4020, 170-295-4030, 170-295-4090, 170-295-5080, 170-295-7020, 170-295-7060, 170-296-0010, 170-296-0110, 170-296-0160, 170-296-0170, 170-296-0270, 170-296-0290, 170-296-0330, 170-296-0360, 170-296-0390, 170-296-0430, 170-296-0460, 170-296-0480, 170-296-0520, 170-296-0850, 170-296-1250, 170-296-1370, and 170-296-1440.

Statutory Authority for Adoption: Chapter 43.215 RCW; chapter 265, Laws of 2006.

Adopted under notice filed as WSR 08-04-111 on February 6, 2008.

Changes Other than Editing from Proposed to Adopted Version: One additional reference to DSHS in WAC 170-295-0090(9) was changed to the "department."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.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 50, 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 50, Repealed 0.

Date Adopted: March 19, 2008.

Amie Lapp Payne, PhD  
 Deputy Director

AMENDATORY SECTION (Amending WSR06-15-075, filed 7/13/06, effective 7/13/06)

**WAC 170-151-010 What definitions are important for the school-age child care center program?** The following definitions are important under this chapter:

**"Capacity"** means the maximum number of children the licensee is authorized to have on the premises at a given time.

**"Child abuse or neglect"** means the injury, sexual abuse, sexual exploitation, or negligent treatment or maltreatment of a child as defined in RCW 26.44.020 and chapter 388-15 WAC.

**"Department"** means the state department of early learning (DEL), or its predecessor the department of social and health services (DSHS), the state agency with the legal authority to regulate and certify school-age child care centers.

**"Department of health"** means the state department of health.

**"I," "you," and "your"** refer to and mean the licensee or applicant for child care license.

**"License"** means a permit issued by the department to a person or organization to operate a school-age child care center and affirming the licensee meets requirements under licensure.

**"Licensee"** means the person, organization, or legal entity named on the facility license and responsible for operating the center.

**"Licensor"** means the person employed by the department to regulate and license a school-age child care center.

**"Premises"** means the building where the center is located and the adjoining grounds over which the licensee has control.

**"School-age child"** means a child five years of age through twelve years of age enrolled in a public or private school.

**"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 program must meet department licensing requirements, provide adult-supervised care, and a variety of developmentally appropriate activities.

**"Staff"** means a person or persons employed by the licensee to provide child care and to supervise children served at the center.

**"The Washington state training and registry system (STARS)"** means the entity approved by the department to determine the classes, courses, and workshops licensees and staff may take to satisfy the department's training requirements.

**"We" or "our"** refer to and mean the department of ~~((social and health services))~~ early learning (DEL), including ~~((division of child care and early learning))~~ DEL licensors.

AMENDATORY SECTION (Amending WSR 06-15-075, filed 7/13/06, effective 7/13/06)

**WAC 170-151-020 Who needs to be licensed?** (1) The person or organization operating a school-age child care center must receive a license from the department to provide school-age child care, in accordance with chapter ~~((74.15))~~ 43.215 RCW.

(2) The department does not need to license the person or organization operating a school-age child care center if chapter ~~((74.15))~~ 43.215 RCW exempts the person or organization from the licensing requirements. The person or organization claiming an exemption from the licensing requirements must provide the department proof of entitlement to the exemption at the licensor's request.

(3) You may use the following matrix to determine whether or not you are exempt from licensing:

Child care	Recreational
The child care facility assumes responsibility for the child and his welfare.	Children are free to come and go as they choose.
Children are signed in and can only be released to an authorized adult.	No responsibility is assumed in lieu of parent.
A specific registration procedure and required forms must be completed.	No registration form or procedure.
Must adhere to <del>((DSHS))</del> <u>DEL</u> standards; has specific requirements regarding staff-child ratio and group size.	No required staff-child ratio or group size requirements.
Specific <del>((DSHS))</del> <u>DEL</u> requirements regarding policies and procedures are in a parent handbook.	No specific detailed policies and procedures. General "house rules" apply at each site.
There are specific program goals and activities; calendars of activities are posted and available.	Activities occur on a daily basis; no long-term goals or activities exist.

(4) The person or organization that serves state-paid children must:

- (a) Be licensed or certified;
- (b) Follow billing policies and procedures in Child Care Subsidies, a brochure for providers, ~~((DSHS 22-877(X)))~~ DEL 22-877; and(~~(:))~~
- (c) Bill the department at the person's or organization's customary rate or the ~~((DSHS))~~ state rate, whichever is less.

AMENDATORY SECTION (Amending WSR 06-15-075, filed 7/13/06, effective 7/13/06)

**WAC 170-151-075 How do I get a waiver of the licensing requirements contained in this chapter?** (1) In an individual case, the department, for good cause, may waive a specific requirement and approve an alternate method for you to achieve the specific requirement's intent if:

(a) You submit to the department a written waiver request fully explaining the circumstances necessitating the waiver; and

(b) The department decides the department's approval of the waiver approval will not jeopardize the safety or welfare of the child in care or detract from the quality of licensee-delivered services.

(2) The department may approve a waiver request only for a specific purpose or child and for a specific period of time not exceeding the expiration date of your license.

(3) The department may limit or restrict a license the department issues to you in conjunction with a waiver.

(4) You must maintain a copy of the department's written waiver approval on the premises.

(5) You may not appeal the department's denial of your request for waiver under chapter 34.05 RCW or 170-03 WAC.

AMENDATORY SECTION (Amending WSR 06-15-075, filed 7/13/06, effective 7/13/06)

**WAC 170-151-092 Under what conditions does the department impose civil penalties against me?** (1) Before imposing a civil penalty, the department must provide written notification to you by personal service, by the licensor or another person, or certified mail that includes:

- (a) A description of the violation and citation of the applicable requirement or law;
- (b) A statement of what you must do to achieve compliance;
- (c) The date by which the department requires compliance;
- (d) The maximum allowable penalty if you do not achieve timely compliance;
- (e) The means to contact any technical assistance services provided by the department or others; and
- (f) Notice of when, where, and to whom you may file a request with the department to extend the time to achieve compliance for good cause.

- (2) The length of time you have to comply depends on:
  - (a) The seriousness of the violation;
  - (b) The potential threat to the health, safety and welfare of children in care; or
  - (c) Previous opportunities to correct the deficiency.
- (3) The department may impose a civil penalty based on but not limited to these reasons:

- (a) The department previously has imposed an enforcement action for the same or similar type of violation of the same statute or rule on your child care center; or
- (b) The department has previously given your child care center notice of the same or similar type of violation of the same statute or rule; or
- (c) The violation represents a potential threat to the health, safety, and/or welfare of children in care.
- (4) The department may impose a civil penalty in addition to or in conjunction with other disciplinary actions against a child care license including probation, suspension, or other action.

(5) You must pay the civil fine within twenty-eight days after receipt of the notice or later as specified by the department.

(6) The department may forgive the fine if ~~((the))~~ you come into compliance during the notification period.

(7) You, as the center or person against whom the department assesses a civil fine, have a right to an adjudicative proceeding under RCW ~~((43-20A-215))~~ 43.215.307 and chapter 170-03 WAC.

AMENDATORY SECTION (Amending WSR 06-15-075, filed 7/13/06, effective 7/13/06)

**WAC 170-151-095 May the department assess civil penalties on unlicensed programs?** If the department receives information that a school-age program is operating without a license, the department will investigate. The department may contact the program, send a letter, or make an on-site visit to determine that the agency is operating without a license. Where the department has determined that an agency is operating without a license, the department must send written notification to the unlicensed program by certified mail or other means showing proof of service. This notification must contain the following:

(1) Notice to the agency of the basis for the department's determination that the agency is providing child care without a license and the need for the department to license the agency;

(2) The citation of the applicable law;

(3) The assessment of seventy-five dollars per day penalty for each day the agency provides unlicensed care. The department makes the fine effective and payable within thirty days of the agency's receipt of the notification;

(4) How to contact the ~~((office of child care policy))~~ department;

(5) The unlicensed agency's need to submit an application to the ~~((office of child care policy))~~ department within thirty days of receipt of the department's notification;

(6) That the department may forgive the penalty if the agency submits an application within thirty days of the notification; and

(7) The unlicensed agency's right to an adjudicative proceeding as a result of the assessment of a monetary penalty and the appropriate procedure for requesting an adjudicative proceeding.

AMENDATORY SECTION (Amending WSR 06-15-075, filed 7/13/06, effective 7/13/06)

**WAC 170-151-200 What requirements must I meet for center staff development and training?** (1) You must have an orientation system making employees, volunteers, and trainees aware of program policies and practices. You must provide staff an orientation including, but not limited to:

(a) Licensing rules required under this chapter;

(b) Goals and philosophy of the center;

(c) Planned daily activities and routines;

(d) Age-appropriate child guidance and behavior management methods;

(e) Child abuse and neglect prevention, detection, and reporting policies and procedures;

(f) Special health and developmental needs of the individual child;

(g) Fire prevention and safety procedures; and

(h) Personnel policies.

(2) You must provide or arrange regular training opportunities for the child care staff to:

(a) Promote ongoing employee education;

(b) Enhance practice skills;

(c) Increase cultural awareness; and

(d) Accommodate special health and developmental needs of the individual child.

(3) You must conduct periodic staff meetings for planning and coordination purposes.

(4) You must ensure that:

(a) A staff person with basic, standard, current first-aid and cardiopulmonary resuscitation (CPR) training, or department of health approved training is present at all times while the child is in care; and

(b) Staff's CPR training includes methods appropriate for school-age children in care.

(5) You must provide or arrange appropriate education and training for child care staff on the prevention and transmission of human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS).

(6) You must ensure that the person preparing full meals for the center has a valid food handler permit.

(7) You must ensure that the director, site coordinator and, where the program serves more than one group of children, at least one staff person for every group of children, complete:

(a) Ten clock hours or one college quarter credit of training annually, approved by Washington state training and registry ~~((and training))~~ system (STARS), beginning one year after licensure or employment in your licensed child care facility; and

(b) For the director and the site coordinator, five of the ten hours of training must be in program management and administration.

AMENDATORY SECTION (Amending WSR 06-15-075, filed 7/13/06, effective 7/13/06)

**WAC 170-151-420 What are my responsibilities regarding child abuse, neglect, and exploitation?** You and your staff must protect the children in care from child abuse, neglect, or exploitation, as required under chapter 26.44 RCW. If you or your staff have reasonable cause to believe that a child has suffered abuse or neglect, you or your staff must report the alleged incident to law enforcement or the department ~~((s))~~ of social and health services child protective services (CPS) section in accordance with RCW 26.44.030.

AMENDATORY SECTION (Amending WSR 06-15-075, filed 7/13/06, effective 7/13/06)

**WAC 170-151-460 What program records must I maintain?** You must maintain the following documentation on the premises:

(1) The daily attendance record:

(a) The parent, or other person authorized by the parent to take the child to or from the center, must sign in the child

on arrival and must sign out the child at departure, using a full, legal signature;

(b) When the child leaves the center to attend school or other off-site activity as authorized by the parent, your staff person must sign out the child and sign in the child on return to the center; and

(c) Signed agreements between a program director and a parent where school-age child is allowed to leave the center on his own, must be verified by signature and dated by the director and parent. Staff may sign a child in/out whose parent has agreed in writing to let the child leave the center.

(2) A copy of the report sent to the department about any illness or injury to the child in care requiring medical treatment or hospitalization;

(3) The twelve-month record indicating the date and time you conducted the required monthly fire evacuation drills;

(4) A written plan for staff development specifying the content, frequency, and manner of planned training;

(5) Activity program plan records;

(6) A list of each child's allergies and dietary restrictions, if any;

(7) Any incident involving the use of physical restraint;

(8) A record of medication your staff gives to any child; and

(9) A record of accidents and injuries.

(10) Personnel records as described in WAC (~~388-151-470~~) 170-151-470(4).

AMENDATORY SECTION (Amending WSR 06-15-075, filed 7/13/06, effective 7/13/06)

**WAC 170-151-991 Waiver of fees.** Any person or agency subject to license fees under chapter (~~440-44 WAC~~) 43.215 RCW and this chapter, and organizations in the person's or agency's behalf, may submit a sworn, notarized petition seeking waiver of fees for a licensee or distinguishable class of licensee.

The petition shall be mailed or delivered to the office of the (~~secretary~~) DEL director. Following receipt of the petition, the (~~secretary~~) director may require submission of additional information considered relevant.

AMENDATORY SECTION (Amending WSR 06-15-075, filed 7/13/06, effective 7/13/06)

**WAC 170-151-992 Fee payment and refunds.** (1) Fees are due with applications for initial license or renewal. The department will not proceed on applications until required fees are paid.

Except as otherwise provided in these rules, fees shall be paid for a minimum of one year.

(2) Fees for licenses issued for other than yearly periods shall be prorated based on the stated annual fee.

(3) When the department issues a license for more than one year:

(a) Fees may be paid for the entire licensing period by paying at the rate established at the time the application was submitted, or

(b) If the licensee does not pay the fee for the entire license period, annual fees shall be due thirty days prior to

each annual anniversary date of the license, at the annual fee rate established by these rules at the time such fee is paid.

(4) Except as otherwise provided in these rules, if an application is withdrawn prior to issuance or denial, one-half of the fee shall be refunded.

(5) If there is a change of or by the licensee requiring a new license, the fee paid for a period beyond the next license anniversary date shall be refunded. Changes requiring a new license shall require a new application and payment of fee as provided herein.

(6) If there is a change by the applicant or licensee that requires an amendment placing the licensee in a higher fee category, the additional fee shall be prorated for the remainder of the license period.

(7) Fees becoming due on or after the effective date of this chapter shall be at the rates provided herein.

(8) To the extent fees are reduced through regular rule adoption of this chapter on or before December 31, 1982, fees shall be refunded.

(9) Fee payments shall be by mail. Payment shall be by check, draft, or money order (~~made payable to the department of social and health services~~).

AMENDATORY SECTION (Amending WSR 06-15-075, filed 7/13/06, effective 7/13/06)

**WAC 170-295-0001 What gives the authority to the department (~~of social and health services (DSHS)~~) to license child care and charge licensing fees?** (1) The rules for child care centers are governed under chapter (~~s 74.12 and 74.15~~) 43.215 RCW.

(2) The rules establishing licensing fees are adopted under authority of RCW (~~43.20B.110~~) 43.215.255.

AMENDATORY SECTION (Amending WSR 06-15-075, filed 7/13/06, effective 7/13/06)

**WAC 170-295-0020 Who needs to become licensed?**

(1) Individuals, entities and agencies that provide care for children must be licensed unless specifically exempt under RCW (~~74.15-020~~) 43.215.010(2).

(2) The person or organization claiming an exemption must provide us with proof of right to the exemption if we request it.

(3) We do not license a center that is legally exempt from licensing per RCW (~~74.15-020~~) 43.215.010(2). However, if the applicant requests it, we follow all licensing regulations to investigate and may certify the center as meeting licensing and other pertinent requirements. In such a case, all our licensing requirements and procedures apply equally to certification.

(4) We may certify a child care center for payment without further investigation if the center is:

(a) Licensed by an Indian tribe;

(b) Certified by the Federal Department of Defense; or

(c) Approved by the superintendent of public instruction's office.

(5) The center listed in subsection (4)(a), (b), or (c) of this section must be licensed, certified, or approved in accordance with national or state standards, or standards approved

by us. It must be operated on the premises where the entity operating the center has jurisdiction.

(6) We must not license a department employee or a member of their household when the employee is involved directly, or in an administrative or supervisory capacity, in the:

- (a) Licensing or certification process;
- (b) Placement of a child in a licensed or certified center;

or

- (c) Authorization of payment for the child in care.

(7) We may license a center located in a private family residence when the portion of the residence accessible to the child is:

- (a) Used exclusively for the child during the center's operating hours or while the child is in care; or
- (b) Separate from the family living quarters.

AMENDATORY SECTION (Amending WSR 06-15-075, filed 7/13/06, effective 7/13/06)

**WAC 170-295-0030 What must I do to be eligible to receive state child care subsidies?** To be eligible to receive state child care subsidies for children in your care you must:

- (1) Be licensed or certified;
- (2) Be a seasonal camp that has a contract with us and is certified by the American Camping Association;
- (3) Follow billing policies and procedure in *Child Care Subsidies: A Booklet for Licensed and Certified Child Care Providers*, (~~(DSHS 22-877(X))~~) DEL 22-877;
- (4) Bill us at your customary rate or the (~~(DSHS)~~) state rate, whichever is less; and
- (5) Keep the attendance records as described in WAC (~~(388-295-7030)~~) 170-295-7030 and the invoices for state-paid children on-site for at least five years.

AMENDATORY SECTION (Amending WSR 06-15-075, filed 7/13/06, effective 7/13/06)

**WAC 170-295-0050 Can I get a waiver (exception) to the minimum licensing requirements or to licensing fees?**

(1) In an individual case we can, if we decide you have a good reason, waive a specific requirement and can approve an alternate method for you to achieve the specific requirement if you:

- (a) Submit the request in writing to us;
- (b) Explain in detail the reason you need the waiver; and
- (c) Can demonstrate that you have an alternative method of meeting the intent of the requirement.

(2) If the waiver is approved, you must retain a copy of the written waiver approval on the child care premises.

(3) We approve a waiver request if:

- (a) You have a good reason;
- (b) We determine that approval of the waiver request will not endanger the safety or welfare of the child or take away from the quality of your service;
- (c) The request and approval is for a specific purpose or child; and
- (d) The waiver request is for a specific period of time, which must not go beyond the date the license expires.

(4) We can limit or restrict a license issued to you in combination with a waiver.

(5) Any person or agency can submit a request for a waiver of licensing fees. We may waive fees when collection of the fee would:

- (a) Not be in the best interest of public health and safety;
- (b) Be to the financial disadvantage of the state.

(6) To request a waiver to the requirements to pay a licensing fees, you must:

- (a) Submit a sworn, notarized petition requesting a waiver of fees;
- (b) Mail or deliver the petition to your local child care licensing office; and
- (c) Submit any additional documentation that we may consider relevant to your request for a waiver.

(7) You have no appeal rights to the denial of a waiver request under chapters 34.05 RCW and 170-03 WAC.

AMENDATORY SECTION (Amending WSR 06-15-075, filed 7/13/06, effective 7/13/06)

**WAC 170-295-0090 When does the department issue initial and full licenses, and when are licensing fees due?**

We may issue an initial license to centers that have not yet begun providing care, but are accepting application for potential clients.

(1) We may issue an initial license when you can show that you are following the rules regarding the child's health and safety.

(2) We may issue an initial license if you have not yet opened for business, and so are not yet able to show that you are complying with the rules pertaining to:

- (a) Staff to child interactions;
- (b) Group size and staff to child ratios;
- (c) Behavior management and discipline;
- (d) Activity programs;
- (e) Child records and information; and
- (f) Other rules that require us to observe your facility's ability to comply with rules.

(3) You must provide us with a plan to comply with the rules listed in subsection (2)(a) through (f) of this section. We must approve of that plan.

(4) We may issue an initial license to an applicant for a period not to exceed six months, renewable for a period not to exceed two years.

(5) When you have an initial license we:

(a) Evaluate your ability to comply with all rules contained in this chapter prior to issuing a full license;

(b) May issue a full license to you when you have demonstrated compliance with chapter (~~(388-295)~~) 170-295 WAC; and

(c) Do not issue a full license to you if you do not demonstrate the ability to comply with all rules contained in chapter (~~(388-295)~~) 170-295 WAC.

(6) You must pay licensing fees at the time you apply for an initial license and when your license is being renewed.

(7) We do not process your application until you have paid the required fee.

(8) You can pay licensing fees for:

- (a) A minimum of one year; or
- (b) The entire length of your license.

(9) You pay your fee by mailing a check or money order for the required amount to the department (~~(of social and health services)~~), according to instructions on the licensing application.

(10) If you pay your fee one time per year, you pay the annual rate each time. The annual fee is due thirty days before each annual anniversary date of the license.

(11) If you pay for more than one year, the total fee you pay is based on the annual fee rate. For example, if you are licensed for three years and want to pay the licensing fee for the entire period at once, you multiply the annual fee by three years, and pay that amount at the time of your license application or renewal.

(12) If there is a change in your facility that places your facility in a higher fee category, we prorate the additional fee amount over the remainder of the license period.

(13) If you withdraw your application before we deny or issue a license, we refund one-half of the fee.

(14) If there is a change that requires a new license, we refund any fee that remains after your next licensing date. A new license requires a new application and fee.

(15) If we deny, revoke, or suspend your license, we do not refund your licensing fee.

(16) If you reapply for a license after we revoke or suspend your license, you must pay a new license fee.

(17) If you do not pay licensing fees when they are due, we suspend or deny your license.

**AMENDATORY SECTION** (Amending WSR 06-15-075, filed 7/13/06, effective 7/13/06)

**WAC 170-295-0110 When can I be fined for not following the minimum licensing requirements?** (1) We notify you in writing of our intention to impose a civil fine. We may use personal service, including by our licensor, or certified mail. The letter will include:

(a) A description of the violation and a quote of the law or rule that you have failed to meet;

(b) A statement of what you must do to come into compliance;

(c) The date by which we require compliance;

(d) Information about the maximum allowable penalty we can impose if you do not come into compliance by the given date;

(e) How you can get technical assistance services provided by us or by others; and

(f) Information about how you can request an extension to the date you must be in compliance, if we decide you have a good reason.

(2) The length of time we establish for you to come into compliance depends on:

(a) The seriousness of the violation;

(b) The potential threat to the health, safety and welfare of children in your care; or

(c) If you have had previous opportunities to correct the deficiency and have not done so.

(3) We use the following criteria to determine if we impose a civil fine based on, but not limited to, these reasons:

(a) The child care center has previously been subject to an enforcement action for the same or similar type of violation for the same statute or rule; or

(b) The child care center has previously been given notice of the same or similar type of violation of the same law or rule; or

(c) The violation represents a potential threat to the health, safety, and/or welfare of children in care.

(4) We can impose a civil fine in addition to or at the same time as other disciplinary actions against a child care center. These include probation, suspension, or other action.

(5) You must pay any civil fines no more than twenty-eight days after you receive the notice that you have a fine. We may specify a later date.

(6) We can waive the fine if your center comes into compliance during the notification period.

(7) You must post the final notice of a civil fine in a noticeable place in your center. The notice must remain posted until we notify you that we have received your payment.

(8) Each violation of a law or rule is a separate violation. We can penalize each violation. We can impose a penalty for each day the violation continues or as a flat amount of the maximum allowable penalty.

(9) If you fail to pay your fine within ten days after the assessment becomes final, we can suspend, revoke, or not renew your license.

(10) You have the right to a hearing when we assess a civil fine under RCW (~~(43.20A.215)~~) 43.215.307 and chapter 170-03 WAC.

**AMENDATORY SECTION** (Amending WSR 06-15-075, filed 7/13/06, effective 7/13/06)

**WAC 170-295-0120 How much can I be fined?** We can impose a civil fine for the following:

(1) If we determine that an agency or child care center is operating without a license we may assess a fine of two hundred fifty dollars per day for each day you provide unlicensed child care. A fine is effective and payable within thirty days of receipt of the notification.

(2) We may impose a civil monetary fine of two hundred fifty dollars per violation per day for violation of any rules in chapter (~~(388-295)~~) 170-295 WAC. We can assess and collect the fine with interest for each day that you fail to come into compliance.

**AMENDATORY SECTION** (Amending WSR 06-15-075, filed 7/13/06, effective 7/13/06)

**WAC 170-295-0130 When can I be fined for operating an unlicensed program?** (1) If we receive information that you are operating a child care center without a license, we investigate the allegation.

(2) We contact you, send you a letter, or make an on-site visit to your center to determine whether you are operating without a license.

(3) If we determine that you personally or on behalf of another person are operating a child care center without a license, we send written notification by certified mail or other

method showing proof of service to the owner of the unlicensed center. This notification must contain the following:

- (a) Notice to the center owner of our basis for determination that the owner is providing child care without a license and the need for us to license the center;
- (b) Citation of the applicable law;
- (c) The fine is effective and payable within thirty days of the agency's receipt of the notification;
- (d) Information about how to contact the (~~division of child care and early learning~~) department;
- (e) The requirement that the unlicensed center owner submit an application for a license to the (~~division of child care and early learning~~) department within thirty days of receipt of our notification;
- (f) That we can forgive the fine if the center submits an application within thirty days of the notification; and
- (g) The unlicensed center owner's right to an adjudicative proceeding (fair hearing) as a result of the assessment of a monetary fine and how to request an adjudicative proceeding.

**AMENDATORY SECTION** (Amending WSR 06-15-075, filed 7/13/06, effective 7/13/06)

**WAC 170-295-1020 What if the director does not meet the minimum qualifications?** (1) If the director does not meet the requirements in WAC (~~(388-295-1010)~~) 170-295-1010, you must have a program supervisor who:

- (a) Meets all the qualifications of WAC (~~(388-295-1010)~~) 170-295-1010;
- (b) Oversees the planning and supervising of the center's learning and activity program to ensure that practices meet the WAC, are varied and developmentally appropriate; and
- (c) Performs on-site program supervisory duties twenty hours or more a week and is not included in the staff to child ratio. If we request it, you must provide documentation of the twenty hours or more a week on site supervisory duties for the program supervisor.

(2) If the director does not meet the minimum requirements in WAC (~~(388-295-1010)~~) 170-295-1010 the director must have had at least one three credit college class in early childhood education or development.

(3) One person may be both the director and the program supervisor when qualified for both positions. The director or program supervisor must be on the premises for the majority of the hours that care is provided. If temporarily absent from the center, the director or program supervisor must leave a competent, designated staff person in charge who meets the qualifications of a lead staff person.

(4) The director or program supervisor may also serve as child care staff when that role does not interfere with management and supervisory responsibilities.

**AMENDATORY SECTION** (Amending WSR 06-15-075, filed 7/13/06, effective 7/13/06)

**WAC 170-295-1070 What continuing state training and registry system (STARS) training is required for child care center staff?** (1) The director, program supervisor and lead teachers must complete ten clock hours or one college credit of continuing education yearly after completing

the initial training required in WAC (~~(388-295-1010)~~) 170-295-1010.

(2) The director and program supervisor must have five of the ten hours in program management and administration for the first two years in their respective positions. Each additional year, three of the ten hours required must be in program management and administration.

(3) Agencies or organizations that have been approved by the Washington state training and registry system (STARS) may offer up to six clock hours of continuing education each year to their employees. The remaining four hours must be obtained from other training offered in the community.

**AMENDATORY SECTION** (Amending WSR 06-15-075, filed 7/13/06, effective 7/13/06)

**WAC 170-295-2060 What are the requirements for evening and nighttime care?** In addition to meeting the other requirements of chapter (~~(388-295)~~) 170-295 WAC, if you offer child care during evening and nighttime hours, you must:

(1) Adapt the program, equipment, and staffing pattern to meet the physical and emotional needs of the child away from home at night such as:

(a) In centers operating past midnight, you must provide for each child a crib, mat or cot, or mattress pad, that is easily sanitized;

(b) Make arrangements for bathing as needed;

(c) Make arrangements for personal hygiene including tooth brushing;

(d) Have individual bedding appropriate for overnight sleeping; and

(e) Have separate dressing and sleeping areas for boys and girls ages six years and older or younger children demonstrating a need for privacy.

(2) Maintain the same staff-to-child ratio that is in effect during daytime care;

(3) Keep the child within continuous visual and auditory range at all times;

(4) Ensure that the staff in charge during evening and nighttime hours meets the requirements of a lead teacher; and

(5) Ensure all staff attending to children in care are awake.

**AMENDATORY SECTION** (Amending WSR 06-15-075, filed 7/13/06, effective 7/13/06)

**WAC 170-295-2070 What do I need to transport the children on off-site trips?** (1) You may transport a child or permit the child to travel off-site only with written parental consent. The purpose may be to attend school, participate in supervised field trips, or engage in other supervised off-site activities.

(2) The parent's consent may be:

(a) For a specific date or trip; or

(b) A blanket authorization describing the full range of trips the child may take. If you use a blanket authorization, you must notify the parent in writing at least twenty-four hours in advance about any specific trip.

(3) When transportation is provided by the center for children in care:

(a) The driver must have a valid Washington state driver's license to operate the type of vehicle being driven;

(b) The number of passengers cannot exceed the seating capacity of the vehicle;

(c) Either the center owner or the driver must have liability and medical insurance; and

(d) The driver, parent volunteer, or staff supervising the children being transported in each vehicle must have written documentation on file of current CPR and first-aid training.

(4) When you transport children, the vehicle used must:

(a) Have a current license and registration according to Washington state transportation laws;

(b) Be maintained in good repair and safe operating condition; and

(c) Be equipped with:

(i) At least one first-aid kit that meets the requirements of WAC ((388-295-5010)) 170-295-5010;

(ii) Vehicle emergency reflective triangles or other devices to alert other drivers of an emergency;

(iii) The health history and emergency information for each child in the vehicle; and

(iv) A method to call for emergency help.

(5) You must meet the child passenger restraint system requirements in RCW 46.61.687 when transporting children. Contact your local state patrol office for more information.

(6) When you transport children, you must maintain the staff-to-child ratio established for the youngest child in the group; and

(7) Staff or driver must not leave the children unattended in the motor vehicle.

AMENDATORY SECTION (Amending WSR 06-15-075, filed 7/13/06, effective 7/13/06)

**WAC 170-295-3100 When can children take their own medication?** (1) Children can take their own medication if they:

(a) Have a written statement from the parent requesting the child take their own medication;

(b) Have a written statement from a health care provider with prescriptive authority stating that the child is physically and mentally capable of taking their own medication; and

(c) Meet all other criteria in ((this)) chapter ((388-295)) 170-295 WAC including storage of medications.

(2) A staff member must observe and document that the child took the medication.

AMENDATORY SECTION (Amending WSR 06-15-075, filed 7/13/06, effective 7/13/06)

**WAC 170-295-3190 How can ((we)) I be sure that the food ((we)) I serve is safe?** (1) You need to develop and implement a system to monitor the temperature of potentially hazardous foods during cooking, reheating, cooling, storing, and hot and cold holding temperatures to be sure that:

(a) Food will be cooked to at least the minimum correct internal temperature:

(i) Ground beef and pork sausage 155 degrees Fahrenheit;

(ii) Pork 150 degrees Fahrenheit;

(iii) Fish and seafood 140 degrees Fahrenheit;

(iv) Poultry and stuffing 165 degrees Fahrenheit;

(v) Eggs 140 degrees Fahrenheit;

(vi) Beef (not ground) and lamb 140 degrees Fahrenheit.

(b) Previously prepared food is reheated one time only to an internal temperature of 165 degrees Fahrenheit within sixty minutes;

(c) Hot food is kept at a temperature of 140 degrees Fahrenheit or above until served;

(d) Cold food is kept at a temperature of 45 degrees Fahrenheit or less;

(e) Refrigerators have a thermometer in or near the door and are kept at 45 degrees Fahrenheit or less; and

(f) Freezers have a thermometer in or near the door and are kept at 10 degrees Fahrenheit or less.

(2) You must develop a system to record the temperature of each perishable food once it arrives from a satellite kitchen or a catering service. The system must include keeping records on site for six months with the following information:

(a) The name and the temperature of the food;

(b) The date and time the temperature was checked; and

(c) The name and signature or recognized initials of the person who is checking and recording the food temperatures.

(3) You may serve previously prepared food that has not been previously served if it was stored at the proper temperature for less than forty-eight hours after preparation. Leftover foods or open foods in the refrigerator must be labeled with the date that they were opened or cooked.

AMENDATORY SECTION (Amending WSR 06-15-075, filed 7/13/06, effective 7/13/06)

**WAC 170-295-3200 How do ((we)) I safely store food?** You must store food:

(1) In the original containers or in clean, labeled containers that are airtight and off the floor;

(2) In a manner that prevents contamination from other sources;

(3) In an area separate from toxic materials such as cleaning supplies, paint, or pesticides;

(4) That is not past the manufacturer's expiration or freshness date;

(5) In a refrigerator or freezer if cooling is required;

(6) Raw meat, poultry or fish in the refrigerator, below cooked or ready to eat foods;

(7) Foods not requiring refrigeration at least six inches above the floor in a clean, dry, ventilated storeroom or other areas; and

(8) Dry bulk foods not in their original containers, in containers with tight fitting covers. Containers must be labeled and dated.

AMENDATORY SECTION (Amending WSR 06-15-075, filed 7/13/06, effective 7/13/06)

**WAC 170-295-3210 How do ((we)) I safely thaw foods?** You must thaw food by one of the following methods:

(1) In a refrigerator;

(2) Under cool running water, in a pan placed in a sink with the stopper removed;



- (3) In a microwave, if the food is to be cooked immediately; or
- (4) As part of the continuous cooking process.

**AMENDATORY SECTION** (Amending WSR 06-15-075, filed 7/13/06, effective 7/13/06)

**WAC 170-295-4010 At what age can ((we)) I accept infants into care?** You must not accept into care an infant who is less than one month of age.

**AMENDATORY SECTION** (Amending WSR 06-15-075, filed 7/13/06, effective 7/13/06)

**WAC 170-295-4020 How do ((we)) I meet the nutritional needs of the infants in ((our)) my care?** You must:

- (1) Have written policies on providing, preparing, storing and sanitizing infant formula, food and utensils; and
- (2) Work with the infant's parent to develop a plan for the infant's feedings that is acceptable to the parent and incorporates the following guidelines:

Developmental Stage/Age of Infant	Type of Feeding
(a) Under 4 months of age	Serve only formula or breast milk unless you have a written order from the child's health care provider.
(b) When baby can: (At about 4-6 months of age) Sit with support Hold head steady Close lips over the spoon Keep food in mouth and swallow it.	Serve only formula or breast milk unless you have a written order from the child's health care provider. Begin iron fortified baby cereal and plain pureed fruits and vegetables upon consultation with parents.
(c) When baby can: (At about 6-8 months) Sit without support Begin to chew Sip from a cup with help Grasp and hold onto things	Serve only formula or breast milk unless you have a written order from the child's health care provider. Start small amounts of juice, or water in a cup. Let baby begin to feed self. Start semisolid foods such as cottage cheese, mashed tofu, mashed soft vegetables or fruits.
(d) When baby can: (At about 8-10 months) Take a bite of food Pick up finger foods and get them into the mouth Begin to hold a cup while sipping from it	Serve only formula or breast milk unless you have a written order from the child's health care provider. Small pieces of cheese, tofu, chicken, turkey, fish or ground meat. Small pieces of soft cooked vegetables, peeled soft fruits. Toasted bread squares, unsalted crackers or pieces of soft tortilla. Cooked plain rice or noodles. Only formula, breast milk, juice or water in the cup.

Developmental Stage/Age of Infant	Type of Feeding
(e) When a baby can: (10-12 months) Finger Feed Chew and swallow soft, mashed and chopped foods Start to hold and use a spoon Drink from a cup	Serve only formula or breast milk unless you have a written order from the child's health care provider. Begin offering small sized, cooked foods. Variety of whole grain cereals, bread and crackers, tortillas. Cooked soft meats, mashed legumes (lentils, pinto beans, kidney beans, etc.), cooked egg yolks, soft casseroles.
(f) When a baby can eat a variety of foods from all food groups without signs of an allergic reaction	Fruit pieces and cooked vegetables. Yogurt, cheese slices. Offer small amounts of formula, breast milk or water in the cup during meals.

**AMENDATORY SECTION** (Amending WSR 06-15-075, filed 7/13/06, effective 7/13/06)

**WAC 170-295-4030 What is a safe way to prepare bottles?** (1) Parents may bring from home filled bottles labeled with the infant's name for daily use (see WAC ((~~388-295-4040~~)) 170-295-4040).

- (2) To prepare bottles you must:
  - (a) Prepare and fill bottles by washing hands prior to bottle preparation;
  - (b) Use a sink that is only for bottle preparation, other food preparation or other approved source of water. Water from a handwashing sink may not be used for bottle preparation;
  - (c) Do not heat a bottle in a microwave or allow bottles to warm at room temperature for more than an hour, to limit bacterial growth; and
  - (d) Bottles must be warmed under running warm water or placed in a container of water that is not warmer than 120 degrees Fahrenheit.
- (3) The bottle preparation area including the sink must:
  - (a) Be located at least eight feet from the outermost edge of diaper changing tables or counters and sinks used for diaper changing; or
  - (b) Have a barrier to prevent cross-contamination that is placed between the sink used for food or bottle preparation and the diaper changing table, counter or sink. If a barrier is used, it must be:
    - (i) Solid (without cracks or breaks);
    - (ii) Sealed;
    - (iii) Moisture-resistant; and
    - (iv) At least twenty-four inches in height from the counter surface.

(4) If the infant room does not have a sink that is dedicated to bottle and food preparation, you must provide a clean source of water for preparing bottles such as getting water from the kitchen and keeping it in a container with an airtight cover that:

- (a) Is located at least eight feet from the outermost edge of diaper changing tables or counters and sinks used for diaper changing; or
- (b) Has a barrier that meets the requirements in WAC ((~~388-295-4030~~)) 170-295-4030 (3)(b) to prevent cross-con-

tamination that is placed between the sink used for food or bottle preparation and the diaper changing table, counter or sink.

AMENDATORY SECTION (Amending WSR 06-15-075, filed 7/13/06, effective 7/13/06)

**WAC 170-295-4090 Can ((we)) I use potty-chairs for toilet training?** You may use potty-chairs that are:

- (1) Located in the toilet room or similar area that meets the requirements of WAC ((388-295-5100)) 170-295-5100 designed for toileting;
- (2) On a floor that is moisture resistant and washable;
- (3) Immediately emptied into a toilet; and
- (4) Cleaned in a designated sink or utility sink separate from classrooms and sanitized after each use. The sink must also be cleaned and sanitized after cleaning potty-chairs.

AMENDATORY SECTION (Amending WSR 06-15-075, filed 7/13/06, effective 7/13/06)

**WAC 170-295-5080 How do I safely get rid of sewage and liquid wastes?** (1) You must dispose of sewage and liquid waste into a public sewer system or approved on-site sewage disposal system (septic system) designed, constructed and maintained as required in chapters ((246-272)) 246-272A and 173-240 WAC and local ordinances.

- (2) If you have an on-site sewage system, you must:
  - (a) Have written verification that the system has been approved by the department of health or local health jurisdiction; and
  - (b) Locate your drain field and venting to be sure that:
    - (i) Playgrounds are not on and do not interfere with the access to or operation of the on-site sewage system including the drain field; and
    - (ii) That drain field venting does not vent onto the playground.

AMENDATORY SECTION (Amending WSR 07-15-075 [06-15-075], filed 7/13/06, effective 7/13/06)

**WAC 170-295-7020 Am I required to track immunizations?** (1) You are required to track each child's immunization status. To be sure that the children have the required immunizations for their age, you or your staff must:

- (a) See that each child has a completed certificate of immunization status form submitted or on file before the first day of child care;
  - (b) Develop a system to audit and update as scheduled the information on the certificate of immunization status forms;
  - (c) Meet any requirement of ((the department)) state board of health WAC 246-100-166; and
  - (d) Have available on the premises the certificate of immunization status forms for review by the health specialist, licenser, the department of health, and nurse consultant.
- (2) You may accept a child whose immunizations are started but not up to date on a "conditional" basis if:
- (a) For children whose records are difficult to obtain (such as foster children), there is written proof that the case worker or health care provider is in the process of obtaining

the child's immunization status prior to the child starting child care; or

(b) The required immunizations are started prior to children starting child care; and

(c) The immunizations are completed as rapidly as medically possible. You must work with the parent, health care provider, or local health department to obtain an immunization plan.

(3) If a parent or health care provider chooses not to immunize a child, they must sign the exempt portion of the certificate of immunization status form.

