

**WSR 08-19-001**  
**PERMANENT RULES**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**

[Docket UT-073014, General Order R-551—Filed September 3, 2008, 1:48 p.m., effective October 4, 2008]

In the matter of amending WAC 480-120-071 and 480-120-103, relating to extension of service and application for service.

**1 STATUTORY OR OTHER AUTHORITY:** The Washington utilities and transportation commission (commission) takes this action under Notice No. WSR 08-14-045, filed with the code reviser on June 23, 2008. The commission brings this proceeding pursuant to RCW 80.01.040 and 80.04.160.

**2 STATEMENT OF COMPLIANCE:** This proceeding complies with the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

**3 DATE OF ADOPTION:** The commission amends and adopts these rules on the date this order is entered.

**4 CONCISE STATEMENT OF PURPOSE AND EFFECT OF THE RULE:** RCW 34.05.325(6) requires the commission to prepare and publish a concise explanatory statement about an adopted rule. The statement must identify the commission's reasons for adopting the rule, describe the differences between the version of the proposed rules published in the register and the rules adopted (other than editing changes), summarize the comments received regarding the proposed rule changes, and state the commission's consideration of them.

**5** To avoid unnecessary duplication in the record of this docket, the commission designates the discussion in this order, including Appendix A, as its concise explanatory statement, supplemented where not inconsistent by the staff memoranda preceding the filing of the CR-102 proposal and the adoption hearing. Together, the documents provide a complete but concise explanation of the agency actions and its reasons for taking those actions.

**6 REFERENCE TO AFFECTED RULES:** This order amends the following sections of the Washington Administrative Code: WAC 480-120-071 Extension of service and 480-120-103 Application for service.

**7 PREPROPOSAL STATEMENT OF INQUIRY AND ACTIONS THEREUNDER:** The commission filed a preproposal statement of inquiry (CR-101) on August 10, 2007, at WSR 07-17-054.

**8** The statement advised interested persons that the commission was considering initiating a rule making to revise its rules regarding telecommunications line extensions. The commission also informed persons of the inquiry into this matter by providing notice of the subject and the CR-101 to all persons on the commission's list of persons requesting such information pursuant to RCW 34.05.320(3) and by sending notice to all registered telecommunications companies, the commission's list of telecommunications attorneys, and the list for all persons interested in rule-making dockets. The commission posted the relevant rule-making information on its internet web site at <http://www.utc.wa.gov/073014>.

Pursuant to the notice, the commission received written comments.

**9 NOTICE OF PROPOSED RULE MAKING:** The commission filed a notice of proposed rule making (CR-102) on May 7, 2008, at WSR 08-10-102. The commission scheduled this matter for oral comment and adoption under Notice No. WSR 08-10-102 at 1:30 p.m., Thursday, June 26, 2008, in the Commission's Hearing Room, Second Floor, Richard Hemstad Building, 1300 South Evergreen Park Drive S.W., Olympia, WA. The notice provided interested persons the opportunity to submit written comments to the commission.

**10 MEETINGS OR WORKSHOPS:** The commission held a service extension rule-making workshop on October 4, 2007, in the Commission's Hearing Room, Second Floor, Richard Hemstad Building, 1300 South Evergreen Park Drive S.W., Olympia, WA. Participants in the workshop included TDS Telecom, Tenino-Kalama Telephone, United States Cellular Corporation, and RCC Minnesota, Inc., Verizon Northwest Inc., Washington Independent Telephone Association (WITA); Embarq, Wahkiakum West Long Distance, Inc., Qwest Corporation, and the public counsel section of the Washington state attorney general's office (public counsel). The participants discussed whether the current service extension rules should be modified.

**11 WRITTEN COMMENTS:** The commission received written comments from AT&T Communications of the Pacific Northwest, Inc., TCG Seattle and TCG Oregon (collectively AT&T), United States Cellular Corporation, and RCC Minnesota, Inc., supporting the proposed rules as amended. The public counsel section of the Washington state attorney general's office (public counsel) and the Industry Coalition<sup>1</sup> submitted written comments with proposed language changes.

<sup>1</sup> The Coalition includes Verizon Northwest Inc., Qwest Corporation, CenturyTel, Embarq, TDS Telecom, Kalama-Tenino Telephone and other member companies of WITA.

**12 CONTINUED NOTICE OF PROPOSED RULE MAKING:** The commission filed a continuance of the notice of proposed rule making (CR-102) on June 23, 2008, at WSR 08-14-045. The commission rescheduled this matter for oral comment and adoption under Notice No. WSR 08-14-045 at 1:30 p.m., Thursday, August 14, 2008, in the Commission's Hearing Room, Second Floor, Richard Hemstad Building, 1300 South Evergreen Park Drive S.W., Olympia, WA. The notice provided interested persons the opportunity to submit written comments to the commission.

**13 WRITTEN COMMENTS:** The commission received written comments from Kevin Danby, Rimrock Meadows Association, and additional comments from the Industry Coalition.