(4) You may have a policy that states you do not accept children who have been exempted from immunizations by their parent or guardian, unless that exemption is due to an illness protected by the American With Disabilities Act (ADA).

(5) The certificate of immunization status forms for children who are currently enrolled must be accessible and maintained on the premises in a confidential manner.

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

AMENDATORY SECTION (Amending WSR 06-15-075, filed 7/13/06, effective 7/13/06)

**WAC 170-295-7060 What injuries and illnesses or child abuse and neglect must I report?** You or your staff must report immediately:

(1) A death or a serious injury or illness that requires medical treatment or hospitalization of a child in care must be reported by telephone and in writing to the parent, licenser, and child's social worker, if the child has a social worker;

(2) Any instance when you or your staff have reason to suspect the occurrence of any physical, sexual, or emotional child abuse or child neglect, child endangerment, or child exploitation as required under described in chapter 26.44 RCW. You may make a report by calling the statewide number at 1-800-562-5624 or ((1-866-Endharm)) 1-866-END-HARM; and

(3) An occurrence of food poisoning or reportable communicable disease, as required by the state board of health to the local public health department and to the licenser, by telephone.

AMENDATORY SECTION (Amending WSR 06-15-075, filed 7/13/06, effective 7/13/06)

**WAC 170-296-0010 What is the purpose of this chapter?** This chapter defines general and specific licensing requirements for family home child care. Unless noted otherwise, these requirements apply to people who want to be licensed or relicensed to provide family home-based child care ((+)) under chapter ((74-15)) 43.215 RCW((+)). We issue or deny a license based on your ability to meet and follow the licensing requirements.

We are committed to ensuring that children who receive family home child care experience health, safety, and well-being. We want these children's experiences to benefit them not only in the short term, but also in the long term. Our licensing requirements reflect our commitment to children.

AMENDATORY SECTION (Amending WSR 06-15-075, filed 7/13/06, effective 7/13/06)

**WAC 170-296-0110 Who needs to become licensed?**

(1) Individuals and agencies that provide care for children under this chapter must be licensed, unless specifically exempt under RCW ((74.15.020)) 43.215.010(2).

(2) The person claiming an exemption must provide the department proof of the right to the exemption if we request it.

(3) We must not license a home that is legally exempt from licensing. However, at the applicant's request, we must investigate and may certify the home as meeting licensing and other requirements. We must apply the same requirements and procedures for certification that we apply for licensure.

(4) We may certify a family home child care for payment without further investigation if the home is:

(a) Licensed by an Indian tribe; or

(b) Certified by the federal Department of Defense. The home must be licensed or certified in accordance with national or state standards or standards approved by us and be operated on the premises over which the entity licensing or certifying the home has jurisdiction.

(5) The individuals and agencies wanting to care for children whose child care is paid for by the state child care subsidy program must:

(a) Be licensed or certified;

(b) Follow billing policies and procedures in *Child Care Subsidies, A Booklet for Licensed and Certified Providers*, ((DSHS 22-877(X))) DEL 22-877; and

(c) Bill the department at the person's or organization's customary rate or the ((DSHS)) state rate, whichever is less. (See WAC 388-290-0190 (2) and (3) for exceptions.)

AMENDATORY SECTION (Amending WSR 06-15-075, filed 7/13/06, effective 7/13/06)

**WAC 170-296-0160 How do I apply for a license? (1)**

To apply for a license, you must:

(a) Attend an orientation provided by ((DCCEL)) the department;

(b) Complete and submit a signed application form((; DSHS 10-204 to DCCEL)) to the department, including the following attachments:

(i) A copy of your picture identification issued by a government entity (could include but is not limited to: Driver's license, passport, state identification);

(ii) A photocopy of your Social Security card that is valid for employment or verification of your employer identification number (EIN);

(iii) An employment and education resume for you, primary staff, assistants and volunteers; and

(iv) Three references for you from people unrelated to you.

(2) You must submit ((to DCCEL)) these additional documents to the department either with your application or within sixty days of submitting your application:

(a) Documentation of current infant, child and adult CPR and standard first aid training for you, any staff, or volunteer who will be counted in staff/child ratios;

(b) Documentation of a negative Mantoux tuberculin (TB) test in the twelve months prior to starting work for you, staff, volunteers and members of the household sixteen years or older;

(c) Documentation of HIV/AIDS training and the availability of bloodborne pathogens information for you, staff and volunteers who have child care responsibility;

(d) Documentation of the local health authority or state department of health approval of your private water supply and independent sewage system, if applicable;

(e) A copy of your policies and procedures you give to parents; and

(f) Any additional reports or information pertaining to your ability to follow the WACs regarding you, staff, volunteers, members of your household or any other person having access to the child in care if your licensor requests it.

AMENDATORY SECTION (Amending WSR 06-15-075, filed 7/13/06, effective 7/13/06)

**WAC 170-296-0170 Am I required to pay a fee when applying for a family home child care license?** You must pay ((the financial services administration)) a nonrefundable license fee of twenty-four dollars. This must be in the form of a check or money order. You must pay the license fee each year before or on your anniversary date.

AMENDATORY SECTION (Amending WSR 06-15-075, filed 7/13/06, effective 7/13/06)

**WAC 170-296-0270 Am I required to submit an application if I move to a new address while my license is current?** (1) If you move, have an acceptable history of child care, and plan to continue to operate your family home child care business you must submit an application with all supporting documentation for the new address, before you move.

(2) If you have submitted an application for the new address prior to moving, we allow you to operate at your new address for up to two weeks. If you are unable to meet the health and safety requirements at your new address within the two week period, you must stop operating the child care business until you become licensed at the new address (per RCW ((74.15.100)) 43.215.260).

(3) If you move and do not tell us, your license becomes invalid on the date of your move.

AMENDATORY SECTION (Amending WSR 06-15-075, filed 7/13/06, effective 7/13/06)

**WAC 170-296-0290 What hours may a family home child care be open?** (1) You may operate your family home child care business twenty-four hours a day.

(2) If you provide nighttime care you or a qualified primary staff person must be awake when children are dropped off and picked up at your home.

(3) A child may remain in care a maximum of ten hours each day. If needed, you may extend the time based on the parent's typical work schedule and travel from and to the child care.

(4) If you provide nighttime care you must adapt the activities, routines and equipment to meet the physical and

emotional needs of the child away from home at night. These must include:

- (a) Arrangements made for bathing as needed;
- (b) Standard night wear and individual toiletry items for each child;
- (c) The required beds and bedding (WAC ((~~388-296-1070~~) 170-296-1070));
- (d) Separate dressing and sleeping areas for boys and girls ages four years and older and for other children demonstrating a need for privacy;
- (e) Maintain staff to child ratios during sleeping hours;
- (f) A plan approved by the licensor describing how you will ensure the physical safety and emotional well-being of children during sleeping hours.

**AMENDATORY SECTION** (Amending WSR 06-15-075, filed 7/13/06, effective 7/13/06)

**WAC 170-296-0330 Is there more than one category of license?** We issue three types of licenses:

- (1) Initial (see WAC ((~~388-296-0340~~) 170-296-0340);
- (2) Full (see WAC ((~~388-296-0350~~) 170-296-0350); and
- (3) Probationary (see WAC ((~~388-296-0440~~) 170-296-0440).

**AMENDATORY SECTION** (Amending WSR 06-15-075, filed 7/13/06, effective 7/13/06)

**WAC 170-296-0360 What happens if I fail to follow the rules?** (1) If you fail to follow the rules, we notify you of the violation in writing and unless the health, safety or welfare of children in care is threatened, we provide you with an opportunity to come into compliance before we take adverse licensing action. The notice provides:

- (a) A description of the violation and rule that was broken;
  - (b) A statement of what is required to comply with the rules;
  - (c) The date by which we require compliance; and
  - (d) The maximum financial penalty (civil fine) that you must pay if you do not comply with the rules by the required date.
- (2) We may fine you seventy-five dollars a day for each violation of the licensing rules.
  - (3) We may assess and collect the penalty with interest for each day you fail to follow the rules.
  - (4) We may impose a civil penalty in addition to other adverse actions against your license including probation, suspension and revocation.
  - (5) We may, but are not required to, withdraw the fine if you come into compliance during the notification period.
  - (6) If we assess a civil penalty you have the right to an adjudicative proceeding as governed by RCW ((~~43-20A-215~~) 43.215.305 and chapter ((~~388-02~~) 170-03) WAC.
  - (7) If you do not request an adjudicative proceeding you must pay the civil fine within twenty-eight days after you receive the notice.

**AMENDATORY SECTION** (Amending WSR 06-15-075, filed 7/13/06, effective 7/13/06)

**WAC 170-296-0390 What does the department base a fine on?** Fines are determined based on any violation of a licensing rule and according to the following conditions:

- (1) You have allowed the existence of any condition that creates a serious safety or health risk;
- (2) You or any person uses corporal punishment, or humiliating methods of control or discipline;
- (3) You or any primary staff person fail to provide the required supervision;
- (4) You fail to provide required light, ventilation, sanitation, food, water or heating;
- (5) You provide care for more than the highest number of children permitted by the license; or
- (6) You repeatedly fail to follow the rules. (Any repeat violation that has been the subject of a corrective action notification under WAC ((~~388-296-0360~~) 170-296-0360).

**AMENDATORY SECTION** (Amending WSR 06-15-075, filed 7/13/06, effective 7/13/06)

**WAC 170-296-0430 What will happen if the department believes I am providing unlicensed child care?** We send written notice to you if we think you are providing unlicensed child care. The notice explains:

- (1) Why we think you are providing unlicensed child care;
- (2) The law that prohibits unlicensed child care;
- (3) That you must stop providing child care until you get a license;
- (4) How to contact ((~~DCCFL~~) the department);
- (5) How to apply for a license;
- (6) That the fine may be lifted if you apply for a license;
- (7) Your right to an adjudicated proceeding if we assess a monetary penalty; and
- (8) How you can ask for an adjudicative proceeding.

**AMENDATORY SECTION** (Amending WSR 06-15-075, filed 7/13/06, effective 7/13/06)

**WAC 170-296-0460 Are there any other reasons that could potentially cause me to lose my license?** (1) We may suspend or revoke your license if you go beyond the conditions of your license by caring for children with ages different than your license allows.

- (2) Repeatedly fail to comply with the licensing requirements set forth in this chapter or any provision of chapter ((~~74.15~~) 43.215) RCW.

**AMENDATORY SECTION** (Amending WSR 06-15-075, filed 7/13/06, effective 7/13/06)

**WAC 170-296-0480 What may I do if I disagree with the department's decision to deny, suspend, revoke, or modify my license?** (1) You have the right to appeal any decision we make to deny, suspend, revoke or modify your license.

- (2) Your right to appeal and the procedures for that process are outlined in RCW ((~~43-20A-205 and 74.15.130~~)

43.215.305, chapters 34.05 RCW, and (~~chapter 388-02~~) 170-03 WAC.

AMENDATORY SECTION (Amending WSR 07-24-028, filed 11/28/07, effective 12/29/07)

**WAC 170-296-0520 How long must I keep child records and what am I required to document while operating my business?** (1) A child's presence in the child care must be documented, on a daily basis, by the child's parent or guardian or an authorized person by using the sign-in and sign-out procedure for each child in attendance. The parent, guardian or authorized person must use their full signature when signing the child in and out of the child care.

(2) When the school age child arrives at or leaves the child care home due to school or off-site activities as authorized by the parent, you or your staff must sign out the child, and sign in the child on return to the home.

(3) Daily attendance records, listing the dates and hours of attendance of each child must be kept up-to-date and maintained in the licensed space of the family home child care for five years.

(4) When a child is no longer enrolled, the date of the child's withdrawal must be recorded in the child's file. You must maintain the child's file for at least five years from the child's last date of attendance. After five years the file may be destroyed or returned to the parent. The child's file must be made available for review by the child's parents and us during this period.

(5) You must call and report, within twenty-four hours to your department licensor:

(a) ~~And the department of social and health services children's administration intake ((am))~~ any incident or injury that required the services of a medical professional, including a dentist, that occurred while the child was in attendance.

(b) ~~((DCCEL))~~ And to animal control any incident where a child is bitten by an animal while in attendance.

(c) ~~((DCCEL))~~ Any fire on your premises that required the use of a fire extinguisher or the services of a fire department.

(6) You must submit a written incident report to the child's parent and to your licensor within two working days of the same incident or injury as described in subsection (3) of this section.

(7) You must acquire written parental permission for field trips. You must notify parents in advance when you plan to use vehicles to transport children. Parents may grant general authorization for walking field trips.

(8) You must maintain all records and reports required by these regulations in an up-to-date manner in the licensed space of the facility. The records and reports are subject to inspection and you must allow us access to them during all hours in which licensed activities are conducted.

AMENDATORY SECTION (Amending WSR 06-15-075, filed 7/13/06, effective 7/13/06)

**WAC 170-296-0850 Must all children in my care have current immunizations?** (1) You are required to track each child's immunization status. To be sure children have the required immunizations for their age, you must:

(a) Ensure the child has a completed, current, certificate of immunization status form (CIS) submitted on or before the first day of child care;

(b) Develop a system to audit and update, as scheduled, the information on the CIS form;

(c) Meet any requirement of the (~~department of~~) state board of health WAC 246-100-166; and

(d) Have available in your licensed space the CIS forms for review by the licensor.

(2) You may accept a child who is not current with immunizations on a conditional basis if immunizations are:

(a) Initiated before or on enrollment; and

(b) Completed as rapidly as medically possible.

(3) You may exempt the immunization requirement for the child if the parent or guardian:

(a) Signs a statement expressing a religious, philosophical or personal objection; or

(b) Furnishes a physician's statement of a valid medical reason for the exemption.

AMENDATORY SECTION (Amending WSR 06-15-075, filed 7/13/06, effective 7/13/06)

**WAC 170-296-1250 What are the requirements I must follow when I transport children?** When you transport children under your care, you must follow these requirements.

(1) You must keep the vehicle in a safe operating condition;

(2) The driver must have a valid driver's license;

(3) There must be at least one staff person other than the driver in a vehicle when:

(a) Staff-to-child ratio guidelines require a second staff person (see WAC (~~388-296-1350~~) 170-296-1350(3)); or

(b) The child's specific needs require a second staff person.

(4) The driver or owner of the vehicle must be covered under an automobile liability insurance policy;

(5) The number of passengers must not exceed the vehicle's seat belts;

(6) All persons in the vehicle must use seat belts or approved child passenger restraint systems, as required by law, whenever the vehicle is in motion;

(7) You must have a first-aid kit and a copy of the child's completed enrollment form in the vehicle; and

(8) You must perform an attendance count of children when getting in and out of the vehicle to prevent accidentally leaving a child in the vehicle.

AMENDATORY SECTION (Amending WSR 06-15-075, filed 7/13/06, effective 7/13/06)

**WAC 170-296-1370 What types of play materials, equipment and activities must I provide for the children in my care?** (1) You must provide developmentally appropriate and culturally relevant activities and materials in the required quantity and variety to meet the needs and interests of children being served. The daily schedule must promote:

(a) Social skills (for example: Opportunities for sharing, caring and helping);

(b) Positive self-concepts (for example: Encouraging children to draw pictures and tell stories about themselves and their families);

(c) Language and literacy (for example: Reading books, songs, conversation, story telling, scribbling and drawing);

(d) Physical development in both indoor and outdoor settings, strengthening large and small muscles and encouraging eye-hand coordination, body awareness, rhythm and movement (for example: Finger plays, obstacle courses and puzzles); and

(e) Creative expression and appreciation for the arts (for example: Creating art work as process rather than product, dance, movement, dramatic play, music and materials that represent a variety of cultures).

(2) The daily schedule must provide:

(a) Individual, small group and large group activities;

(b) Many opportunities for success through open-ended activities (for example: Blocks, play dough and sand/water and praising effort, not just results);

(c) An environment of respect for individual and cultural diversity (for example: Acknowledging and respecting each child's unique qualities and integrating positive culturally relevant experiences into daily activities);

(d) Opportunities for children to solve problems, initiate activities, experiment and gain mastery through learning by doing;

(e) Opportunities to explore science, dramatic play, music, language arts and mathematical concepts;

(f) A balance between staff-directed and child-initiated activities. Staff voices must not dominate the overall sound of the group; and

(g) Infants and toddlers with ample opportunities to move about freely in a safe area.

(3) If television/video viewing occurs it must not be in place of planned activities and must be:

(a) Educational;

(b) Designed for children; and

(c) Age-appropriate alternatives to television must be available for children during TV or video watching and appropriate for the number and ages of the children in care.

(4) You must have the required outdoor play equipment for the number and ages of the children that you serve (see WAC (~~388-296-1240~~) 170-296-1240).

**AMENDATORY SECTION** (Amending WSR 06-15-075, filed 7/13/06, effective 7/13/06)

**WAC 170-296-1440 Am I required to offer training to my staff?** You must:

(1) Discuss with the staff your policies and procedures as well as the rules contained in this chapter;

(2) Provide or arrange for your staff to have training for the services that you provide to children under your care;

(3) Include in your training monthly practice of fire drills and disaster training for each staff;

(4) Update bloodborne pathogen information on an annual basis;

(5) Ensure that staff and volunteers keep CPR and first aid training current if they are required to have it;

(6) Record the amount of time and type of training provided to staff; and

(7) Keep this information in staff files or in a separate training file and make this information available to (~~DCCEL~~) the department upon request.

## WSR 08-08-016

### PERMANENT RULES

### CRIMINAL JUSTICE

### TRAINING COMMISSION

[Filed March 19, 2008, 2:50 p.m., effective April 19, 2008]

Effective Date of Rule: Thirty-one days after filing.

Purpose: WAC 139-10-310 through 139-10-520 to be eliminated because these rules are now a duplication based upon legislative changes during the 2006-2007 session to RCW 43.101.350 and WAC 139-25-110. This statute and rules were changed to incorporate the career level training requirement for corrections personnel with that of the law enforcement personnel.

Citation of Existing Rules Affected by this Order: Repealing WAC 139-10-310, 139-10-320, 139-10-410, 139-10-420, 139-10-510, and 139-10-520.

Statutory Authority for Adoption: RCW 43.101.080.

Adopted under notice filed as WSR 08-04-046 on January 31, 2008.

A final cost-benefit analysis is available by contacting Cheryl A. Price, 19010 1st Avenue South, Burien, WA 98148, phone (206) 835-7358, fax (206) 835-7924, e-mail [cprice@cjtc.state.wa.us](mailto:cprice@cjtc.state.wa.us).

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 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.

Date Adopted: March 12, 2008.

Cheryl A. Price  
Accreditation/Performance  
Analysis Manager

**WSR 08-08-017**  
**PERMANENT RULES**  
**CRIMINAL JUSTICE**  
**TRAINING COMMISSION**

[Filed March 19, 2008, 3:07 p.m., effective April 19, 2008]

Effective Date of Rule: Thirty-one days after filing.

Purpose: WAC 139-30-015, to make current the fee charged, and to accurately reflect the actual practice in place when multiple weapons are carried by a single individual.

Statutory Authority for Adoption: RCW 43.101.080.

Adopted under notice filed as WSR 08-04-047 on January 31, 2008.

A final cost-benefit analysis is available by contacting Cheryl A. Price, 19010 1st Avenue South, Burien, WA 98148, phone (206) 835-7358, fax (206) 835-7924, e-mail [cprice@cjtc.state.wa.us](mailto:cprice@cjtc.state.wa.us).

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 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.

Date Adopted: March 12, 2008.

Cheryl A. Price  
 Accreditation/Performance  
 Analysis Manager

AMENDATORY SECTION (Amending WSR 03-07-098, filed 3/19/03, effective 4/19/03)

**WAC 139-30-015 Firearms certification—Application.** (1) Any application for firearms certification shall:

(a) Be filed with the commission on a form provided by the commission;

(b) Be signed by the principal owner, principal partner, or a principal corporate officer, of the licensed private security company employing the applicant;

(c) Establish through required documentation or otherwise that applicant:

(i) Is at least twenty-one years of age; and

(ii) Possesses a valid and current private security guard license.

(d) Be accompanied by payment of a processing fee (~~of thirty-one dollars~~) as set by the commission.

(2) After receipt and review of an application, the commission will provide written notification within ten business days to the requesting company regarding applicant's eligibility to obtain and possess a firearms certificate.

(3) An armed private (~~detective must obtain a separate firearm certificate~~) security guard must be qualified by a

firearms instructor certified by the commission, and provide the commission with proof of the initial qualification for each firearm that he/she is authorized to use in the performance of his/her duties. All firearms carried by armed private security guards in the performance of their duties must be owned or leased by the employer.

(4) It shall be the responsibility of the employer to insure that the armed private detective demonstrates proficiency standards on an annual basis with each firearm that he/she is certified to use. Proficiency standards shall be set by the commission.

**WSR 08-08-018**  
**PERMANENT RULES**  
**CRIMINAL JUSTICE**  
**TRAINING COMMISSION**

[Filed March 19, 2008, 3:07 p.m., effective April 19, 2008]

Effective Date of Rule: Thirty-one days after filing.

Purpose: WAC 139-35-015, to make current the fee charged, and to accurately reflect the actual practice in place when multiple weapons are carried by a single individual.

Statutory Authority for Adoption: RCW 43.101.080.

Adopted under notice filed as WSR 08-04-048 on January 31, 2008.

A final cost-benefit analysis is available by contacting Cheryl A. Price, 19010 1st Avenue South, Burien, WA 98148, phone (206) 835-7358, fax (206) 835-7924, e-mail [cprice@cjtc.state.wa.us](mailto:cprice@cjtc.state.wa.us).

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 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.

Date Adopted: March 12, 2008.

Cheryl A. Price  
 Accreditation/Performance  
 Analysis Manager

AMENDATORY SECTION (Amending WSR 03-07-098, filed 3/19/03, effective 4/19/03)

**WAC 139-35-015 Firearms certification—Application.** (1) Any application for firearms certification shall:

(a) Be filed with the commission on a form provided by the commission;

(b) Be signed by the principal owner, principal partner, principal corporate officer, or designated agent of the licensed private detective agency employing the applicant;

(c) Establish through required documentation or otherwise that applicant:

(i) Is at least twenty-one years of age; and

(ii) Possesses a valid and current private detective license.

(d) Be accompanied by payment of a processing fee (~~of thirty-one dollars~~) as set by the commission.

(2) After receipt and review of an application, the commission will provide written notification within ten days to the requesting agency regarding applicant's eligibility to obtain and possess a firearms certificate.

(3) An armed private detective must (~~obtain a separate firearm certificate~~) be qualified by a firearms instructor certified by the commission and provide the commission with proof of the initial qualification for each firearm that he/she is authorized to use in the performance of his/her duties.

(4) It shall be the responsibility of the employer to insure that the armed private detective demonstrates proficiency standards on an annual basis with each firearm that he/she is certified to use. Proficiency standards shall be set by the commission.

### WSR 08-08-027

#### PERMANENT RULES

#### PROFESSIONAL EDUCATOR STANDARDS BOARD

[Filed March 24, 2008, 2:54 p.m., effective April 24, 2008]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The purpose of these changes is to change the name of the English as a second language endorsement to better reflect the student population. The proposed name of this endorsement is English language learner. The other endorsement change is to combine the business education endorsement and the marketing education endorsement, better reflecting what these teachers do. The name for this endorsement would be the business and marketing education endorsement.

Citation of Existing Rules Affected by this Order: Amending WAC 181-82A-202.

Statutory Authority for Adoption: RCW 28A.410.210.

Adopted under notice filed as WSR 08-04-090 on February 5, 2008.

A final cost-benefit analysis is available by contacting Nasue Nishida, P.O. Box 47236, Olympia, WA 98504, phone (360) 725-6238, fax (360) 586-4548, e-mail nasue.nishida@k12.wa.us.

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.

Date Adopted: March 19, 2008.

Nasue Nishida

Policy and Research Analyst

AMENDATORY SECTION (Amending WSR 07-19-058, filed 9/14/07, effective 10/15/07)

#### WAC 181-82A-202 Certificate endorsements.

Teacher certificates shall be endorsed as follows:

##### (1) All levels:

(a) Bilingual education.

(b) Designated arts: Dance.

(c) Designated arts: Theatre arts.

(d) Designated arts: Music: Choral, instrumental or general.

(e) Designated arts, visual arts.

(f) Designated world languages.

(g) English (~~as a second~~) language learner.

(h) Health/fitness.

(i) Library media.

(j) Reading.

(k) Special education.

##### (2) Early childhood:

(a) Early childhood education.

(b) Early childhood special education.

##### (3) Elementary education.

##### (4) Middle level:

(a) Middle level—Humanities.

(b) Middle level—Mathematics.

(c) Middle level—Science.

##### (5) Secondary level:

(a) Designated science: Biology.

(b) Designated science: Chemistry.

(c) Designated science: Earth and space science.

(d) Designated science: Physics.

(e) Designated career and technical education: Agriculture education, business and marketing education, family and consumer sciences education, (~~marketing education~~) and technology education.

(f) English language arts.

(g) History.

(h) Mathematics.

(i) Science.

(j) Social studies.

(k) Traffic safety.



**WSR 08-08-028**  
**PERMANENT RULES**  
**PROFESSIONAL EDUCATOR**  
**STANDARDS BOARD**

[Filed March 24, 2008, 2:54 p.m., effective April 24, 2008]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The purpose of these changes is to comply with passed legislation in SB 5269.

Citation of Existing Rules Affected by this Order: Amending WAC 181-79A-140.

Statutory Authority for Adoption: RCW 28A.410.210.

Adopted under notice filed as WSR 08-04-091 on February 5, 2008.

A final cost-benefit analysis is available by contacting Nasue Nishida, P.O. Box 47236, Olympia, WA 98504, phone (360) 725-6238, fax (360) 586-4548, e-mail nasue.nishida@k12.wa.us.

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 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.

Date Adopted: March 19, 2008.

Nasue Nishida  
 Policy and Research Analyst

AMENDATORY SECTION (Amending WSR 07-04-003, filed 1/24/07, effective 2/24/07)

**WAC 181-79A-140 Types of certificates.** Six types of certificates shall be issued:

(1) Teacher. The teacher certificate, including teacher exchange permits as provided in WAC 181-79A-220, authorizes service as a classroom teacher.

(2) Career and technical. The career and technical education certificate authorizes service in career and technical education programs in accordance with the provisions of chapter 181-77 WAC.

(3) First people's language/culture. The first (~~people's~~) peoples' language(†), culture, and oral tribal traditions teacher certificate authorizes service as defined under WAC 181-78A-700(8).

(4) Administrator.

(a) The administrator certificate for principal authorizes services as a building administrator or assistant principal.

(b) The administrator certificates for superintendent or program administrator will be issued to persons who meet professional educator standards board certification standards

for service in the roles of superintendent or program administrator.

(5) Educational staff associate. The educational staff associate certificate authorizes service in the roles of school speech pathologists or audiologists, school counselors, school nurses, school occupational therapists, school physical therapists, school psychologists, and school social workers: Provided, That nothing within chapter 181-79A WAC authorizes professional practice by an educational staff associate which is otherwise prohibited or restricted by any other law, including licensure statutes and rules and regulations promulgated by the appropriate licensure board or agency.

(6) Limited certificates. The following limited certificates are issued to individuals under specific circumstances set forth in WAC 181-79A-231:

- (a) Conditional certificate.
- (b) Substitute certificate.
- (c) Emergency certificate.
- (d) Emergency substitute certificate.
- (e) Nonimmigrant alien exchange teacher.
- (f) Intern substitute teacher certificate.
- (g) Transitional certificate.
- (h) Provisional alternative administrative certificate.

**WSR 08-08-031**  
**PERMANENT RULES**  
**DEPARTMENT OF LICENSING**

[Filed March 25, 2008, 8:20 a.m., effective April 25, 2008]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Rule making is required to clarify reporting requirements through the abandoned vehicle online 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 to [tow] truck companies who have requested access to utilize this online function are only using it to complete 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 also file the affidavit of sale reports through the online system.

Citation of Existing Rules Affected by this Order: Amending WAC 308-61-135 Miscellaneous provisions.

Statutory Authority for Adoption: RCW 46.55.190.

Adopted under notice filed as WSR 08-03-103 on January 22, 2008.

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 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: March 25, 2008.

Julie Knittle  
Assistant Director  
Vehicle Services

**AMENDATORY SECTION** (Amending WSR 07-03-117, filed 1/22/07, effective 2/22/07)

**WAC 308-61-135 Miscellaneous provisions.** (1) The properly executed written authority to tow or other evidence of lawful possession (~~(shall suffice in lieu)~~) will take the place of current license plates or trip permits for unauthorized or abandoned vehicles.

(2) Billing invoices must indicate the time of day when an unauthorized or abandoned vehicle arrived at the secure storage area.

(3) A seller's report of sale properly filed with the department on a form prescribed by the department shall relieve a registered owner from liability for costs incurred in the removal and storage of an unauthorized/abandoned vehicle, in addition to relieving that person from other liability (~~(pursuant to)~~) under RCW 46.12.101, unless the transferee on the seller's report had no knowledge of the filing.

(4) The junk vehicle affidavit of sale as described in RCW 46.55.230 may be used to sell a vehicle to a licensed hulk hauler, scrap processor, vehicle wrecking yard or it may be used as a supporting document for issuance of a title.

(5) A stored vehicle may be redeemed any time before the start of auctioning of that particular vehicle.

(6) The notification of impound is to be sent by first-class mail within twenty-four hours after the impound (~~(must be sent)~~) to any lessor or lessee, as well as to the last known registered and legal owner (lien holder) of the vehicle. If the department returns information indicating a change in vehicle possession, (example: Report of sale, wrecker, or insurance destroyed report) notification will also be sent to the name and address provided by the department.

(7)(a) The written notice of the right of redemption and opportunity for a hearing to contest the validity of an impoundment(~~(s)~~) is to be sent to the registered and legal owners as described in subsection (6) of this section with the twenty-four hour impoundment notice on an unauthorized vehicle ((impoundment)).

(b) The same notice, of the right of redemption and opportunity for a hearing to contest the validity of an impound, must also be ((separate and in addition to the notice of opportunity for a hearing)) given to ((those)) anyone qualified under RCW 46.55.120 who attempts to redeem a vehicle(s).

(8) As the record required in RCW 46.05.150(2) the registered tow truck operator must keep a copy of its twenty-four-hour impound notice to law enforcement.

(9) Information contained in the master log must include:

- (a) The dates of impound and release of vehicles;
- (b) Storage lot used if multiple lots;

(c) If impound was from public or from private property and the location where the vehicle was impounded;

(d) Identity of vehicle by year, make, model, license number, and vehicle identification number;

(e) Dates of all required notices to law enforcement and to vehicle owners;

(f) Date of auction advertisement and of auction;

(g) Amount of towing and storage lien;

(h) Amount of auction proceeds;

(i) Amount of surplus funds.

Entries on the master log must be made within seventy-two hours following the activity being logged.

(10) In compliance with the requirements of RCW 46.55.100, as it relates to the reporting of abandoned vehicles after being auctioned by a registered tow truck operator, any tow truck company who has established an account with the department to use the abandoned vehicle report-affidavit of sale through the online system must use that system. Any report sent to the department by fax or mail will be returned to the appropriate tow truck company to be filed online.

Tow truck companies that have not established an account with the department to use the abandoned vehicle online system are encouraged to do so; however, they may continue to file the abandoned vehicle report of sale reports via fax or through the mail.

### WSR 08-08-033

#### PERMANENT RULES

#### SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed March 25, 2008, 11:34 a.m., effective April 25, 2008]

Effective Date of Rule: Thirty-one days after filing.

Purpose: These rule revisions expand the definition of "nondegreed" to provide a clearer standard/criteria of what constitutes a nondegreed vocational/career and technical education (CTE) instructional employee.

Citation of Existing Rules Affected by this Order: Amending WAC 392-121-250 and 392-121-270.

Statutory Authority for Adoption: RCW 28A.150.290-(1).

Adopted under notice filed as WSR 08-04-008 on January 24, 2008.

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 2, 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.

Date Adopted: March 25, 2008.

Dr. Terry Bergeson  
Superintendent of  
Public Instruction

AMENDATORY SECTION (Amending WSR 06-19-045, filed 9/15/06, effective 10/16/06)

**WAC 392-121-250 Definition—Highest degree level.** As used in this chapter, the term "highest degree level" means:

(1) The highest degree earned by the employee from a regionally accredited institution of higher education;

(2) "Nondegreed" for a certificated instructional employee who holds no bachelor's or higher level degree; or

(3) "Nondegreed" for a certificated instructional employee who holds a valid vocational/career and technical education certificate acquired as the result of industrial experience rather than college training (~~and who has a degree earned from a regionally accredited institution of higher education prior to the issue of the initial vocational/career and technical education certificate, which is incidental to or not related to the vocational/career and technical education certificate~~) pursuant to WAC 181-77-041: Provided, That the employee has obtained no other past or present education certificate or permit in which a degree is required pursuant to chapter 181-79A WAC.

AMENDATORY SECTION (Amending WSR 06-19-045, filed 9/15/06, effective 10/16/06)

**WAC 392-121-270 Placement of certificated instructional employees on LEAP salary allocation documents.** Each certificated instructional employee shall be placed on LEAP salary allocation documents with the highest placement based on the employee's highest degree level, total eligible credits, and certificated years of experience each defined in this chapter: Provided, That(:)

(1) If an employee holds more than one degree of the same level, additional credits shall be counted after the first degree.

(2) An employee whose highest degree is a bachelor's degree, whose total eligible credits are ninety or greater, and whose total eligible credits earned prior to January 1, 1992, were less than one hundred thirty-five shall be placed on the BA + 90 column.

(3) An employee whose highest degree level is nondegreed shall be placed on the BA columns except that such persons holding valid vocational/career and technical education certificates with one hundred thirty-five or more eligible credits shall be placed on the MA + 0 column.

(4) A vocational/career and technical education instructor who obtains a bachelor's degree while employed in the state of Washington as a nondegreed vocational/career and technical education instructor and for whom one hundred thirty-five or more eligible credits determined pursuant to WAC 392-121-259 were reported on Report S-275 prior to the awarding of that bachelor's degree shall continue to be

placed on the MA + 0 column and shall not advance to any other column unless a master's degree is obtained.

(5) For placement on LEAP salary allocation documents, total eligible credits and certificated years of experience shall be rounded to the nearest whole number. One-half credit or year shall be rounded to the next highest credit or year.

### WSR 08-08-045

#### PERMANENT RULES PROFESSIONAL EDUCATOR STANDARDS BOARD

[Filed March 26, 2008, 3:14 p.m., effective April 26, 2008]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The course requirements for speech language pathologists/audiologists, physical therapists, occupational therapists and school nurses were reviewed, and the four role groups recommend the required course topics be rewritten as course outcomes.

Citation of Existing Rules Affected by this Order: Amending WAC 181-79A-223.

Statutory Authority for Adoption: RCW 28A.410.210.

Adopted under notice filed as WSR 08-04-089 on February 5, 2008.

A final cost-benefit analysis is available by contacting Nasue Nishida, P.O. Box 47236, Olympia, WA 98504, phone (360) 725-6238, fax (360) 586-4548, e-mail nasue.nishida@k12.wa.us.

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 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: March 19, 2008.

Nasue Nishida  
Policy and Research Analyst

AMENDATORY SECTION (Amending WSR 06-14-010, filed 6/22/06, effective 7/23/06)

**WAC 181-79A-223 Academic and experience requirements for certification—School nurse, school occupational therapist, school physical therapist and school speech-language pathologist or audiologist.** Candidates for school nurse, school occupational therapist, school physical therapist and school speech-language pathologist or audiologist certification shall apply directly to the profes-

sional education and certification office. Such candidates shall complete the following requirements, in addition to those set forth in WAC 181-79A-150, except state approved college/university professional preparation program:

(1) School nurse.

(a) Initial.

(i) The candidate shall hold a valid license as a registered nurse (RN) in Washington state.

(ii) The candidate shall hold a baccalaureate degree or higher in nursing from a program accredited by the National League for Nursing Accrediting Commission or the Commission on Collegiate Nursing Education.

(iii) The candidate shall successfully complete thirty clock hours or three quarter hours (two semester hours) of course work approved by the professional educator standards board which will include ~~((schools and society; human growth, development, and learning; American school law; legal responsibilities of the ESA; and the responsibilities of the specific ESA role in a school setting including the state learning goals and essential academic learning requirements:))~~ the following course outcomes in which candidates will:

(A) Demonstrate an understanding of school and special education law;

(B) Understand and demonstrate knowledge of working within the culture of the schools, creating an environment that fosters safety, health, and learning for the students;

(C) Demonstrate knowledge of appropriate resources in the school setting;

(D) Demonstrate knowledge of collaboration with team members which may include parents, teachers, administrators, and others to support learning outcomes for all students;

(E) Demonstrate knowledge of how to support the outcomes for all students through strategies such as scientifically based practices, collaborative teaming, and ethical decision making;

(F) Recognize ways ESAs can use national, state, and local policies, as well as professional standards, to support decision making in educational settings;

(G) Demonstrate an understanding of the use of human, community, and technological resources. Provided, That an individual who meets all other requirements but who has not completed the required course work shall be issued a temporary permit valid for one hundred eighty calendar days which will allow the individual to practice in the role. The candidate shall verify to OSPI the completion of the required course work during the one hundred eighty-day period.

(b) Continuing.

(i) The candidate shall have completed the requirements for the initial certificate as a school nurse and have completed forty-five quarter hours (thirty semester hours) of postbaccalaureate course work in education, nursing, or other health sciences.

(ii) The candidate shall provide documentation of one hundred eighty days of full-time equivalent or more employment in the respective role with an authorized employer—i.e., school district, educational service district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer.

(2) School occupational therapist.

(a) Initial.

(i) The candidate shall hold a valid license as an occupational therapist in Washington state.

(ii) The candidate shall hold a baccalaureate (or higher) degree from an American Occupational Therapy Association approved program in occupational therapy.

(iii) The candidate shall successfully complete thirty clock hours or three quarter hours (two semester hours) of course work approved by the professional educator standards board which will include ~~((schools and society; human growth, development, and learning; American school law; legal responsibilities of the ESA; and the responsibilities of the specific ESA role in a school setting including the state learning goals and essential academic learning requirements:))~~ the following course outcomes in which candidates will:

(A) Demonstrate an understanding of school and special education law;

(B) Understand and demonstrate knowledge of working within the culture of the schools, creating an environment that fosters safety, health, and learning for the students;

(C) Demonstrate knowledge of appropriate resources in the school setting;

(D) Demonstrate knowledge of collaboration with team members which may include parents, teachers, administrators, and others to support learning outcomes for all students;

(E) Demonstrate knowledge of how to support the outcomes for all students through strategies such as scientifically based practices, collaborative teaming, and ethical decision making;

(F) Recognize ways ESAs can use national, state, and local policies, as well as professional standards, to support decision making in educational settings;

(G) Demonstrate an understanding of the use of human, community, and technological resources. Provided, That an individual who meets all other requirements but who has not completed the required course work shall be issued a temporary permit valid for one hundred eighty calendar days which will allow the individual to practice in the role. The candidate shall verify to OSPI the completion of the required course work during the one hundred eighty-day period.

(b) Continuing.

(i) The candidate shall have completed the requirements for the initial certificate as a school occupational therapist and have completed at least fifteen quarter hours (ten semester hours) of course work beyond the baccalaureate degree in occupational therapy, other health sciences or education.

(ii) The candidate shall provide documentation of one hundred eighty days of full-time equivalent or more employment in the respective role with an authorized employer—i.e., school district, educational service district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer.

(3) School physical therapist.

(a) Initial.

(i) The candidate shall hold a valid license as a physical therapist in Washington state.