**14 RULE-MAKING HEARING:** The commission considered the proposed rules for adoption at a rule-making hearing on Thursday, August 14, 2008, before Chairman Mark H. Sidran, Commissioner Patrick J. Oshie, and Commissioner Philip B. Jones. Speaking in support of the rules for adoption included: Mark Reynolds of Qwest Corporation; Mary Taylor of CenturyTel; Milt Doumit of Verizon Northwest Inc.; and Rick Finnigan representing Washington Independent Telephone Association. Kevin Danby of the Rimrock Mead-

ows Association commented on the lack of land line and cell phone coverage to all sections of the Rimrock Meadows Association housing development.

**15 SUGGESTIONS FOR CHANGE THAT ARE ACCEPTED OR REJECTED:** Written and oral comments suggested changes to the proposed rules. The suggested changes and the commission's reason for rejecting or accepting the suggested changes are described below.

**16 COMMISSION ACTION:** After considering all of the information regarding this proposal, the commission finds and concludes that it should amend and adopt the rules as proposed in the CR-102, with changes from the text noticed at WSR 08-14-045, as described below in this order.

**17 CHANGES FROM PROPOSAL:** The commission addressed the comments submitted by interested persons for changes to WAC 480-120-071 as follows:

**Subsection (2) Tariffed residential basic local exchange service (c)(ii).**

18 The Industry Coalition proposed that the rule be modified to include language that would permit companies and applicants to agree to use a firm or negotiated quotation for construction charges in lieu of the estimated charge and reimbursement procedure described in WAC 480-120-071 (4)(c). The Industry Coalition suggested that the proposal would not harm any potential customer as it would apply only upon company and customer agreement.

Suggested added language: (2)(c)(ii) **Unless otherwise agreed by a company and its applicant, for an extension . . . (remaining subsection).**

19 The commission rejects the proposed rule change. Because there is typically only one telecommunications company from which an applicant may obtain a wire line extension, a customer could not obtain competing bids or otherwise ascertain the "market" price of the line extension. Therefore, an applicant would have no way of judging the reasonableness of a firm offer and would likely have little or no bargaining power to negotiate a firm price. The initial estimate/true-up approach is preferable because it requires the company to reimburse the amount by which the estimate (and initial bill) exceeds the company's actual cost. Actual costs can be verified against invoices in the event of a dispute. A "negotiated" price would lack any ready indicia of reasonableness.

**Subsection (2) tariffed residential basic local exchange service (c)(iii).**

20 Public counsel expressed concern that limited-income applicants may not be able to pay the full cost of a line extension quickly and thus may go without service for a long time, even when they have entered into a payment plan with the company and have made consistent and substantial payments toward the cost of the line extension. Public counsel suggested that this conflicts with the rule's requirement that service be extended "in a timely manner." Public counsel requested that language be included in subsection (2)(c)(iii) that would require companies to make reasonable payment plans available to all applicants and begin the running of the twelve-month deadline to complete the extension of service and provide new tariffed residential basic local exchange service upon substantial, partial payment.

21 The commission rejects public counsel's proposed modification. There is no information available about the relative income of applicants. Line extensions are often sought to serve comparatively new developments or second homes. The company may offer payment plans in its tariff. If the payment terms are not acceptable to the applicant, the applicant will need to obtain his/her own financing for the line extension.

**Subsection (3) allowances.**

22 Public counsel requested the commission set the allowance for an extension of service at two thousand feet at no charge to the applicant, stating that would still lower the costs companies are currently responsible for under the existing rule by placing the extraordinary cost of lengthy line extensions on individual customers. According to the data provided by four companies, it was lengthier extensions—those over two thousand feet—which made up the bulk of their overall costs. Shorter line extensions were notably less expensive with almost all line extensions less than two thousand feet costing less than \$10,000. Public counsel suggested that a two thousand foot allowance would strike the right balance between fostering universal service while not imposing unreasonable costs on companies and ratepayers in general.

23 The commission rejects public counsel's proposed revision. The initial line extension allowance proposed in this rule making was five hundred feet. After consideration of the written initial comments, the line extension allowance was expanded to one thousand feet. The one thousand foot allowance strikes a reasonable balance between the costs that should be borne by the company and those that should be borne by the customer.

**Subsection (3) allowances (c).**

24 The Industry Coalition proposed that the rule be modified to address extraordinary costs that could be incurred in construction of the first one thousand feet of any line extension that exceeds one thousand feet. The subsection at issue provides for recovery of extraordinary costs associated with an extension that is up to one thousand feet. The coalition suggested the intent be clarified.

25 The commission accepts the coalition's proposal to clarify the language regarding recovery of extraordinary costs associated with the first one thousand feet of the line extension. The language is revised to allow the company to demonstrate that the first one thousand feet of any extension of service can be considered for recovery of extraordinary costs.

**Industry Coalition proposed new subsection (3)(d).**

26 The Industry Coalition proposed that a new subsection (3)(d) be added to address general waivers under WAC 480-120-015. The proposed language would make it clear that the existence of an eligible telecommunications carrier as an alternative service provider for the location where the extension is requested could be a factor to be considered in deciding whether to grant a waiver.

27 Suggested new language:

(3)(d) *A company may seek a waiver of the requirement to extend service under this rule pursuant to WAC 480-120-015. In making its determination whether to grant such a waiver, the commission may take into consideration the existence of an alternative service provider that is an eligible tele-*

*communications carrier ("ETC") for the location where an extension of service is requested.*

28 The commission rejects the Industry Coalition's proposed new subsection (3)(d). The rule as drafted achieves a bright line standard for companies concerning the obligation to construct a line extension. Adding a waiver option would detract from this standard. A company may seek a waiver under WAC 480-120-015 whenever it thinks it appropriate and the commission may consider any pertinent information, including the existence of an ETC alternative, without adding the suggested language.

**Subsection (6) requirements for supporting structures and trenches (a)(ii).**

29 Public counsel proposed that "[t]o further ensure that applicants have a meaningful choice, subsection (7)(a)(ii) should include a statement that the company's construction specifications should be reasonable."

30 The commission accepts public counsel's recommendation and revises the language to include the term "reasonable." This addition clarifies that supporting structures required for the placement of company-provided drop wire from the applicant's property line to the premises are only those reasonably necessary to complete the line extension.

**Subsection (8) application of rule.**

31 The Industry Coalition proposed that the rule be modified by adding language that would address the transition to the new rule. Cost recovery mechanisms that are in place based on the current rule will not have run their course as of the effective date of the new rule but will be effectively repealed by the new rule. The Industry Coalition asked that subsection (8) be clarified to ensure that there would be no confusion regarding the continued application of the old rule (and particularly the cost recovery mechanism of that rule) to line extension requests already accepted by the company, even though the new rule will apply retroactively to requests made before the effective date of the new rule that are not accepted by the company before the effective date of the new rule.

32 The commission accepts the Industry Coalition's proposal and revises the language to clarify the applicability of the new rule.

33 **STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE:** After reviewing the entire record, the commission determines that WAC 480-120-071 and 480-120-103 should be amended to read as set forth in Appendix A, as rules of the Washington utilities and transportation commission, to take effect pursuant to RCW 34.05.380(2) on the thirty-first day after filing with the code reviser.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

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

**ORDER**

**THE COMMISSION ORDERS:**

34 The commission amends and adopts WAC 480-120-071 and 480-120-103 to read as set forth in Appendix A, as rules of the Washington utilities and transportation commission, to take effect on the thirty-first day after the date of filing with the code reviser pursuant to RCW 34.05.380(2).

35 This order and the rules set out below, after being recorded in the register of the Washington utilities and transportation commission, shall be forwarded to the code reviser for filing pursuant to chapters 80.01 and 34.05 RCW and 1-21 WAC.

Dated at Olympia, Washington, September 3, 2008.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

Mark H. Sidran, Chairman  
Patrick J. Oshie, Commissioner  
Philip B. Jones, Commissioner

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order R-474, Docket No. UT-991737, filed 12/5/00, effective 1/15/01)

**WAC 480-120-071 Extension of service. (1) Definitions.** The following definitions apply to this section unless the context clearly indicates otherwise:

~~("Basic monthly service rate" means the rate for non-measured service for the lowest-priced class of service ordered by the applicant.~~

~~"Binding site plan" has the same meaning as "binding site plan" in RCW 58.17.020.~~

~~"Constructed" means a residential building that has been approved for occupancy by the appropriate local government agency.~~

~~"Cost justification" means such cost and engineering information as the commission may request.~~

~~"Cost of service extension" means the direct and indirect costs of the material and labor to plan and construct the facilities including, but not limited to, drop wire, permitting fees, rights-of-way fees, and payments to subcontractors, and does not include the cost of reinforcement, network upgrade, or similar costs.~~

~~"Development" has the same meaning as "development" and "developed lands" in RCW 58.19.020.~~

~~"Distribution plant" means telephone equipment and facilities necessary to provide service to a premises, but does not include drop wire.~~

~~"Drop wire" means company-supplied wire and pedestals to be placed between a premise and the company distribution plant at the applicant's property line. For drop wire installed after the effective date of this section, a drop wire must be sufficient in capacity to allow the provisioning of three individual basic exchange voice-grade access lines.~~

"Extension of service" means an extension of company distribution plant to a location that is outside any municipal boundary and where no distribution plant of the extending company exists at the time an extension is requested, that is constructed at the request of one or more applicants for service who pay a charge under this section, and that extends more than 1/10 mile. Extensions of service do not include customer trenches, conduits or other support structure for placement of company provided facilities from the customer property line to the premises to be served.

"Filed" means the approved plat, short plat, binding site plan or other similar approved instrument filed for record with a county auditor and authorizing development activity.

"Lot" has the same meaning as "lot" in RCW 58.17.020.

"Marina" has the same meaning as "marina" in RCW 88.12.010.

"Mobile home lot," "mobile home park," "mobile home park cooperative," and "mobile home park subdivision" have the same meanings as "mobile home lot," "mobile home park," "mobile home park cooperative," and "mobile home park subdivision" have in RCW 59.20.030.

"Neighboring exchange" means an exchange bordering on any other exchange.