(ii) The candidate shall hold a baccalaureate (or higher) degree from an American Physical Therapy Association accredited program in physical therapy.

(iii) The candidate shall successfully complete thirty clock hours or three quarter hours (two semester hours) of course work approved by the professional educator standards board which will include ~~((schools and society; human growth, development, and learning; American school law; legal responsibilities of the ESA; and the responsibilities of the specific ESA role in a school setting including the state learning goals and essential academic learning requirements:))~~ the following course outcomes in which candidates will:

(A) Demonstrate an understanding of school and special education law;

(B) Understand and demonstrate knowledge of working within the culture of the schools, creating an environment that fosters safety, health, and learning for the students;

(C) Demonstrate knowledge of appropriate resources in the school setting;

(D) Demonstrate knowledge of collaboration with team members which may include parents, teachers, administrators, and others to support learning outcomes for all students;

(E) Demonstrate knowledge of how to support the outcomes for all students through strategies such as scientifically based practices, collaborative teaming, and ethical decision making;

(F) Recognize ways ESAs can use national, state, and local policies, as well as professional standards, to support decision making in educational settings;

(G) Demonstrate an understanding of the use of human, community, and technological resources. Provided, That an individual who meets all other requirements but who has not completed the required course work shall be issued a temporary permit valid for one hundred eighty calendar days which will allow the individual to practice in the role. The candidate shall verify to OSPI the completion of the required course work during the one hundred eighty-day period.

(b) Continuing.

(i) The candidate shall have completed the requirements for the initial certificate as a school physical therapist and have completed fifteen quarter hours (ten semester hours) of course work beyond the baccalaureate degree in physical therapy, other health sciences or education.

(ii) The candidate shall provide documentation of one hundred eighty days of full-time equivalent or more employment in the respective role with an authorized employer—i.e., school district, educational service district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer.

(4) School speech-language pathologist or audiologist.

(a) Initial.

(i) The candidate shall have completed all course work (except special project or thesis) for a master's degree from a college or university program accredited by the American Speech and Hearing Association (ASHA) with a major in speech pathology or audiology. Such program shall include satisfactory completion of a written comprehensive examination: Provided, That if any candidate has not completed a

written comprehensive examination, the candidate may present verification from ASHA of a passing score on the National Teacher's Examination in speech pathology or audiology as a condition for certification.

(ii) The candidate shall successfully complete thirty clock hours or three quarter hours (two semester hours) of course work approved by the professional educator standards board which will include ~~((schools and society; human growth, development, and learning; American school law; legal responsibilities of the ESA; and the responsibilities of the specific ESA role in a school setting including the state learning goals and essential academic learning requirements:))~~ the following outcomes in which candidates will:

(A) Demonstrate an understanding of school and special education law;

(B) Understand and demonstrate knowledge of working within the culture of the schools, creating an environment that fosters safety, health, and learning for the students;

(C) Demonstrate knowledge of appropriate resources in the school setting;

(D) Demonstrate knowledge of collaboration with team members which may include parents, teachers, administrators, and others to support learning outcomes for all students;

(E) Demonstrate knowledge of how to support the outcomes for all students through strategies such as scientifically based practices, collaborative teaming, and ethical decision making;

(F) Recognize ways ESAs can use national, state, and local policies, as well as professional standards, to support decision making in educational settings;

(G) Demonstrate an understanding of the use of human, community, and technological resources. Provided, That an individual who meets all other requirements but who has not completed the required course work shall be issued a temporary permit valid for one hundred eighty calendar days which will allow the individual to practice in the role. The candidate shall verify to OSPI the completion of the required course work during the one hundred eighty-day period.

(b) Continuing.

(i) The candidate shall hold a master's degree with a major in speech pathology or audiology, with the exception of a candidate who holds a current and valid Washington state conditional certificate in speech/language pathology as of June 30, 2003.

(ii) The candidate shall provide documentation of one hundred eighty days of full-time equivalent or more employment in the respective role with an authorized employer—i.e., school district, educational service district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer.

## WSR 08-08-048

### PERMANENT RULES

### WASHINGTON STATE UNIVERSITY

[Filed March 27, 2008, 8:24 a.m., effective July 1, 2008]

Effective Date of Rule: July 1, 2008.

Purpose: To update and clarify the campus traffic and parking regulations for Washington State University Spokane.

Citation of Existing Rules Affected by this Order: Repealing WAC 504-14-430 and 504-14-830; and amending WAC 504-14-010, 504-14-020, 504-14-030, 504-14-040, 504-14-050, 504-14-100, 504-14-200, 504-14-210, 504-14-220, 504-14-250, 504-14-300, 504-14-350, 504-14-410, 504-14-420, 504-14-440, 504-14-450, 504-14-460, 504-14-470, 504-14-510, 504-14-520, 504-14-540, 504-14-560, 504-14-580, 504-14-600, 504-14-650, 504-14-810, 504-14-860, and 504-14-920.

Statutory Authority for Adoption: RCW 28B.30.150.

Adopted under notice filed as WSR 08-03-135 on January 23, 2008.

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 5, Amended 28, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 5, Amended 28, Repealed 2.

Number of Sections Adopted Using Negotiated Rule Making: New 5, Amended 28, Repealed 2; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: March 21, 2008.

Ralph T. Jenks, Director  
Procedures, Records, and Forms  
and University Rules Coordinator

## Chapter 504-14 WAC

### **CAMPUS ~~((TRAFFIC))~~ PARKING AND ~~((PARKING))~~ TRAFFIC REGULATIONS FOR WASHINGTON STATE UNIVERSITY SPOKANE**

AMENDATORY SECTION (Amending WSR 01-18-015, filed 8/24/01, effective 9/24/01)

**WAC 504-14-010 Authorization.** Pursuant to the authority granted by RCW 28B.30.150, 28B.10.560, and chapter 34.05 RCW, the board of regents of ~~((Washington State))~~ the university ~~((establishes the following regulations))~~ adopts this chapter to govern parking and traffic at Washington State University Spokane, hereinafter referred to as ~~((WSU Spokane))~~ WSUS.

AMENDATORY SECTION (Amending WSR 01-18-015, filed 8/24/01, effective 9/24/01)

**WAC 504-14-020 Purposes of regulations.** (1) The purposes of these regulations are to:

~~((+))~~ (a) Expedite university business and provide maximum safety, order, and ~~((convenience))~~ access;

~~((2))~~ (b) Regulate parking, with priority given to:

~~((a))~~ (i) Services of the campus~~((:))~~;

~~((b))~~ (ii) Persons who ~~((need))~~ require the use of vehicles in connection with their on-campus work~~((:))~~; and

~~((c))~~ (iii) Staff and students who ~~((need))~~ require the use of private vehicles because of a disability or other approved reason;

~~((3))~~ (c) Provide and maintain suitable campus parking and ~~((traffic facilities))~~ transportation systems; and

~~((4))~~ (d) Provide incentive for participation in the commute trip reduction program.

(2) The chancellor or designee whose responsibilities include supervision of the parking department shall have the authority to designate particular locations as parking, temporary parking, restricted parking, or prohibited parking, as well as the authority to designate permanent and temporary areas as being closed to vehicular traffic.

AMENDATORY SECTION (Amending WSR 01-18-015, filed 8/24/01, effective 9/24/01)

#### **WAC 504-14-030 Knowledge of parking regulations.**

It is the responsibility of all individuals parking on the campus to read and fully understand these regulations. Lack of knowledge of these regulations ~~((with))~~ is not ~~((be accepted))~~ acceptable as grounds for dismissal of ~~((citations))~~ parking tickets.

AMENDATORY SECTION (Amending WSR 01-18-015, filed 8/24/01, effective 9/24/01)

**WAC 504-14-040 Applicable parking and traffic laws and regulations.** The following laws and regulations apply upon ~~((state))~~ lands owned and/or controlled by the WSUS ~~((Spokane))~~ campus:

(1) The motor vehicle and other traffic laws ~~((and regulations))~~ of the state of Washington (Revised Code of Washington); and

(2) ~~((The WSU Spokane parking and traffic regulations;~~

~~((3) The motor vehicle and other traffic laws and regulations of the City of Spokane.))~~ Chapter 504-14 of the Washington Administrative Code.

AMENDATORY SECTION (Amending WSR 01-18-015, filed 8/24/01, effective 9/24/01)

**WAC 504-14-050 Emergencies.** The ~~((president delegates to the WSU Spokane campus dean))~~ chancellor or designee of the university shall have the authority to suspend, modify, or repeal any or all provisions ~~((for an authorized campus special event or))~~ in this chapter in the event of an emergency, disaster, or other like contingency. Such action shall be limited in duration and scope ~~((to meet the institutional needs and/or address the dangers of the contingency))~~ based on the emergency.

AMENDATORY SECTION (Amending WSR 01-18-015, filed 8/24/01, effective 9/24/01)

**WAC 504-14-100 Definitions.** The definitions in this section are applicable within the context of ~~((these regulations))~~ this chapter.

(1) Campus. Describes all property owned, leased, and/or controlled by the WSUS ((Spokane)) campus which is or may hereafter be dedicated mainly to the educational, research, housing, recreational, parking, or other activities of ~~((WSU Spokane))~~ the university.

(2) Day. Unless otherwise specified, the term "day" refers to a calendar day.

(3) Disability parking. See persons with disability.

(4) Disability zone. A parking zone designated for exclusive use by persons with disability and identified with a sign bearing the associated international ((disability)) symbol ((that is restricted at all times to use by vehicles bearing a valid WSU disability parking permit or indicator, or any state issued disability parking permit)).

~~((3))~~ (5) Fire zone. An area needed for emergency access to buildings, fire hydrants, or fire equipment. Such areas include, but are not limited to, areas with adjacent curbs or rails painted red.

(6) Holiday ((WSU Spokane holiday). A day when all campus facilities are generally closed (e.g., Thanksgiving Day, Christmas Day, New Year's Day). Vacation days are not considered holidays. See definition of vacation). See university holiday.

~~((4))~~ (7) Illegal use of permit. A parking violation in which a ~~((citation))~~ parking ticket is issued under the following circumstances:

(a) Use of a parking permit((+) or indicator on ((an unspecified)) a vehicle other than the specified vehicle identified by a license plate number on the permit.

(b) Use of a counterfeit parking permit((+) or indicator.

(c) Use of a parking permit((+) or indicator obtained under false pretenses.

(d) Use of a modified parking permit((+) or indicator.

(e) Use and/or retention of a parking permit((+) or indicator by person(s) ineligible, or no longer eligible, for such permit as described and authorized in this chapter.

~~((5))~~ (8) Impound. To take and hold a vehicle in legal custody by use of a wheel lock and/or towing.

(9) Indicator. A ~~((vinyl, plastic, or paper instrument))~~ decal or hanger displayed adjacent to a parking permit which ~~((more clearly))~~ defines ((the)) additional parking areas available to a permit holder.

~~((6))~~ (10) Loading zone. A loading dock, or an area signed "loading zone" adjacent to a facility or in a parking area. Such an area is intended for loading and unloading bulky or voluminous material. Loading zones are restricted at all times unless signed otherwise.

~~((7))~~ (11) Moped. Any two-wheeled or three-wheeled motor vehicle with an engine displacement of ~~((50-ee))~~ 50cc or less.

~~((8))~~ (12) Motorcycle. Any two-wheeled or three-wheeled motor vehicle with an engine displacement greater than ~~((50-ee))~~ 50cc.

~~((9))~~ (13) Motor vehicle. All motor-driven conveyances except wheelchairs. Also referred to as "vehicle" in this chapter.

~~((10))~~ (14) No parking zone. Any area not specifically marked and/or signed for parking. Such areas include, but are not limited to, areas with adjacent curbs or rails painted yellow ~~((or red)).~~

~~((11))~~ (15) Officer. Any parking or campus security official employed by the university who is designated by the parking administrator or chancellor to place and remove wheel locks or to cause vehicles to be towed under this chapter.

(16) Owner. The person registered with any state as the present owner of a vehicle in the most current registration records available to the university, the owner's expressed representative, or any transferee not designated in such records, provided that the parking administrator has received actual written notice of the transfer.

(17) Park/parking. This refers to the placement or standing of a vehicle, with or without a driver in attendance, and with or without the engine running.

~~((12))~~ (18) Parking administrator. The manager in charge of the parking department or designee.

(19) Parking appeals committee. Any person or persons appointed to consider parking violations and the application of fees, fines, and sanctions. Said person or persons are appointed by the vice-chancellor whose responsibilities include supervision of the parking department or designee.

(20) Parking department. The university department which is charged with the responsibility of managing, operating, planning, and maintaining parking facilities; enforcing the parking regulations; and coordinating commute trip reduction efforts for the WSUS campus.

(21) Parking meter. A single fixed device that typically requires payment and limits the amount of time a vehicle can park in a single space. Also referred to as "meter" in this chapter. A parking meter is not a parking payment device.

(22) Parking payment device. A machine that requires payment and vends a parking permit and/or a paid receipt. Parking payment devices may be located in various places on the campus. A parking payment device is not a parking meter.

(23) Parking permit. A vinyl, plastic, ~~((or))~~ paper, or other instrument sanctioned by ~~((WSU Spokane))~~ the parking department that is displayed from a vehicle and authorizes parking in specified areas. Also referred to as "permit" in this chapter.

~~((13))~~ Public safety. Includes but is not limited to WSU Spokane public safety and others designated as parking enforcement.

~~((14))~~ (24) Parking ticket. The first notice of a parking violation which is usually placed in a visible location on a motor vehicle.

(25) Pedestrian mall. A space that is designed primarily for pedestrian use, but with limited authorized use of motor vehicle and other motorized and nonmotorized conveyances.

(26) Persons with disability. For the purpose of this chapter persons with disability shall refer to a person or persons with disability or disabilities who qualify for a state-

issued persons with disability parking identification and permit.

~~((27))~~ (27) Service vehicle. A vehicle used to provide a service for WSUS (~~(Spokane)~~) or a tenant or contractor of WSUS (~~(Spokane)~~) (e.g., a university-owned vehicle or a privately owned vehicle with a valid service (~~(permit)~~) vehicle authorization displayed).

~~((15))~~ (28) Service zone. Parking spaces or area designated for the use of (~~(university)~~) service vehicles, other government-owned vehicles, and vehicles displaying a service indicator or commercial permit. Authorized vehicles may park in these zones on an occasional basis for a maximum of fifteen minutes, except for vehicles that display a service indicator issued for an extended time. Service zones are restricted at all times unless signed otherwise.

~~((16))~~ (29) Staff. For the purposes of these regulations, "staff" includes all (~~(faculty, classified staff, administrative and professional employees, temporary employees, and other support personnel employed by the university, and the personnel of other activities located))~~ nonstudent employees of the university and the nonstudent employees of other entities located on, or regularly doing business on campus. Teaching assistants, research assistants, and other students employed by the university, or other entities located on, or regularly doing business on campus, are not "staff." They are considered (~~(as)~~) to be students for the purpose of these rules.

~~((17))~~ (30) Standing. "Standing" is the stopping of a vehicle with the driver remaining in it.

(31) Storage of a vehicle. Impounded vehicles are held in storage until released. During such time they are subject to storage fees.

~~(32)~~ Student. (~~(Any person who has been admitted to WSU or to another affiliated academic institution, and who is either attending classes or actively pursuing a degree or certificate.))~~ The term student includes all persons who are not staff who are taking courses at the university, enrolled full-time or part-time, pursuing undergraduate, graduate, professional studies, or auditing one or more class.

~~((18))~~ (33) Summer session. The summer session includes all summer (~~(school)~~) sessions beginning on the first day of the earliest session, and ending on the last day of the latest session.

~~((19))~~ (34) University. Refers to Washington State University Spokane.

(35) University holiday. A day regarded by the university as an official university holiday.

(36) Unpaid. A full or partial outstanding balance due. This definition includes parking tickets which are pending appeal.

(37) Vacation. A period of time when classes or final exams are not in session. Except for holidays that fall within this period, the business offices of WSUS (~~(Spokane)~~) typically are open during this time.

~~((20))~~ Vehicle. See motor vehicle.

~~((21))~~ (38) Visitors. Persons who are not staff or students and who only visit the campus on an occasional basis.

~~((22))~~ (39) Wheel lock. A device used to temporarily immobilize a motor vehicle (~~((i.e., on-the-spot impoundment))~~). Wheel locked vehicles are considered to be impounded in place and subject to storage fees.

(40) Wheel lock-eligible list. The current list of wheel lock-eligible vehicles as maintained by the parking department. A vehicle remains on the wheel lock-eligible list until all fines and fees related to parking tickets are paid in full or otherwise resolved to include the payment of fines and fees related to parking tickets not yet eligible for late fees.

(41) Wheel lock-eligible vehicle. Any vehicle on which three or more parking tickets more than thirty days old are unpaid and which parking tickets were issued during the time the vehicle was registered to or otherwise held by the owner. The vehicle remains wheel lock-eligible until all fines and fees related to parking tickets are paid in full or otherwise resolved to include the payment of fines and fees related to parking tickets not yet eligible for late fees.

AMENDATORY SECTION (Amending WSR 01-18-015, filed 8/24/01, effective 9/24/01)

**WAC 504-14-200 Enforcement authority.** (~~(WSU Spokane public safety is)~~) The parking department and the public safety officers are charged with the impartial enforcement of these regulations. ((Enforcement personnel)) Officers of these departments have authority to issue parking ((citations)) tickets, to impound vehicles, and to control access to areas.

AMENDATORY SECTION (Amending WSR 01-18-015, filed 8/24/01, effective 9/24/01)

**WAC 504-14-210 Times of enforcement.** Parking regulations are subject to enforcement at all times.

(1) Parking permit areas(=). All parking permit zones are limited to authorized permit holders (~~((during specific))~~) all hours. These hours are posted in each parking (~~(zone either))~~) area at the entrance (~~((to parking areas or along roadways where parking is marked. Restricted spaces are enforced at all times))~~).

(2) Restricted spaces(=). These spaces are restricted for their designated purpose at all times (~~((twenty-four hours a day, seven days a week))~~) unless signed otherwise:

(a) Disability zones.

(b) Load/unload.

(c) Service.

(d) Reserved.

(e) Reserved (bagged) parking meters.

(f) Areas which are specially signed ((areas)) or physically set apart by barricades, traffic cones, tape, or other traffic devices.

(3) Parking metered spaces(=). Parking meters are in effect during the times posted on each meter. During these times the meter must be paid the posted amount. Additional time cannot be purchased beyond the meter's posted maximum time limit (e.g., a thirty-minute meter (~~((will))~~) allows a maximum of thirty minutes to be purchased at one time). A motor vehicle which is parked at an expired parking meter is considered in violation initially, and after each period equal to the maximum time posted for the meter. In such case a parking ticket may be issued for each violation. For example, a vehicle parked at a meter with a two-hour maximum time limit for six hours and five minutes of CONTINUOUS unpaid



parking at the same meter would be eligible for up to three parking tickets.

(4) Pay parking facilities. Some parking areas provide parking on an hourly basis. Hours of operation and a schedule of fees are posted at the facility entrance and at the point of payment. Parking tickets are issued to vehicles that are parked over the duration of time that was paid and for non-payment. Parking areas with parking meters are not considered pay parking facilities.

AMENDATORY SECTION (Amending WSR 01-18-015, filed 8/24/01, effective 9/24/01)

**WAC 504-14-220 Signed and marked areas.** (1) Parking on campus is ~~((allowed))~~ permitted only in the marked and/or signed spaces in ~~((areas and on streets))~~ parking facilities. All other areas outside these designated areas are "no parking zones." Each parking ~~((area))~~ facility has signs or markings to indicate the type of permit or ~~((permits))~~ payment required and the times they are required.

(2) Individual parking spaces are marked, and no vehicle may be parked so as to occupy any portion of more than one parking space. The fact that other vehicles were parked in a manner requiring a vehicle to occupy a portion of more than one space shall not constitute an excuse for a violation of this ~~((rule))~~ regulation.

(3) Should there be a conflict between these regulations, map designation, and on-site signs regarding parking instructions, the on-site sign takes precedence.

(4) Permit areas and restricted spaces are not always signed individually.

(5) Standing (the stopping of a vehicle with the driver remaining in it) is permitted in marked parking spaces, except metered spaces and restricted spaces, even though the vehicle does not have a valid parking permit. Double parking while "standing" is not permitted.

AMENDATORY SECTION (Amending WSR 01-18-015, filed 8/24/01, effective 9/24/01)

**WAC 504-14-250 Motorcycles~~((s))~~ and mopeds~~((, and bicycles))~~.** (1) The general traffic regulations applicable to motor vehicles apply ~~((equally))~~ to motorcycles~~((s))~~ and mopeds~~((, and bicycles))~~. Motorcycles or mopeds may not be driven on sidewalks or in ~~((the))~~ pedestrian mall areas. ~~((Bicycles may be used on sidewalks, though pedestrians always have the right of way.))~~ Owners of motorcycles and mopeds are responsible for all violations ~~((including violations))~~ issued ~~((even if said vehicle is moved by someone else after being legally parked)).~~

(2) ~~((Motoreycles and mopeds: Motoreycles and mopeds may park only in spaces which are marked by signs or the letter "M" painted on the parking surface. Motoreycles and mopeds must display a valid WSU Spokane motoreyele permit during posted times. During all other times, these spaces are restricted to use by motoreycles and mopeds only.))~~ The university classifies mopeds and motorcycles by engine displacement (also referred to as engine size). This definition applies only to university property and does not replace or supersede the definitions established by the state of Washington for licensing purposes.

(3) Mopeds. Mopeds may park in any parking area with a valid parking permit or at any bicycle rack unless the rack is signed to exclude mopeds.

(4) Motorcycles. Motorcycles must display a valid university parking permit at all times.

AMENDATORY SECTION (Amending WSR 01-18-015, filed 8/24/01, effective 9/24/01)

**WAC 504-14-300 Financial responsibility for ~~((citations))~~ parking tickets.** (1) Each registered parking permit ~~((registrant))~~ holder shall be financially responsible for parking ~~((citations))~~ tickets on vehicles:

(a) Registered with ~~((WSU Spokane public safety,))~~ the parking department; and/or

(b) Displaying the ~~((registrant's))~~ registered parking permit holder's permit.

(2) Owners of vehicles ~~((will be))~~ are held ~~((primarily liable))~~ ultimately financially responsible for ~~((citations))~~ parking tickets issued to their vehicle.

AMENDATORY SECTION (Amending WSR 01-18-015, filed 8/24/01, effective 9/24/01)

**WAC 504-14-350 Use of areas for emergency, maintenance, events, construction, or special needs.** ~~((WSU Spokane))~~ WSUS reserves the right to close any campus parking area at any time it is deemed necessary for maintenance, safety, events, construction, or to meet special needs. ~~((WSU Spokane public safety will))~~ The parking department provides notice to users when possible.

Public safety and maintenance personnel performing official duties may deviate from these regulations as required to conduct emergency procedures.

AMENDATORY SECTION (Amending WSR 01-18-015, filed 8/24/01, effective 9/24/01)

**WAC 504-14-410 Issuance ~~((and)), use, and term of parking permits.~~** Parking permits are ~~((available at various locations))~~ issued by the parking department for available areas upon application and payment of the appropriate fees. The applicant may receive a parking permit and/or indicator which specifies parking area(s) where the vehicle may be parked ~~((will be issued)).~~

AMENDATORY SECTION (Amending WSR 01-18-015, filed 8/24/01, effective 9/24/01)

**WAC 504-14-420 ~~((Consent to))~~ Withholding of fines and fees.** All parking permit applications shall provide that the university may withhold unpaid fines and fees, when permitted by law, from any sums owed the permit holder and to treat the same as a debt.

AMENDATORY SECTION (Amending WSR 01-18-015, filed 8/24/01, effective 9/24/01)

**WAC 504-14-440 ~~((Term of permit))~~ Transfer of parking permit.** ~~((Permits are valid up to and including the expiration date on the permit.))~~

~~The ownership of) A parking permit(s) is generally not transferable, but exceptions can be made by ((WSU Spokane public safety provided that the)) parking operations as follows:~~

(1) ~~A person relinquishing ownership and the eligible purchaser appear in person at ((WSU Spokane public safety)) the parking department when requesting such a transfer;~~

(2) ~~The former owner relinquishes all ownership or claim to the permit and pays all outstanding fines; and~~

(3) ~~The new owner completes a new application form for the permit.~~

~~((If a replacement permit is requested, the old permit must be removed and presented to WSU Spokane public safety to be eligible for a replacement or a refund.))~~

AMENDATORY SECTION (Amending WSR 01-18-015, filed 8/24/01, effective 9/24/01)

**WAC 504-14-450 Replacement parking permits and indicators.** (1) Sold or traded vehicles. Failure to advise ((WSU Spokane public safety)) the parking department of a sale or trade for registration purposes may result in continued responsibility to the permit holder for (( citations )) parking tickets received on (( that permit )) vehicles.

The permit holder has responsibility for removing parking permits prior to selling or trading a vehicle. The identifiable remnants of the original permit must be presented to ((WSU Spokane public safety)) the parking department to receive a free replacement. Persons failing to comply with this requirement shall pay the cost of a new permit.

(2) Lost/stolen permits. Permit holders are responsible for the security of their permits. The theft or loss of a parking permit should be reported to ((WSU Spokane public safety)) the parking department immediately upon discovery. A lost or stolen permit (( will )) may be replaced (( once at no cost, but only if a theft report of the permit has been filed in the appropriate police jurisdiction and verified by WSU Spokane public safety. The second time the permit is reported stolen, the replacement fee will be ten dollars; the third time, twenty dollars; and thereafter, the original cost of the stolen permit. A lost permit will be replaced once for ten dollars; the second time, twenty dollars; and thereafter at the original cost of the permit )) upon payment to the parking department of the cost of replacing the permit, according to a schedule adopted by the parking department. Lost or stolen permits must be returned to the ((WSU Spokane public safety office)) parking department immediately if recovered.

~~((3) Windshield replacements. When a permit-bearing windshield is replaced, the permit replacement fee will be waived if proof of replacement is presented.))~~

AMENDATORY SECTION (Amending WSR 01-18-015, filed 8/24/01, effective 9/24/01)

**WAC 504-14-460 False information.** No person shall obtain, attempt to obtain, or use in a manner contrary to these regulations, a modified or counterfeit parking permit or a permit issued upon false information. A violation of this section includes giving a false name, address, and/or other information known to be false. It also includes the use of a visitor, conference, and commercial permit by staff or students. Vio-

lation of this provision shall constitute the illegal use of a parking permit and (( will be )) is subject to (( citation and fine )) issuance of a parking ticket.

AMENDATORY SECTION (Amending WSR 01-18-015, filed 8/24/01, effective 9/24/01)

**WAC 504-14-470 ((Revocation)) Recall or suspension of parking permits.** Parking permits are the property of WSU ((Spokane)) and may be (( revoked )) recalled or suspended for violations of any of the following by ((WSU Spokane public safety)) the parking administrator when:

(1) The purpose for which the permit was issued changes or no longer exists;

(2) A permit is used on an unauthorized vehicle or by an unauthorized person;

(3) A parking permit application is falsified;

(4) A counterfeit, modified, or lost/stolen permit is used;

or

(5) The parking permit fee is unpaid.

AMENDATORY SECTION (Amending WSR 01-18-015, filed 8/24/01, effective 9/24/01)

**WAC 504-14-510 Parking permits—General.** ((WSU Spokane public safety will)) The university issues parking permits for designated areas of the campus. Any vehicle parked on ((WSU Spokane property, other than a pay area or metered space,)) the campus must clearly display a valid university parking permit (( for a given area )) in accordance with this chapter during the posted hours when and where permits are required. University staff and students may not use any other permit in lieu of a valid university parking permit.

AMENDATORY SECTION (Amending WSR 01-18-015, filed 8/24/01, effective 9/24/01)

**WAC 504-14-520 Parking permits—Form and display.** All parking permits must be displayed in the approved position on the vehicle with permit numbers and relevant dates visible. Vehicles with permits which are not displayed in accordance with the provisions of this section (( are not valid, and vehicles displaying them improperly )) are subject to (( citation )) parking tickets for the violation of improperly displaying a permit.

(1) Autos and trucks:

(a) Hanging permits, both annual and (( temporary )) daily, must be displayed hanging from the rear-view mirror post or placed on the dash of vehicle, driver's side, in a manner permitting visibility from outside at all times.

(b) (( Transferable cards )) Permits mounted solely by suction cup and (( affixed )) permit decals directly affixed to the windshield must be displayed on the front windshield at the lower left corner (driver's side). Decals must be mounted completely by means of their own adhesive (not by tape).

(2) Motorcycles (( and mopeds: Motorcycle and moped permits must be mounted completely by means of their own adhesive and prominently displayed on the left rear side of the vehicle or on top of the rear tail light )) must display a valid permit at all times.

AMENDATORY SECTION (Amending WSR 01-18-015, filed 8/24/01, effective 9/24/01)

**WAC 504-14-540 Zone parking permits—Availability and use.** The management and assignment of parking zones is designed to provide a parking space to each permit holder. However, uncontrolled access to parking areas and unexpected parking demand make it impossible to guarantee a parking space in a permit holder's assigned zone. Every effort is made via surveys and limits on permit sales, to ensure that permit holders are not displaced from their assigned zones. Staff and students are generally assigned to specific parking areas (~~called~~) referred to as zones. Parking zones are color-coded with respect to their price and numbered with respect to the specific parking (~~area~~) zone assignment of each permit holder. Permit holders may park in their assigned zone as reflected by the combination of color and number on their permit and corresponding sign, or they may park in other zones as (~~signed~~) described below.

(1) Green permits. Green permit holders may park in their assigned green zone, or in any yellow or red zone.

(2) Yellow permit. Yellow permit holders may park in their assigned yellow zone, or in any red zone.

(3) Red permit. Red permit holders may park in the red zone.

AMENDATORY SECTION (Amending WSR 01-18-015, filed 8/24/01, effective 9/24/01)

**WAC 504-14-560 Other parking permits—Availability and use.** (1) Visitor permits(~~(s)~~). Visitor permits may be used only by bona fide visitors as defined by this chapter. Use by any other person constitutes illegal use of a parking permit. Visitor permits are valid in any zone and parking spaces signed for visitor(~~s~~) permits only. Visitor permits are not valid at meters or restricted spaces.

(2) Golden cougar permits(~~(s)~~). Golden cougar permits are special visitor permits that are issued to retired (~~faculty and~~) staff (~~free of charge~~) in recognition of their service without additional cost. They are issued on an annual basis and are valid in any zone. (~~Faculty and~~) Staff who (~~remain regularly~~) are employed by the university or by other entities located on campus after formal retirement are not eligible to use a golden cougar permit in lieu of a regular paid zone permit. Comparable permits from other campus institutions will be honored.

(3) President's associates decals(~~(s)~~). President's associates decals are issued to eligible members of the (~~WSU~~) Washington State University foundation. They are valid in any zone. However, (~~WSU~~) university faculty, staff, and students may not use a president's associates decal in lieu of a paid zone permit.

(4) Conference permits(~~(s)~~). Conference permits are available to visitors who participate in conferences held on the WSUS (~~Spokane~~) campus. They are available on a daily basis only. Conference permits (~~are valid in any~~) may be assigned to a specific zone.

(5) (~~Motoreycle permits. Motoreycle permits are valid within boundaries of areas specifically posted and/or marked for motoreycle permits.~~)

(~~6~~) Construction permits(~~(s)~~). A construction permit is issued to personnel who are working on a construction site on campus. Construction permits are available on an annual or daily basis and are assigned to a specific parking area.

(~~7~~) (~~6~~) Carpool(~~(s)~~). Upon (~~completion of~~) application, a bona fide carpool(~~(s)~~) with (~~three~~) four or more participants (~~will be~~) is given preference in the assignment of parking zones, and (~~will be~~) issued a permit (~~instrument~~) that (~~will~~) facilitates the carpool. Obtaining or using a carpool permit under false pretenses constitutes the illegal use of a permit.

AMENDATORY SECTION (Amending WSR 01-18-015, filed 8/24/01, effective 9/24/01)

**WAC 504-14-580 Special indicator decals(~~(s)~~) and hangers.** Special indicator decals or hangers may be issued to staff and student permit holders who have otherwise valid parking permits in the following cases:

(1) A "service" indicator decal(~~(s)~~) or hanger(~~s which are~~) is valid typically for a maximum of fifteen minutes in a marked service zone. (~~A separate mall service indicator allows a maximum of fifteen minute parking in the pedestrian mall. These are available to staff or students who must use a private vehicle for university business.~~)

(2) A reserved parking indicator decal(~~(s)~~) or hanger(~~s which are~~) is valid in parking spaces that are signed for the corresponding permit and indicator.

AMENDATORY SECTION (Amending WSR 01-18-015, filed 8/24/01, effective 9/24/01)

**WAC 504-14-600 (~~Disability permits~~) Parking permits for persons with disability.** (~~WSU Spokane strives to comply with the Americans with Disabilities Act (ADA) parking standards.~~)

There are two types of disability permits:

(1) Permanent physical disability. Disability permits are available to permanently disabled WSU Spokane staff and students at the established fee. Disability permit holders may park in any zone and meter spaces if disability parking spaces are not available. They may not park in service zones or reserved spaces if disability parking spaces are not available.

(2) Temporary physical disability. Disability permits are available to temporarily disabled staff and students at the established fee for a maximum of six weeks, although they may be renewed.

~~Staff and students must obtain temporary disability forms from WSU Spokane public safety. These disabled parking privileges will be granted only after submission of the forms that show the applicants meet criteria established by the ADA. The forms must be completed by health care providers. WSU Spokane public safety will not accept substitute forms or letters.~~ (1) The provisions of this chapter cover the purchase and display of parking permits and payment of fees and fines associated with parking for persons with disability.

(2) For the purpose of this chapter, persons with disability shall refer to a person or persons with disability who qualify for a state-issued persons with disability parking identification and permit.

(3) Persons with disability desiring to purchase a university parking permit must present a valid state-issued persons with disability parking identification.

(4) Unless otherwise authorized or permitted under this chapter, parking in spaces designated for persons with disability requires a valid university parking permit and state-issued persons with disability parking permit to park on campus.

(5) A person with disability is eligible to purchase a green permit at the red permit zone price.

AMENDATORY SECTION (Amending WSR 01-18-015, filed 8/24/01, effective 9/24/01)

**WAC 504-14-650 ((Permit)) Parking fees and fines.**

(1) Schedules for parking fees, parking administrative fees, late payment fees, parking fines and sanctions, parking meter rates, prorate and refund schedules, and the effective date thereof ((will be)) are submitted to the president or his/her designee and to the board of regents for approval by motion; provided, however, that increases in fees and fines do not exceed limits established by the board of regents. Increases in fees and fines that do not exceed limits established by the board of regents are not submitted to the board of regents so long as the board of regents has delegated authority to the president or his designee to approve all such fees and fines. The schedules for all parking fees and fines described above for all parking fees and fines are thereafter posted in the public area of ((WSU Spokane public safety and filed with the university rules coordinator)) the parking department office and posted on the parking department's web site.

(2) Payments. Parking fees and fines may be paid at the parking department by cash, check, approved payment card, or money order. A payroll deduction plan is available for eligible university employees and eligible graduate students.

(3) The proper fee must be paid for all vehicles parking in parking meter spaces unless otherwise authorized.

(4) Staff members whose work schedules qualify them for nighttime differential pay may purchase the green zone permit for the red zone permit price.

(5) Refunds. Annual permits being relinquished may be returned to the parking department for a pro rata refund in accordance with university policy. Identifiable remnants of the permit must be returned. The balance of any fees and fines owed the parking department is deducted from any refund due. Refunds for temporary permits are not granted. Refunds for pretax payroll deductions cannot be granted pursuant to federal tax laws.

(6) The parking department makes a wide array of options available in advance to university departments for use by their visitors, guests, and employees for the purpose of conducting departmental business. However, when necessary, university departments that can establish in writing that a parking ticket issued by the parking department was received as a result of parking any vehicle for the purpose of conducting official state business, or while conducting official business with the university or any entity located at the university are assessed a parking fee assessment (PFA) in lieu of the parking fine. Such requests for PFAs are signed by a department fiscal custodian. A PFA consists of the maxi-

um daily parking fee plus an additional administrative fee for failing to purchase and provide the necessary parking permit or fee in advance or at the time of parking. University departments are encouraged to avoid additional administrative fees associated with PFAs by purchasing and storing prepaid parking permits and by making them available as the department deems necessary. Nothing in this regulation allows a university employee to receive, or attempt to receive, any benefit associated with his or her personal expenses in violation of the State Ethics Act. All questionable employee conduct regarding the application of this section is reported to, and investigated by, the university internal auditor. This section applies only to parking tickets issued pursuant to this chapter.

NEW SECTION

**WAC 504-14-750 Reciprocal parking agreements.**

(1) Purpose. The university can enter into reciprocal parking agreements with other universities and Washington State University campuses for the purpose of enhancing the accessibility to various campuses for faculty, staff, and students participating in various courses and programs.

(2) The university faculty, staff, and students assigned to, enrolled at, or who pay fees to the WSUS campus or employees of other entities located on the WSUS campus must display a valid university parking permit when parking at the university. Any attempt by the above personnel to use a parking permit from another university campus in lieu of a valid WSUS permit may result in a fine for illegal use of a parking permit.

AMENDATORY SECTION (Amending WSR 03-15-060, filed 7/14/03, effective 8/14/03)

**WAC 504-14-810 Violations, fines, and sanctions. (1)**

Violations and fines((:)). Parking violations ((will be)) are processed by the university. Fines must be paid at the parking department or at other authorized locations(((-)) by mail, or from the parking department's web site. Schedules for parking violations, fines, and sanctions are posted in the public area of the parking ((services)) department office and on the parking ((services)) department's web site.

(2) Reduction of fines((: Fines for violations of overtime/nonpayment at meter and overtime in time zone paid within twenty-four hours will be reduced by one-half)).

(a) The fine for "meter violation" and the fine for "overtime in a timed zone" violations are reduced by one-half if paid within twenty-four hours of time of issuance. Eligible violations received on Friday or Saturday can be paid on the following Monday to satisfy the twenty-four-hour requirement. Mailed payment of fines must be postmarked within twenty-four hours to receive the one-half reduction. ((If a permit holder of record neglects to display his/her permit and receives a notice of violation for no parking permit, that fine will be reduced when possession of a valid parking permit for the location is verified by WSU Spokane public safety within twenty-four hours.

((3)) (b) Visitors((:)). The first violation of notices for "no parking permit" and "no parking permit for this area" issued to a visitor((s are)) is considered a warning notice((s))

upon presentation of the parking ticket to ~~((WSU Spokane public safety))~~ the parking department.

~~((4))~~ (c) If a permit holder of record neglects to display his or her permit and receives a notice of violation for "no parking permit," a reduced fine is assessed when possession of a valid parking permit for the location is verified by the parking department within twenty-four hours.

(d) Internal policies regarding disposition of parking tickets may be established on approval of the chancellor or designee whose responsibilities include supervision of the parking department, under the advisement of the university's internal auditor.

(3) Inoperable vehicles(=). It is the owner's responsibility to immediately contact ~~((WSU Spokane public safety))~~ the parking department in the event that the owner's vehicle becomes inoperable when the vehicle is present on campus.

(4) Payment of parking fines. All parking fines are due upon issuance of a parking ticket. Thirty days after date of issuance of a parking ticket, a late fee shall be added to all unpaid parking fines. For example, a parking ticket issued on May 1 would be assessed a late fee on May 31. Failure to pay the fine and fee assessed for any violation results in referral to the university controller's office or to a private collection agency for collection. Where collection efforts are unsuccessful, the controller or designee may notify the registrar to refrain from issuing student transcripts or to withhold permission to reenroll for a subsequent term until outstanding fines and fees are paid. The procedures discussed above are not exclusive, however, and failure by anyone to pay fines and fees may also lead to towing or use of the wheel lock device described in these regulations. Nor are the procedures discussed above a precondition to towing or use of the wheel lock.

(5) Failure to pay fines. Failure to pay a fine or comply with other penalties assessed pursuant to these regulations, and exhausting or failing to exercise appeals provided for in these regulations, may result in the inability to renew a vehicle license through the state pursuant to RCW 46.16.216.

AMENDATORY SECTION (Amending WSR 01-18-015, filed 8/24/01, effective 9/24/01)

**WAC 504-14-860 Appeal(s) procedures.** The parking ticket represents a determination that a parking violation has been committed and the determination is final unless otherwise provided for or appealed as provided in this chapter.

(1) Purpose(=). The parking appeals ~~((committee))~~ process serves ~~((two))~~ three primary functions:

(a) To ~~((assure an impartial evaluation of the circumstances relating to a particular parking violation; and))~~ hear parking ticket appeals;

(b) To ~~((aid in the appraisal of parking and traffic problems))~~ hear appeals of wheel lock eligibility determination; and

(c) To hear appeals of impoundments.

(2) Procedure(=). Any person who has received ~~((notice of a parking violation))~~ a parking ticket may appeal the alleged parking violation. ~~((The appellant may request more information from WSU Spokane public safety.))~~ Appeal of wheel lock eligibility determinations and

impoundments are described in WAC 504-14-865 and 504-14-870.

(3) Written parking ticket appeals. The appeal must be in writing and received at ~~((WSU Spokane public safety))~~ the parking department within ten calendar days ~~((after receipt of notice of the violation))~~ of issuance of the parking ticket. Forms for this purpose are available from ~~((WSU Spokane public safety))~~ the parking department. The parking appeals committee ~~((will))~~ makes an initial decision ~~((on))~~ regarding the appeal within twenty calendar days during the academic year and ~~((forty-five))~~ within thirty calendar days during the summer months after receipt of the appeal. The committee ~~((will serve))~~ provides a brief statement of the reason(s) for its decision ~~((on))~~ to the appellant within ten calendar days of the decision.

~~((3))~~ (4) Review hearing of initial decision(=). If the appellant is dissatisfied with the initial decision, ~~((he/she))~~ the appellant may request a hearing before a hearing officer or the parking appeals committee. Such a request must be made within ten calendar days of ~~((service of))~~ the ~~((notice))~~ date of the initial parking appeals committee decision. If no such request is received, the initial decision shall be final. During the ~~((review))~~ hearing the appellant and representatives of ~~((WSU Spokane public safety))~~ the parking department may present and cross-examine witnesses. The hearing officer or appeals committee shall render a decision in writing and ~~((serve))~~ provide appellant with the decision within ~~((five))~~ ten calendar days after the ~~((review))~~ hearing.

~~((4))~~ (5) Appeal to district court(=). RCW 28B.10.-560 provides that a person who is not satisfied with the final decision of the university may appeal to district court. The application for appeal to district court shall be in writing and must be filed at the ~~((WSU Spokane public safety))~~ parking department office within ten calendar days after ~~((service of written notice of the final decision. WSU Spokane public safety will))~~ the date of the review hearing. The parking department forwards the documents relating to the appeal to the district court.

## **PART V: ~~((TRAFFIC RULES))~~ IMPOUNDMENT OF VEHICLES**

### NEW SECTION

**WAC 504-14-865 General.** (1) Pursuant to the provisions of this chapter, an officer shall cause a vehicle to be wheel locked, or towed, or both, if:

(a) The vehicle is on the wheel lock-eligible list; or

(b) The vehicle displays a lost, stolen, or counterfeit parking permit.

(2) Any vehicle may be towed away at owner's/operator's expense if the vehicle:

(a) Has been immobilized by wheel lock for more than twenty-four hours; or

(b) Is illegally parked in a marked tow-away zone; or

(c) Is a hazard or obstruction to vehicular or pedestrian traffic (including, but not limited to, vehicles parked at curbs or rails painted yellow or red or in crosswalks); or

(d) Cannot be immobilized with a wheel lock device; or

(e) Is illegally parked in a disability space.

(3) The driver and/or owner of a towed vehicle shall pay towing and storage expenses.

(4) Any vehicle immobilized by use of the wheel lock device in excess of twenty-four hours is assessed a storage fee for each calendar day or portion thereof, beyond the first twenty-four hours.

(5) The university assumes no responsibility in the event of damages resulting from towing, use of wheel lock devices, storage, or attempts to move a vehicle with a wheel lock device installed.

(6) No vehicle impounded by towing or wheel lock devices shall be released until the following fines are paid in cash or with an approved payment card:

(a) All unpaid parking ticket fines and late fees against said vehicle and any other vehicle registered to the violator and/or owner;

(b) A wheel lock fee; and

(c) All towing and storage fees.

(7) A person wishing to challenge the validity of any fines or fees imposed under this chapter may appeal such fines or fees as provided in WAC 504-14-860. However, in order to secure release of the vehicle, such person must pay the amount of such fines or fees as a bond which shall be refunded to the extent the appeal is successful.

(8) An accumulation of six unpaid violations during any twelve-month period, exclusive of overtime at parking meter violations, and overtime in time zone violations, subjects the violator to revocation or denial of parking privileges. Vehicles without permits which accumulate the above number of violations may be prohibited from parking on university property.

#### NEW SECTION

**WAC 504-14-870 Wheel lock-eligible list.** (1) The parking administrator shall be responsible for creating and maintaining the wheel lock-eligible list. See definition of "wheel lock-eligible vehicle."

(2) A wheel lock-eligible vehicle shall be placed on the wheel lock-eligible list after notice has been issued as provided in subsection (3) of this section and an appeal of the wheel lock eligibility determination, if requested, under subsection (4) of this section.

(3) At least ten days prior to placing a vehicle on the wheel lock-eligible list, the parking administrator shall mail a notice to the owner. The parking administrator mails the notice to the address stated on the most current registration records available to the university from a state, or any more current address of which the parking administrator has actual written notice. The notice is sent by first class United States mail, postage prepaid. The notice shall set forth:

(a) The make and license plate number of the alleged wheel lock-eligible vehicle.

(b) A specified date on which the wheel lock-eligible vehicle is subject to placement on the wheel lock-eligible list.

(c) A list of the three or more alleged unpaid parking tickets, including the parking ticket number, date, time, place of the violation, and the nature of the violation. This list shall include all unpaid parking tickets issued to a particular vehi-

cle to include the payment of fines and fees related to parking tickets not yet eligible for late fees.

(d) That the owner may avoid the placement of the vehicle on the wheel lock-eligible list by making payment in full of fines and late fees on all unpaid parking tickets to include the payment of fines and fees related to parking tickets not yet eligible for late fees by the specified date on which the vehicle is subject to placement on the wheel lock-eligible list.

(e) The name, mailing address (and street address if different), and telephone number of the parking department office that may be contacted to appeal the wheel lock eligibility determination. Such an appeal only considers whether an individual vehicle was properly placed on the wheel lock-eligible list and not the merits of an individual parking ticket, which may be addressed pursuant to a separate appeals process described in WAC 504-14-860.

(f) That the vehicle is subject to wheel lock, towing, or both once it is placed on the wheel lock-eligible list.

(g) That all late fees, wheel lock fees, towing, and storage fees shall be payable in full to obtain the release of a vehicle wheel locked or towed pursuant to this chapter in addition to payment of any and all unpaid parking tickets on this vehicle or other vehicles owned by the registered owner to include the payment of fines and fees related to parking tickets not yet eligible for late fees.

(4) If a request for an appeal of a wheel lock eligibility determination is received by the parking administrator before the specified date in the notice for placement of the vehicle on the wheel lock-eligible list, then the parking administrator shall afford the owner an opportunity to appeal the wheel lock eligibility determination prior to the placing of a vehicle on the wheel lock-eligible list. Although the parking administrator shall not have the authority to adjudicate the merits of any parking ticket, she or he shall, however, receive evidence and other input from the owner appealing the wheel lock eligibility determination that the notice given under subsection (3) of this section was erroneous or based on erroneous information.

(5) If an owner timely participates in the appeal as scheduled by the parking administrator, he or she shall furnish the owner written notice of his or her decision prior to placing the vehicle on the wheel lock-eligible list.

(6) After the specified date provided in the notice issued under subsection (3) of this section, the parking administrator shall review the records to ensure that the alleged unpaid parking tickets have not been paid or otherwise resolved, and that no information has been received indicating that the notice was erroneous.

(7) Once a vehicle has been placed on the wheel lock-eligible list, it shall not be removed from the list unless and until:

(a) The fines and fees on all unpaid parking tickets issued during the time it has been registered to or otherwise held by the owner are paid or otherwise resolved to include the payment of fines and fees related to parking tickets not yet eligible for late fees;

(b) The parking administrator receives reliable information that title to the vehicle has been transferred; or

(c) The parking administrator determines that the placement of the vehicle on the wheel lock-eligible list was erroneous.

(8) If a vehicle is not properly registered in any state or no registration information is available to the university and the vehicle is wheel lock eligible, then notice shall be provided by posting on the vehicle a conspicuous notice, which shall set forth:

(a) A description of the alleged wheel lock-eligible vehicle;

(b) A specified date on which the wheel lock-eligible vehicle is subject to placement on the wheel lock-eligible list;

(c) That the owner may avoid placement of the vehicle on the wheel lock-eligible list by making payment in full of fines and late fees on all unpaid parking tickets to include the payment of fines and fees related to parking tickets not yet eligible for late fees by the specified date certain on which the vehicle is subject to placement on the wheel lock-eligible list; and

(d) That the vehicle is subject to wheel lock, towing or both once it is placed on the wheel lock-eligible list.

(9) An officer shall attempt to wheel lock any vehicle which appears on the wheel lock-eligible list when parked, lawfully or unlawfully, on campus.

(10) The parking administrator shall ensure that officers are on duty to remove wheel locks from vehicles.

#### NEW SECTION

**WAC 504-14-880 Fees, fines, and release of an impounded vehicle.** The owner of an impounded vehicle may not secure the release of the stored vehicle until payment in full of fines and fees has been made on all unpaid parking tickets to include the payment of fines and fees related to parking tickets not yet eligible for late fees relating to the vehicle which were issued while the vehicle was owned by the person who owned the vehicle at the time it is wheel locked or towed hereunder, and the owner has paid in full the wheel lock fee, unpaid parking tickets, late fees, storage fees, and towing fees for any and all other vehicles owned by the registered owner.

#### NEW SECTION

**WAC 504-14-885 Theft, damage, or removal of a wheel lock device.** The following conduct of any person shall be reported to parking department or university security:

- (1) Causing physical damage to a wheel lock device;
- (2) Removing, or attempting to remove, a wheel lock device; or
- (3) Taking or stealing a wheel lock device.

### **PART VI: TRAFFIC RULES**

AMENDATORY SECTION (Amending WSR 01-18-015, filed 8/24/01, effective 9/24/01)

**WAC 504-14-920 Closed and restricted areas.** In certain designated areas on campus, such as the pedestrian mall

in the campus core, driving is restricted to mall service vehicles.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 504-14-430	Change in residence or license plates.
WAC 504-14-830	Other violations and sanctions.

### **WSR 08-08-049**

#### **PERMANENT RULES**

#### **WASHINGTON STATE UNIVERSITY**

[Filed March 27, 2008, 8:32 a.m., effective July 1, 2008]

Effective Date of Rule: July 1, 2008.

Purpose: To update and clarify the campus traffic and parking regulations for Washington State University Vancouver.

Citation of Existing Rules Affected by this Order: Repealing WAC 504-19-430 and 504-19-830; and amending WAC 504-19-010, 504-19-020, 504-19-030, 504-19-040, 504-19-050, 504-19-100, 504-19-200, 504-19-210, 504-19-220, 504-19-250, 504-19-300, 504-19-350, 504-19-410, 504-19-420, 504-19-440, 504-19-450, 504-19-460, 504-19-470, 504-19-510, 504-19-520, 504-19-540, 504-19-560, 504-19-580, 504-19-600, 504-19-650, 504-19-810, 504-19-860, and 504-19-920.

Statutory Authority for Adoption: RCW 28B.30.150.

Adopted under notice filed as WSR 08-03-140 on January 23, 2008.

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 5, Amended 29, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 5, Amended 29, Repealed 2.

Number of Sections Adopted Using Negotiated Rule Making: New 5, Amended 29, Repealed 2; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: March 21, 2008.

Ralph T. Jenks, Director  
Procedures, Records, and Forms  
and University Rules Coordinator

## Chapter 504-19 WAC

**CAMPUS (~~(TRAFFIC)~~) PARKING AND (~~(PARKING)~~)  
TRAFFIC REGULATIONS FOR WASHINGTON  
STATE UNIVERSITY VANCOUVER**

AMENDATORY SECTION (Amending WSR 96-15-050, filed 7/15/96, effective 8/15/96)

**WAC 504-19-010 Authorization.** Pursuant to the authority granted by RCW 28B.30.125, 28B.30.150, 28B.10.560, and chapter 34.05 RCW, the board of regents of (~~(Washington State University establishes the following regulations))~~ the university adopts this chapter to govern parking and traffic at Washington State University Vancouver, hereinafter referred to as WSUV.

AMENDATORY SECTION (Amending WSR 96-15-050, filed 7/15/96, effective 8/15/96)

**WAC 504-19-020 Purposes of regulations.** (1) The purposes of these regulations are to:

- ~~((1))~~ (a) Expedite university business and provide maximum safety, order, and (~~(convenience))~~ access;
- ~~((2))~~ (b) Regulate parking, with priority given to:
  - ~~((a))~~ (i) Services of the university;
  - ~~((b))~~ (ii) Persons who (~~(need))~~ require the use of vehicles in connection with their on-campus work; and
  - ~~((c))~~ (iii) Staff and students who (~~(need))~~ require the use of private vehicles because of a disability or other approved reason; and
- ~~((3))~~ (c) Provide and maintain suitable campus parking and traffic facilities.

(2) The vice-chancellor or designee whose responsibilities include supervision of the parking department shall have the authority to designate particular locations as parking, temporary parking, restricted parking, or prohibited parking, as well as the authority to designate permanent and temporary areas as being closed to vehicular traffic.

AMENDATORY SECTION (Amending WSR 96-15-050, filed 7/15/96, effective 8/15/96)

**WAC 504-19-030 Knowledge of parking regulations.** It is the responsibility of all individuals parking on the campus to read and fully understand these regulations. Lack of knowledge of these regulations (~~(with))~~ is not ((be accepted)) acceptable as grounds for dismissal of ((citations)) parking tickets.

AMENDATORY SECTION (Amending WSR 96-15-050, filed 7/15/96, effective 8/15/96)

**WAC 504-19-040 Applicable parking and traffic laws and regulations.** The following laws and regulations apply upon (~~(state))~~ lands owned and/or controlled by WSUV:

- (1) The motor vehicle and other traffic laws of the state of Washington (Revised Code of Washington); and
- (2) ~~((The WSUV parking and traffic regulations.))~~ Chapter 504-19 of the Washington Administrative Code.

AMENDATORY SECTION (Amending WSR 01-19-028, filed 9/13/01, effective 10/14/01)

**WAC 504-19-050 Emergencies.** The president of the university delegates to the WSUV campus (~~(dean))~~ chancellor the authority to suspend, modify, or repeal any or all provisions in this chapter for an authorized WSU special event or in the event of an emergency, disaster, or other like contingency. Such action shall be limited in duration and scope to meet the institutional needs of WSUV and/or address the dangers of the contingency.

AMENDATORY SECTION (Amending WSR 96-15-050, filed 7/15/96, effective 8/15/96)

**WAC 504-19-100 Definitions.** The definitions in this section are applicable within the context of (~~(these regulations))~~ this chapter.

(1) Campus. Describes all property owned, leased, and/or controlled by WSUV which is or may hereafter be dedicated mainly to the educational, research, recreational, parking, or other activities of WSUV.

(2) Day. Unless otherwise specified, the term "day" refers to a calendar day.

(3) Disability parking. See persons with disability.

(4) Disability zone. A parking zone (~~(identified with a sign bearing the international disability symbol that is restricted at all times to use by vehicles bearing a valid WSU disability parking permit or indicator, or any state-issued disability parking permit))~~ designated for exclusive use by persons with disability and identified with a sign bearing the associated international symbol.

~~((3))~~ (5) Fire zone. An area needed for emergency access to buildings, fire hydrants, or fire equipment. Such areas include, but are not limited to, areas with adjacent curbs or rails painted red.

(6) Holiday ((WSUV holiday). A day when all campus facilities are generally closed (e.g., Thanksgiving Day, Christmas Day, New Year's Day). Vacation days are not considered holidays. See definition of vacation)). See university holiday.

~~((4))~~ (7) Illegal use of permit. A parking violation in which a (~~(citation))~~ parking ticket is issued under the following circumstances:

(a) Use of a parking permit((+)) or indicator on ((an unspecified)) a vehicle other than the specified vehicle identified by a license number on the permit.

(b) Use of a (~~(counterfeit))~~ parking permit((+)) or indicator obtained under false pretenses.

(c) Use of a modified parking permit((+)) or indicator ((obtained under false pretenses)).

(d) ~~((Use of a modified permit/indicator.~~

~~((e))~~ Use and/or retention of a parking permit((+)) or indicator by person(s) ineligible, or no longer eligible, for such permit as described and authorized in this chapter.

~~((5))~~ (8) Impound. To take and hold a vehicle in legal custody, either by use of a wheel lock and/or towing.

(9) Indicator. A vinyl, plastic, or paper instrument displayed adjacent to a parking permit which (~~(more clearly))~~ defines the parking areas available to a permit holder.



~~((6))~~ (10) Loading zone. A loading dock or an area signed "loading zone" adjacent to a facility or in a parking area. Such an area is intended for loading and unloading bulky or voluminous material. Loading zones are restricted at all times unless signed otherwise.

~~((7))~~ (11) Moped. Any two-wheeled or three-wheeled motor vehicle with an engine displacement of 50 cc or less.

~~((8))~~ (12) Motorcycle. Any two-wheeled or three-wheeled motor vehicle with an engine displacement greater than 50 cc.

~~((9))~~ (13) Motor vehicle. All motor-driven conveyances except wheelchairs. Also referred to as "vehicle" in this chapter.

~~((10))~~ (14) No parking zone. Any area not specifically marked and/or signed for parking. Such areas include, but are not limited to, areas with adjacent curbs or rails painted yellow or red.

~~((11))~~ (15) Officer. Any parking or police official employed by the university who is designated by the parking administrator or police department head to issue parking tickets, to place or remove wheel locks, or to cause vehicles to be towed under this chapter.

(16) Owner. The person registered with any state as the present owner of a vehicle in the most current registration record available to the university, the owner's expressed representative, or any transferee not designated in such records, provided that the parking administrator or police department head has received actual written notice of the transfer.

(17) Park/parking. This refers to the placement or standing of a vehicle, with or without a driver in attendance, and with or without the engine running.

~~((12))~~ (18) Parking administrator. The manager in charge of the parking department or designee.

(19) Parking appeals committee. Any person or persons appointed to consider parking violations and the application of fees, fines, and sanctions. Said person or persons are appointed by the vice-chancellor whose responsibilities include supervision of the parking department or designee.

(20) Parking department. The university department which is charged with the responsibility of managing, operating, planning, and maintaining parking facilities and enforcing the parking regulations for the WSUV campus.

(21) Parking meter. A single fixed device that typically requires payment and limits the amount of time a vehicle can park in a single space. Also referred to as "meter" in this chapter. A parking meter is not a parking payment device.

(22) Parking payment device. A machine that requires payment and vends a parking permit and/or a paid receipt. Parking payment devices may be located in various places on campus. A parking payment device is not a parking meter.

(23) Parking permit. A vinyl, plastic, ~~((or))~~ paper, or other instrument sanctioned by ~~((WSUV))~~ the parking department that is displayed from a vehicle and authorizes parking in specified areas. Also referred to as "permit" in this chapter.

~~((13))~~ (24) Parking ticket. The first notice of a parking violation which is usually placed in a visible location on a motor vehicle.

(25) Pay parking facility. A location where parking is provided and payment is made on-site via a parking payment device, cashier, or other means other than a parking meter.

(26) Pedestrian mall. A space that is designed primarily for pedestrian use, but with limited authorized use of motor vehicle and other motorized and nonmotorized conveyances.

(27) Persons with disability. For the purposes of this chapter, persons with disability shall refer to a person or persons with disability or disabilities who qualify for a state-issued persons with disability parking identification and permit.

(28) Service vehicle. A vehicle used to provide a service for WSUV or a tenant or contractor of WSUV (e.g., a university-owned vehicle or a privately owned vehicle with a valid service ~~((permit))~~ vehicle authorization displayed).

~~((14))~~ (29) Service zone. Parking spaces or area designated for the use of ~~((university))~~ service vehicles, other government-owned vehicles, and vehicles displaying a service indicator or commercial permit. Authorized vehicles may park in these zones for a maximum of fifteen minutes, except for vehicles that display a service indicator issued for an extended time. Service zones are restricted at all times unless signed otherwise.

~~((15))~~ (30) Staff. For the purposes of these regulations, "staff" includes all ~~((faculty, classified staff, administrative and professional employees, temporary employees, and other support personnel employed by the university))~~ nonstudent employees of the university, and the ~~((personnel))~~ nonstudent employees of other ~~((activities))~~ entities located on or regularly doing business on campus. Teaching assistants, research assistants, and other students employed by the university or other entities located on or regularly doing business on campus are not "staff." They are considered as students for the purpose of these rules.

~~((16))~~ (31) Standing. "Standing" is the stopping of a vehicle with the driver remaining in it.

(32) Storage of a vehicle. Impounded vehicles are held in storage until released. During such time they are subject to storage fees.

(33) Student. ~~((Any person who has been admitted to the university, and who is either attending classes or actively pursuing a degree or certificate.))~~ The term "student" includes all persons who are not staff, who are taking courses at the university, enrolled full-time or part-time, pursuing undergraduate, graduate, professional studies, or auditing one or more classes.

~~((17))~~ (34) Summer session. The summer session includes all summer ~~((school))~~ sessions beginning on the first day of the earliest session and ending on the last day of the latest session.

~~((18))~~ (35) University. Refers to Washington State University Vancouver.

(36) University holiday. A day regarded by the university as an official university holiday.

(37) Unpaid. A full or partial outstanding balance due. This definition includes parking tickets which are pending appeal.

(38) Vacation. A period of time when classes or final exams are not in session. Except for holidays that fall within

this period, the business offices of WSUV typically are open during this time.

~~((19) Vehicle. See motor vehicle.~~

~~(20))~~ (39) Visitors. Persons who are not staff or students and who only visit the campus on an occasional basis.

~~((21))~~ (40) Wheel lock. A device used to temporarily immobilize a motor vehicle ~~((i.e., on-the-spot impoundment))~~. Wheel locked vehicles are considered to be impounded in place and subject to storage fees.

(41) Wheel lock-eligible list. The current list of wheel lock-eligible vehicles as maintained by the parking department. A vehicle remains on the wheel lock-eligible list until all fines and fees related to parking tickets are paid in full or otherwise resolved to include the payment of fines and fees related to parking tickets not yet eligible for late fees.

(42) Wheel lock-eligible vehicle. Any vehicle on which three or more parking tickets more than thirty days old are unpaid and which parking tickets were issued during the time the vehicle was registered to or otherwise held by the owner. The vehicle remains wheel lock-eligible until all fines and fees related to parking tickets are paid in full or otherwise resolved to include the payment of fines and fees related to parking tickets not yet eligible for late fees.

(43) WSUV. Refers to Washington State University Vancouver.

AMENDATORY SECTION (Amending WSR 96-15-050, filed 7/15/96, effective 8/15/96)

**WAC 504-19-200 Enforcement authority.** WSUV public safety ~~((is))~~ and the parking department are charged with the impartial enforcement of these regulations. ~~((Enforcement personnel))~~ Officers of these departments have authority to issue parking ~~((citations))~~ tickets, to impound vehicles, and to control access to areas.

AMENDATORY SECTION (Amending WSR 96-15-050, filed 7/15/96, effective 8/15/96)

**WAC 504-19-210 Times of enforcement.** Parking regulations are subject to enforcement at all times.

(1) Parking permit areas ~~((is))~~. All parking ~~((zones))~~ permit areas are limited to authorized permit holders during specific hours. These hours are posted in each parking ~~((zone either))~~ area at the entrance to parking areas or along roadways where parking is marked. ~~((Restricted spaces are enforced at all times.))~~

(2) Restricted spaces ~~((is))~~. These spaces are restricted for their designated purpose at all times ~~((twenty-four hours a day, seven days a week))~~ unless signed otherwise:

(a) Disability zones.

(b) Load/unload.

(c) Service.

(d) Reserved.

(e) Reserved (bagged) parking meters.

(f) Areas which are specially signed ~~((areas))~~ or physically set apart by barricades, traffic cones, tape, or other devices.

(3) Parking metered spaces ~~((is))~~. Parking meters are in effect during the times posted on each meter. During these times the meter must be paid the posted amount. Additional

time cannot be purchased beyond the meter's posted maximum time limit (e.g., a thirty-minute meter will allow a maximum of thirty minutes to be purchased at one time). A motor vehicle which is parked at an expired meter is considered in violation initially, and after each period equal to the maximum time posted for the meter. In such case, a parking ticket may be issued for each violation. For example, a vehicle parked at a meter with a two-hour maximum time limit for six hours and five minutes of CONTINUOUS unpaid parking at the same meter would be eligible for up to three parking tickets.

AMENDATORY SECTION (Amending WSR 96-15-050, filed 7/15/96, effective 8/15/96)

**WAC 504-19-220 Signed and marked areas.** (1) Parking on campus is ~~((allowed))~~ permitted only in the marked and/or signed spaces in parking areas and on streets. All other areas outside these designated areas are "no parking zones." Each parking area has signs or markings to indicate the type of parking permit or ~~((permits))~~ parking payment required and the times they are required.

(2) Individual parking spaces are marked, and no vehicle may be parked so as to occupy any portion of more than one parking space. The fact that other vehicles were parked in a manner requiring a vehicle to occupy a portion of more than one space shall not constitute an excuse for a violation of this ~~((rule))~~ regulation.

(3) Standing (the stopping of a vehicle with the driver remaining in it) is permitted in marked parking spaces, except metered spaces and restricted spaces, even though the vehicle does not have a valid parking permit. Double parking while "standing" is not permitted.

(4) Should there be a conflict between these regulations, map designation, and on-site signs regarding parking instructions, the on-site sign takes precedence.

~~((4))~~ (5) Permit areas and restricted spaces are not always signed individually.

AMENDATORY SECTION (Amending WSR 96-15-050, filed 7/15/96, effective 8/15/96)

**WAC 504-19-250 Motorcycles ~~((and))~~ and mopeds ~~((and bicycles))~~.** (1) The general traffic regulations applicable to motor vehicles apply ~~((equally))~~ to motorcycles ~~((and))~~ and mopeds ~~((and bicycles))~~. Motorcycles or mopeds may not be driven on sidewalks or in ~~((the))~~ pedestrian mall areas. ~~((Bicycles may be used on sidewalks, though pedestrians always have the right of way.))~~ Owners of motorcycles and mopeds are responsible for all violations ~~((including violations))~~ issued ~~((even if said vehicle is moved by someone else after being legally parked)).~~

(2) The university classifies mopeds and motorcycles by engine displacement (also referred to as engine size). This definition applies only to university property and does not replace or supersede the definitions established by the state of Washington for licensing purposes.

(3) Motorcycles and mopeds: Motorcycles and mopeds may park only in spaces which are marked by signs or the letter "M" painted on the parking surface. Motorcycles and mopeds must display a valid WSUV motorcycle permit dur-

ing posted times. During all other times, these spaces are restricted to use by motorcycles and mopeds only.

AMENDATORY SECTION (Amending WSR 96-15-050, filed 7/15/96, effective 8/15/96)

**WAC 504-19-300 Financial responsibility for ~~((eitations))~~ parking tickets.** (1) Each registered parking permit ~~((registrant))~~ holder shall be financially responsible for parking ~~((eitations))~~ tickets on vehicles:

(a) Registered with ~~((WSUV public safety))~~ the parking department; and/or

(b) Displaying the ~~((registrant's))~~ registered parking permit holder's permit.

(2) Owners of vehicles ~~((will be))~~ are held ~~((primarily liable))~~ ultimately financially responsible for ~~((eitations))~~ parking tickets issued to their vehicles.

AMENDATORY SECTION (Amending WSR 96-15-050, filed 7/15/96, effective 8/15/96)

**WAC 504-19-350 Use of areas for emergency, maintenance, events, construction, or special needs.** WSUV reserves the right to close any campus parking area at any time it is deemed necessary for maintenance, safety, events, construction, or to meet special needs. WSUV public safety will provide notice to users when possible.

Public safety and maintenance personnel performing official duties may deviate from these regulations as required to conduct emergency procedures.

AMENDATORY SECTION (Amending WSR 96-15-050, filed 7/15/96, effective 8/15/96)

**WAC 504-19-410 Issuance ~~((and))~~, use, and term of parking permits.** Parking permits are available at various campus locations upon application and payment of the appropriate fees. The applicant may receive a parking permit and/or indicator which specifies parking area(s) where the vehicle may be parked ~~((will be issued))~~. Permits are valid up to and including the expiration date on the permit.

AMENDATORY SECTION (Amending WSR 96-15-050, filed 7/15/96, effective 8/15/96)

**WAC 504-19-420 ~~((Consent to))~~ Withholding of fines and fees.** All parking permit applications shall provide that the university may withhold unpaid fines and fees, when permitted by law, from any sums owed the permit holder and to treat the same as a debt.

AMENDATORY SECTION (Amending WSR 96-15-050, filed 7/15/96, effective 8/15/96)

**WAC 504-19-440 ~~((Term of permit--))~~ Transfer of parking permit.** ~~((Permits are valid up to and including the expiration date on the permit.~~

~~The ownership of))~~ A parking permit((s)) is ~~((generally))~~ not transferable~~((; but exceptions can be made by WSUV public safety provided that the:~~

~~(1) Person relinquishing ownership and the eligible purchaser appear in person at WSUV public safety when requesting such a transfer;~~

~~(2) Former owner relinquishes all ownership or claim to the permit and pays all outstanding fines; and~~

~~(3) New owner completes a new application form for the permit.~~

If a replacement permit is requested, the old permit must be removed and presented to WSUV public safety to be eligible for a replacement or a refund).

AMENDATORY SECTION (Amending WSR 96-15-050, filed 7/15/96, effective 8/15/96)

**WAC 504-19-450 Replacement parking permits and indicators.** (1) Sold or traded vehicles. Failure to advise ~~((WSUV public safety))~~ the parking department of a sale or trade for registration purposes may result in continued responsibility to the permit holder for ~~((eitations))~~ parking tickets received on that ~~((permit))~~ vehicle.

The permit holder has responsibility for removing parking permits prior to selling or trading a vehicle. The identifiable remnants of the original permit must be presented to ~~((WSUV public safety))~~ the parking department to receive a free replacement. Persons failing to comply with this requirement shall pay the cost of a new permit.

(2) Lost/stolen permits. Permit holders are responsible for the security of their permits. The theft or loss of a parking permit should be reported to ~~((WSUV public safety))~~ the parking department immediately upon discovery. A lost or stolen permit ~~((will))~~ may be replaced ~~((once at no cost, but only if a theft report of the permit has been filed in the appropriate police jurisdiction and verified by WSUV public safety. The second time the permit is reported stolen, the replacement fee will be ten dollars; the third time, twenty dollars; and thereafter, the original cost of the stolen permit. A lost permit will be replaced once for ten dollars; the second time, twenty dollars; and thereafter at the original cost of the permit))~~ upon payment to the parking department of the cost of replacing the permit, according to a schedule adopted by the parking department. Lost or stolen permits must be returned to the ~~((WSUV public safety office))~~ parking department immediately if recovered.

(3) Windshield replacements. When a permit-bearing windshield is replaced, the permit replacement fee ~~((will be))~~ is waived if proof of windshield replacement is presented.

AMENDATORY SECTION (Amending WSR 96-15-050, filed 7/15/96, effective 8/15/96)

**WAC 504-19-460 False information.** No person shall obtain, attempt to obtain, or use in a manner contrary to these regulations, a modified or counterfeit parking permit or a permit issued upon false information. A violation of this section includes giving a false name, address, ~~((Social Security))~~ identification number, and/or other information known to be false. It also includes the ~~((mere))~~ use of a visitor, conference, and commercial permit by staff or students. Violation of this provision shall constitute the illegal use of a parking permit and ~~((will be))~~ is subject to ~~((citation and fine))~~ the issuance of parking tickets.

AMENDATORY SECTION (Amending WSR 96-15-050, filed 7/15/96, effective 8/15/96)

**WAC 504-19-470 Recall of parking permits.** Parking permits are the property of WSUV and may be recalled by ~~((WSUV public safety))~~ the parking administrator when:

- (1) The purpose for which the permit was issued changes or no longer exists;
  - (2) A permit is used on an unauthorized vehicle or by an unauthorized person;
  - (3) A parking permit application is falsified;
  - (4) A counterfeit, modified, or lost/stolen permit is used;
- or
- (5) The parking permit fee is unpaid.

AMENDATORY SECTION (Amending WSR 96-15-050, filed 7/15/96, effective 8/15/96)

**WAC 504-19-510 Parking permits—General.** ~~((WSUV public safety will))~~ The parking department issues parking permits for designated areas of the campus. Any vehicle parked on ~~((WSUV property))~~ the campus, other than a pay area or metered space, must clearly display a valid WSUV parking permit ~~((for a given area))~~ in accordance with this chapter during the posted hours and in locations when and where permits are required. University staff and students may not use any other permit in lieu of a valid university parking permit.

AMENDATORY SECTION (Amending WSR 96-15-050, filed 7/15/96, effective 8/15/96)

**WAC 504-19-520 Parking permits—Form and display.** All parking permits must be displayed in the approved position on the vehicle with permit numbers and relevant dates visible. Vehicles with permits which are not displayed in accordance with the provisions of this section are ~~((not valid, and vehicles displaying them improperly are))~~ subject to ~~((citation))~~ parking tickets for the violation of improperly displaying a permit.

- (1) Autos and trucks:
  - (a) Hanging permits, both annual and ~~((temporary))~~ daily, must be displayed hanging from the rear-view mirror post.
  - (b) ~~((Transferable cards and affixed decals))~~ Permits mounted solely by suction cup and permit decals directly affixed to the windshield must be displayed on the front windshield at the lower left corner (driver's side). Decals must be mounted completely by means of their own adhesive (not by tape).

(2) Motorcycles and mopeds: Motorcycle and moped permits must be mounted completely by means of their own adhesive and prominently displayed on the left rear side of the vehicle or on top of the rear tail light.

AMENDATORY SECTION (Amending WSR 96-15-050, filed 7/15/96, effective 8/15/96)

**WAC 504-19-540 Zone parking permits—Availability and use.** The management and assignment of parking zones is designed to provide a parking space to permit hold-

ers. However, uncontrolled access to parking areas and unexpected parking demand make it impossible to guarantee a parking space in the permit holder's assigned zone. Staff and students are generally assigned to specific parking areas ~~((called))~~ referred to as zones. Parking zones are color-coded with respect to their price and numbered with respect to the specific parking ~~((area))~~ zone assignment of each permit holder. Permit holders may park in their assigned zone as reflected by the combination of color and number on their permit and corresponding sign, or they may park in other zones as ~~((signed))~~ described below.

(1) Orange permits. Orange permit holders may park in their numerically assigned orange zone, or in any green, red, or gray zone.

(2) Green permits. Green permit holders may park in their numerically assigned green zone, or in any red or gray zone.

(3) Red permits. Red permit holders may park in their numerically assigned red zone, or in any gray zone.

(4) Gray permits. Gray permit holders may park in any gray zone.

AMENDATORY SECTION (Amending WSR 96-15-050, filed 7/15/96, effective 8/15/96)

**WAC 504-19-560 Other parking permits—Availability and use.** (1) Visitor permits~~((=))~~. Visitor permits may be used only by bona fide visitors as defined by this chapter. Use by any other person constitutes illegal use of a parking permit. Visitor permits are valid in any zone and parking spaces signed for visitors only. Visitor permits are not valid at meters or restricted spaces.

(2) Golden cougar permits~~((=))~~. Golden cougar permits are special visitor permits that are issued to retired ~~((faculty and staff free of charge))~~ staff in recognition of their service without additional cost. They are issued on an annual basis and are valid in any zone. ~~((Faculty and))~~ Staff who ~~((remain regularly))~~ are employed by the university or other entities located on campus after formal retirement are not eligible to use a golden cougar permit in lieu of a regular paid zone permit.

(3) President's associates decals~~((=))~~. President's associates decals are issued to eligible members of the ~~((WSU))~~ Washington State University foundation. They are valid in any zone. However, WSU faculty, staff, and students may not use a president's associates decal in lieu of a paid zone permit.

(4) Conference permits~~((=))~~. Conference permits are available to visitors who participate in conferences held on the WSUV campus. They are available on a daily basis only. Conference permits are valid in any assigned zone.

(5) Motorcycle permits~~((=))~~. Motorcycle permits are valid within boundaries of areas specifically posted and/or marked for motorcycle permits.

(6) Construction permits~~((=))~~. A construction permit is issued to personnel who are working on a construction site on campus. Construction permits are assigned to a specific parking area.

(7) Carpool~~((=))~~. Upon ~~((completion of))~~ application, a bona fide carpool~~((s))~~ with three or more participants ~~((with be))~~ is given preference in the assignment of parking zones,

and ~~((will be))~~ issued a permit ~~((instrument))~~ that ~~((will))~~ facilitates the carpool. Obtaining or using a carpool permit under false pretenses constitutes the illegal use of a permit.

(8) Commercial permits. Commercial permits are issued to vendors, suppliers, and service representatives of outside companies performing a service for the university. Commercial permits are valid in zones and areas indicated on the permit.

(9) Departmental permits. Departmental parking permits are available for use by department employees who need to use their personal vehicles for university business. Departmental permits are available in different forms and are valid at parking meters, service zones, orange, green, red, and gray permit zones, and pay parking facilities. Departmental permits are not valid in reserved spaces. The use of departmental permits for anything other than official departmental business is prohibited by the State Ethics Act.

AMENDATORY SECTION (Amending WSR 96-15-050, filed 7/15/96, effective 8/15/96)

**WAC 504-19-580 Special indicator decals~~((/))~~ and hangers.** Special indicator decals or hangers may be issued to staff and student permit holders who have otherwise valid parking permits in the following cases:

(1) A "service indicator decal~~((/))~~ or hanger"~~((s which are))~~ is valid typically for a maximum of fifteen minutes in a marked service zone. A ~~((separate))~~ "mall service" indicator ~~((allows))~~ is valid typically for a maximum of fifteen-minute parking in the pedestrian mall. These are available to staff or students who must use a private vehicle for university business.

(2) Reserved parking indicator decals~~((/))~~ and hangers which are valid in parking spaces that are signed for the corresponding permit and indicator.

AMENDATORY SECTION (Amending WSR 96-15-050, filed 7/15/96, effective 8/15/96)

**WAC 504-19-600 ~~((Disability permits.))~~ Parking permits for persons with disability.** ~~((WSUV strives to comply with the Americans with Disabilities Act (ADA) parking standards.~~

There are two types of disability permits:

(1) Permanent physical disability. Disability permits are available to permanently disabled WSUV staff and students at the established fee. Disability permit holders may park in any zone and meter spaces if disability parking spaces are not available. They may not park in service zones or reserved spaces if disability parking spaces are not available.