"Premises" means any structure that is used as a residence, including farm houses, but does not include predominantly commercial or industrial structures.

"Radio communications service company" has the meaning contained in RCW 80.04.010.

"Residential buildings" has the same meaning as "residential buildings" in RCW 58.19.020.

"Short subdivision" has the same meaning as "short subdivision" in RCW 58.17.020.

"Subdivision" has the same meaning as "subdivision" in RCW 58.17.020.

"Temporary occupancy" means occupancy definitely known to be for less than one year but does not include intermittent or seasonal use when such intermittent or seasonal use will occur in more than a one-year period.

"Temporary service" means service definitely known to be for a short period of time, such as service provided for sales campaigns, athletic contests, conventions, fairs, circuses, and similar events.

### **(2) Extensions of service.**

(a) Each company required to file tariffs under RCW 80.36.100 must have on file an extension of service tariff and must extend service consistent with its tariff and this section and provide drop wire for customer use. Service extensions must be completed within eighteen months after a request is made and the customer makes the initial payment, unless the commission extends the time on a showing of good cause.

(b) Extension of service is required to occupied premises unless the company demonstrates occupancy is temporary. In the case of new construction commenced after the effective date of this section, extension of service is required only if the applicant has permission to build from the applicable local government and the need for service is not temporary.

(c) Any company required to extend service under this section may do so by extending distribution plant or by making a service and financial agreement with a radio communications service company or other alternative provider to pro-

vide service. The services provided through a radio communications service company or other alternative provider must be reasonably comparable services at reasonably comparable prices compared to services provided through wireline distribution facilities in the area of the exchange where service has been requested. In addition, the services must include all elements of basic service defined in RCW 80.36.600. A company extending service through a service agreement with a radio communications service company or other alternative provider may file a tariff as permitted under subsection (4) of this section to recover the lesser of the actual direct cost to extend the service through the cooperative agreement or the direct cost of extending wireline distribution plant.

### **(3) Service extension charge to applicants.**

(a) For service provided under subsection (2) of this section, companies must submit a tariff that sets the level of an initial fee and per month fee for any applicant requesting an extension of service. The tariff may also impose such fees upon applicants for new service from a service extension that is less than five years old measured from the date of the initial service provided by the extension. The charge to applicants for service extensions must include an initial payment to process the order. The maximum initial payment to process the order is an amount equal to twenty times the customer's basic monthly service rate exclusive of all fees, taxes or other charges.

A per month payment beginning with the first monthly bill for service must be charged once the order is complete and service is provided. The maximum allowable per month payment for a period of twenty months is an amount equal to the customer's basic monthly service rate, exclusive of all fees, taxes or other charges. Customers may pay the entire amount at any time, in lieu of monthly payments, and must pay the entire remaining amount at the time of disconnecting service if the disconnection occurs prior to full payment.

(b) Customers are responsible for providing or paying the cost of trenching, conduit, or other structures required for placement of company provided drop wire from the customer's property line to the premises.

### **(4) Cost recovery for extensions of service.**

(a) A company with a terminating access tariff under WAC 480-120-540 and a service extension tariff imposing fees or charges under subsection (3) of this section may file tariffs to include a service extension element on terminating access in an amount necessary to recover the cost of an extension of service. The tariff may not recover costs covered by applicant or customer payments for service extensions, federal universal service funds, or any similar funds or grants from other sources. The company must file the tariff to be effective only so long as necessary to recover the costs allowed under this section.

(b) Companies may recover costs by filing a tariff under (b)(i) or (ii) of this subsection. In the case of companies that serve fewer than two percent of the access lines in the state, placement of the tariff on the agenda of a commission open meeting constitutes notice of an opportunity to be heard on the need for any reporting requirements related to a tariff based on estimated costs.

(i) A company may file a proposed tariff to recover fifty percent of the estimated cost of an extension after it obtains

all permits necessary for construction related to the extension of service. Extensions of service must be completed within twelve months of the effective date of a tariff that uses estimated costs. The tariff based on estimates is null and void at the end of that twelve-month period if the extension of service is not completed; however, the commission, for good cause shown, may permit the tariff based on estimates to remain in effect after twelve months. If the commission does not permit the tariff based on estimates to continue, the company must within thirty days of the commission's decision or the end of the twelve-month period, whichever is later, file a replacement tariff to offset the amounts collected. After completion of an extension subject to a tariff based on estimated costs, the company may file a tariff to recover the cost of the extension less any amount already recovered or, in the event of an over-collection, must file a tariff to reduce terminating access sufficient to offset the amount over-collected through the initial tariff.

Class A companies that have in effect a service extension tariff based on estimated costs must report quarterly on collections, expenditures, and construction timetables and progress, including a final report after completion of the extension and termination of the tariff. Companies that serve fewer than two percent of the access lines in the state and that have in effect a service extension tariff based on estimated costs must make the same report every six months if ordered by the commission.

(ii) A company may file a tariff to recover the cost of a service extension at any time within two years after completion of an extension and may accumulate the cost of multiple line extensions before filing a tariff.