(2) Temporary physical disability. Disability permits are available to temporarily disabled staff and students for a maximum of six weeks, although they may be renewed.

Staff and students must obtain a temporary disability form from WSUV public safety. These disabled parking privileges will be granted only after submission of the form that shows the applicant meets criteria established by the ADA. The form must be completed by a health care provider. WSUV public safety will not accept substitute forms or letters.) (1) The provisions of this chapter cover the purchase

and display of parking permits and the payment of fees and fines associated with parking for persons with disability.

(2) For the purpose of this chapter, persons with disability shall refer to a person or persons with disability who qualify for a state-issued persons with disability parking identification and permit.

(3) The university uses the state persons with disability parking permit system to determine eligibility for a university persons with disability parking permit. Persons desiring to purchase a university persons with disability parking permit must present a valid state-issued persons with disability parking identification and permit.

(4) Unless otherwise authorized, parking in spaces designated for persons with disability requires a valid university persons with disability parking permit to park on campus. University parking permits for persons with disability are available at the gray zone rate.

(5) Persons with a university persons with disability parking permit may park in a persons with disability parking space and any other, nonrestricted permit space within a parking permit zone.

(6) Persons with a university persons with disability parking permit may not park in restricted spaces with the exception of persons with disability parking spaces.

(7) Unless otherwise posted, any university parking permit to include a persons with disability parking permit is not valid in lieu of payment of regular posted fees in pay parking facilities.

(8) A state-issued persons with disability license plate, placard, or permit is valid in lieu of a university persons with disability parking permit in parking zones during times when a university permit is not required.

(9) The university intends to retain control of access to the pedestrian malls on campus. For that reason a university persons with disability parking permit is required in lieu of a state-issued persons with disability license plate, placard, or permit as authorization to use a pedestrian mall to access marked persons with disability parking spaces within the confines of a pedestrian mall.

AMENDATORY SECTION (Amending WSR 96-15-050, filed 7/15/96, effective 8/15/96)

**WAC 504-19-650 ~~((Permit))~~ Parking fees and fines.**

(1) Schedules for parking fees, parking administrative fees, late payment fees, parking fines and sanctions, parking meter rates, prorate and refund schedules, and the effective date thereof ~~((will be posted in the public area of WSUV public safety and filed with the university rules coordinator))~~ are submitted to the president or his/her designee and to the board of regents for approval by motion, provided however, that increases in fees and fines do not exceed limits established by the board of regents. Increases in fees and fines that do not exceed limits established by the board of regents are not submitted to the board of regents so long as the board of regents has delegated authority to the president or his designee to approve all such fees and fines. The schedules described above for all parking fees and fines are thereafter posted in the public area of the parking department office and posted on the parking department's web site.

(2) Payments. Parking fees and fines may be paid at the parking department by cash, check, approved payment card, or money order. A payroll deduction plan is available for eligible university employees and eligible graduate students.

(3) The annual fee for any shorter period relative to all permits shall be prorated according to the published schedule.

(4) The proper fee must be paid for all vehicles parked in parking meter spaces unless otherwise authorized.

(5) Staff members whose work schedules qualify them for nighttime differential pay may purchase a permit for one-half the regular fee. Verification is required.

(6) Refunds. Annual permits being relinquished may be returned to the parking department for a pro rata refund in accordance with university policy. Identifiable remnants of the permit must be returned. The balance of any fees and fines owed the parking department is deducted from any refund due. Refunds for temporary permits are not granted. Refunds for pretax payroll deductions cannot be granted pursuant to federal tax laws.

(7) The parking department makes a wide array of options available in advance to university departments for use by their visitors, guests, and employees for the purpose of conducting departmental business. However, when necessary, university departments that can establish in writing that a parking ticket issued by the parking department was received as a result of parking any vehicle for the purpose of conducting official state business, or while conducting official business with the university or an entity located at the university are assessed a parking fee assessment (PFA) in lieu of the parking fine. Such requests for PFAs are signed by a department fiscal custodian. A PFA consists of the maximum daily parking fee plus an additional administrative fee for failing to purchase and provide the necessary parking permit or fee in advance or at the time of parking. University departments are encouraged to avoid additional administrative fees associated with PFAs by purchasing and storing pre-paid parking permits and by making them available as the department deems necessary. Nothing in this rule allows a university employee to receive, or attempt to receive, any benefit associated with his or her personal expenses in violation of the State Ethics Act. All questionable employee conduct regarding the application of this section is reported to, and investigated by, the university internal auditor. This section applies only to parking tickets issued pursuant to this chapter.

#### NEW SECTION

##### **WAC 504-19-750 Reciprocal parking agreements.**

(1) Purpose. The university can enter into reciprocal parking agreements with other universities and Washington State University campuses for the purpose of enhancing the accessibility to various campuses for staff and students participating in various courses and programs.

(2) The university faculty, staff, and students assigned to, enrolled at, or who pay fees to the WSUV campus or employees of other entities located on the WSUV campus must display a valid university parking permit when parking at the university. Any attempt by the above personnel to use a parking permit from another university campus in lieu of a

valid university WSUV campus permit may result in a fine for illegal use of a parking permit.

#### **PART IV: FINES, SANCTIONS, AND APPEALS**

AMENDATORY SECTION (Amending WSR 03-15-062, filed 7/14/03, effective 8/14/03)

##### **WAC 504-19-810 Violations, fines, and sanctions.** (1)

Violations and fines~~((:))~~. Parking violations ~~((will be))~~ are processed by the university. Fines must be paid at the parking department or at other authorized locations. Schedules for parking violations, fines, and sanctions are posted in the public area of the parking services office and on the parking ~~((services))~~ department's web site.

(2) Reduction of fines~~((:))~~.

~~((a))~~ (a) Fines for violations of overtime/nonpayment at meter and overtime in time zone paid within twenty-four hours ~~((will be))~~ of issuance are reduced by one-half. Eligible violations received on Friday or Saturday can be paid on the following Monday to satisfy the twenty-four-hour requirement. Mailed ~~((fines))~~ payment must be postmarked within twenty-four hours to receive the one-half reduction. ~~((If a permit holder of record neglects to display his/her permit and receives a notice of violation for no parking permit, that fine will be reduced when possession of a valid parking permit for the location is verified by WSUV public safety within twenty-four hours.~~

~~((3))~~ (b) Visitors~~((:))~~. The first violation of notices for "no parking permit" and "no parking permit for this area" issued to a visitor~~((s are))~~ is considered a warning notice~~((s))~~ upon presentation to ~~((WSUV public safety))~~ the parking department.

~~((4))~~ (c) If a permit holder of record neglects to display his or her permit and receives a notice of violation for "no parking permit," a reduced fine is assessed when possession of a valid parking permit for the location is verified by the parking department within twenty-four hours.

(d) Internal policies regarding disposition of parking tickets may be established on approval of the vice-chancellor or designee whose responsibilities include supervision of the parking department under the advisement of the university's internal auditor.

(3) Inoperable vehicles~~((:))~~. It is the owner's responsibility to immediately contact ~~((WSUV public safety))~~ the parking department in the event that ~~((their))~~ the owner's vehicle becomes inoperable when the vehicle is present on campus.

(4) Payment of parking fines. All parking fines are due upon issuance of a parking ticket. Thirty days after date of issuance of a parking ticket, a late fee shall be added to all unpaid parking fines. For example, a parking ticket issued on May 1 would be assessed a late fee on May 31. Failure to pay the fine and fee assessed for any violation results in referral to the university controller's office for collection. The controller (or designee) may, if other collection efforts fail, withhold the amount of the outstanding fines and fees from deposits or other funds held for any student in order to secure payment.

When collection efforts are unsuccessful, the controller (or designee) may notify the registrar to refrain from issuing student transcripts or to withhold permission to reenroll for a

subsequent term until outstanding fines and fees are paid. The procedures discussed above are not exclusive, however, and failure by anyone to pay fines and fees may also lead to towing or use of the wheel lock device described in these regulations. Nor are the procedures discussed above a precondition to towing or use of the wheel lock.

(5) Failure to pay fines. Failure to pay a fine or comply with other penalties assessed pursuant to these regulations, and exhausting or failing to exercise appeals provided for in these regulations, may result in the inability to renew a vehicle license through the state pursuant to RCW 46.16.216.

AMENDATORY SECTION (Amending WSR 96-15-050, filed 7/15/96, effective 8/15/96)

**WAC 504-19-860 Appeals procedure.** The parking ticket represents a determination that a parking violation has been committed and the determination is final unless otherwise provided for or appealed as provided in this chapter.

(1) Purpose(=). The parking appeals (committee) process serves (two primary) the following functions:

(a) To (assure an impartial evaluation of the circumstances relating to a particular parking violation) hear parking ticket appeals; (and)

(b) ((To aid in the appraisal of parking and traffic problems)) To hear appeals of wheel lock eligibility determinations; and

(c) To hear appeals of impoundments.

(2) Procedure(=). Any person who has received (notice of) a parking (violation) ticket may appeal the alleged parking violation. ((The appellant may request more information from WSUV public safety. The appeal must be in writing and received at WSUV public safety within ten calendar days after receipt of notice of the violation. Forms for this purpose are available from WSUV public safety. The parking appeals committee will make an initial decision on the appeal within twenty calendar days during the academic year and forty five calendar days during the summer months after receipt of the appeal. The committee will serve a brief statement of the reasons for its decision on appellant within ten days of the decision.)) Appeal of wheel lock eligibility determinations and impoundments are described in WAC 504-19-865 and 504-19-870.

(3) Written parking ticket appeals. The appeal must be in writing and received at the parking department within ten calendar days of issuance of the parking ticket. Forms for this purpose are available from the parking department. The parking appeals committee makes an initial decision regarding the appeal within twenty calendar days during the academic year and thirty calendar days during the summer months after receipt of the appeal. The committee provides a brief statement of the reason for its decision to the appellant within ten calendar days of the decision.

(4) Review hearing of initial decision(=). If the appellant is dissatisfied with the initial decision, he(=) or she may request a hearing before a hearing officer or the parking appeals committee. Such a request must be made within ten calendar days ((of service)) of the ((notice)) date of the initial parking appeals committee decision. If no such request is received, the initial decision shall be final. During the

((review)) hearing the appellant and representatives of ((WSUV public safety)) the parking department may present and cross-examine witnesses. The hearing officer or appeals committee shall render a decision in writing and ((serve)) provide the appellant with the decision within ((five)) ten calendar days after the ((review)) hearing.

((=)) (5) Appeal to district court(=). RCW 28B.10.560 provides that a person who is not satisfied with the final decision of the university may appeal to district court. The application for appeal to district court shall be in writing and must be filed at the ((WSUV public safety office)) parking department within ten calendar days after ((service of written notice of the final decision)) the date of the review hearing. ((WSUV public safety will)) The parking department forwards the documents relating to the appeal to the district court.

## **PART V: ((TRAFFIC RULES)) IMPOUNDMENT OF VEHICLE**

### NEW SECTION

**WAC 504-19-865 General.** (1) Pursuant to the provisions of this chapter, an officer shall cause a vehicle to be wheel locked, or towed, or both, if:

(a) The vehicle is on the wheel lock-eligible list; or

(b) The vehicle displays a lost, stolen, or counterfeit parking permit.

(2) Any vehicle may be towed away at owner's/operator's expense if the vehicle:

(a) Has been immobilized by wheel lock for more than twenty-four hours; or

(b) Is illegally parked in a marked tow-away zone; or

(c) Is a hazard or obstruction to vehicular or pedestrian traffic (including, but not limited to, vehicles parked at curbs or rails painted yellow or red or in crosswalks); or

(d) Cannot be immobilized with a wheel lock device; or

(e) Is illegally parked in a disability space.

(3) The driver and/or owner of a towed vehicle shall pay towing and storage expenses.

(4) Any vehicle immobilized by use of the wheel lock device in excess of twenty-four hours is assessed a storage fee for each calendar day or portion thereof, beyond the first twenty-four hours.

(5) The university assumes no responsibility in the event of damages resulting from towing, use of wheel lock devices, storage, or attempts to move a vehicle with a wheel lock device installed.

(6) No vehicle impounded by towing or wheel lock devices shall be released until the following fines are paid in cash or with an approved payment card:

(a) All unpaid parking ticket fines and late fees against said vehicle and any other vehicle registered to the owner;

(b) A wheel lock fee; and

(c) All towing and storage fees.

(7) A person wishing to challenge the validity of any fines or fees imposed under this chapter may appeal such fines or fees as provided in WAC 504-19-860. However, in order to secure release of the vehicle, such person must pay

the amount of such fines or fees as a bond which shall be refunded to the extent the appeal is successful.

(8) An accumulation of six unpaid violations during any twelve-month period, exclusive of overtime at parking meter violations, and overtime in time zone violations, subjects the violator to revocation or denial of parking privileges. Vehicles without permits which accumulate the above number of violations may be prohibited from parking on university property.

#### NEW SECTION

**WAC 504-19-870 Wheel lock-eligible list.** (1) The parking administrator shall be responsible for creating and maintaining the wheel lock-eligible list. See definition of "wheel lock-eligible vehicle."

(2) A wheel lock-eligible vehicle shall be placed on the wheel lock-eligible list after notice has been issued as provided in subsection (3) of this section and an appeal of the wheel lock eligibility determination, if requested, under subsection (4) of this section.

(3) At least ten days prior to placing a vehicle on the wheel lock-eligible list, the parking administrator shall mail a notice to the owner. The parking administrator mails the notice to the address stated on the most current registration records available to the university from a state, or any more current address of which the parking administrator or chief of police has actual written notice. The notice is sent by first class United States mail, postage prepaid. The notice shall set forth:

(a) The make and license plate number of the alleged wheel lock-eligible vehicle.

(b) A specified date on which the wheel lock-eligible vehicle is subject to placement on the wheel lock-eligible list.

(c) A list of the three or more alleged unpaid parking tickets, including the parking ticket number, date, time, place of the violation, and the nature of the violation. This list shall include all unpaid parking tickets issued to a particular vehicle to include the payment of fines and fees related to parking tickets not yet eligible for late fees.

(d) That the owner may avoid the placement of the vehicle on the wheel lock-eligible list by making payment in full of fines and late fees on all unpaid parking tickets to include the payment of fines and fees related to parking tickets not yet eligible for late fees by the specified date on which the vehicle is subject to placement on the wheel lock-eligible list.

(e) The name, mailing address (and street address if different), and telephone number of the parking department office that may be contacted to appeal the wheel lock eligibility determination. Such an appeal only considers whether an individual vehicle was properly placed on the wheel lock-eligible list and not the merits of an individual parking ticket, which may be addressed pursuant to a separate appeals process described in WAC 504-19-860.

(f) That the vehicle is subject to wheel lock, towing, or both once it is placed on the wheel lock-eligible list.

(g) That all late fees, wheel lock fees, towing, and storage fees shall be payable in full to obtain the release of a vehicle wheel locked or towed pursuant to this chapter in addition to payment of any and all unpaid parking tickets on this vehi-

cle or other vehicles owned by the registered owner to include the payment of fines and fees related to parking tickets not yet eligible for late fees.

(4) If a request for an appeal of a wheel lock eligibility determination is received by the parking administrator before the specified date in the notice for placement of the vehicle on the wheel lock-eligible list, then the parking administrator shall afford the owner an opportunity to appeal the wheel lock eligibility determination prior to the placing of a vehicle on the wheel lock-eligible list. Although the parking administrator shall not have the authority to adjudicate the merits of any parking ticket, she or he shall, however, receive evidence and other input from the owner appealing the wheel lock eligibility determination that the notice given under subsection (3) of this section was erroneous or based on erroneous information.

(5) If an owner timely participates in the appeal as scheduled by the parking administrator, he or she shall furnish the owner written notice of his or her decision prior to placing the vehicle on the wheel lock-eligible list.

(6) After the specified date provided in the notice issued under subsection (3) of this section, the parking administrator shall review the records to ensure that the alleged unpaid parking tickets have not been paid or otherwise resolved, and that no information has been received indicating that the notice was erroneous.

(7) Once a vehicle has been placed on the wheel lock-eligible list, it shall not be removed from the list unless and until:

(a) The fines and fees on all unpaid parking tickets issued during the time it has been registered to or otherwise held by the owner are paid or otherwise resolved to include the payment of fines and fees related to parking tickets not yet eligible for late fees;

(b) The parking administrator receives reliable information that title to the vehicle has been transferred; or

(c) The parking administrator determines that the placement of the vehicle on the wheel lock-eligible list was erroneous.

(8) If a vehicle is not properly registered in any state or no registration information is available to the university and the vehicle is wheel lock eligible, then notice shall be provided by posting on the vehicle a conspicuous notice, which shall set forth:

(a) A description of the alleged wheel lock-eligible vehicle;

(b) A specified date on which the wheel lock-eligible vehicle is subject to placement on the wheel lock-eligible list;

(c) That the owner may avoid placement of the vehicle on the wheel lock-eligible list by making payment in full of fines and late fees on all unpaid parking tickets to include the payment of fines and fees related to parking tickets not yet eligible for late fees by the specified date certain on which the vehicle is subject to placement on the wheel lock-eligible list; and

(d) That the vehicle is subject to wheel lock, towing or both once it is placed on the wheel lock-eligible list.

(9) An officer shall attempt to wheel lock any vehicle which appears on the wheel lock-eligible list when parked, lawfully or unlawfully, on campus.



(10) The parking administrator or the chief of police shall ensure that officers are on duty to remove wheel locks from vehicles Monday through Friday between 8:00 a.m. and 5:00 p.m.

#### NEW SECTION

**WAC 504-19-880 Fees, fines, and release of an impounded vehicle.** The owner of an impounded vehicle may not secure the release of the stored vehicle until payment in full of fines and fees has been made on all unpaid parking tickets to include the payment of fines and fees related to parking tickets not yet eligible for late fees relating to the vehicle which were issued while the vehicle was owned by the person who owned the vehicle at the time it is wheel locked or towed hereunder, and the owner has paid in full the wheel lock fee, unpaid parking tickets, late fees, storage fees, and towing fees for any and all other vehicles owned by the registered owner.

#### NEW SECTION

**WAC 504-19-885 Theft, damage, or removal of a wheel lock device.** The following conduct of any person shall be reported to university police:

- (1) Causing physical damage to a wheel lock device;
- (2) Removing, or attempting to remove, a wheel lock device; or
- (3) Taking or stealing a wheel lock device.

### **PART VI: TRAFFIC REGULATIONS**

AMENDATORY SECTION (Amending WSR 96-15-050, filed 7/15/96, effective 8/15/96)

**WAC 504-19-920 Closed and restricted areas.** In certain designated areas on campus, such as the pedestrian mall in the campus core, driving is restricted to mall service vehicles.

AMENDATORY SECTION (Amending WSR 96-15-050, filed 7/15/96, effective 8/15/96)

**WAC 504-19-930 Bicycles, skateboards, and roller blades/skates.** (1) The riding and use of bicycles, skateboards, and roller blades/skates is prohibited from all building plazas, and interior building spaces.

(2) Bicycles, skateboards, and roller blades/skates may be ridden and used on sidewalks when a bike path is not provided. Operators must move at a safe speed and yield to pedestrians at all times.

(3) Bicycles, skateboards, and roller blades/skates may not be ridden on or over stairways, steps, ledges, benches, planting areas, or any other fixtures.

(4) Bicyclists must obey all traffic rules of the road when operating a bicycle in roadways.

(5) Bicycles may be secured only at bicycle racks and facilities designed for such purpose.

(6) Bicyclists desiring to enjoy the right of way provided to pedestrians in crosswalks must dismount and walk their

bicycle in crosswalks. Failure to do so will result in a bicyclist being in violation of the traffic laws.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 504-19-430	Change in residence or license plates.
WAC 504-19-830	Other violations and sanctions.

### **WSR 08-08-050**

#### **PERMANENT RULES**

#### **WASHINGTON STATE UNIVERSITY**

[Filed March 27, 2008, 8:36 a.m., effective July 1, 2008]

Effective Date of Rule: July 1, 2008.

Purpose: To update and clarify the campus traffic and parking regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 504-15-430 and 504-15-830; and amending WAC 504-15-010, 504-15-020, 504-15-030, 504-15-040, 504-15-050, 504-15-100, 504-15-200, 504-15-210, 504-15-220, 504-15-250, 504-15-300, 504-15-350, 504-15-410, 504-15-420, 504-15-440, 504-15-450, 504-15-460, 504-15-470, 504-15-510, 504-15-520, 504-15-540, 504-15-560, 504-15-580, 504-15-600, 504-15-650, 504-15-750, 504-15-810, 504-15-860, 504-15-920, and 504-15-930.

Statutory Authority for Adoption: RCW 28B.30.150.

Adopted under notice filed as WSR 08-03-137 on January 23, 2008.

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 4, Amended 30, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 4, Amended 30, Repealed 2.

Number of Sections Adopted Using Negotiated Rule Making: New 4, Amended 30, Repealed 2; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: March 21, 2008.

Ralph T. Jenks, Director  
Procedures, Records, and Forms  
and University Rules Coordinator

### **Chapter 504-15 WAC**

**CAMPUS (~~(TRAFFIC)~~) PARKING AND (~~(PARKING)~~)  
TRAFFIC REGULATIONS**

AMENDATORY SECTION (Amending Order 90-1, filed 5/16/90, effective 7/1/90)

**WAC 504-15-010 Authorization.** Pursuant to the authority granted by RCW 28B.30.125, 28B.30.150, 28B.10.560, and chapter 34.05 RCW, the board of regents of (~~Washington State University~~) establishes the following regulations) the university adopts this chapter to govern parking and traffic on the Pullman campus.

AMENDATORY SECTION (Amending Order 90-1, filed 5/16/90, effective 7/1/90)

**WAC 504-15-020 Purposes of regulations.** (1) The purposes of these regulations are to:

~~((1))~~ (a) Expedite university business and provide maximum safety, order, and (~~convenience~~) access;

~~((2))~~ (b) Regulate parking, with priority given to:

~~((a))~~ (i) Services of the university;

~~((b))~~ (ii) Persons who (~~need~~) require the use of vehicles in connection with their on-campus work; and

~~((c))~~ (iii) Staff and students who (~~need~~) require the use of private vehicles because of a disability or other approved reason; and

~~((3))~~ (c) Provide and maintain suitable campus parking and (~~traffic facilities~~) transportation systems.

(2) The vice-president or designee whose responsibilities include supervision of the parking department shall have the authority to designate particular locations as parking, temporary parking, restricted parking, or prohibited parking, as well as the authority to designate permanent and temporary areas as being closed to vehicular traffic.

AMENDATORY SECTION (Amending Order 90-1, filed 5/16/90, effective 7/1/90)

**WAC 504-15-030 Knowledge of parking regulations.**

It is the responsibility of all individuals parking on the campus to read and fully understand these regulations. Lack of knowledge of these regulations (~~will~~) is not (~~be accepted~~) acceptable as grounds for dismissal of ( ~~citations~~) parking tickets.

AMENDATORY SECTION (Amending Order 90-1, filed 5/16/90, effective 7/1/90)

**WAC 504-15-040 Applicable parking and traffic laws and regulations.** The following laws and regulations apply upon (~~state~~) lands owned and/or controlled by (~~Washington State University Pullman~~) the university Pullman campus:

(1) The motor vehicle and other traffic laws of the state of Washington (Revised Code of Washington); and

(2) (~~The Washington State University parking and traffic regulations.~~) Chapter 504-15 of the Washington Administrative Code.

AMENDATORY SECTION (Amending Order 90-1, filed 5/16/90, effective 7/1/90)

**WAC 504-15-050 Emergencies.** The president of (~~Washington State~~) the university shall have authority to suspend, modify, or repeal any or all provisions in this chapter in the event of an emergency, disaster, or other like contingency. Such action shall be limited in duration and scope (~~to meeting the dangers of the contingency~~) based on the incident.

AMENDATORY SECTION (Amending WSR 02-14-071, filed 6/28/02, effective 7/29/02)

**WAC 504-15-100 Definitions.** The definitions in this section are applicable within the context of (~~these regulations~~) this chapter.

(1) Campus. Describes all property owned, leased, and/or controlled by (~~Washington State University in~~) the university Pullman campus which is or may hereafter be dedicated mainly to the educational, research, housing, recreational, parking, or other activities of (~~Washington State University~~) the university.

(2) Commuter student. Any student who does not live in a university residence hall (dormitory). All students living in fraternities, sororities, university-owned housing (other than residence halls), and private housing are considered to be commuter students.

(3) Day. Unless otherwise specified, the term "day" refers to a calendar day.

(4) Disability parking. See persons with disability.

(5) Disability zone. A parking zone designated for exclusive use by persons with disability and identified with a sign bearing the associated international (~~disability~~) symbol (~~that is restricted at all times to use by vehicles bearing a valid WSU disability parking permit or indicator, or any state-issued disability parking permit~~).

~~((4))~~ Dormitory. See residence hall.

~~((5))~~ (6) Fire zone. An area needed for emergency access to buildings, fire hydrants, or fire equipment. Such areas include, but are not limited to, areas with adjacent curbs or rails painted red.

~~((6))~~ (7) Gate card. A plastic card that activates the gates controlling access to certain parking areas.

~~((7))~~ (8) Holiday (~~or university holiday. A day when all university facilities are generally closed (e.g., Thanksgiving Day, Christmas Day, New Year's Day). Vacation days are not considered holidays. See definition of vacation~~). See university holiday.

~~((8))~~ Housing area. Housing units or apartments, and their respective parking areas, that are owned by the university, but are not included as residence halls.

(9) Illegal use of permit. A parking violation in which a ( ~~citation~~) parking ticket is issued under the following circumstances:

(a) Use of a parking permit(~~)~~ or indicator on (~~an unspecified vehicle~~) a vehicle other than the specified vehicle identified by a license plate number on the permit.

(b) Use of a parking permit(~~)~~ or indicator obtained under false pretenses.

(c) Use of a modified parking permit(~~)~~ or indicator.

(d) Use and/or retention of a parking permit (~~(/)~~) or indicator by person(s) ineligible, or no longer eligible, for such a permit as described and authorized in this chapter.

(10) Impound. To take and hold a vehicle in legal custody by use of a wheel lock and/or towing.

(11) Indicator. A decal or hanger displayed adjacent to a parking permit which (~~more clearly~~) defines (~~the~~) additional parking areas available to a permit holder.

(~~(12)~~) (12) Loading zone. A loading dock, or an area signed "loading zone" adjacent to a facility, in a parking area, or near a residence hall. Such an area is intended for loading and unloading bulky or voluminous material. Loading zones are restricted at all times unless signed otherwise.

(~~(13)~~) (13) Moped. Any two-wheeled or three-wheeled motor vehicle with an engine displacement of 50 cc or less.

(~~(14)~~) (14) Motorcycle. Any two-wheeled or three-wheeled motor vehicle with an engine displacement greater than 50 cc.

(~~(15)~~) (15) Motor vehicle. All motor-driven conveyances except wheelchairs. Also referred to as "vehicle" in this chapter.

(~~(16)~~) (16) No parking zone. Any area not specifically marked and/or signed for parking. Such areas include, but are not limited to, areas with adjacent curbs or rails painted yellow.

(~~(17)~~) (17) Officer. Any parking or police official employed by the university who is designated by the parking administrator or chief of police to issue parking tickets, to place and remove wheel locks, or to cause vehicles to be towed under this chapter.

(18) Owner. The person registered with any state as the present owner of a vehicle in the most current registration records available to the university, the owner's expressed representative, or any transferee not designated in such records, provided that the parking administrator or chief of police has received actual written notice of the transfer.

(19) Park/parking. This refers to the placement or standing of a vehicle, with or without a driver in attendance, and with or without the engine running.

(~~(17)~~) (20) Parking administrator. The manager in charge of the parking department or designee.

(21) Parking appeals committee. Any person or persons appointed to consider parking violations and the application of fees, fines, and sanctions. Said person or persons are appointed by the vice-president whose responsibilities include supervision of the parking department or designee.

(22) Parking department. The university department which is charged with the responsibility of managing, operating, planning, and maintaining parking facilities; enforcing the parking regulations; and coordinating commute trip reduction efforts for the Pullman campus.

(23) Parking meter. A single fixed device that typically requires payment and limits the amount of time a vehicle can park in a single space. Also referred to as "meter" in this chapter. A parking meter is not a parking payment device.

(24) Parking payment device. A machine that requires payment and vends a parking permit and/or a paid receipt. Parking payment devices may be located in various places on the campus. A parking payment device is not a parking meter.

(25) Parking permit. A vinyl, plastic, (~~(/)~~) paper, or other instrument sanctioned by the parking (~~services~~) department that is displayed from a vehicle, and authorizes parking in specified areas. Also referred to as "permit" in this chapter.

(~~(18)~~) (26) Parking ticket. The first notice of a parking violation which is usually placed in a visible location on a motor vehicle.

(27) Pay parking facility. A location where parking is provided and payment is made on-site via a parking payment device, cashier, or other means other than a parking meter.

(28) Pedestrian mall. A space that is designed primarily for pedestrian use, but with limited authorized use of motor vehicle and other motorized and nonmotorized conveyances. These restricted areas are depicted on the Pullman campus map and/or with signing at the entrances to the pedestrian mall areas.

(29) Persons with disability. For the purpose of this chapter, persons with disability shall refer to a person or persons with disability or disabilities who qualify for a state-issued persons with disability parking identification and permit.

(30) Resident priority zone. A parking area close to a residence hall (i.e., crimson zone or gray zone) that is typically limited to use by resident students.

(31) Resident student. A student (~~(living)~~) with a current, valid residence hall contract, who lives in a residence hall.

(~~(19)~~) (32) Residence hall. Residence halls include, but are not limited to, the following: (~~Streit Hall, Perham Hall, Regents Hall, Scott Hall, Coman Hall, Wilmer Hall, Davis Hall, Duncan-Dunn Hall, Community Hall, Stevens Hall, McCroskey Hall, Gannon Hall, Goldsworthy Hall, McEachern Hall, Orton Hall, Rogers Hall, Stephenson Complex, Stimson Hall, Waller Hall, Kruegel McAllister Hall, and Honors Hall~~) Coman Hall, Community Hall, Davis Hall, Duncan-Dunn Hall, Gannon Hall, Goldsworthy Hall, Honors Hall, McCroskey Hall, McEachern Hall, Orton Hall, Perham Hall, Regents Hall, Rogers Hall, Scott Hall, Stephenson Complex, Stevens Hall, Stimson Hall, Streit Hall, Waller Hall, and Wilmer Hall.

(~~(20)~~) (33) Service vehicle. A vehicle used to provide a service for the university or a tenant or contractor of the university (e.g., a university owned vehicle or a privately owned vehicle with a valid service (~~permit~~) vehicle authorization displayed).

(~~(21)~~) (34) Service zone. Parking spaces or area designated for the use of (~~university~~) service vehicles, other government-owned vehicles, and vehicles displaying a service indicator or commercial permit. Authorized vehicles may park in these zones on an occasional basis for a maximum of fifteen minutes, except for vehicles that display a commercial permit, or a service indicator issued for an extended time. Service zones are restricted at all times unless signed otherwise.

(~~(22)~~) Resident priority zone (i.e., crimson zone, gray zone). A parking area close to a residence hall. Parking in these areas is assigned to resident students by residence life personnel, and/or residence hall officers.

(~~(23)~~) (35) Staff. For the purposes of these regulations, "staff" includes all (~~faculty, classified staff, administrative~~)

and professional employees, temporary employees, and other support personnel employed by the university;)) nonstudent employees of the university and the ((personnel)) nonstudent employees of other ((activities)) entities located on, or regularly doing business on campus. Teaching assistants, research assistants, and other students employed by the university, or other entities located on, or regularly doing business on campus, are not "staff." They are considered ((as)) to be students for the purpose of these ((rules)) regulations.

~~((24))~~ (36) Standing. "Standing" is the stopping of a vehicle with the driver remaining in it.

(37) Storage of a vehicle. Impounded vehicles are held in storage until released. During such time they are subject to storage fees.

(38) Student. ((Any person who has been admitted to the university, and who is either attending classes, or actively pursuing a degree or certificate.)) The term "student" includes all persons who are not staff who are taking courses at the university, enrolled full-time or part-time, pursuing undergraduate, graduate, professional studies, or auditing one or more classes.

~~((25))~~ (39) Summer session. The summer session includes all summer ((school)) sessions beginning on the first day of the earliest session, and ending on the last day of the latest session.

~~((26))~~ (40) University. Refers to Washington State University.

(41) University holiday. ((See)) A day regarded by the university as an official university holiday.

~~((27))~~ (42) University-owned housing. Housing units or apartments, and their respective parking areas, that are owned by the university, but are not included as residence halls. Occupants of university-owned housing are eligible for housing parking permits issued by the university.

(43) Unpaid. A full or partial outstanding balance due. This definition includes parking tickets which are pending appeal.

(44) Vacation. A period of time when classes or final exams are not in session. Except for holidays that fall within this period, the business offices of the university are open during this time.

~~((28) Vehicle. See motor vehicle.~~

~~((29))~~ (45) Visitors. Persons who are not staff or students and who only visit the campus on an occasional basis.

~~((30))~~ (46) Wheel lock. A device used to temporarily immobilize a motor vehicle ((i.e., on the spot impoundment)). Wheel locked vehicles are considered to be impounded in place and subject to storage fees.

(47) Wheel lock-eligible list. The current list of wheel lock-eligible vehicles as maintained by the parking department. A vehicle remains on the wheel lock-eligible list until all fines and fees related to parking tickets are paid in full or otherwise resolved to include the payment of fines and fees related to parking tickets not yet eligible for late fees.

(48) Wheel lock-eligible vehicle. Any vehicle on which three or more parking tickets more than thirty days old are unpaid and which parking tickets were issued during the time the vehicle was registered to or otherwise held by the owner. The vehicle remains wheel lock-eligible until all fines and fees related to parking tickets are paid in full or otherwise

resolved to include the payment of fines and fees related to parking tickets not yet eligible for late fees.

AMENDATORY SECTION (Amending WSR 02-14-071, filed 6/28/02, effective 7/29/02)

**WAC 504-15-200 Enforcement authority.** ~~((Parking services))~~ The parking department and the university police department are charged with the impartial enforcement of these regulations. ((Enforcement personnel)) Officers of these departments have authority to issue parking ((citations)) tickets, to impound vehicles, and to control access to areas.

AMENDATORY SECTION (Amending WSR 02-14-071, filed 6/28/02, effective 7/29/02)

**WAC 504-15-210 Times of enforcement.** Parking regulations are subject to enforcement at all times.

(1) Parking permit areas((:)). All parking permit zones are limited to authorized permit holders during specific hours. These hours are posted in each parking ~~((zone either))~~ area at the entrance to parking areas, or along roadways where parking is marked. ~~((Restricted spaces are enforced at all times. See subsection (4) of this section, special conditions.))~~

(2) Restricted spaces((:)). These spaces are restricted for their designated purpose at all times ~~((twenty-four hours a day, seven days a week))~~ unless signed otherwise:

(a) Disability zones.

(b) Load/unload.

(c) Service.

(d) Reserved.

(e) Reserved (bagged) parking meters.

(f) ~~((Specially signed))~~ Pedestrian mall.

(g) Areas which are specially signed or physically set apart by barricades, traffic cones, tape, or other traffic devices.

(3) Parking metered spaces((:)). Parking meters are in effect during the times posted on each meter. During these times the meter must be paid the posted amount. Additional time cannot be purchased beyond the meter's posted maximum time limit (e.g., a two-hour meter ~~((will))~~ allows a maximum of two hours to be purchased at one time). A motor vehicle which is parked at an expired meter is considered in violation initially, and after each period equal to the maximum time posted for the meter. In such case a parking ticket may be issued for each violation. For example, a vehicle parked at a meter with a two-hour maximum time limit for six hours and five minutes of CONTINUOUS unpaid parking at the same meter would be eligible for up to three parking tickets.

(4) Special conditions((:)). The parking regulations are enforced every day, twenty-four hours a day. During certain times the following special conditions exist, and the regulations are modified.

(a) Crimson permit zones.

(i) Permits are not required in crimson zones at the start of each semester from the Monday of the week prior to the first day of class through the fifth day of class.

(ii) Crimson, orange, and green permits are valid in crimson zones during summer session, vacation periods, and between semesters.

(iii) Temporary one-hour parking zones may be established in portions of the crimson zones during finals week and at the start of each semester to accommodate moving into and moving out of residence halls.

(b) Gray permit zones.

(i) Permits are not required in gray zones at the start of each semester from the Monday of the week prior to the first day of class through the fifth day of class, during vacation periods, and between semesters.

(ii) During summer session, gray zones are open to all valid (~~WSU~~) university parking permits, except blue permits and housing parking permits.

(iii) Temporary one-hour parking zones may be established in portions of the gray zones during finals week and at the start of each semester to accommodate moving into and moving out of residence halls.

(c) Blue permit zones. Permits are not required in blue zones at the start of each semester from the Monday of the week prior to the first day of class through the fifth day of class, during finals week, vacation periods, and between semesters.

(d) University-owned housing areas. Permits are not required in university-owned housing areas at the start of each semester from the Monday of the week prior to the first day of class through the fifth day of class, and during finals week.

(e) Summer business hours. During the period when the university is (~~officially~~) on official summer business hours, all metered spaces and permit areas which are not restricted (~~will be~~) are open parking after 4:00 p.m. (~~This period varies from year to year, and does not include periods when individual departments change their business hours outside the university's~~) Official summer business hours are posted on the human resource services department web site throughout the summer.

(5) Pay parking facilities(~~is~~). Some (~~nonmetered~~) parking areas (~~are provided for~~) provide parking on an hourly basis. Hours of operation and a schedule of fees are posted at the facility entrance and at the point of payment. Parking (~~violations~~) tickets are issued to vehicles that are parked over the duration of time that was paid and for non-payment. Parking areas with parking meters are not considered pay parking facilities.

**AMENDATORY SECTION** (Amending Order 90-1, filed 5/16/90, effective 7/1/90)

**WAC 504-15-220 Signed and marked areas.** (1) Parking on campus is permitted only in the marked and/or signed spaces in (~~areas~~) parking facilities and on streets. All other areas outside these designated areas are "no parking zones." Each parking (~~area~~) facility has signs or markings to indicate the type of permit or (~~permits~~) payment required, and the times they are required.

(2) Individual parking spaces are marked, and no vehicle may be parked so as to occupy any portion of more than one parking space. The fact that other vehicles were parked in a

manner requiring a vehicle to occupy a portion of more than one space shall not constitute an excuse for a violation of this (~~rule~~) regulation.

(3) Standing (the stopping of a vehicle with the driver remaining in it) is permitted in marked parking spaces, except metered spaces and restricted spaces, even though the vehicle does not have a valid parking permit. Double parking while "standing" is not permitted.

(4) Should there be a conflict between these regulations, map designation, and on-site signs regarding parking instructions, the on-site sign takes precedence.

(5) Permit areas and restricted spaces are not always signed individually.

**AMENDATORY SECTION** (Amending WSR 95-13-003, filed 6/8/95, effective 7/9/95)

**WAC 504-15-250 Motorcycles(~~is~~) and mopeds(~~and bicycles~~).** (1) The general traffic regulations applicable to motor vehicles apply (~~equally~~) to motorcycles(~~, mopeds, and bicycles~~) and mopeds. Motorcycles or mopeds may not be driven on sidewalks or in (~~the~~) pedestrian mall areas. (~~Bicycles may be used on sidewalks, though pedestrians always have the right of way.~~) Owners of motorcycles and mopeds are responsible for all violations (~~including violations~~) issued (~~even if said vehicle is moved by someone else after being legally parked~~).