(e) The commission will review the cost justification for the tariffs and approve the tariffs if they are consistent with this section. The commission will not conduct an earnings review of the company's operations for the purpose of reviewing the proposed tariffs.

**(5) Extension of service to neighboring exchange facilities.**

(a) A company that is willing to extend service to a neighboring exchange may recover under subsection (4) of this section the cost of an extension to a neighboring exchange if companies obligated to serve the neighboring exchange agree that the cost of a cross-boundary service extension would be less than the cost of extension within the applicants' exchange and agree to the cross-boundary extension.

(b) In the case of a cross-boundary extension, an applicant will become a customer of the extending company. The customer's rates and local calling capabilities must be the same as other customers served out of the extending company's same central office.

(c) The newly constructed facilities will be the property of the extending company, but the exchange boundary will remain unchanged.

(d) The charge to the customer shall be determined in accordance with subsection (3) of this section.

**(6) Extensions to developments.** The cost of extensions to developments should be borne by those who gain economic advantage from development and not by ratepayers in general. This policy promotes the economic good of having

telephone infrastructure placed at the same time as other infrastructure is constructed as a part of development. Accordingly, local exchange companies may not recover under subsection (4) of this section the costs of extensions to serve the following:

(a) Developments filed after the effective date of this rule for which a public offering statement is required under chapter 58.19 RCW;

(b) Divisions of land filed after the effective date of this rule that use binding site plans under RCW 58.17.035 to create five or more lots or units;

(c) Subdivisions filed after the effective date of this rule;

(d) Short subdivisions with five or more lots filed after the effective date of this rule;

(e) Developments filed prior to the effective date of this rule, in which all lots were under common ownership and control on the effective date of this rule, and in which no residential buildings were constructed after the division of land and prior to the effective date of this rule;

(f) Divisions of land using binding site plans under chapter 58.17 RCW with five or more lots or units filed prior to the effective date of this rule, in which all lots, units or both were under common ownership and control on the effective date of this rule, and in which no residential buildings or commercial or industrial buildings were constructed after the division of land and prior to the effective date of this rule;

(g) Subdivisions filed prior to the effective date of this rule, in which all lots were under common ownership and control on the effective date of this rule, and in which no residential buildings were constructed after the division of land and prior to the effective date of this rule;

(h) Short subdivisions with five or more lots filed prior to the effective date of this rule, in which all lots were under common ownership and control on the effective date of this rule, and in which no residential buildings were constructed after the division of land and prior to the effective date of this rule;

(i) Mobile home parks, mobile home park cooperatives, and mobile home park subdivisions filed after the effective date of this rule;

(j) Mobile home parks, mobile home park cooperatives, and mobile home park subdivisions filed prior to the effective date of this rule, in which all lots were under common ownership and control on the effective date of this rule, and in which no residential buildings were placed or constructed after the division of land and prior to the effective date of this rule;

(k) Marinas;

(l) Camping resorts regulated under chapter 19.105 RCW;

(m) Condominiums regulated under chapters 64.32 and 64.34 RCW;

(n) Timeshares regulated under chapter 64.36 RCW.

**(7) Waiver of obligation under this section.**

(a) The commission retains the authority under RCW 80.36.090 to determine whether any applicant for service is not reasonably entitled to service and whether the local exchange company is not obligated to provide service to an applicant under subsection (2)(b) of this section. In determining the reasonable entitlement, the commission may consider

those factors listed in (b)(ii)(A) through (G) of this subsection and such other information that it may consider necessary to a proper determination.

(b) Waiver of subsection (3)(a) of this section:

(i) A company may petition for a waiver of subsection (3)(a) of this section in order to charge an applicant the direct cost to extend service if it is unreasonable for the direct cost of the extension of service to be borne by rates permitted under subsection (4) of this section.

(ii) In determining whether cost recovery under subsection (4) of this section for an extension is unreasonable and granting a waiver is consistent with public interest, the commission will consider:

(A) The total direct cost of the extension;

(B) The number of customers to be served;

(C) The comparative price and capabilities of radio communication service or other alternatives available to customers;

(D) Technological difficulties and physical barriers presented by the requested extensions;

(E) The effect on the individuals and communities involved;

(F) The effect on the public switched network; and

(G) The effect on the company.) "Applicant" means any person applying to a telecommunications company for new tariffed residential basic local exchange service. Applicant does not include developers requesting service for developments.

"Cost of service extension" means the direct and indirect costs of the material and labor to plan and construct the facilities including, but not limited to, permitting fees, rights of way fees, and payments to subcontractors, and does not include the cost of reinforcement, network upgrade, or similar costs.

"Developer" means any owner of a development who offers it for disposition, or an agent of such an owner.

"Development" means land which is divided or is proposed to be divided for the purpose of disposition into four or more lots, parcels, or units.

"Distribution plant" means telephone equipment and facilities necessary to provide new tariffed residential basic local exchange service to a premises, but does not include drop wire.

"Drop wire" means company-supplied wire and pedestals to be placed between a premises and the company distribution plant at the applicant's property line. For drop wire installed after January 15, 2001, a drop wire must be sufficient in capacity to allow the provisioning of three individual basic exchange voice-grade access lines.

"Extension of service" means an extension of company distribution plant for new tariffed residential basic local exchange service to a location where no distribution plant of the extending company exists at the time an extension of service is requested. An extension is constructed at the request of one or more applicants for service. Extensions of service do not include trenches, conduits, or other support structure for placement of company-provided facilities from the applicant's property line to the premises to be served. Extension of service, as defined in this rule, does not apply to extensions of

service to developments or to extensions of service for temporary occupancy or temporary service.

"Extraordinary cost" means a substantial expense resulting from circumstances or conditions beyond the control of the company that are exceptional and unlikely to occur in the normal course of planning and constructing facilities contemplated by this rule.

"Order date" as defined in WAC 480-120-021 (Definitions) means the date when an applicant requests service unless a company identifies specific actions a customer must first complete in order to be in compliance with tariffs or commission rules. Except as provided in WAC 480-120-061 (Refusing service) and 480-120-104 (Information to consumers), when specific actions are required to be completed by the applicant, the order date becomes the date the company receives the completed application for extension of service.

"Premises" means any structure that is used as a residence, but does not include predominantly commercial or industrial structures.

"Tariffed" means offered under a tariff filed with the commission.

"Temporary occupancy" means occupancy definitely known to be for less than one year but does not include intermittent or seasonal use when the intermittent or seasonal use will occur in more than a one-year period.

"Temporary service" means service definitely known to be for a short period of time, such as service provided for construction huts, sales campaigns, athletic contests, conventions, fairs, circuses, and similar events.

**(2) Tariffed residential basic local exchange service.**

(a) Each company required to file tariffs under RCW 80.36.100, and each company required to do so under an alternative form of regulation, must have on file with the commission an extension of service tariff for residential basic local exchange service consistent with this rule. Each company must extend service consistent with its tariff and this section.

(b) Within seven business days of an applicant's initial request, each company to which (a) of this subsection applies must provide the applicant with an application for extension of service. The company must also provide the applicant a brief explanation of the extension of service rules, including the requirement that subsequent applicants must contribute to the cost of a previously built extension that is less than five years old.

(c) The company must process applications that require an extension of service in a timely manner, consistent with the following:

(i) When there will be no charge for an extension of service as a result of the allowances required under subsection (3) of this section, the company must construct the extension and provide new tariffed residential basic local exchange service within thirteen months of the order date unless the commission grants the company's request to charge the applicant for extraordinary extension of service costs.

(ii) For an extension of service that exceeds the allowances provided under subsection (3) of this section, within one hundred twenty days of the order date, the company must provide the applicant a bill for the estimated cost of construction of the extension of service under subsection (4)(a) of this

section. The company must include with the bill a notice to the applicant of the right to be reimbursed for a portion of the cost by a subsequent applicant as provided under subsection (5) of this section.

(iii) When the company bills for the estimated construction charges, including extraordinary costs as allowed in this section, it must complete the extension of service and provide new tariffed residential basic local exchange service within twelve months after the applicant meets the payment terms established by the company (e.g., payment in full, partial payment on a schedule). If there are multiple applicants under subsection (4)(b) of this section, then all applicants must meet the payment terms established by the company.

**(3) Allowances.**

(a) A company's tariff must allow for an extension of service within its service territory up to one thousand feet at no charge to the applicant. The tariff may allow for an extension of service for distances over the allowance at no charge to the applicant.

(b) The applicant is responsible for the cost of that portion of the extension of service, if any, that exceeds the allowance. When the applicant meets the company's payment terms under subsection (2)(c)(iii) of this section, the company must construct the extension of service. The company's tariff must permit multiple applicants to aggregate their allowances when an extension of service to two or more applicants would follow a single construction path.

(c) If the company determines that the first one thousand feet of an extension of service will involve extraordinary costs, the company may petition for permission to charge the applicant(s) for those costs. The petition must be in the form required under WAC 480-07-370 (1)(b)(ii) and the company must file the petition within one hundred twenty days after the order date. The company must provide notice to the applicant of the petition.

**(4) Determining costs and billing for extensions of service longer than allowances.**

(a) The company must estimate the cost of the service extension that is attributable to distribution plant that must be extended beyond the applicable allowance established under subsection (3)(b) of this section.

(b) When two or more applicants request service and aggregate their allowances, and it is still necessary to construct an extension of service longer than the aggregated incremental allowances, the company must bill each applicant for an equal portion of the allowable charge (e.g., when two applicants aggregate allowances, the charge is divided by two; when five applicants aggregate allowances, the charge is divided by five). Multiple applicants may agree to divide the bill among themselves in amounts different from those billed as long as the billing company receives full payment.

(c) At the completion of the construction of the extension of service, the company must determine the difference between the estimated cost provided under subsection (2)(c)(ii) of this section and the actual cost of construction. The company must provide to the applicant detailed construction costs showing the difference. The company must refund any overpayment and may charge the applicant for reasonable additional costs up to ten percent of the estimate.

(d) The company must retain records pertaining to the construction charges paid for a period of at least six years from payment of the charges by the original applicant(s).