(2) The university classifies mopeds and motorcycles by engine displacement (also referred to as engine size). This definition applies only to (~~parking at the~~) university property and does not replace or supersede the definitions established by the state of Washington for licensing (~~or traffic~~) purposes.

(3) Mopeds(~~is~~). Mopeds may park only in (~~the following locations with a valid moped permit~~):

(a) a designated moped parking area marked by signs and/or the letters "MP" on the parking surface(~~is~~);

(b) and a bicycle rack unless the rack is signed to exclude mopeds. Mopeds must display a valid university moped permit during posted times. Mopeds may not park in marked motorcycle areas at any time or anywhere within designated pedestrian mall areas.

(4) Motorcycles(~~is~~). Motorcycles may park only in spaces which are marked by signs, or the letter "M" painted on the parking surface. Motorcycles must display a valid (~~WSU~~) university motorcycle permit during posted times. During all other times, these spaces are restricted to use by motorcycles only. Motorcycles may not park at bicycle racks or in designated moped areas at any time.

**AMENDATORY SECTION** (Amending Order 90-1, filed 5/16/90, effective 7/1/90)

**WAC 504-15-300 Financial responsibility for (~~citations~~) parking tickets.** (1) Each registered parking permit (~~registrant~~) holder shall be financially responsible for parking ( ~~citations~~) tickets on vehicles:

(a) Registered with the parking (~~services~~) department; and/or

(b) Displaying the (~~registrant's~~) registered parking permit holder's permit.

(2) Owners of vehicles ~~((will be))~~ are held ((primarily liable)) ultimately financially responsible for ~~((citations))~~ parking tickets issued to their vehicles.

AMENDATORY SECTION (Amending WSR 95-13-003, filed 6/8/95, effective 7/9/95)

**WAC 504-15-350 Use of areas for emergency, maintenance, events, construction, or special needs.** The university reserves the right to close any campus parking area at any time it is deemed necessary for maintenance, safety, events, construction, or to meet special needs. ~~((Parking services will))~~ The parking department provides notice to users when possible.

Public safety and maintenance personnel performing official duties may deviate from these regulations as required to conduct emergency procedures.

AMENDATORY SECTION (Amending Order 90-1, filed 5/16/90, effective 7/1/90)

**WAC 504-15-410 Issuance ~~((and)), use, and term of parking permits.~~** Parking permits are ~~((available at))~~ issued by the parking ((services, located in the safety building,)) department for available areas upon application and the payment of the appropriate fees. The applicant ~~((will))~~ may receive a parking permit and/or indicator which specifies parking area(s) where the vehicle may be parked. Permits are valid up to and including the expiration date on the permit.

~~((Temporary parking permits may be obtained from police services when the parking services office is closed.~~

~~Housing area parking permits are issued by the respective apartment housing offices.))~~

AMENDATORY SECTION (Amending Order 90-1, filed 5/16/90, effective 7/1/90)

**WAC 504-15-420 ~~((Consent to))~~ Withholding of fines and fees.** All parking permit applications shall provide that the university may withhold unpaid fines and fees, when permitted by law, from any sums owed the permit holder and to treat the same as a debt.

AMENDATORY SECTION (Amending Order 90-1, filed 5/16/90, effective 7/1/90)

**WAC 504-15-440 ~~((Term of permit--))~~ Transfer of parking permit.** ~~((Permits are valid up to and including the expiration date on the permit.~~

~~The ownership of))~~ A parking permit((s)) is ((generally)) not ((transferable, but exceptions can be made by parking services provided that the:

(1) Person relinquishing ownership and the eligible purchaser appear in person at parking services when requesting such a transfer;

(2) Former owner relinquishes all ownership or claim to the permit, and pays all outstanding fines; and

(3) New owner completes a new application form for the permit.

If a replacement permit is requested, the old permit must be removed and presented to parking services to be eligible for a replacement or a refund)) transferable.

AMENDATORY SECTION (Amending WSR 95-13-003, filed 6/8/95, effective 7/9/95)

**WAC 504-15-450 Replacement parking permits, indicators, and gate cards.** (1) Sold or traded vehicles. Failure to advise the parking ((services)) department of a sale or trade for registration purposes may result in continued responsibility to the permit holder for ~~((citations))~~ parking tickets received on ~~((that permit))~~ vehicles.

The permit holder has responsibility for removing parking permits prior to selling or trading a vehicle. The identifiable remnants of the original permit must be presented to the parking ((services)) department to receive a free replacement. Persons failing to comply with this requirement shall pay the cost of a new permit.

(2) Lost/stolen permits. Permit holders are responsible for the security of their permits. The theft or loss of a parking permit should be reported to the parking ((services)) department immediately upon discovery. A lost or stolen permit ((will)) may be replaced ~~((once at no cost, but only if a theft report of the permit has been filed in the appropriate police jurisdiction and verified by parking services. The second time the permit is reported stolen, the replacement fee will be ten dollars; the third time, twenty dollars; and thereafter, the original cost of the stolen permit. A lost permit will be replaced once for ten dollars; the second time, twenty dollars; and thereafter at the original cost of the permit))~~ upon payment to the parking department of the cost of replacing the permit, according to a schedule adopted by the parking department. Lost((;))or stolen permits must be returned to the parking ~~((services office))~~ department immediately if recovered.

(3) Windshield replacements. When a permit-bearing windshield is replaced, the permit replacement fee ~~((will be))~~ is waived if proof of windshield replacement is presented.

(4) Gate card replacement. A lost, stolen, or damaged gate card ~~((will be))~~ is replaced ~~((for five dollars))~~ upon payment to the parking department of the cost of replacing the gate card, according to a schedule adopted by the parking department.

AMENDATORY SECTION (Amending WSR 02-14-071, filed 6/28/02, effective 7/29/02)

**WAC 504-15-460 False information.** No person shall obtain, attempt to obtain, or use in a manner contrary to these regulations, a modified parking permit or a permit issued upon false information. A violation of this section includes giving a false name, address, ~~((Social Security))~~ identification number, and/or other information known to be false. It also includes the ~~((mere))~~ use of a visitor, conference, and commercial permit by staff or students. Violation of this provision shall constitute the illegal use of a parking permit, and ~~((will be))~~ is subject to ~~((citation and fine))~~ issuance of a parking ticket.

AMENDATORY SECTION (Amending WSR 95-13-003, filed 6/8/95, effective 7/9/95)

**WAC 504-15-470 Recall of parking permits and gate cards.** Parking permits are the property of the university and may be recalled by the parking ~~((manager))~~ administrator when:

(1) The purpose for which the permit or gate card was issued changes or no longer exists (e.g., a person who no longer lives in a residence hall would be required to ~~((hand over))~~ return their gray permit for refund or credit toward an appropriate permit);

(2) A permit or gate card is used on an unauthorized vehicle or by an unauthorized person;

(3) A parking permit application is falsified;

(4) A counterfeit, modified, lost/stolen permit or gate card is used; or

(5) The parking permit fee is unpaid.

AMENDATORY SECTION (Amending Order 90-1, filed 5/16/90, effective 7/1/90)

**WAC 504-15-510 Parking permits—General.** The university ~~((will))~~ issues parking permits for designated areas of the campus. Any vehicle parked on ~~((university property, other than a pay area or metered space))~~ the campus must clearly display a ~~((current university))~~ valid university parking permit ~~((for a given area))~~ in accordance with this chapter during the posted hours and in locations when and where permits are required. University staff and students may not use any other permit in lieu of a valid university parking permit or valid university housing parking permit.

AMENDATORY SECTION (Amending Order 90-1, filed 5/16/90, effective 7/1/90)

**WAC 504-15-520 Parking permits—Form and display.** All parking permits must be displayed in the approved position on the vehicle with permit numbers and relevant dates visible. Vehicles with permits which are not displayed in accordance with the provisions of this section ~~((are not valid, and vehicles displaying them improperly))~~ are subject to ~~((citation))~~ parking tickets for the violation of improperly displaying a permit.

(1) Autos and trucks:

(a) Hanging permits, both annual and ~~((temporary))~~ daily, must be displayed hanging from the rear-view mirror post.

(b) ~~((Transferable cards))~~ Permits mounted solely by suction cup and ~~((affixed))~~ permit decals directly affixed to the windshield must be displayed on the front windshield at the lower left corner (driver's side). Decals must be mounted completely by means of their own adhesive (not by tape).

(2) Motorcycles and mopeds~~((s))~~. Motorcycle and moped permits must be mounted completely by means of their own adhesive and prominently displayed on the left rear side of the vehicle or on top of the rear tail light.

AMENDATORY SECTION (Amending WSR 02-14-071, filed 6/28/02, effective 7/29/02)

**WAC 504-15-540 Zone parking permits—Availability and use.** The management and assignment of parking zones is designed to provide a ~~((reliable))~~ parking space to each permit holder~~((s))~~. However, uncontrolled access to parking areas and unexpected parking demand make it impossible to guarantee a parking space in a permit holder's assigned zone. Every effort ~~((will be))~~ is made via surveys and limits on permit sales, to ensure that permit holders are not displaced from their assigned zones. The only exception to this ~~((will be))~~ is that the sale of blue permits ~~((will))~~ is not ~~((be))~~ limited.

Staff and students are generally assigned to specific parking areas, ~~((called))~~ referred to as zones. Parking zones are color-coded with respect to their price and numbered with respect to the specific parking ~~((area))~~ zone assignment of each permit holder. Permit holders may park in their assigned zone as reflected by the combination of color and number on their permit and corresponding sign, or they may park in other zones as described below.

(1) Orange permits~~((s))~~. Orange permit holders may park in their numerically assigned orange zone, or in any green, yellow, red, or blue zone. These permits may be made available on a ~~((temporary))~~ daily basis ~~((during the summer session))~~.

(2) Green permits~~((s))~~. Green permit holders may park in their numerically assigned green zone, or in any yellow, red, or blue zone. These permits may be made available on a ~~((temporary))~~ daily basis ~~((during the summer session))~~.

(3) Yellow permits~~((s))~~. Yellow permit holders may park in their numerically assigned yellow zone, or in any red or blue zone. These permits may be made available on a ~~((temporary))~~ daily basis.

(4) Red permits~~((s))~~. Red permit holders may park in their numerically assigned red zone or in any blue zone. These permits may be made available on a ~~((temporary))~~ daily basis.

(5) Crimson permits. Crimson permit holders may park in their numerically assigned crimson zone, or in the numerically corresponding gray zone (e.g., a crimson 1 permit is valid in the gray 1 zone, but not in the gray 2 zone), or in any blue zone. Crimson permit holders must turn in their crimson permit for a refund or credit toward another permit, if applicable, immediately upon moving out of the residence hall. Only resident students are eligible for crimson permits.

~~((6))~~ Gray permits~~((s))~~. Gray permit holders may park in their numerically assigned gray zone, or in any blue zone. These permits may be made available on a ~~((temporary))~~ daily basis. Gray permit holders must turn in their gray permit for refund or credit toward another permit, if applicable, immediately upon moving out of a residence hall. Only resident students are eligible for gray permits.

~~((6))~~ Blue permits (peripheral parking)~~((s))~~. Blue permit holders may park in any blue zone. These permits ~~((are))~~ may be made available on a ~~((temporary))~~ daily basis.

~~((7))~~ Crimson permits. Crimson permit holders may park in their numerically assigned crimson zone, or in the numerically corresponding gray zone (e.g., a crimson 1 permit is valid in the gray 1 zone, but not in the gray 2 zone), or in any

~~blue zone. Crimson permit holders must turn in their crimson permit for a refund or credit toward another permit, if applicable, immediately upon moving out of the residence hall. Only resident students are eligible for crimson permits.~~)

AMENDATORY SECTION (Amending WSR 95-13-003, filed 6/8/95, effective 7/9/95)

**WAC 504-15-560 Other parking permits—Availability and use.** (1) Visitor permits(~~(:)~~). Visitor permits are available on an annual or daily basis to visitors of the university. Visitor permits may be used only by bona fide visitors as defined by this chapter. Use by any other person constitutes illegal use of a parking permit. Annual visitor permits are valid in green, yellow, red and blue zones, and parking spaces signed for visitor(~~(s)~~) permits only. Daily visitor permits may be assigned to specific zones on a space-available basis. If a parking zone is not specified on the permit, it is valid in the same parking areas as an annual visitor permit. Visitor permits are not valid in pay (~~(lots)~~) parking facilities, parking meters, or restricted spaces.

(2) Golden cougar permits(~~(:)~~). Golden cougar permits are special visitor permits that are issued to retired (~~(faculty and)~~) staff (~~(free of charge)~~) in recognition of their service without additional cost. They are issued on an annual basis and are valid in green, yellow, red, blue zones, and visitor-permit-only parking spaces. (~~(Faculty and)~~) Staff who (remain regularly) are employed by the university or by other entities located on campus after formal retirement are not eligible to use a golden cougar permit in lieu of a regular paid zone permit.

(3) President's associates decals(~~(:)~~). President's associates decals are issued to eligible members of (~~(WSU)~~) the Washington State University foundation. They are valid in green, yellow, red, blue zones, and visitor-permit-only parking spaces. However, (~~(WSU)~~) university faculty, staff, and students may not use a president's associates decal in lieu of a paid zone permit.

(4) Conference permits(~~(:)~~). Conference permits are available to visitors who participate in conferences held on the university campus. They are available on a daily basis only. Conference permits may be assigned to specific zones on a space-available basis. If a parking zone is not specified on the permit, it is valid in green, yellow, red, blue zones, and visitor-permit-only parking spaces. Conference permits are not valid in orange zones, pay parking facilities, parking meters, or restricted spaces.

(5) Motorcycle permits(~~(:)~~). Motorcycle permits are valid within boundaries of areas specifically posted and/or marked for motorcycle permits. Motorcycle permits are available on an annual and daily basis.

(6) Moped permits(~~(:)~~). Moped permits are valid within boundaries of areas specifically posted and/or marked for moped permits. Moped permits are available on an annual and daily basis.

(7) Commercial permits(~~(:)~~). Commercial permits are issued to vendors, suppliers, and service representatives of outside companies performing a service for the university. Commercial permits are available on an annual or daily basis. Annual commercial permits are valid in service zones, park-

ing meters, and green, yellow, red and blue zones, and visitor-permit-only parking spaces (signed for visitors only). Daily commercial permits may be assigned to specific zones on a space-available basis. (~~(If a parking zone is not specified on the permit, it is valid in the same parking areas as an annual commercial permit.)~~) Commercial permits are not valid in orange zones(~~(:)~~) or pay (~~(lots, or other restricted spaces)~~) parking facilities.

(8) Construction permits(~~(:)~~). A construction permit is issued to personnel who are working on a construction site on campus. Construction permits are available on an annual or daily basis and are assigned to a specific parking area.

(9) Housing permits(~~(:)~~). A housing permit is issued to eligible residents of university (~~(apartments)~~-owned housing. Housing permits are valid only in specific housing parking areas.

(10) Carpool(~~(:)~~). Upon (~~(completion of)~~) application, a bona fide carpool(~~(s)~~) with four or more participants (~~(will be)~~) is given preference in the assignment of parking zones, and (~~(will be)~~) issued a permit (~~(instrument)~~) that (~~(will)~~) facilitates the carpool. (~~(This includes access to no more than two zones of the same fee level. If the carpool requires access to zones of various fee rates, the highest fee rate will be charged for use of the carpool permit.)~~) Obtaining or using a carpool permit under false pretenses constitutes the illegal use of a permit.

(11) Departmental permits. Departmental parking permits are available for use by department employees who need to use their personal vehicles for university business. Departmental permits are available in different forms and are valid at parking meters; service zones; orange, green, yellow, red, blue, crimson, and gray permit zones; and pay parking facilities. Departmental permits are not valid in reserved spaces. The use of departmental permits for anything other than official departmental business is prohibited by the State Ethics Act.

AMENDATORY SECTION (Amending WSR 02-14-071, filed 6/28/02, effective 7/29/02)

**WAC 504-15-580 Special indicator decals(~~(h)~~) and hangers.** Special indicator decals or hangers may be issued to staff and student permit holders who have otherwise valid parking permits in the following cases:

(1) A "service" indicator decal(~~(s)~~) or hanger(~~(s which are)~~) is valid typically for a maximum of fifteen minutes in a marked service zone. A (~~(separate)~~) "mall service" indicator (~~(allows)~~) is valid typically for a maximum of fifteen-minute parking in the pedestrian malls. These are available to staff or students who must use a private vehicle for university business. They are issued on an annual or daily basis (~~(after)~~) upon the approval of the parking (~~(manager)~~) administrator or his/her designee.

(2) A "night parking" indicator decal(~~(s)~~) or hanger(~~(s which are)~~) is valid in (~~(parking)~~) permit zones up to thirty minutes after the permit enforcement times for the zone begin, and thirty minutes before the permit times for the zone end. For example, if permits are required in a (~~(parking)~~) per-  
mit zone from 7:00 a.m. to 5:00 p.m., the night parking indicator is valid in that zone from 4:30 p.m. until 7:30 a.m. Night



parking indicators are not valid at any time in orange zones, crimson zones, gray zones, parking meter spaces, pay parking facilities, restricted spaces, or ((parking)) permit zones that require a parking permit at all times.

(3) Reserved parking indicator decals~~(/)~~ and hangers which are valid in parking spaces that are signed for the corresponding permit and indicator.

AMENDATORY SECTION (Amending WSR 02-14-071, filed 6/28/02, effective 7/29/02)

**WAC 504-15-600 ((Disability permits)) Parking permits for persons with disability.** ~~((The university and parking services strongly supports the provision of disability parking spaces at a reasonable proximity to campus buildings for people of disability.~~

There are two types of disability permits:

(1) Permanent physical disability. An annual disability permit is available to permanently disabled university employees and students at the established fee. Holders of annual permits may park in orange, green, yellow, red, crimson, gray, and blue zones, and metered spaces. They may not park in service zones or reserved spaces. The fee for an annual disability permit is equal to the blue zone fee. ~~Payment of regular posted fees is required in pay lots.~~

(2) Temporary physical disability. Temporary disability permits will be issued to temporarily disabled staff and students for a maximum of six weeks, although they may be renewed.

~~Employees and students must obtain a temporary disability form from parking services. These disabled parking privileges will be granted only after submission of the form that shows the applicant meets established physical limitations. The form must be completed by a health care provider. Parking services will not accept substitute forms or letters.))~~

(1) The provisions of this chapter cover the purchase and display of parking permits and the payment of fees and fines associated with parking for persons with disability.

(2) For the purpose of this chapter, persons with disability shall refer to a person or persons with disability who qualify for a state-issued persons with disability parking identification and permit.

(3) The university uses the state persons with disability parking permit system to determine eligibility for a university persons with disability parking permit. Persons desiring to purchase a university persons with disability parking permit must present a valid state-issued persons with disability parking identification and permit.

(4) Unless otherwise authorized, parking in spaces designated for persons with disability requires a valid university persons with disability parking permit to park on campus. University parking permits for persons with disability are available at the blue zone rate.

(5) Persons with a university persons with disability parking permit may park in a persons with disability parking space and any other, nonrestricted permit space within a parking permit zone.

(6) Persons with a university persons with disability parking permit may not park in restricted spaces with the exception of persons with disability parking spaces.

(7) Unless otherwise posted, any university parking permit to include a persons with disability parking permit is not valid in lieu of payment of regular posted fees in pay parking facilities.

(8) A state-issued persons with disability license plate, placard, or permit is valid in lieu of a university persons with disability parking permit in parking zones during times when a university permit is not required.

(9) The university intends to retain control of access to the pedestrian malls on campus. For that reason a university persons with disability parking permit is required in lieu of a state-issued persons with disability license plate, placard, or permit as authorization to use a pedestrian mall to access marked persons with disability parking spaces within the confines of a pedestrian mall.

AMENDATORY SECTION (Amending WSR 02-14-071, filed 6/28/02, effective 7/29/02)

**WAC 504-15-650 ((Permit)) Parking fees and fines.**

(1) Schedules for parking fees, parking administrative fees, late payment fees, parking fines and sanctions, parking meter rates, prorate and refund schedules, and the effective date thereof ((will be)) are submitted to the president or his/her designee and to the board of regents for approval by motion, provided, however, that ((fees associated with parking at the student recreational center, (SRC) including refunds of fees, will)) increases in fees and fines do not exceed limits established by the board of regents. Increases in fees and fines that do not exceed limits established by the board of regents are not ((be)) submitted to the board of regents so long as the board of regents has delegated authority to the president or his designee to approve all such fees and fines. The schedules described above for all parking fees((- parking administrative fees, meter rates, prorate and refund schedules, including those for the SRC, will)) and fines are thereafter ((be)) posted in the public area of the parking ((services)) department office((- filed with the university rules coordinator,)) and posted on the parking ((services)) department's web site.

(2) Payments((-). Parking fees and fines may be paid at the parking ((services)) department by cash, check, approved payment card, or money order. A payroll deduction plan is available for ((permanent)) eligible university employees and eligible graduate students ((during the fall semester only)).

(3) The annual fee for any shorter period relative to all permits shall be prorated according to the published schedule.

(4) The proper fee must be paid for all vehicles parked in ((metered areas)) parking meter spaces unless otherwise authorized.

(5) Staff members whose work schedules qualify them for ((night time)) nighttime differential pay may purchase a permit for one-half the regular fee. Verification ((will be)) is required.

(6) Refunds((-). Annual permits being relinquished may be returned to the parking ((services)) department for a pro rata refund in accordance with university policy. Identifiable remnants of the permit must be returned. ((Provision of the permit holder's copy of the permit receipt will facilitate the refund process. A minimum ten-dollar service charge will be retained by parking services. Further,)) The balance of any

fees and fines owed the parking ((services will be)) department is deducted from any refund due. Refunds for temporary permits ((will)) are not ((be)) granted. Refunds for pre-tax payroll deductions cannot be granted pursuant to federal tax laws.

(7) The parking department makes a wide array of options available in advance to university departments for use by their visitors, guests, and employees for the purpose of conducting departmental business. However, when necessary, university departments that can establish in writing that a parking ticket issued by the parking department was received as a result of parking any vehicle for the purpose of conducting official state business, or while conducting official business with the university or an entity located at the university are assessed a parking fee assessment (PFA) in lieu of the parking fine. Such requests for PFAs are signed by a department fiscal custodian. A PFA consists of the maximum daily parking fee plus an additional administrative fee for failing to purchase and provide the necessary parking permit or fee in advance or at the time of parking. University departments are encouraged to avoid additional administrative fees associated with PFAs by purchasing and storing pre-paid parking permits and by making them available as the department deems necessary. Nothing in this regulation allows a university employee to receive, or attempt to receive, any benefit associated with his or her personal expenses in violation of the State Ethics Act. All questionable employee conduct regarding the application of this section is reported to, and investigated by, the university internal auditor. This section applies only to parking tickets issued pursuant to this chapter.

AMENDATORY SECTION (Amending WSR 95-13-003, filed 6/8/95, effective 7/9/95)

**WAC 504-15-750 ((WSU/UI)) Reciprocal parking agreements.** (1) Purpose ~~((Washington State University and the University of Idaho have developed a cooperative parking agreement)).~~ The university can enter into reciprocal parking agreements with other universities and Washington State University campuses for the purpose of enhancing the accessibility to ((either)) various campuses for ((faculty,)) staff((;)) and students participating in ((cooperative)) various courses and programs. ((Selected parking permits from each university have been deemed valid in specific parking areas:))

(2) ~~((University of Idaho permit holders at WSU: The following applies to University of Idaho permit holders who wish to park at Washington State University:~~

(a) ~~UI gold and retiree permits are valid in WSU green, yellow, red, and blue zones.~~

(b) ~~UI red permits are valid in WSU yellow, red, and blue zones.~~

(c) ~~UI blue and silver permits are valid in WSU blue zones.~~

(d) ~~UI green permits (housing, visitor permits, or vendor permits) are not valid at Washington State University.~~

(e) ~~UI parking permits are not valid in WSU orange zones, gray zones, or housing areas.~~

~~((f) Annual or temporary permits may be available for other parking areas on a space available basis, and for an additional fee.~~

~~((3) WSU)) The university faculty, staff, and students assigned to, enrolled at, or who pay fees to ((Washington State)) the university Pullman campus or employees of other ((activities or agencies)) entities located on the Pullman campus must display a ((WSU)) valid university parking permit when parking at ((WSU)) the university. Any attempt by the above personnel to use a ((H)) parking permit from another university campus in lieu of a ((WSU)) valid university Pullman campus permit may result in a fine for illegal use of a parking permit.~~

~~((4) WSU permit holders at UI: The following applies to Washington State University permit holders who wish to park at the University of Idaho. It is provided for information only, and is subject to change by the UI. WSU permit holders are subject to all UI parking and traffic regulations.~~

~~((a) WSU orange, green, and golden cougar permits are valid in UI gold, red, and blue areas.~~

~~((b) WSU yellow, red, blue, and gray permits are valid in UI red and blue areas.~~

~~((c) WSU housing permits and visitor permits are not valid at the University of Idaho.))~~

#### **PART IV: FINES, SANCTIONS, AND APPEALS**

AMENDATORY SECTION (Amending WSR 02-14-071, filed 6/28/02, effective 7/29/02)

**WAC 504-15-810 Violations, fines, and sanctions.** (1) ~~Violations and fines((;)).~~ Parking violations ((will be)) are processed by the university. Fines must be paid at the parking ((services)) department or at other authorized locations, by mail, or from the parking department's web site. Schedules for parking violations, fines, and sanctions are posted in the public area of the parking ((services)) department office and on the parking ((services)) department's web site.

(2) ~~Reduction of fines((; Fines for violations in subsection (1)(a) and (b) of this section paid within twenty-four hours will be reduced by one-half)).~~

(a) The fine for "meter violation" and the fine for "overtime in a timed zone" violation are reduced by one-half if paid within twenty-four hours of time of issuance. Eligible violations received on Friday or Saturday can be paid on the following Monday to satisfy the twenty-four hour requirement. Mailed payment of fines must be postmarked within twenty-four hours to receive the one-half reduction. ((If a permit holder of record neglects to display his/her permit and receives a notice of violation for no parking permit, (subsection (1)(c) of this section), that fine will be reduced to five dollars when possession of a valid parking permit for the location is verified by the parking services within twenty-four hours.

~~((3)) ((b) Visitors((;)).~~ The first violation of the notices ((listed in subsection (1)(c) of this section;)) for "no parking permit"((; and subsection (1)(d) of this section;)) and "no parking permit for this area((;))" issued to a visitor((s are)) is considered a warning notice((s)) upon presentation of the parking ticket to the parking ((services office)) department.

~~((4))~~ (c) If a permit holder of record neglects to display his or her permit and receives a notice of violation for "no parking permit," a reduced fine is assessed when possession of a valid parking permit for the location is verified by the parking department within twenty-four hours.

(d) Internal policies regarding disposition of parking tickets may be established on approval of the vice-president or designee whose responsibilities include supervision of the parking department, under the advisement of the university's internal auditor.

(3) Inoperable vehicles(~~(=)~~). It is the owner's responsibility to immediately contact the parking (~~(services)~~) department in the event that (~~(their)~~) the owner's vehicle becomes inoperable when the vehicle is present on campus.

(4) Payment of parking fines. All parking fines are due upon issuance of a parking ticket. Thirty days after date of issuance of a parking ticket, a late fee shall be added to all unpaid parking fines. For example, a parking ticket issued on May 1 would be assessed a late fee on May 31. Failure to pay the fine and fee assessed for any violation results in referral to the university controller's office for collection. The controller or designee may, if other collection efforts fail, withhold the amount of the outstanding fines and fees from damage deposits or other funds held for any student in order to secure payment. Where collection efforts are unsuccessful, the controller or designee may notify the registrar to refrain from issuing student transcripts or to withhold permission to re-enroll for a subsequent term until outstanding fines and fees are paid. The procedures discussed above are not exclusive, however, and failure by anyone to pay fines and fees may also lead to towing or use of the wheel lock device described in these regulations. Nor are the procedures discussed above a precondition to towing or use of the wheel lock.

(5) Failure to pay fines. Failure to pay a fine or comply with other penalties assessed pursuant to these regulations, and exhausting or failing to exercise appeals provided for in these regulations, may result in the inability to renew a vehicle license through the state pursuant to RCW 46.16.216.

AMENDATORY SECTION (Amending WSR 95-13-003, filed 6/8/95, effective 7/9/95)

**WAC 504-15-860 Appeal(~~(s)~~) procedures.** The parking ticket represents a determination that a parking violation has been committed and the determination is final unless otherwise provided or appealed as provided in this chapter.

(1) Purpose(~~(:)~~). The parking appeals (~~(committee)~~) process serves (~~((two))~~) three primary functions:

(a) To (~~((assure an impartial evaluation of the circumstances relating to a particular parking violation; and))~~) hear parking ticket appeals:

(b) To (~~((aid in the appraisal of parking and traffic problems))~~) hear appeals of wheel lock eligibility determinations; and

(c) To hear appeals of impoundments.

(2) Procedure(~~(:)~~). Any person who has received (~~((notice of))~~) a parking (~~((violation))~~) ticket may appeal the alleged parking violation. (~~((The appellant may request more information from parking services.))~~) Appeal of wheel lock

eligibility determinations and impoundments are described in WAC 504-15-865 and 504-15-870.

(3) Written parking ticket appeals. The appeal must be in writing and received at the parking (~~(services in the safety building)) department~~ within ten calendar days (~~((after receipt of notice of the violation))~~) of issuance of the parking ticket. Forms for this purpose are available from the parking (~~(services)) department~~. The parking appeals committee (~~((will))~~) makes an initial decision (~~((on))~~) regarding the appeal within twenty calendar days during the academic year and (~~((forty-five))~~) within thirty calendar days during the summer months after receipt of the appeal. The committee (~~((will serve))~~) provides a brief statement of the reason(s) for its decision (~~((on))~~) to the appellant within ten calendar days of the decision.

~~((3))~~ (4) Review hearing of initial decision(~~(=)~~). If the appellant is dissatisfied with the initial decision, (~~((he/she))~~) the appellant may request a hearing before a hearing officer or the parking appeals committee. Such request must be made within ten calendar days of (~~((service of))~~) the (~~((notice))~~) date of the initial parking appeals committee decision. If no such request is received, the initial decision shall be final. During the (~~((review))~~) hearing the appellant and representatives of the parking (~~(services)) department~~ may present and cross-examine witnesses. The hearing officer or appeals committee shall render a decision in writing and (~~((serve))~~) provide appellant with the decision within (~~((five))~~) ten calendar days after the (~~((review))~~) hearing.

~~((4))~~ (5) Appeal to district court(~~(=)~~). RCW 28B.10.560 provides that a person who is not satisfied with the final decision of the university may appeal to district court. The application for appeal to district court shall be in writing and must be filed at the parking (~~(services)) department~~ office (~~((in the safety building))~~) within ten calendar days after (~~((service of written notice of the final decision))~~) the date of the review hearing. The parking (~~(services will)) department~~ forwards the documents relating to the appeal to the district court.

## **PART V: ((TRAFFIC RULES)) IMPOUNDMENT OF VEHICLES**

### NEW SECTION

**WAC 504-15-865 General.** (1) Pursuant to the provisions of this chapter, an officer shall cause a vehicle to be wheel locked, or towed, or both, if:

(a) The vehicle is on the wheel lock-eligible list; or  
(b) The vehicle displays a lost, stolen, or counterfeit parking permit.

(2) Any vehicle may be towed away at owner's/operator's expense if the vehicle:

(a) Has been immobilized by wheel lock for more than twenty-four hours; or

(b) Is illegally parked in a marked tow-away zone; or  
(c) Is a hazard or obstruction to vehicular or pedestrian traffic (including, but not limited to, vehicles parked at curbs or rails painted yellow or red or in crosswalks); or

(d) Cannot be immobilized with a wheel lock device; or  
(e) Is illegally parked in a disability space.

(3) The driver and/or owner of a towed vehicle shall pay towing and storage expenses.

(4) Any vehicle immobilized by use of the wheel lock device in excess of twenty-four hours is assessed a storage fee for each calendar day or portion thereof, beyond the first twenty-four hours.

(5) The university assumes no responsibility in the event of damages resulting from towing, use of wheel lock devices, storage, or attempts to move a vehicle with a wheel lock device installed.

(6) No vehicle impounded by towing or wheel lock devices shall be released until the following fines are paid in cash or with an approved payment card:

(a) All unpaid parking ticket fines and late fees against said vehicle and any other vehicle registered to the owner;

(b) A wheel lock fee; and

(c) All towing and storage fees.

(7) A person wishing to challenge the validity of any fines or fees imposed under this chapter may appeal such fines or fees as provided in WAC 504-15-860. However, in order to secure release of the vehicle, such person must pay the amount of such fines or fees as a bond which shall be refunded to the extent the appeal is successful.

(8) An accumulation of six unpaid violations during any twelve-month period, exclusive of overtime at parking meter violations, and overtime in time zone violations, subjects the violator to revocation or denial of parking privileges. Vehicles without permits which accumulate the above number of violations may be prohibited from parking on university property.

#### NEW SECTION

**WAC 504-15-870 Wheel lock-eligible list.** (1) The parking administrator shall be responsible for creating and maintaining the wheel lock-eligible list. See definition of "wheel lock-eligible vehicle."

(2) A wheel lock-eligible vehicle shall be placed on the wheel lock-eligible list after notice has been issued as provided in subsection (3) of this section and an appeal of the wheel lock eligibility determination, if requested, under subsection (4) of this section.

(3) At least ten days prior to placing a vehicle on the wheel lock-eligible list, the parking administrator shall mail a notice to the owner. The parking administrator mails the notice to the address stated on the most current registration records available to the university from a state, or any more current address of which the parking administrator or chief of police has actual written notice. The notice is sent by first class United States mail, postage prepaid. The notice shall set forth:

(a) The make and license plate number of the alleged wheel lock-eligible vehicle.

(b) A specified date on which the wheel lock-eligible vehicle is subject to placement on the wheel lock-eligible list.

(c) A list of the three or more alleged unpaid parking tickets, including the parking ticket number, date, time, place of the violation, and the nature of the violation. This list shall include all unpaid parking tickets issued to a particular vehi-

cle to include the payment of fines and fees related to parking tickets not yet eligible for late fees.

(d) That the owner may avoid the placement of the vehicle on the wheel lock-eligible list by making payment in full of fines and late fees on all unpaid parking tickets to include the payment of fines and fees related to parking tickets not yet eligible for late fees by the specified date on which the vehicle is subject to placement on the wheel lock-eligible list.

(e) The name, mailing address (and street address if different), and telephone number of the parking department office that may be contacted to appeal the wheel lock eligibility determination. Such an appeal only considers whether an individual vehicle was properly placed on the wheel lock-eligible list and not the merits of an individual parking ticket, which may be addressed pursuant to a separate appeals process described in WAC 504-15-860.

(f) That the vehicle is subject to wheel lock, towing, or both once it is placed on the wheel lock-eligible list.

(g) That all late fees, wheel lock fees, towing, and storage fees shall be payable in full to obtain the release of a vehicle wheel locked or towed pursuant to this chapter in addition to payment of any and all unpaid parking tickets on this vehicle or other vehicles owned by the registered owner to include the payment of fines and fees related to parking tickets not yet eligible for late fees.

(4) If a request for an appeal of a wheel lock eligibility determination is received by the parking administrator before the specified date in the notice for placement of the vehicle on the wheel lock-eligible list, then the parking administrator shall afford the owner an opportunity to appeal the wheel lock eligibility determination prior to the placing of a vehicle on the wheel lock-eligible list. Although the parking administrator shall not have the authority to adjudicate the merits of any parking ticket, she or he shall, however, receive evidence and other input from the owner appealing the wheel lock eligibility determination that the notice given under subsection (3) of this section was erroneous or based on erroneous information.

(5) If an owner timely participates in the appeal as scheduled by the parking administrator, he or she shall furnish the owner written notice of his or her decision prior to placing the vehicle on the wheel lock-eligible list.

(6) After the specified date provided in the notice issued under subsection (3) of this section, the parking administrator shall review the records to ensure that the alleged unpaid parking tickets have not been paid or otherwise resolved, and that no information has been received indicating that the notice was erroneous.

(7) Once a vehicle has been placed on the wheel lock-eligible list, it shall not be removed from the list unless and until:

(a) The fines and fees on all unpaid parking tickets issued during the time it has been registered to or otherwise held by the owner are paid or otherwise resolved to include the payment of fines and fees related to parking tickets not yet eligible for late fees;

(b) The parking administrator receives reliable information that title to the vehicle has been transferred; or

(c) The parking administrator determines that the placement of the vehicle on the wheel lock-eligible list was erroneous.

(8) If a vehicle is not properly registered in any state or no registration information is available to the university and the vehicle is wheel lock eligible, then notice shall be provided by posting on the vehicle a conspicuous notice, which shall set forth:

(a) A description of the alleged wheel lock-eligible vehicle;

(b) A specified date on which the wheel lock-eligible vehicle is subject to placement on the wheel lock-eligible list;

(c) That the owner may avoid placement of the vehicle on the wheel lock-eligible list by making payment in full of fines and late fees on all unpaid parking tickets to include the payment of fines and fees related to parking tickets not yet eligible for late fees by the specified date certain on which the vehicle is subject to placement on the wheel lock-eligible list; and

(d) That the vehicle is subject to wheel lock, towing or both once it is placed on the wheel lock-eligible list.

(9) An officer shall attempt to wheel lock any vehicle which appears on the wheel lock-eligible list when parked, lawfully or unlawfully, on campus.

(10) The parking administrator or the chief of police shall ensure that officers are on duty to remove wheel locks from vehicles Monday through Friday between 8:00 a.m. and 5:00 p.m.

#### NEW SECTION

**WAC 504-15-880 Fees, fines, and release of an impounded vehicle.** The owner of an impounded vehicle may not secure the release of the stored vehicle until payment in full of fines and fees has been made on all unpaid parking tickets to include the payment of fines and fees related to parking tickets not yet eligible for late fees relating to the vehicle which were issued while the vehicle was owned by the person who owned the vehicle at the time it is wheel locked or towed hereunder, and the owner has paid in full the wheel lock fee, unpaid parking tickets, late fees, storage fees, and towing fees for any and all other vehicles owned by the registered owner.

#### NEW SECTION

**WAC 504-15-885 Theft, damage, or removal of a wheel lock device.** The following conduct of any person shall be reported to university police:

- (1) Causing physical damage to a wheel lock device;
- (2) Removing, or attempting to remove, a wheel lock device; or
- (3) Taking or stealing a wheel lock device.

### **PART VI: TRAFFIC REGULATIONS**

AMENDATORY SECTION (Amending Order 90-1, filed 5/16/90, effective 7/1/90)

**WAC 504-15-920 Closed and restricted areas.** In certain designated areas on campus, such as the pedestrian mall

in the campus core, driving is restricted to mall service vehicles and vehicles bearing ~~((handicap))~~ university-issued permits with disability permits.

AMENDATORY SECTION (Amending WSR 95-13-003, filed 6/8/95, effective 7/9/95)

**WAC 504-15-930 Bicycles, skateboards, and roller-skates.** (1) The riding and use of bicycles, skateboards, and rollerskates is prohibited from the Terrell Mall, and all building plazas, interior building spaces, parking structures, and parking structure ramps.

(2) Bicycles, skateboards, and rollerskates may be ridden and used on sidewalks when a bike path is not provided. Operators must move at a safe speed and yield to pedestrians at all times.

(3) Bicycles, skateboards, and rollerskates may not be ridden on or over stairways, steps, ledges, benches, planting areas, or any other fixtures.

(4) Bicyclists must obey all traffic ~~((rules))~~ regulations of the road when operating a bicycle in roadways.

(5) Bicycles may be secured only at bicycle racks and facilities designed for such purpose.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 504-15-430	Change in residence or license plates.
WAC 504-15-830	Other violations and sanctions.