**(5) Subsequent applicants to existing extensions of service for which construction charges were paid.**

(a) If within five years of the order date for an extension of service a subsequent applicant seeks service from that previous extension of service and the original applicant(s) paid construction charges under subsection (4) of this section, then the company tariff must require the subsequent applicant to pay a proportionate share of the original extension of service charges before extending service. The tariff must provide that the amount paid by subsequent applicants will be refunded proportionately to the original applicant(s) who paid the extension charges.

(b) The company must provide notice to the last known address of the original applicant(s) of the amount of the refund due the applicant(s). Any refund not requested within sixty days of the date notice was sent will be returned to the subsequent applicant.

**(6) Requirements for supporting structures and trenches.**

(a) A company tariff may condition construction on completion of support structures, trenches, or both on the applicant's property.

(i) Applicants are responsible for installation of all supporting structures required for placement of company-provided drop wire from the applicant's property line to the applicant's premises. The company may offer to construct supporting structures and dig trenches and may charge for those services, but the tariff must not require that applicants use only company services to construct supporting structures and dig trenches. The offer must clearly state that the applicant may choose to employ a different company for construction services.

(ii) The company tariff may require that all supporting structures required for placement of company-provided drop wire from the applicant's property line to the premises are placed in accordance with reasonable company construction specifications. The tariff must require that, once in place and in use, all supporting structures and drop wire will be maintained by the company as long as the company provides service, and any support structure and trenches constructed at company expense are owned by the company.

(b) The tariff must provide that once supporting structures, trenches, or both, have been constructed, the company will provide drop wire to applicants at no charge.

**(7) Temporary service.** Each company required to file tariffs under RCW 80.36.100 (Tariff schedules to be filed and open to public—Exceptions), and each company regulated under an alternative form of regulation, must have on file with the commission an extension of service tariff for temporary service consistent with this rule. Each company must extend service consistent with its tariff and this section. A company tariff for extension of temporary service may not provide allowances (e.g., one thousand feet without charge) or discounts on the cost of construction.

**(8) Application of rule.**

(a) The prior WAC 480-120-071, as it was in effect on June 1, 2008, will continue to apply to applications for exten-

sion of service that a company has completed or accepted before (the effective date of the amended rule).

(b) This section, as amended effective (the effective date of the amended rule), applies to all other requests for service before and after the effective date.

AMENDATORY SECTION (Amending Docket UT-060676, General Order R-540, filed 3/27/07, effective 4/27/07)

**WAC 480-120-103 Application for service.** (1) When contacted by an applicant, or when a company contacts a person, a company must:

(a) Accept and process applications when an applicant for service for a particular location has met all tariff requirements and applicable commission rules;

(b) Establish the due date as the date requested by the applicant but is not required to establish a due date that is fewer than seven business days after the order date. If the company establishes a due date other than the date requested by the applicant, it must inform the applicant of the specific date when service will be provided or state that an estimated due date will be provided within seven business days as required by subsection (2) of this section; and

(c) Maintain a record in writing, or in electronic format, of each application for service, including requests for a change of service.

(2) If the company does not provide the applicant with a due date for installation or activation at the time of application as required in subsection (1)(b) of this section, the company must state the reason for the delay. Within seven business days of the date of the application, the company must provide the applicant with an estimated due date for installation or activation. The standards imposed by WAC 480-120-105 (Company performance standards for installation or activation of access lines) and 480-120-112 (Company performance for orders for nonbasic services) are not altered by this subsection.

(3) When the company informs the customer that installation of new service orders requires on-premises access by the company, the company must offer the customer an opportunity for an installation appointment that falls within a four-hour period.

(4) When the application for service requires ~~((a)) an extension of service ((extension))~~ as defined in WAC 480-120-071 (Extension of service), the requirement of subsection (1)(b) of this section does not apply ~~((and, for the purpose of determining when an extension must be completed, the order date is the application date or six weeks prior to the date the customer makes the required initial payment, whichever is later.~~

~~When a service extension is required, the company must inform the customer within six weeks of a request for service that it will construct the extension and also request payment from the customer according to WAC 480-120-071, or inform the customer in writing that it will request an exemption from the commission pursuant to WAC 480-120-071(7).~~

~~In the event a company informs the customer it will request an exemption, the company must submit the request to the commission within four weeks of informing the cus-~~

~~tomers of its decision. A copy of the exemption request must be mailed to the customer not later than the date the request is filed).~~

## WSR 08-19-004

### PERMANENT RULES

#### DEPARTMENT OF TRANSPORTATION

[Filed September 4, 2008, 8:11 a.m., effective October 5, 2008]

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

Purpose: SSB 6794 is emergency legislation authorizing the new construction of small auto ferries. The legislation was signed into law on February 14, 2008, and took effect immediately. These rule revisions modify the financial prequalification requirements for the new Port Townsend/Keystone ferry procurement. The revisions are the subject of an emergency rule-making order filed under WSR 08-05-100 on February 15, 2008, and under WSR 08-10-005 on April 24, 2008. The rule revisions are required in order to promote the competitive process by increasing the number of potential bidders.