### **WSR 08-08-055**

#### **PERMANENT RULES**

#### **WASHINGTON STATE UNIVERSITY**

[Filed March 27, 2008, 2:35 p.m., effective April 27, 2008]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This is a housekeeping revision to clarify that the public records officer shall consider any petitions for review of denials of public records and either affirm or reverse same.

Citation of Existing Rules Affected by this Order: Amending WAC 504-45-080.

Statutory Authority for Adoption: RCW 28B.30.150.

Adopted under notice filed as WSR 07-19-121 on September 19, 2007.

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.

Date Adopted: March 21, 2008.

Ralph T. Jenks, Director  
Procedures, Records, and Forms  
and University Rules Coordinator

AMENDATORY SECTION (Amending WSR 07-04-027, filed 1/29/07, effective 3/1/07)

**WAC 504-45-080 Review of denials of public records.** (1) Petition for internal administrative review of denial of access. Any person who objects to the initial denial or partial denial of a records request may petition in writing (including e-mail) to the public records officer for a review of that decision. The petition shall include a copy of or reasonably identify the written statement by the public records officer or designee denying the request.

(2) Consideration of petition for review. The public records officer (~~shall promptly provide the petition and any other relevant information to the vice president for business affairs or designee. That person~~) will immediately consider the petition and either affirm or reverse such denial within two business days following the university's receipt of the petition, or within such other time as the university and the requestor mutually agree to.

(3) Review by the attorney general's office. Pursuant to RCW 42.56.530, if the university denies a requestor access to public records because it claims the record is exempt in whole or in part from disclosure, the requestor may request the attorney general's office to review the matter. The attorney general has adopted rules on such requests in WAC 44-06-160.

(4) Judicial review. Any person may obtain court review of denials of public records requests pursuant to RCW 42.56.550 at the conclusion of two business days after the initial denial regardless of any internal administrative appeal.

#### WSR 08-08-064

#### PERMANENT RULES DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

(Health and Recovery Services Administration)

[Filed March 31, 2008, 11:05 a.m., effective May 1, 2008]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The amendments will improve client and provider understanding of the agency's policies and practices. The department is updating and clarifying agency policy regarding:

- Out-of-state medical care;
- Requirements for out-of-state providers; and
- Out-of-country medical care.

In addition to the amended sections, below, the department is adding new sections WAC 388-501-0182 and 388-501-0184.

Citation of Existing Rules Affected by this Order: Amending WAC 388-501-0180, 388-502-0120, 388-535-1550, 388-546-0800, 388-546-0900, and 388-546-5100.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.500, and 74.09.035.

Other Authority: RCW 74.04.050, 74.04.057, 74.08.-090, and 74.09.500.

Adopted under notice filed as WSR 08-03-112 on January 22, 2008.

A final cost-benefit analysis is available by contacting Jonell O. Blatt, Rules and Publications, P.O. Box 45504, 626 8th Avenue, Olympia, WA 98504-5533, phone (360) 725-1571, fax (360) 586-9727, e-mail blattj@dshs.wa.gov.

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 2, Amended 6, 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 6, Repealed 0.

Date Adopted: March 31, 2008.

Robin Arnold-Williams  
Secretary

AMENDATORY SECTION (Amending WSR 06-24-036, filed 11/30/06, effective 1/1/07)

**WAC 388-501-0180 (~~Out of state medical care~~)  
Healthcare services provided outside the state of Washington-General provisions. WAC 388-501-0180 through 388-501-0184 apply only to services payable on a fee-for-service basis for Washington state medical assistance clients.**

(1) (~~The department considers cities bordering Washington state and listed in WAC 388-501-0175 the same as in-state cities for:~~

(a) ~~Medical care coverage under all medical programs administered by the department; and~~

(b) ~~Reimbursement purposes;~~

(2) ~~The department does not cover out of state medical care for clients under the following state administered (Washington state medical care only) medical programs:~~

(a) ~~General assistance-unemployable (GA-U); or~~

(b) ~~Alcohol and Drug Addiction Treatment and Support Act (ADATSA);~~

(3) ~~Subject to the exceptions and limitations in this section, the department covers out of state medical care provided to eligible clients when the services are:~~

(a) ~~Within the scope of the client's medical care program as specified in WAC 388-501-0060; and~~

(b) ~~Medically necessary as defined in WAC 388-500-0005.~~

(4) ~~If the client travels out of state expressly to obtain medical care, the medical services must have prior authorization through the department's determination process described in WAC 388-501-0165.~~

(5) ~~See WAC 388-501-0165 for the department's determination process for requests for:~~

(a) ~~A service that is in a covered category, but has been determined to be experimental or investigational under WAC 388-531-0550; or~~

(b) ~~A covered service that is subject to the department's limitations or other restrictions and the request for the service exceeds those limitations or restrictions (see also WAC 388-501-0169).~~

(6) ~~The department evaluates a request for a noncovered service if an exception to rule is requested according to the provisions in WAC 388-501-0160.~~

(7) ~~The department determines out-of-state coverage for transportation services, including ambulance services, according to chapter 388-546 WAC.~~

(8) ~~The department reimburses an out-of-state provider for medical care provided to an eligible client if the provider:~~

(a) ~~Meets the licensing requirements of the state in which care is provided;~~

(b) ~~Contracts with the department to be an enrolled provider; and~~

(c) ~~Meets the same criteria for payment as in-state providers)) Subject to the exceptions and limitations in this section, WAC 388-501-0182 and 388-501-0184, the department covers emergency and nonemergency out-of-state healthcare services provided to eligible Washington state medical assistance clients when the services are:~~

(a) Within the scope of the client's healthcare program as specified under chapter 388-501 WAC;

(b) Allowed to be provided outside the state of Washington by specific program WAC; and

(c) Medically necessary as defined in WAC 388-500-0005.

(2) The department does not cover services provided outside the state of Washington under the involuntary treatment act (chapter 71.05 RCW and chapter 388-865 WAC), including designated bordering cities.

(3) When the department pays for covered healthcare services furnished to an eligible Washington state medical assistance client outside the state of Washington, its payment is payment in full according to 42 CFR 447.15. The department does not pay when the provider refuses to accept the department's payment as payment in full.

(4) The department determines coverage for transportation services provided out of state, including ambulance services, according to chapter 388-546 WAC.

(5) With the exception of designated bordering cities (see WAC 388-501-0175), if the client travels out of state expressly to obtain healthcare, the service(s) must be prior authorized by the department. See WAC 388-501-0182 for requirements related to out-of-state nonemergency treatment

and WAC 388-501-0165 for the department's medical necessity determination process.

(6) The department does not cover healthcare services provided outside the United States and U.S. territories, with the exception of British Columbia, Canada. See WAC 388-501-0184 for limitations on coverage of healthcare provided to medical assistance clients in British Columbia, Canada.

(7) See WAC 388-502-0120 for provider requirements for payment of healthcare provided outside the state of Washington.

## NEW SECTION

**WAC 388-501-0182 Healthcare provided in another state or U.S. territory—Nonemergency.** (1) This rule applies to nonemergency treatment situations occurring in another state or U.S. territory. Applicable situations include, but are not limited to:

(a) Healthcare services that the department has prior authorized for a client; and

(b) Healthcare services obtained by the client, independent of the department, while traveling or visiting.

(2) In accordance with the prior authorization process described in WAC 388-501-0165, except as specified in subsection (3) of this section, the department pays for covered nonemergency healthcare services provided to an eligible Washington state medical assistance client in another state or U.S. territory to the same extent that it pays for covered non-emergency services provided within the state of Washington when the department determines that:

(a) Services are medically necessary and the client's health will be endangered if the client is required to travel to the state of Washington to receive the needed care;

(b) Medically necessary services are not available in Washington state or designated bordering cities (see WAC 388-501-0175) and are more readily available in another state; or

(c) It is general practice for clients in a particular Washington state locality to use medically necessary resources in a bordering state.

(3) The department pays for covered nonemergency healthcare services furnished to an eligible Washington state medical assistance client in another state or U.S. territory, unless the out-of-state provider is unwilling to accept the department's payment as payment in full according to 42 CFR 447.15. The department does not pay when the provider refuses to accept the department's payment as payment in full.

(4) The department does not pay for medically necessary, nonsymptomatic treatment (i.e., preventive care) furnished outside the state of Washington unless it is furnished in a designated bordering city, which is considered the same as an in-state city for the purposes of healthcare coverage (see WAC 388-501-0175). Covered nonemergency services requiring prior authorization, when provided in the state of Washington, also require prior authorization, when provided in a designated bordering city (see WAC 388-501-0165 for the department's medical necessity determination process).

(5) See WAC 388-501-0180 for additional information regarding healthcare services provided outside the state of Washington.

(6) The department's health and recovery services administration's (HRSA) assistant secretary or designee reviews all exception to rule (ETR) requests.

#### NEW SECTION

**WAC 388-501-0184 Healthcare services provided outside of the United States and U.S. territories or in a foreign country.** For the purposes of this section the term "healthcare services" does not include the diagnosis and treatment for alcohol and/or substance abuse and mental health services.

(1) The provisions of WAC 388-501-0182 apply to this section.

(2) The department does not pay for healthcare services furnished in a foreign country, except for medical services furnished in the province of British Columbia, Canada, under the conditions specified in this section. The department pays for medical services furnished in British Columbia to the following Washington state medical assistance clients only:

(a) Those who reside in Point Roberts, Washington;

(b) Those who reside in Washington communities along the border with British Columbia, Canada (see subsection (3) of this section for further clarification); and

(c) Members of the Canadian First Nations who live in Washington state.

(3) For those medical assistance clients identified in subsection (1) of this section, the department covers emergency and nonemergency medical services provided in British Columbia, Canada, when the services are:

(a) Within the scope of the client's healthcare program as specified in chapter 388-501 WAC;

(b) Allowed to be provided outside the United States and U.S. territories by specific program WAC; and

(c) Medically necessary as defined in WAC 388-500-0005.

(4) For those medical assistance clients identified in subsection (1) of this section, the department covers nonemergency medical services in British Columbia, Canada, only when:

(a) It is general practice for Washington state medical assistance clients residing in these particular localities to use medically necessary resources across the Canadian border; or

(b) The medical services in British Columbia are closer or more readily accessible to the client's Washington state residence. As applied to nonemergency medical services, the phrase "closer or more readily accessible to the client's Washington state residence" means:

(i) There is not a United States provider for the same service within twenty-five miles of the client's Washington state residence; and

(ii) The closest Canadian provider of service is closer than the closest U.S. provider of the service.

(5) The department does not cover services provided outside of the United States under the involuntary treatment act (chapter 71.05 RCW and chapter 388-865 WAC).

(6) When the department pays for covered medical services furnished to a Washington state medical assistance client in British Columbia, its payment is payment in full according to 42 CFR 447.15. The department does not pay when the provider refuses to accept the department's payment as payment in full.

AMENDATORY SECTION (Amending WSR 01-02-076, filed 12/29/00, effective 1/29/01)

**WAC 388-502-0120 Payment for ~~((medical care))~~ healthcare services provided outside the state of Washington.** (1) ~~The ((medical assistance administration (MAA))) department pays ((the provider of service in designated bordering cities as if the care were provided within)) for health-~~ care services provided outside the state of Washington ((see WAC 388 501 0175). MAA requires providers to meet the licensing requirements of the state in which care is rendered)) only when the service meets the provisions set forth in WAC 388-501-0180, 388-501-0182, 388-501-0184, and specific program WAC.

~~(2) ((MAA does not authorize payment for out-of-state medical care furnished to clients in state-only funded medical programs))~~ With the exception of hospital services and nursing facilities, the department pays the provider of service in designated bordering cities as if the care was provided within the state of Washington (see WAC 388-501-0175).

~~(3) ((MAA applies the three-month retroactive coverage as defined under WAC 388 500 0005 to covered medical services that are furnished to eligible clients by out-of-state providers))~~ With the exception of designated bordering cities, the department does not pay for healthcare services provided to clients in medical care services (MCS) programs outside the state of Washington (see WAC 388-556-0500).

~~(4) ((MAA requires out-of-state providers to obtain a valid provider number in order to be reimbursed.~~

~~(a) MAA requires a completed core provider agreement, and furnishes the necessary billing forms, instructions, and a core provider agreement to providers.~~

~~(b) MAA issues a provider number after receiving the signed core provider agreement.~~

~~(e) The billing requirements of WAC 388-502-0100 and 388-502-0150 apply to out-of-state providers))~~ With the exception of hospital services (see subsection (5) of this section), the department pays for healthcare services provided outside the state of Washington at the lower of:

(a) The billed amount; or

(b) The rate established by the Washington state medical assistance programs.

~~(5) ((For Medicare-eligible clients, providers must submit Medicare claims, on the appropriate Medicare billing form, to the intermediary or carrier in the provider's state. If the provider checks the Medicare billing form to show the state of Washington as being responsible for medical billing, the intermediary or carrier may either:~~

~~(a) Forward the claim to MAA on behalf of the provider; or~~

~~(b) Return the claim to the provider, who then submits it to MAA))~~ The department pays for hospital services provided in designated bordering cities and outside the state of



Washington in accordance with the provisions of WAC 388-550-3900, 388-550-4000, 388-550-4800 and 388-550-6700.

(6) ~~((For covered services for eligible clients, MAA reimburses approved out-of-state nursing facilities at the lower of:~~

~~(a) The billed amount; or~~

~~(b) The adjusted statewide average reimbursement rate for in-state nursing facility care)) The department pays nursing facilities located outside the state of Washington when approved by the aging and disability services administration (ADSA) at the lower of the billed amount or the adjusted statewide average reimbursement rate for in-state nursing facility care, only in the following limited circumstances:~~

~~(a) Emergency situations; or~~

~~(b) When the client intends to return to Washington state and the out-of-state stay is for:~~

~~(i) Thirty days or less; or~~

~~(ii) More than thirty days if approved by ADSA.~~

~~(7) ((For covered services for eligible clients, MAA reimburses approved out-of-state hospitals at the lower of) To receive payment from the department, an out-of-state provider must:~~

~~(a) ((The billed amount)) Have a signed agreement with the department; ((or))~~

~~(b) ((The adjusted statewide average reimbursement rate for in-state hospitals)) Meet the functionally equivalent licensing requirements of the state or province in which care is rendered;~~

~~(c) Meet the conditions in WAC 388-502-0100 and 388-502-0150;~~

~~(d) Satisfy all Medicaid conditions of participation;~~

~~(e) Accept the department's payment as payment in full according to 42 CFR 447.15; and~~

~~(f) If a Canadian provider, bill at the U.S. exchange rate in effect at the time the service was provided.~~

(8) For covered services for eligible clients, MAA reimburses other approved out-of-state providers at the lower of:

(a) The billed amount; or

(b) The rate paid by the Washington state Title XIX Medicaid program.

AMENDATORY SECTION (Amending WSR 02-13-074, filed 6/14/02, effective 7/15/02)

**WAC 388-535-1550 Payment for dental care provided out-of-state.** ~~((1) Clients, except those receiving services under state funded only programs, who are temporarily outside the state receive the same dental care services as clients in the state, subject to the same exceptions and limitations:~~

~~(2) The medical assistance administration (MAA) does not cover out-of-state dental care for clients receiving services under state funded only programs.~~

~~(3) Eligible clients in MAA-designated border areas may receive the same dental services as if provided in state.~~

~~(4) Dental providers who are out-of-state must meet the same criteria for payment as in-state providers, including the requirements to contract with MAA. See WAC 388-535-1070, Dental-related services provider information)) See WAC 388-501-0180, 388-501-0182, and 388-501-0184 for~~

~~services provided outside the state of Washington. See WAC 388-501-0175 for designated bordering cities.~~

AMENDATORY SECTION (Amending WSR 04-17-118, filed 8/17/04, effective 9/17/04)

**WAC 388-546-0800 Payment for ambulance services ((outside the state of Washington)) provided in another state or U.S. territory.** (1) ~~((The medical assistance administration (MAA) pays for emergency transportation provided to MAA's eligible fee-for-service clients who are out-of-state at the time of service (see WAC 388-546-0150 for exceptions):~~

~~MAA requires out-of-state ambulance providers who provide covered medical services to eligible MAA clients to:~~

~~(a) Meet the licensing requirements of the ambulance provider's home state (United States of America and its territories only); and~~

~~(b) Complete and sign an MAA core provider agreement.~~

~~(2) MAA does not pay for an out-of-state ambulance transport for a fee-for-service client when:~~

~~(a) The client's medical eligibility program covers medical services within Washington state and/or designated bordering cities only. See WAC 388-546-0150 and 388-546-0200(5);~~

~~(b) The ambulance transport is taking the client to an out-of-state treatment facility for a medical service, treatment or procedure that is available from a facility within Washington state or in a designated bordering city; or~~

~~(c) The transport was nonemergent and was not prior authorized by MAA.~~

~~(3) Except as provided in subsection (6) of this section, MAA pays out-of-state medical transportation ambulance providers at the lower of:~~

~~(a) The provider's billed amount; or~~

~~(b) The rate established by MAA.~~

~~(4) MAA requires any out-of-state ground ambulance provider who is transporting MAA clients within the state of Washington to comply with RCW 18.73.180 regarding stretcher transportation.~~

~~(5) Ambulance providers who provide medical transportation that takes a client out-of-state or that brings a client in state from an out-of-state location must obtain MAA's prior authorization. Under no circumstances are such transports covered for clients under the Involuntary Treatment Act (ITA).~~

~~(6) MAA pays ambulance providers the agreed-upon amount for each medically necessary interstate ambulance trip that has MAA's prior authorization. The provider is responsible for ensuring that all necessary services associated with the transport are available and provided to the client. In transports involving negotiated rates, the provider is responsible for the costs of all services included in the contractual amount. The contractual amount for an air ambulance transport may include ground ambulance fees at the point of pickup and the point of destination)) The department pays for emergency ambulance transportation provided to eligible Washington state fee-for-service medical assistance clients who are in another state or U.S. territory when the emergency~~

medical situation occurs according to the provisions of WAC 388-501-0180, 388-501-0182, and 388-502-0120.

(2) To receive payment from the department, an out-of-state ambulance provider must:

(a) Meet the licensing requirements of the ambulance provider's home state or province; and

(b) Have a signed agreement with the department.

(3) The department pays for emergency ambulance transportation provided out of state for an eligible Washington state medical assistance client under fee-for-service when the transport is:

(a) Within the scope of the client's medical care program;

(b) Medically necessary as defined in WAC 388-500-0005; and

(c) To the nearest appropriate treatment facility.

(4) The department does not pay for an ambulance transport provided in another state for a fee-for-service Washington state medical assistance client when:

(a) The client's medical eligibility program covers medical services within Washington state and/or designated bordering cities only. See WAC 388-546-0150 and 388-546-0200(5);

(b) The ambulance transport was nonemergent and was not prior authorized by the department.

(5) The department pays for emergency ambulance transportation at the lower of:

(a) The provider's billed amount; or

(b) The rate established by the department.

(6) To receive payment from the department for a non-emergency transport, an ambulance provider, who transports a Washington state medical assistance client to a facility that is out of state or brings a client into the state from a location that is out of state, must obtain prior authorization from the department.

(7) The department pays a negotiated rate for a medically necessary nonemergency interstate ambulance transport that the department has prior authorized. The ambulance provider is responsible for ensuring that all medical services necessary for the client's safety during the transport are available on-board the vehicle or aircraft. The contractual amount for a nonemergency air ambulance transport may include:

(a) The cost of medically necessary ground ambulance transport from the discharging facility to the point-of-pickup (airstrip); and

(b) The cost of medically necessary ground ambulance transport from the landing point (airstrip) to the receiving facility.

(8) The department does not pay to transport clients under the involuntary treatment act (ITA) program to or from locations outside the state of Washington. For ITA purposes, transports to or from designated bordering cities are not covered. See WAC 388-546-4000.

(9) The department requires out-of-state ground ambulance providers who transport a Washington state medical assistance client into, within, or outside the state of Washington, to comply with RCW 18.73.180 regarding stretcher transportation.

AMENDATORY SECTION (Amending WSR 04-17-118, filed 8/17/04, effective 9/17/04)

**WAC 388-546-0900 Ambulance coverage in Canada, Mexico, and other countries.** The ~~((medical assistance administration (MAA) covers))~~ department does not cover ambulance transportation for eligible ~~((fee-for-service))~~ medical assistance clients traveling outside of the United States and U.S. territories ~~((subject to the provisions and limitations of this chapter))~~. See WAC 388-501-0184 for ambulance coverage in British Columbia, Canada.

AMENDATORY SECTION (Amending WSR 01-06-029, filed 3/2/01, effective 4/2/01)

**WAC 388-546-5100 Nonemergency transportation program scope of coverage.** (1) ~~((MAA))~~ The department's health and recovery services administration (HRSA) covers transportation that is necessary for its clients to receive **medically necessary** ~~((MAA))~~ HRSA covered services. See WAC 388-546-0100 through 388-546-1000 for Ambulance transportation that covers emergency ambulance transportation and limited nonemergency ground ambulance transportation as medical services.

(2) Licensed ambulance providers, who contract with ~~((MAA's))~~ HRSA's transportation brokers, may be reimbursed for nonemergency transportation services under WAC 388-546-5200 as administrative services.

(3) ~~((MAA))~~ HRSA covers nonemergency transportation under WAC 388-546-5000 through 388-546-5500 as an administrative service as provided by the Code of Federal Regulations (42 CFR 431.53 and 42 CFR 440.170 (a)(2)). As a result, clients may not select the transportation provider(s) or the mode of transportation (**service mode**).

(4) Prior authorization by ~~((MAA))~~ HRSA is required for all out-of-state nonemergency transportation. Border areas as defined by WAC 388-501-0175 are considered in-state under this section and subsequent sections.

(a) HRSA reviews requests for out-of-state nonemergency transportation in accordance with regulations for covered healthcare services, including WAC 388-501-0180, 388-501-0182 and 388-501-0184.

(b) Nonemergency transportation is not provided to or from locations outside of the United States and U.S. territories, except for the limitations for British Columbia, Canada, identified in WAC 388-501-0184.

(5) ~~((MAA))~~ HRSA requires all nonemergency transportation to and from covered services to meet the following:

(a) The covered service must be medically necessary as defined in WAC 388-500-0005;

(b) It must be the lowest cost available service mode that is both appropriate and accessible to the client's medical condition and personal capabilities; and

(c) Be limited to the **local provider of type** as follows:

(i) Clients receiving services provided under ~~((MAA's))~~ HRSA's fee-for-service program may be transported only to the local provider of type. ~~((MAA's))~~ HRSA's transportation **broker** is responsible for considering and authorizing exceptions.

(ii) Clients enrolled in ~~((MAA's))~~ HRSA's managed care (healthy options) program may be transported to any **pro-**

**vider** supported by the client's managed care plan. Clients may be enrolled in a managed care plan but are obtaining a specific service not covered under the plan. The requirements in subsection (5)(c)(i) apply to these fee-for-service services.

(6) ((MAA)) HRSA does not cover nonemergency transportation services if the covered medical services are within three-quarters of a mile walking distance from the client's residence. Exceptions to this rule may be granted by ((MAA's)) HRSA's transportation broker based on the client's documented medical condition or personal capabilities, or based on safety or physical accessibility concerns, as described in WAC 388-546-5400(1).

(7) A client must use personal or informal transportation alternatives if they are available and appropriate to the client's needs.

(8) If a fixed-route public transportation service is available to the client within three-quarters of a mile walking distance, the broker may require the client to use the fixed-route public transportation system unless the need for more specialized transportation is present and documented. Examples of such a need are the client's use of a portable ventilator, a walker or a quad cane.

(9) ((MAA)) HRSA does not cover any nonemergency transportation service that is not addressed in WAC 388-546-1000 or in 388-546-5000 through 388-546-5500. See WAC 388-501-0160 for information about obtaining approval for noncovered transportation services, known as exception to rule (ETR).

(10) If a medical service is approved by ETR, both the broker and MAA must separately prior approve transportation to that service.

(11) ((MAA)) HRSA may exempt members of federally recognized Indian tribes from the brokered transportation program. Where ((MAA)) HRSA approves the request of a tribe or a tribal agency to administer or provide transportation services under WAC 388-546-5000 through 388-546-5400, tribal members obtain their transportation services as provided by the tribe or tribal agency.

(12) A client who is denied service under this chapter may request a fair hearing per chapter 388-02 WAC.

## WSR 08-08-065

### PERMANENT RULES

### DEPARTMENT OF

### SOCIAL AND HEALTH SERVICES

(Health and Recovery Services Administration)

[Filed March 31, 2008, 11:07 a.m., effective May 1, 2008]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This rule amendment updates the method for determining supplemental distributions to hospitals beginning with state fiscal year (SFY) 2008.

Citation of Existing Rules Affected by this Order: Amending WAC 388-550-5450.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.160, 74.09.500, and 70.168.040.

Adopted under notice filed as WSR 08-04-079 on February 4, 2008.

A final cost-benefit analysis is available by contacting Ayuni Wimpee, P.O. Box 45510, Olympia, WA 98504-5510, phone (360) 725-1835, fax (360) 753-7315, e-mail [wimpee@dshs.wa.gov](mailto:wimpee@dshs.wa.gov).

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.

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Date Adopted: March 31, 2008.

Robin Arnold-Williams

Secretary

AMENDATORY SECTION (Amending WSR 07-14-090, filed 6/29/07, effective 8/1/07)

**WAC 388-550-5450 Supplemental distributions to approved trauma service centers.** (1) The trauma care fund (TCF) is an amount legislatively appropriated to the department each biennium, at the legislature's sole discretion, for the purpose of supplementing the department's payments to eligible trauma service centers for providing qualified trauma services to eligible Medicaid fee-for-service clients. Claims for trauma care provided to clients enrolled in the department's managed care programs are not eligible for supplemental distributions from the TCF.

(2) Beginning with trauma services provided after June 30, 2003, the department makes supplemental distributions from the TCF to qualified hospitals, subject to the provisions in this section and subject to legislative action.

(3) To qualify for supplemental distributions from the TCF, a hospital must:

(a) Be designated or recognized by the department of health (DOH) as an approved Level 1, Level 2, or Level 3 adult or pediatric trauma service center;

(b) Meet the provider requirements in this section and other applicable WAC;

(c) Meet the billing requirements in this section and other applicable WAC;

(d) Submit all information the department requires to ensure services are being provided; and

(e) Comply with DOH's Trauma Registry reporting requirements.

(4) Supplemental distributions from the TCF are:

(a) Allocated into five fixed payment pools of equal amounts. Timing of payments is described in subsection (5) of this section. Distributions from the payment pools to the individual hospitals are determined by first summing each eligible hospital's qualifying payments since the beginning of

the service year and expressing this amount as a percentage of total payments to all eligible hospitals for qualifying services provided during the service year to date. Each hospital's qualifying payment percentage for the service year-to-date is multiplied by the available amount ~~((in the current period pool))~~ for the service year-to-date, and then the department subtracts what has been allocated to each hospital for the service year-to-date to determine the portion of the current quarterly payment pool to be paid to each qualifying hospital. This method for determining supplemental distributions to hospitals applies to TCF allotments beginning with state fiscal year (SFY) 2008. This method supersedes and preempts the method adopted in rule and effective August 1, 2007. Eligible hospitals and qualifying payments are described in (i) through (iii) of this subsection:

(i) Qualifying payments are the department's payments to Level 1, Level 2, and Level 3 trauma service centers for qualified Medicaid trauma cases since the beginning of the service year. The department determines the countable payment for trauma care provided to Medicaid clients based on date of service, not date of payment;

(ii) The department's payments to Level 1, Level 2, and Level 3 hospitals for trauma cases transferred in since the beginning of the service year. A Level 1, Level 2, or Level 3 hospital that receives a transferred trauma case from any lower level hospital is eligible for the enhanced payment, regardless of the client's injury severity score (ISS). An ISS is a summary rating system for traumatic anatomic injuries; and

(iii) The department's payments to Level 2 and Level 3 hospitals for qualified trauma cases (those that meet or exceed the ISS criteria in subsection (4)(b) of this section) that these hospitals transferred to a higher level designated trauma service center since the beginning of the service year.

(b) Paid only for a Medicaid trauma case that meets:

(i) The ISS of thirteen or greater for an adult trauma patient (a client age fifteen or older);

(ii) The ISS of nine or greater for a pediatric trauma patient (a client younger than age fifteen); or

(iii) The conditions of subsection (4)(c).

(c) Made to hospitals, as follows, for a trauma case that is transferred:

(i) A hospital that receives the transferred trauma case qualifies for payment regardless of the ISS if the hospital is designated or recognized by DOH as an approved Level 1, Level 2, or Level 3 adult or pediatric trauma service center;

(ii) A hospital that transfers the trauma case qualifies for payment only if:

(A) It is designated or recognized by DOH as an approved Level 2 or Level 3 adult or pediatric trauma service center; and

(B) The ISS requirements in (b)(i) or (b)(ii) of this subsection are met.

(iii) A hospital that DOH designates or recognizes as an approved Level 4 or Level 5 trauma service center does not qualify for supplemental distributions for trauma cases that are transferred in or transferred out, even when the transferred cases meet the ISS criteria in subsection (4)(b) of this section.

(d) Not funded by disproportionate share hospital (DSH) funds; and

(e) Not distributed by the department to:

(i) Trauma service centers designated or recognized as Level 4 or Level 5;

(ii) Critical access hospitals (CAHs), except when the CAH is also a Level 3 trauma service center. Beginning with qualifying trauma services provided in ~~((state fiscal year (SFY)))~~ SFY(2007), the department allows a hospital with this dual status to receive distributions from the TCF; or

(iii) Any hospital for follow-up surgical services related to the qualifying trauma incident but provided to the client after the client has been discharged for the initial qualifying injury.

(5) Distributions for an SFY are divided into five "quarters" and paid as follows:

(a) Each quarterly distribution paid by the department from the TCF totals twenty percent of the amount designated by the department for that SFY;

(b) The first quarterly supplemental distribution from the TCF is made six months after the SFY begins;

(c) Subsequent quarterly payments are made approximately every four months after the first quarterly payment is made, except as described in subsection (d);

(d) The "fifth quarter" final distribution from the TCF for the same SFY is:

(i) Made one year after the end of the SFY;

(ii) Based on the SFY that the TCF designated amount relates to; and

(iii) Distributed based on each eligible hospital's percentage of the total payments made by the department to all designated trauma service centers for qualified trauma cases during the relevant fiscal year.

(6) For purposes of the supplemental distributions from the TCF, all of the following apply:

(a) The department may consider a request for a claim adjustment submitted by a provider only if the request is received by the department within one year from the date of the initial trauma service;

(b) The department does not allow any carryover of liabilities for a supplemental distribution from the TCF beyond three hundred sixty-five calendar days from the date of discharge (inpatient) or date of service (outpatient). The deadline for making adjustments to a trauma claim is the same as the deadline for submitting the initial claim to the department as specified in WAC 388-502-0150(3). WAC 388-502-0150(7) does not apply to TCF claims;

(c) All claims and claim adjustments are subject to federal and state audit and review requirements; and

(d) The total amount of supplemental distributions from the TCF disbursed to eligible hospitals by the department in any biennium cannot exceed the amount appropriated by the legislature for that biennium. The department has the authority to take whatever actions necessary to ensure the department stays within the TCF appropriation.

**WSR 08-08-066**  
**PERMANENT RULES**  
**DEPARTMENT OF HEALTH**

[Filed March 31, 2008, 11:10 a.m., effective May 1, 2008]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The rules implement revisions to RCW 18.130.070 made by SHB 2974 in 2006. The rules protect the public by requiring reports to the disciplining authorities when license holders commit unprofessional conduct or are unable to practice safely.

Statutory Authority for Adoption: RCW 18.130.070 and 18.130.060.

Adopted under notice filed as WSR 08-04-107 on February 6, 2008.

Changes Other than Editing from Proposed to Adopted Version: Definition of determination or finding was changed to provide consistency with how the term is used in the rules.

Revised the event triggering the reporting timeline to clarify when the time begins.

Changed "ambulatory surgery center" to "ambulatory surgery facility" to use the statutory term that appears in law.

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 11, 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 11, Amended 0, Repealed 0.

Date Adopted: March 31, 2008.

Mary C. Selecky  
Secretary

**MANDATORY REPORTING**

NEW SECTION

**WAC 246-16-200 Mandatory reporting—Intent.**

These mandatory reporting rules require certain reports about license holders and are intended to address patient safety. These rules are not intended to limit reports from any person who has a concern about a license holder's conduct or ability to practice safely.

NEW SECTION

**WAC 246-16-210 Mandatory reporting—Definitions.** (1) "Approved impaired practitioner or voluntary substance abuse program" means a program authorized by RCW 18.130.175 and approved by a disciplining authority listed in RCW 18.130.040.

(2) "Conviction" means a court has decided a person is guilty of any gross misdemeanor or felony. It includes any guilty or no contest plea and all decisions with a deferred or suspended sentence.

(3) "Determination or finding" means a final decision by an entity required or requested to report under this chapter. This applies even if no adverse action or sanction has been imposed or if the license holder is appealing the decision.

(4) "License holder" means a person holding a credential in a profession regulated by a disciplining authority listed in RCW 18.130.040(2).

(5) "Unable to practice with reasonable skill and safety due to a mental or physical condition" means a license holder who:

(a) A court has declared to be incompetent or mentally ill; or

(b) Is not successfully managing a mental or physical condition and as a result poses a risk to patient safety.

(6) "Unprofessional conduct" means the acts, conduct, or conditions described in RCW 18.130.180.

NEW SECTION

**WAC 246-16-220 Mandatory reporting—How and when to report.**

(1) Reports are submitted to the department of health. The department will give the report to the appropriate disciplining authority for review, possible investigation, and further action.

(a) When a patient has been harmed, a report to the department is required. A report to one of the approved impaired practitioner or voluntary substance abuse programs is not a substitute for reporting to the department.

(b) When there is no patient harm, reports of inability to practice with reasonable skill and safety due to a mental or physical condition may be submitted to one of the approved impaired practitioner or voluntary substance abuse programs or to the department. Reports of unprofessional conduct are submitted to the department.

(c) Reports to a national practitioner data bank do not meet the requirement of this section.

(2) The report must include enough information to enable the disciplining authority to assess the report. If these details are known, the report should include:

(a) The name, address, and telephone number of the person making the report.

(b) The name, address, and telephone number(s) of the license holder being reported.

(c) Identification of any patient or client who was harmed or placed at risk.

(d) A brief description or summary of the facts that caused the report, including dates.

(e) If court action is involved, the name of the court, the date of filing, and the docket number.

(f) Any other information that helps explain the situation.

(3) Reports must be submitted no later than thirty calendar days after the reporting person has actual knowledge of the information that must be reported.

NEW SECTION

**WAC 246-16-230 Mandatory reporting—License holder self reports.** Each license holder must self report:

- (1) Any conviction, determination, or finding that he or she has committed unprofessional conduct; or
- (2) Information that he or she is unable to practice with reasonable skill and safety due to a mental or physical condition; or
- (3) Any disqualification from participation in the federal Medicare or Medicaid program.

NEW SECTION

**WAC 246-16-235 Mandatory reporting—License holder reporting other license holders.** A license holder must report another license holder in some circumstances.

- (1) The reporting license holder must submit a report when he or she has actual knowledge of:
  - (a) Any conviction, determination, or finding that another license holder has committed an act that constitutes unprofessional conduct; or
  - (b) That another license holder may not be able to practice his or her profession with reasonable skill and safety due to a mental or physical condition.
- (2) The license holder does not have to report when he or she is:
  - (a) A member of a professional review organization as provided in WAC 246-16-255;
  - (b) Providing health care to the other license holder and the other license holder does not pose a clear and present danger to patients or clients; or
  - (c) Part of a federally funded substance abuse program or approved impaired practitioner or voluntary substance abuse program and the other license holder is participating in treatment and does not pose a clear and present danger to patients or clients.

NEW SECTION

**WAC 246-16-240 Mandatory reporting—Reports by professional liability insurance carriers.** Every institution, corporation or organization providing professional liability insurance to a license holder must report:

- (1) Any malpractice settlement, award, or payment in excess of twenty thousand dollars that results from a claim or action for damages allegedly caused by a license holder's incompetence or negligence in the practice of the profession.
- (2) Award, settlement, or payment of three or more claims during a twelve-month period that result from claims or actions for damages allegedly caused by the license holder's incompetence or negligence in the practice of the profession.
- (3) Reports made according to RCW 18.57.245 or 18.71.350 meet the requirement.

NEW SECTION

**WAC 246-16-245 Mandatory reporting—Reports by health care institutions.** (1) This section applies to:

- (a) Hospitals and specialty hospital defined in chapter 70.41 RCW;
  - (b) Ambulatory surgery facilities defined in chapter 70.230 RCW;
  - (c) Childbirth centers defined in chapter 18.46 RCW;
  - (d) Nursing homes defined in chapter 18.51 RCW;
  - (e) Chemical dependency treatment programs defined in chapter 70.96A RCW;
  - (f) Drug treatment agencies defined in chapter 69.54 RCW; and
  - (g) Public and private mental health treatment agencies defined in RCW 71.05.020 and 71.24.025.
- (2) The chief administrator or executive officer or designee of these institutions must report when:
- (a) A license holder's services are terminated or restricted because a license holder has harmed or placed at unreasonable risk of harm a patient or client; or
  - (b) A license holder poses an unreasonable risk of harm to patients or clients due to a mental or physical condition.
- (3) Reports made by a hospital according to RCW 70.41.210 meet the requirement.
- (4) Commencing July 1, 2009, reports made by an ambulatory surgical center according to RCW 70.230.110 meet the requirement.

NEW SECTION

**WAC 246-16-250 Mandatory reporting—Reports by health service contractors and disability insurers.** The executive officer of health care service contractors and disability insurers licensed under chapters 48.20, 48.21, 48.21A, and 48.44 RCW must report when the entity has made a determination or finding that a license holder has engaged in billing fraud.

NEW SECTION

**WAC 246-16-255 Mandatory reporting—Reports by professional review organizations.** (1) This section applies to every peer review committee, quality improvement committee, or other similarly designated professional review organization operating in the state of Washington.

- (2) Unless prohibited by state or federal law, the professional review organization must report:
- (a) When it makes a determination or finding that a license holder has caused harm to a patient or placed a patient at unreasonable risk of harm; and
  - (b) When it has actual knowledge that the license holder poses an unreasonable risk of harm due to a mental or physical condition.
- (3) Professional review organizations and individual license holders participating in a professional review organization do not need to report during the investigative phase of the professional review organization's operation if the organization completes the investigation in a timely manner.

NEW SECTION

**WAC 246-16-260 Mandatory reporting—Reports by courts.** The department requests that the clerks of trial courts

in Washington report professional malpractice judgments and all convictions against a license holder.

**NEW SECTION**

**WAC 246-16-265 Mandatory reporting—Reports by state and federal agencies.** The department requests that any state or federal program employing a license holder in Washington reports:

- (1) When it determines a license holder has harmed or placed at unreasonable risk of harm a patient or client; and
- (2) When it has actual knowledge that the license holder poses an unreasonable risk of harm due to a mental or physical condition.

**WSR 08-08-070**

**PERMANENT RULES**

**DEPARTMENT OF TRANSPORTATION**

[Filed March 31, 2008, 2:11 p.m., effective May 1, 2008]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Some of Washington state ferries (WSF's) tariffs currently expire on April 30, 2008 (e.g., tariffs for in-need organization discounts, bundled single fare media, and oversized vehicle transfers in the San Juan Islands). The proposed WAC rule revisions extend such expiration dates through October 10, 2009, to conform to legislation extending WSF's existing tariffs until October 2009.

Citation of Existing Rules Affected by this Order: Amending WAC 468-300-010, 468-300-020, and 468-300-040.

Statutory Authority for Adoption: RCW 47.56.030 and 47.60.326.

Adopted under notice filed as WSR 08-04-073 on February 4, 2008.

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 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: March 19, 2008.

Reema Griffith  
Executive Director  
Transportation Commission

**AMENDATORY SECTION** (Amending WSR 07-08-064, filed 3/29/07, effective 5/1/07)

**WAC 468-300-010 Ferry passenger tolls.**

**EFFECTIVE 03:00 A.M. May 1, 2007**

ROUTES	Full Fare	Senior/ Disabled	Youth Fare 18 and under	Multiride Media 20 Rides <sup>1</sup>	Monthly Pass <sup>5</sup>	Bicycle Surcharge <sup>2,6</sup>
Via Passenger-Only Ferry						
*Seattle-Vashon	8.70	4.35	7.40	73.60	117.80	1.00
Via Auto Ferry						
*Fautleroy-Southworth	5.20	2.60	4.20	41.60	66.60	1.00
*Seattle-Bremerton						
*Seattle-Bainbridge Island						
*Edmonds-Kingston	6.70	3.35	5.40	53.60	85.80	1.00
Port Townsend-Keystone	2.60	1.30	2.10	41.60	66.60	0.50
*Fautleroy-Vashon						
*Southworth-Vashon						
*Pt. Defiance-Tahlequah	4.30	2.15	3.45	34.40	55.05	1.00
*Mukilteo-Clinton	3.95	1.95	3.20	31.60	50.60	1.00
*Anacortes to Lopez, Shaw, Orcas or Friday Harbor - Sunday-Tuesday	9.85	4.90	7.90	71.20	N/A	2.00 <sup>7</sup>
*Anacortes to Lopez, Shaw, Orcas or Friday Harbor - Wednesday-Saturday	10.95	5.45	8.80	71.20	N/A	2.00 <sup>7</sup>
Between Lopez, Shaw, Orcas and Friday Harbor <sup>4</sup>	N/C	N/C	N/C	N/C	N/A	N/C
Anacortes to Sidney and Sidney to all destinations	16.00	8.00	12.80	N/A	N/A	4.00 <sup>8</sup>
From Lopez, Shaw, Orcas and Fri- day Harbor to Sidney@	6.00	3.00	4.80	N/A	N/A	1.00 <sup>9</sup>

ROUTES	Full Fare	Senior/ Disabled	Youth Fare 18 and under	Multiride Media 20 Rides <sup>1</sup>	Monthly Pass <sup>5</sup>	Bicycle Surcharge <sup>2,6</sup>
Lopez, Shaw, Orcas and Friday Harbor to Sidney (round trip) <sup>3</sup>	22.00	11.00	17.60	N/A	N/A	5.00 <sup>10</sup>

All fares rounded to the next multiple of \$0.05.

\* These routes operate as a one-point toll collection system.

<sup>1</sup>MULTIRIDE MEDIA - Shall be valid only for 90-days from date of purchase after which time the tickets shall not be accepted for passage. Remaining value will not be eligible for refund or exchange. Subsequent to the implementation of the Electronic Fare System (EFS) in the fall of 2005, this will be replaced by a 20 ride card valid for 90 days from the date of purchase. For mail order deliveries, WSF may add additional days to allow for delivery times. Starting on the earliest fare change opportunity (May 1 or the second Sunday in October) at a minimum 6 months after completion of system-wide implementation of the Electronic Fare System (EFS), purchase of this product at a toll booth will be 5% higher, not to exceed an additional \$2.50, at terminals where kiosks are available, except for customers paying with commuter vouchers made available through local transit agencies or qualifying for the senior/disabled and youth fares.

<sup>2</sup>BICYCLE SURCHARGE - Is an addition to the appropriate passenger fare.

<sup>3</sup>ROUND TRIP - Round trip passage for international travel available for trips beginning or ending on one of the Islands served.

<sup>4</sup>INTER-ISLAND FARES - Passenger fares included in Anacortes tolls.

<sup>5</sup>PASSES - Passenger passes are available for all routes except Anacortes/San Juan Island/Sidney. Passes are valid for the period printed on the pass and will be presented to Washington state ferries staff or scanned through an automated turnstile whenever a passenger fare is collected. This pass is based on 16 days of passenger travel with a 20% discount. A \$1.00 retail/shipping and handling fee will be added to the price of the pass.

A combination ferry-transit pass may be available for a particular route when determined by Washington state ferries and a local public transit agency to be a viable fare instrument. The WSF portion of the fare is based on 16 days of passenger travel per month at a 20% discount.

The monthly pass is valid for a maximum of 31 round trips per month, is nontransferable, is nonreproducible, and is intended for a single user. Monthly passes purchased through the regional Smart-Card program are also nontransferable and intended for a single user, but allow for unlimited usage.

<sup>6</sup>BICYCLE PERMIT - A bicycle pass is available on all routes except: Anacortes/San Juan Island/Sidney for a \$20.00 annual fee subject to meeting WSF specified conditions. The pass is valid for one year. A cyclist with a valid pass shall have the bicycle surcharge waived.

<sup>7</sup>BICYCLE SURCHARGE - This becomes \$4.00 during peak season (May 1 until the second Sunday in October).

<sup>8</sup>BICYCLE SURCHARGE - This becomes \$6.00 during peak season.

<sup>9</sup>BICYCLE SURCHARGE - This becomes \$2.00 during peak season.

<sup>10</sup>BICYCLE SURCHARGE - This becomes \$8.00 during peak season.

CHILDREN/YOUTH - Children under six years of age will be carried free when accompanied by parent or guardian. Children/youths six through eighteen years of age will be charged the youth fare, which will be 80% of full fare rounded to the next multiple of \$ 0.05.

SENIOR CITIZENS - Passengers age 65 and over, with proper identification establishing proof of age, may travel at half-fare passenger tolls on any route where passenger fares are collected.

PERSONS OF DISABILITY - Any individual who, by reason of illness, injury, congenital malfunction, or other incapacity or disability is unable without special facilities or special planning or design to utilize ferry system services, upon presentation of a WSF Disability Travel Permit, Regional Reduced Fare Permit, or other identification which establishes a disability may travel at half-fare passenger tolls on any route. In addition, those persons with disabilities who require attendant care while traveling on the ferries, and are so certified by their physician, may obtain an endorsement on their WSF Disability Travel Permit and such endorsement shall allow the attendant to travel free as a passenger.

BUS PASSENGERS - Passengers traveling on public transit buses pay the applicable fare. Passengers traveling in private or commercial buses will be charged the half-fare rate.

MEDICARE CARD HOLDERS - Any person holding a Medicare card duly issued to that person pursuant to Title II or Title XVIII of the Social Security Act may travel at half-fare passenger tolls on any route upon presentation of a WSF Disability Travel Permit or a Regional Reduced Fare Permit at time of travel.

IN-NEED ORGANIZATIONS - For qualified organizations serving in-need clients by providing tickets for transportation on WSF at no cost to clients, program would offer a monthly discount to approximate appropriate multiride media discount rates. Appointing bodies (those that appoint Ferry Advisory Committees) will nominate to the Washington State Transportation Commission those organizations that meet the criteria of the program. The Commission will review such nominations and certify those organizations that qualify. The following criteria will be used for nominating and certifying in-need organizations: Nongovernmental and not-for-profit organizations whose primary purpose is one or more of the following: Help clients with medical issues; provide clients with low-income social services; help clients suffering from domestic violence; provide clients with employment-seeking services; and/or help clients with Social Security. Travel will be initially charged based on full fare and billed monthly. The credits will be approximately based on the discount rates offered to multiride media users applicable on the date of travel. This program will expire after ((April 30, 2008)) October 10, 2009.

PROMOTIONAL TOLLS - A promotional rate may be established at the discretion of the WSF Assistant Secretary, Executive Director for a specific discount in order to enhance total revenue and effective only at designated times on designated routes.

Special passenger fare rate(s) may be established for a pilot program in conjunction with the Central Puget Sound Regional Fare Integration project on ferry route(s) serving King, Pierce, Snohomish and Kitsap counties. The rate(s) may be established at the discretion of the WSF Assistant Secretary, Executive Director for a specific discount not to exceed fifty percent of full fare.

SCHOOL GROUPS - Passengers traveling in authorized school groups for institution-sponsored activities will be charged a flat rate of \$1 per walk-on group or per vehicle of students and/or advisors and staff. All school groups require a letter of authorization. Vehicles and drivers will be charged the fare applicable to vehicle size. The special school rate is \$2 on routes where one-point toll systems are in effect. Due to space limitations, authorized school groups will not be permitted to use one of the passenger-only routes without prior WSF approval.

BUNDLED SINGLE FARE BOOKS - WSF may bundle single fare types into multiride media as a customer convenience. This media shall be valid only ((until the first of May following the date of purchase)) through October 10, 2009, after which time the coupons shall not be accepted for passage. Remaining value will not be eligible for refund or exchange. For mail order deliveries,



WSF may add additional days for delivery times. Anacortes to San Juan Islands senior/disabled fares will be bundled at the applicable early week price.

**PEAK SEASON SURCHARGE** - A 20% surcharge shall be applied to passengers from May 1 to the second Sunday in October, except those using frequent user fare media, on the Anacortes to Lopez, Shaw, Orcas and Friday Harbor routes.

**GROUP OR VOLUME SALES** - In order to increase total revenues, WSF may develop full fare or discounted customer packages or bundle single fare types into multiride media or offer passes for high volume or group users. In pricing these packages, WSF will have discretion to set appropriate volume discounts based on a case-by-case basis.

**SPECIAL EVENTS** - In order to increase total revenues, WSF may develop, create or participate in special events that may include, but not be limited to, contributing or packaging discounted fares in exchange for the opportunity to participate in the income generated by the event.

**AMENDATORY SECTION** (Amending WSR 07-08-064, filed 3/29/07, effective 5/1/07)

**WAC 468-300-020 Vehicle under 20', motorcycle, and stowage ferry tolls.**

**EFFECTIVE 03:00 A.M. May 1, 2007**

ROUTES	Vehicle Under 20' Incl. Driver One Way	Vehicle Under 20' w/Sr Citizen or Disabled Driver <sup>4</sup>	Vehicle Under 20' Over Height Charge <sup>1</sup>	Multiride Media 20 Rides <sup>2</sup>
Fauntleroy-Southworth Port Townsend/Key-stone	8.90	7.60	8.90	142.40
Seattle-Bainbridge Island Seattle-Bremerton Edmonds-Kingston	11.55	9.85	11.55	184.80
*Fauntleroy-Vashon *Southworth-Vashon *Pt. Defiance-Tahlequah	14.80	12.65	14.80	118.40
Mukilteo-Clinton	6.85	5.85	6.85	109.60
10 Rides - 5 Round Trips				
*Anacortes to Lopez - Sunday-Tuesday	23.95	19.00	23.95	99.75
*Lopez - Wednesday-Saturday	26.60	21.10	26.60	99.75
*Shaw, Orcas - Sunday-Tuesday	28.75	23.80	28.75	119.65
*Shaw, Orcas - Wednesday-Saturday	31.90	26.40	31.90	119.65
*Friday Harbor - Sunday-Tuesday	34.15	29.20	34.15	142.15
*Friday Harbor - Wednesday-Saturday	37.90	32.40	37.90	142.15
Between Lopez, Shaw, Orcas and Friday Harbor <sup>3</sup>	16.65	16.65	16.65	66.40
<i>International Travel</i>				
Anacortes to Sidney and Sidney to all destinations	42.95	35.95	42.95	N/A
Travelers with advanced reservations (\$15 fee) Anacortes to Sidney and Sidney to all destinations <sup>6</sup>	27.95	19.95	42.95	N/A
Lopez, Shaw, Orcas and Friday Harbor to Sidney	12.80	9.80	12.80	N/A
Travelers with advanced reservations (\$7 fee) from Lopez, Shaw, Orcas and Friday Harbor to Sidney <sup>7</sup>	5.80	2.80	12.80	N/A
Lopez, Shaw, Orcas and Friday Harbor to Sidney (round trip) <sup>5</sup>	55.75	44.75	55.75	N/A

**EFFECTIVE 03:00 A.M. May 1, 2007**

ROUTES	Motorcycle <sup>5</sup> Incl. Driver Stowage <sup>1</sup> One Way	Motorcycle w/Sr Citizen or Disabled Driver Stowage <sup>1</sup> One Way	Motorcycle Oversize Charge <sup>1</sup>	Motorcycle Frequent User Commuter 20 Rides <sup>2</sup>
Fauntleroy-Southworth Port Townsend/Key-stone	3.85	2.55	1.30	61.60
Seattle-Bainbridge Island Seattle-Bremerton Edmonds-Kingston	5.00	3.30	1.65	80.00
*Fauntleroy-Vashon *Southworth-Vashon *Pt. Defiance-Tahlequah	6.40	4.25	2.10	51.20

ROUTES	Motorcycle <sup>5</sup> Incl. Driver Stowage <sup>1</sup>	Motorcycle w/Sr Citizen or Disabled Driver Stowage <sup>1</sup>	Motorcycle Oversize Charge <sup>1</sup>	Motorcycle Frequent User Commuter 20 Rides <sup>2</sup>
	One Way	One Way		
Mukilteo-Clinton	2.95	1.95	1.00	47.20
*Anacortes to Lopez - Sunday-Tuesday	12.70	7.75	2.85	105.75
*Lopez - Wednesday-Saturday	14.10	8.60	3.15	105.75
*Shaw, Orcas - Sunday-Tuesday	13.65	8.70	3.80	113.65
*Shaw, Orcas - Wednesday-Saturday	15.15	9.65	4.20	113.65
*Friday Harbor - Sunday-Tuesday	14.75	9.80	4.90	122.65
*Friday Harbor - Wednesday-Saturday	16.35	10.85	5.40	122.65
Between Lopez, Shaw, Orcas and Friday Harbor <sup>3</sup>	4.75	4.75	4.75	N/A
Anacortes to Sidney and Sidney to all destinations	21.40	13.40	5.40	N/A
Travelers with advanced reservations (\$15 fee) Anacortes to Sidney and Sidney to all destinations <sup>6</sup>	N/A	N/A	N/A	N/A
Lopez, Shaw, Orcas and Friday Harbor to Sidney	7.40	4.40	1.40	N/A
Travelers with advanced reservations (\$7 fee) from Lopez, Shaw, Orcas and Friday Harbor to Sidney <sup>7</sup>	N/A	N/A	N/A	N/A
Lopez, Shaw, Orcas and Friday Harbor to Sidney (round trip) <sup>5</sup>	28.80	17.80	6.80	N/A

All fares rounded to the next multiple of \$0.05.

\* These routes operate as a one-point toll collection system.

<sup>1</sup>SIZE - All vehicles up to 20' in length and under 7'6" shall pay the vehicle under 20' toll. Vehicles up to 20' but over 7'6" in height shall pay an overweight charge of 100% of the vehicle full fare. Motorcycles with trailers, sidecars, or any vehicle licensed as a motorcycle with three or more wheels will pay an oversized motorcycle charge of 100% of the motorcycle full fare. Upon presentation by either the driver or passenger of a WSF Disability Travel Permit, Regional Reduced Fare Permit, or other identification which establishes disability, the height charge will be waived for vehicles equipped with wheel chair lift or other mechanism designed to accommodate the person with disability.

<sup>2</sup>MULTIRIDE MEDIA - Shall be valid only for 90 days from date of purchase after which time the media shall not be accepted for passage. Remaining value will not be eligible for refund. For mail order deliveries, WSF may add additional days to allow for delivery time. Starting on the earliest fare change opportunity (May 1 or the second Sunday in October) at a minimum 6 months after completion of system-wide implementation of the Electronic Fare System (EFS), purchase of this product at a toll booth will be 5% higher, not to exceed an additional \$2.50, at terminals where kiosks are available, except for customers paying with commuter vouchers made available through local transit agencies or qualifying for the senior/disabled and youth fares.

<sup>3</sup>INTER-ISLAND FARES - Tolls collected westbound only. Vehicles traveling between islands may request a single transfer ticket good for one transfer at an intermediate island. The transfer may only be obtained when purchasing the appropriate vehicle fare for inter-island travel (westbound at Lopez, Shaw, or Orcas) and is free of charge. Transfers shall be valid for 24 hours from time of purchase.

<sup>4</sup>SENIOR CITIZEN, DISABLED DRIVER OR DISABLED ATTENDANT DRIVER - Half fare discount applies to driver portion of the vehicle-driver fare and only when the driver is eligible. Those persons with disabilities who require attendant care while traveling on the ferries, and are so certified by their physician, may obtain an endorsement on their WSF Disability Travel Permit and

such endorsement shall allow the attendant, when driving, to have the driver portion of the vehicle fare waived.

<sup>5</sup>ROUND TRIP - Round trip passage for international travel available for trips beginning or ending on one of the islands served.

<sup>6</sup>RESERVATION FARES - These fares apply only to travelers that have made advanced reservations and paid the \$15 nonrefundable reservation fee. The reservation fee shall be a \$30 nonrefundable fee when the peak season surcharge is in effect.

<sup>7</sup>RESERVATION FARES - These fares apply only to travelers that have made advanced reservations and paid the \$7 nonrefundable reservation fee. The reservation fee shall be a \$15 nonrefundable fee when the peak season surcharge is in effect.

RIDE SHARE VEHICLES - A commuter ride share vehicle which carries five or more persons on a regular and expense-sharing basis for the purpose of travel to and from work or school and which is certified as such by a local organization approved by the Washington state ferry system, may purchase for a \$20 fee, a permit valid for one year valid only during the hours shown on the permit. The \$20.00 fee shall include the driver. Remaining passengers shall pay the applicable passenger fare. Except that the minimum total paid for all passengers in the van shall not be less than four times the applicable passenger fare. Carpools of three or more registered in WSF's preferential loading program must also pay a \$20.00 yearly permit fee.

STOWAGE - Stowage carry-on items including kayaks, canoes and other items of comparable size which are typically stowed on the vehicle deck of the vessel shall be charged at the motorcycle rate. This rate includes the walk-on passenger carrying on the item to be stowed.

PEAK SEASON SURCHARGE - A 25% surcharge shall be applied to vehicles from the first Sunday in May to the second Sunday in October except those using multiride media. A 35% surcharge shall be applied on vehicle fares from Anacortes to Lopez, Shaw, Orcas and Friday Harbor, except those using multiride media.

IN-NEED ORGANIZATIONS - For qualified organizations serving in-need clients by providing tickets for transportation on WSF at no cost to clients, program would offer a monthly discount to approximate appropriate multiride media discount rates (20% off

base season rates, except for Anacortes to San Juan Islands where it is 35% off base season end of week rates). Appointing bodies (those that appoint Ferry Advisory Committees) will nominate to the Washington State Transportation Commission those organizations that meet the criteria of the program. The Commission will review such nominations and certify those organizations that qualify. The following criteria will be used for nominating and certifying in-need organizations: Nongovernmental and not-for-profit organizations whose primary purpose is one or more of the following: Help clients with medical issues; provide clients with low-income social services; help clients suffering from domestic violence; provide clients with employment-seeking services; and/or help clients with Social Security. Travel will be initially charged based on full fare and billed monthly. The credits will be approximate based on the discount rates offered to multiride media users applicable on the date of travel. This program will expire after ~~(April 30, 2008)~~ October 10, 2009.

**PENALTY CHARGES** - Owner of vehicle without driver will be assessed a \$100.00 penalty charge.

**PROMOTIONAL TOLLS** - A promotional rate may be established at the discretion of the WSF Assistant Secretary, Executive Director for a specified discount in order to enhance total revenue and effective only at designated times on designated routes.

**GROUP OR VOLUME SALES** - In order to increase total revenues, WSF may develop full fare or discounted customer packages or

bundle single fare types into multiride media or offer passes for high volume or group users. In pricing these packages, WSF will have discretion to set appropriate volume discounts based on a case-by-case basis.

**SPECIAL EVENTS** - In order to increase total revenues, WSF may develop, create or participate in special events that may include, but not be limited to, contributing or packaging discounted fares in exchange for the opportunity to participate in the income generated by the event.

**BUNDLED SINGLE FARE MEDIA** - WSF may bundle single fare types into multiple trip books as a customer convenience. This media shall be valid only ~~(until the first of May following the date of purchase)~~ through October 10, 2009, after which time the media shall not be accepted for passage. Remaining value will not be eligible for refund or exchange. For mail order deliveries, WSF may add additional days to allow for delivery time. Anacortes to San Juan Islands senior/disabled fares will be bundled at the applicable early week price.

**AMENDATORY SECTION** (Amending WSR 07-08-064, filed 3/29/07, effective 5/1/07)

**WAC 468-300-040 Oversize vehicle ferry tolls.**

**EFFECTIVE 03:00 A.M. May 1, 2007**

ROUTES	Oversize Vehicle Ferry Tolls <sup>1</sup>							
	Overall Unit Length - Including Driver							
	20' To Under 30' Under 7'6" High	20' To Over 7'6" High	30' To Under 40'	40' To Under 50'	50' To Under 60'	60' To under 70'	70' To and include 80'	Cost Per Ft. Over 80' @
Fauntleroy-Southworth Port Townsend/Keystone	13.35	26.70	35.60	44.50	53.40	62.30	71.20	0.90
Seattle-Bainbridge Island Seattle/Bremerton Edmonds-Kingston	17.35	34.65	46.20	57.75	69.30	80.85	92.40	1.20
*Fauntleroy-Vashon *Southworth-Vashon *Pt. Defiance-Tahlequah	22.20	44.40	59.20	74.00	88.80	103.60	118.40	1.50
Mukilteo-Clinton	10.30	20.55	27.40	34.25	41.10	47.95	54.80	0.70
*Anacortes to Lopez - Sunday-Tuesday <sup>2</sup>	35.95	71.85	95.80	119.75	143.70	167.65	191.60	2.40
*Anacortes to Shaw, Orcas - Sunday-Tuesday <sup>2</sup>	43.15	86.25	115.00	143.75	172.50	201.25	230.00	2.90
*Anacortes to Friday Harbor - Sunday-Tuesday	51.25	102.45	136.60	170.75	204.90	239.05	273.20	3.45
*Anacortes to Lopez - Wednesday-Saturday <sup>2</sup>	39.90	79.80	106.40	133.00	159.60	186.20	212.80	2.70
*Anacortes to Shaw, Orcas - Wednesday-Saturday <sup>2</sup>	47.85	95.70	127.60	159.50	191.40	223.30	255.20	3.20
*Anacortes to Friday Harbor - Wednesday-Saturday	56.85	113.70	151.60	189.50	227.40	265.30	303.20	3.80
Between Lopez, Shaw, Orcas and Friday Harbor <sup>3</sup>	25.00	49.95	66.60	83.25	99.90	116.55	133.20	N/A
<i>International Travel</i>								
Anacortes to Sidney to all destinations - Recreational Vehicles and Buses	64.45	64.45	85.90	107.40	128.85	150.35	171.80	2.15
Anacortes to Sidney and Sidney to all destinations - Commercial Vehicles	64.45	128.85	171.80	214.75	257.70	300.65	343.60	4.30

ROUTES	Oversize Vehicle Ferry Tolls <sup>1</sup> Overall Unit Length - Including Driver							Cost Per Ft. Over 80' @
	20' To Under 30' Under 7'6" High	20' To Over 7'6" High	30' To Under 40'	40' To Under 50'	50' To Under 60'	60' To under 70'	70' To and include 80'	
Travelers with advanced reservations (\$15 fee) Anacortes to Sidney and Sidney to all destinations - Recreational Vehicles and Buses	49.45	49.45	70.90	92.40	113.85	135.35	156.80	2.15
Travelers with advanced reservations (\$15 fee) Anacortes to Sidney and Sidney to all destinations <sup>5</sup> - Commercial Vehicles	49.45	113.85	156.80	199.75	242.70	285.65	328.60	4.30
Lopez, Shaw, Orcas and Friday Harbor to Sidney - Recreational Vehicles and Buses - Commercial Vehicles	19.20	19.20	25.60	32.00	38.40	44.80	51.20	0.65
Lopez, Shaw, Orcas and Friday Harbor to Sidney <sup>6</sup> - Recreational Vehicles and Buses - Commercial Vehicles	12.20	12.20	18.60	25.00	31.40	37.80	44.20	0.65
Lopez, Shaw, Orcas and Friday Harbor to Sidney <sup>4</sup> - Recreational Vehicles and Buses - Commercial Vehicles	83.65	83.65	111.50	139.40	167.25	195.15	223.00	2.80
Lopez, Shaw, Orcas and Friday Harbor to Sidney <sup>6</sup> - Recreational Vehicles and Buses - Commercial Vehicles	83.65	167.25	223.00	278.75	334.50	390.25	446.00	5.60

<sup>1</sup>OVERSIZE VEHICLES - Includes all vehicles 20 feet in length and longer regardless of type: Commercial trucks, recreational vehicles, vehicles under 20' pulling trailers, etc. Length shall include vehicle and load to its furthest extension. Overheight charge is included in oversize vehicle toll. Vehicles wider than 8'6" pay double the fare applicable to their length. Private and commercial passenger buses or other passenger vehicles pay the applicable oversize vehicle tolls. Public transit buses and drivers shall travel free upon display of an annual permit which may be purchased for \$10. Upon presentation by either the driver or passenger of a WSF Disability Travel Permit, Regional Reduced Fare Permit, or other identification which establishes disability, vehicles 20-30 feet in length and over 7'6" in height shall be charged the 20-30 foot length and under 7'6" in height fare for vehicles equipped with wheelchair lift or other mechanism designed to accommodate the person with the disability.

<sup>2</sup>TRANSFERS - Tolls collected westbound only. Oversize vehicles traveling westbound from Anacortes may purchase a single intermediate transfer when first purchasing the appropriate fare. The transfer is valid for a 24-hour period and is priced as follows: May 1, 2007 - ((April 30, 2008)) October 10, 2009, \$56.50 base season, \$76.25 peak season.

<sup>3</sup>INTER-ISLAND - Tolls collected westbound only. Vehicles traveling between islands may request a single transfer ticket good for one transfer at an intermediate island. The transfer may only be obtained when purchasing the appropriate vehicle fare for inter-island travel (westbound at Lopez, Shaw, or Orcas) and is free of charge. Transfers shall be valid for 24 hours from time of purchase.

<sup>4</sup>ROUND TRIP - Round trip passage for international travel available for trips beginning or ending on one of the islands served.

<sup>5</sup>RESERVATION FARES - These fares apply only to travelers that have made advanced reservations and paid the \$15 nonrefundable reservation fee. The reservation fee shall be a \$30 nonrefundable fee when the peak season surcharge is in effect.

<sup>6</sup>RESERVATION FARES - These fares apply only to travelers that have made advanced reservations and paid the \$7 nonrefundable

reservation fee. The reservation fee shall be a \$15 nonrefundable fee when the peak season surcharge is in effect.

COMMERCIAL VEHICLE RESERVATION FEES - For commercial vehicles traveling with reservations a participation fee (\$200 for summer schedule season, \$100 for each of the other schedule seasons) will be charged. Fees will be collected when reservations are confirmed.

PEAK SEASON SURCHARGE - A peak season surcharge shall apply to all oversize vehicles. The oversize fare shall be determined based on the peak-season car-and-driver fare and the analogous oversize vehicle fare, calculated with the same factor as the oversize base seasons fares are to the base season under 20 foot fare. The senior citizen discount shall apply to the driver of an oversize vehicle.

SENIOR CITIZEN DISCOUNTS - Discounts of 50% for the driver of the above vehicles shall apply. Senior citizen discount is determined by subtracting full-fare passenger rate and adding half-fare passenger rate. The senior citizen discount shall apply to the driver of an oversize vehicle.

PENALTY CHARGES - Owner of vehicle without driver will be assessed a \$100.00 penalty charge.

DISCOUNT FROM REGULAR TOLL - Effective June 1, 2005, through fall of 2005, oversize vehicles making 12 or more, one-way crossings per week (Sunday through Saturday) will qualify for a 10% discount from the regular ferry tolls. With the implementation of EFS in spring 2006, WSF will provide a commercial account program that will be prepaid and offer access to volume discounts based on travel, revenue or other criteria in accordance with WSF business rules. On an annual basis, commercial accounts will pay a \$50 nonrefundable account maintenance fee.

GROUP OR VOLUME SALES - In order to increase total revenues, WSF may develop full fare or discounted customer packages or bundle single fare types into multiple trip books or offer passes for high volume or group users. In pricing these packages, WSF will have discretion to set appropriate volume discounts based on a case-by-case basis.

**SPECIAL EVENTS** - In order to increase total revenues, WSF may develop, create or participate in special events that may include, but not be limited to, contributing or packaging discounted fares in exchange for the opportunity to participate in the income generated by the event.

**EMERGENCY TRIPS DURING NONSERVICE HOURS** - While at locations where crew is on duty charge shall be equal to the cost of fuel consumed to make emergency trip. Such trips shall only be offered as a result of official requests from an emergency services agency and only in the case of no reasonable alternative.

**DISCLAIMER** - Under no circumstances does Washington state ferries warrant the availability of ferry service at a given date or time; nor does it warrant the availability of space on board a vessel on a given sailing.

**WSR 08-08-084**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed April 1, 2008, 12:03 p.m., effective April 1, 2008]

**Effective Date of Rule:** WAC 296-46B-970 will be effective on May 2, 2008.

WAC 296-46B-955 will be effective on April 1, 2008. The general welfare of the public is at risk if a violator is able to continue working due to a technicality in the rule. Licensing/certification revocation/suspension hearings and unsafe installation and electrical power disconnection hearings are heard directly by the electrical board. With the current language, the department will likely lose any case brought directly to the board for appeal. This could result in a contractor or electrician who is incompetent or makes unsafe electrical installations to continue doing business and placing the general public and workers in jeopardy due to their unsafe installations.

The electrical board's AAG and L&I's AAG have both informed the board at the regular October board meeting that the current rule language is very likely unconstitutional, can be used as a defense, and may enable appellants to win their appeal based on unconstitutionality rather than technical merit. The electrical board unanimously voiced extreme concern with being faced with this type of defense and told L&I to change the rule as quickly as possible. An argument can also be made that appeals taken to the office of administrative hearings could also be lost on the same basis and ultimately have the same safety consequence.

Current cases in which this argument is being made is *Edward Marshall and Peninsula Pole Service, Inc. v. DLI*. Kitsap Superior Court Cause No. 06-2-027802. Marshall and Peninsula Pole argue that the current rule denies due process and is asking for a writ prohibiting the state from enforcing the rule so there is a state-wide effect of the ruling and a writ mandating a more appropriate burden of proof.

The same argument was also heard at the regular October board meeting in another case where the appellant was represented by council. The council told the board that the case would be appealed to superior court on the basis of the constitutional question.

Even more problematic than cases that have been heard at the office of administrative hearings are cases first heard

directly by the board. In those cases, the alleged violator is always the appellant and under the current rules has the burden of proof. These types of cases include suspension and revocation of licenses and certificates. Based on the AAGs' input and recommendations to the board, L&I should not put such cases before the board for appeal until the rule is changed. Not moving forward with cases of incompetence or malfeasance will place the general public and the workers at risk.

**Purpose:** The purpose of the rule making is to amend language in WAC 296-46B-995, regarding appeals. The amendment will move the burden of proof from the appellant to the department for appeals heard before the office of administrative hearings (OAH) or directly by the electrical board. An emergency rule was filed on December 4, 2007, to protect the general welfare of the public. This will make the emergency change permanent. Additional changes will be made to continuing education courses, to better accommodate electrical administrators, master electricians, electricians, and L&I. Renewing electrical administrators, master electricians, and electricians must now show that they have taken a NEC code update class on the currently adopted code. The change will allow a seven month overlap period for taking either the 2005 or 2008 NEC code change update class required for renewal of an electrician or electrical administrator certificate.

**Citation of Existing Rules Affected by this Order:** Amending WAC 296-46B-970 and 296-46B-955.

**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, 19.28.281, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551.

Adopted under notice filed as WSR 08-04-088 on February 5, 2008.

**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 2, 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.

Date Adopted: April 1, 2008.

Judy Schurke  
Director

**AMENDATORY SECTION** (Amending WSR 06-24-041, filed 11/30/06, effective 12/31/06)

**WAC 296-46B-970 Continuing education. General requirements - continuing education classes requirements**

**for administrator, master electrician, and electrician renewal.**

(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 qualifications, 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))~~ changes in the 2008 National Electrical Code ((changes)) or if the renewal is before December 31, 2008, the 2005 National Electrical Code may be substituted. 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))~~ changes in the 2008 National Electrical Code ((changes)) or if the renewal is before December 31, 2008, the 2005 National Electrical Code may be substituted. 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) Training certificates:

(i) Effective July 1, 2007, to be eligible for renewal of a training certificate, the individual must have completed:

(A) At least sixteen hours of approved basic classroom electrical training classes; or

(B) Equivalent electrical training courses taken as a part of an approved:

- Apprenticeship program under chapter 49.04 RCW; or
- Electrical training program under RCW 19.28.191

(1)(h).

Note that trainees seeking experience credit in the pump and irrigation **(03)** or domestic pumping **(03A)** specialties must take pumping industry basic classroom training classes;

In addition, trainees working in the pump and irrigation **(03)** or domestic pump **(03A)** specialties may be credited for courses approved as a part of the requirements for plumber trainees required in RCW 18.106.070(5).

(h) A continuing education class attended or completed by an individual before the class's effective date cannot be used to meet the certificate renewal requirements.

(i) 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:

- One copy 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
- Class applications will include:
  - Sponsor's name, address, contact name, and telephone number;
  - Class title;
  - Number of continuing education hours requested for the class;
  - Category of class for which approval is sought (i.e., code update, RCW/WAC update, industry related, basic classroom electrical training, pumping industry, or pumping industry basic classroom training);
  - Any required examinations;
  - 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.). Note that for all pumping industry classes, curriculum must include fifty percent electrical and fifty percent plumbing instruction;
  - List of resources (e.g., texts, references, etc.);
  - Copies of all visual aids;
  - Sample of the completion certificate.
- 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, industry related, basic classroom electrical training, pumping industry, or pumping industry basic classroom training);
  - 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.

(D) All basic classroom electrical training classes and pumping industry basic classroom training classes must be classroom instruction only. Correspondence and internet classes are not allowed. All basic classroom electrical training classes must include an appropriate written examination to ensure the participant understands the basic concepts of the class. To successfully complete the class, the participant must score at least seventy percent on the examination.

(E) In addition, for pumping industry classes, curriculum must include fifty percent electrical and fifty percent plumbing instruction.

(ii) Class length:

(A) The minimum allowed length of a class is two hours; however, the minimum length for a basic classroom electrical trainee classroom training or pumping industry basic classroom trainee classroom training is eight hours that can be delivered in multiple classroom sessions of not less than two hours each.

(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. A class may be divided into

multiple sections so long as each section is not less than two hours in length and all sections are taken within a one month period.

• Correspondence instruction will be based on:

– A written examination (i.e., twenty-five questions will equal one hour 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 one hour 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:

Supplementary written instruction material appropriate to the type and length of the class.

(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 administrator, master electrician, or electrician's certificate and has appropriate knowledge of and experience working as an electrical/electronic trainer; or

(B) Is an instructor in a two-year program in the electrical construction trade licensed 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, qualified instructor with a state of Washington approved electrical apprenticeship program, 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.

(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 web site and may post the application process, review, and approval requirements on the contractor's web site.

(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) Electrical approved classes offered in Washington:

(i) The sponsor must provide the department with an accurate and typed course attendance/completion roster for each class given. Class attendance will only be verified based on the attendance/completion roster provided by the sponsor. Completion certificates are not an acceptable method of verifying attendance at a class approved in Washington under this chapter.

(A) The typed attendance/completion roster must be provided within thirty days of class completion.

(B) In addition, within seven days, the course sponsor must provide the attendance/completion roster in an internet 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 approved under chapter 18.106 RCW for the pumping industry will be verified through the normal roster reporting method for those classes.

(e) 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. The department must verify all out-of-state sponsor's certificates or forms with the issuing state prior to accepting them as evidence of class completion.

(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 06-24-041, filed 11/30/06, effective 12/31/06)

**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 given to 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. All parties 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, revocation, or nonrenewal.

(a) An appeal of the suspension or revocation of a license or certificate of competency under RCW 19.28.241 and 19.28.341 or of nonrenewal of a license or certificate of competency under this chapter 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. All parties 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)(i) to the superior court per RCW 34.05.542(3).

## (16) Appeals pertaining to engineer approval or electrical testing laboratory recognition and accreditation.

(a) A party may appeal a decision issued by the department pursuant to WAC 296-46B-997 or 296-46B-999. The appeal 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 pertaining to engineer approval or recognition and accreditation of an electrical testing laboratory, must be filed within twenty days after the notice of the department's decision 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.

## (17) 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.

(18) If appeal(s) according to subsections (11), (12), (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.

## (19) Appeals - general requirements.

(a) Appeals according to subsections (11), (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), (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 heard before the office of administrative hearings or directly by the board, the (~~appellant~~) department has the burden of proof by a preponderance of the evidence.

(d) In all appeals of a decision by the office of administrative hearings to the board, the party aggrieved by the decision of the office of administrative hearings has the burden of proof by a preponderance of the evidence.

**Appearance and practice before board.**

(20) 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.

(21) 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.

**WSR 08-08-092****PERMANENT RULES****DEPARTMENT OF HEALTH**

[Filed April 1, 2008, 4:52 p.m., effective May 2, 2008]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The rule changes the process for taking the national counseling examination (NCE) and the national clinical mental health counseling examination (NCMHCE). Applicants must pass one of these examinations to be eligible for licensure as a mental health counselor in Washington state. The change in process will allow more frequent examinations offered in more locations, increasing the opportunity for mental health counselors to be licensed more timely.

Citation of Existing Rules Affected by this Order: Amending WAC 246-809-240.

Statutory Authority for Adoption: RCW 18.225.040 and 18.225.090.

Adopted under notice filed as WSR 08-03-142 on January 23, 2008.

A final cost-benefit analysis is available by contacting Betty Moe, Department of Health, P.O. Box 47869, Olympia, WA 98504-7869, phone (360) 236-4912, fax (360) 236-4909, e-mail Betty.Moe@doh.wa.gov.

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.

Date Adopted: March 31, 2008.

Mary C. Selecky  
Secretary

AMENDATORY SECTION (Amending WSR 01-17-113, filed 8/22/01, effective 9/22/01)

**WAC 246-809-240 Examination for licensed mental health counselors.** (1) ~~((Testing companies must administer a written licensure examination on knowledge and application of mental health counseling at least once a year. The applicant must submit a completed application and application fee to the department at least ninety days prior to the scheduled examination date. All other supporting documents, including verification of supervised postgraduate experience, must be submitted sixty days prior to the examination date.~~

~~(2) Applicants who take and pass the National Board of Certified Counselors (NBCC), National Certification Examination (NCE) or the National Clinical Mental Health Counselor Examination (NCMHCE) have met the examination requirement of chapter 251, Laws of 2001. Verification of successful completion and passage of the NBCC examination is to be provided directly to the department of health by NBCC at the request of the applicant for Washington state mental health counselor.~~

~~(3) The passing score established by the testing company is the passing score accepted by the department of health.))~~ Applicants must pass an examination administered by the National Board of Certified Counselors (NBCC). Applicants who pass the National Certification Examination (NCE) or the National Clinical Mental Health Counselor Examination (NCMHCE), as administered by the NBCC, meet the examination requirements to be licensed as mental health counselors. Each applicant must cause the NBCC to send verification of the applicant's examination passage directly to the department of health before licensure can be granted.

(2) The department of health shall accept the passing score established by the NBCC for licensed mental health counselor examinations.