Citation of Existing Rules Affected by this Order: Amending WAC 468-310-020 and 468-310-050.

Statutory Authority for Adoption: RCW 47.56.780, 47.60.680, and 47.60.690.

Adopted under notice filed as WSR 08-15-067 on July 15, 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 0, Repealed 0.

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

Date Adopted: August 27, 2008.

Stephen T. Reinmuth

Chief of Staff

AMENDATORY SECTION (Amending WSR 04-11-004, filed 5/5/04, effective 6/5/04)

**WAC 468-310-020 Contents of standard prequalification questionnaire and financial statement.** The standard prequalification questionnaire and financial statement shall be transmitted to the director of Washington state ferries. The contractor shall provide the following information:

(1) The name, address, phone number, contractor registration number and type of organization (corporation, copartnership, individual, etc.) of the contractor seeking prequalification.



(2) The contract size in dollars and the class or classes of work for which the contractor seeks prequalification (such as vessel dry-docking and hull repairs, vessel electrical repairs, etc.) as enumerated in WAC 468-310-050(6).

(3) Ownership of the contractor and if a corporation, the name of the parent corporation (if any) and any affiliated companies or subsidiaries.

(4) An accurate and complete record of the fifteen largest contracts in excess of ten thousand dollars performed by the contractor in whole or in part within the preceding three years both in Washington and elsewhere, including subcontracts, giving the contract amount, the date completed, the class of work, the name, address and phone number of the owner/agency representative, and any liquidated damages assessed against the contractor by an owner arising out of the performance of the contract.

(5) The principal officers and key employees showing the number of years each engaged in the class or classes of work for which the contractor seeks prequalification. The department may require resumes of such personnel as deemed proper for making its determination.

(6) Except as otherwise provided in this section or WAC 468-310-050(8), a contractor requesting prequalification certification to perform work in excess of ten million dollars shall submit copies of its audited annual statements for the previous three years as audited by an independent certified public accountant which shall include comparative balance sheets and income statements, a statement of retained earnings, supporting schedules and notes attached thereto, and the opinion of the independent auditor. The financial statement shall not be more than twelve months old when submitted. Any wholly owned subsidiary corporation may file the latest consolidated financial statement of its parent corporation in lieu of a financial statement prepared solely for such subsidiary providing the financial statement otherwise meets the requirements of the preceding two sentences. If a consolidated financial statement is filed on behalf of a subsidiary corporation, a bid of the subsidiary corporation will be considered only if there is on file with the department a letter from the parent corporation guaranteeing performance by the subsidiary corporation of its contract with the department of transportation in an amount at least equal to the amount of the bid. A letter of guarantee by a parent corporation may cover a specific contract bid by its subsidiary or all contracts bid by its subsidiary within a stated period of time.

(7) A list of all major items of equipment to be used in those classes of work for which prequalification certification is requested including the original cost, age, location and condition of such equipment. The schedule shall show whether the equipment is owned, leased or rented. All major items of useful equipment should be listed even though fully depreciated but no obsolete or useless equipment should be included. In the event the contractor seeks prequalification certification to perform work on ferry vessels, the schedule shall also describe plant facilities of the contractor including shipyards, dry docks, repair facilities and other plant facilities.

(8) Such other information as may be required by the prequalification questionnaire.

(9) Notwithstanding the provisions of this section, a contractor who wishes to prequalify for the department's procurement of new auto ferries for the Port Townsend/Keystone ferry route, pursuant to the department's 2008 invitation for bids, shall submit a reviewed financial statement for at least one year in the previous three years, plus annual financial statements for two additional years in the previous three years. The reviewed financial statement shall be prepared by an independent certified public accountant which shall include comparative balance sheets and income statements, a statement of retained earnings, supporting schedules and notes attached thereto, and the opinion of the independent auditor. The form and quantity of financial statements shall be specified in the department's invitation for bids and is subject to modification by addendum during the bid process. This subsection applies in lieu of the form and quantity of audited financial statements specified in subsection (6) of this section for the Port Townsend/Keystone vessel procurement only. It does not replace or modify any other provisions in this chapter or governing prequalification statutes that authorize the department to evaluate a contractor's financial ability to perform the contract.

AMENDATORY SECTION (Amending WSR 04-11-004, filed 5/5/04, effective 6/5/04)

**WAC 468-310-050 Classification and capacity rating.** (1) Except as otherwise specified in this section, each contractor seeking prequalification under these rules will be classified for one or more of the classes of work listed in subsection ((8)) (6)(a) of this section and will be given a maximum capacity rating in accordance with its financial ability, the adequacy of its equipment and plant facilities to perform the class or classes of work for which it has sought prequalification, the extent of the contractor's experience in performing contracts of the class or classes for which prequalification is sought, and the adequacy of the experience and capability of the contractor's officers and key employees in performing contracts of the class or classes for which prequalification is sought. The maximum capacity rating will limit the quantity of uncompleted work which the contractor shall have under contract at any one time either as a prime contractor or a subcontractor.

(2) Except as provided in subsections (7) through (9) of this section, the maximum capacity rating for a contractor applying for a rating in excess of fifty thousand dollars will be ten times the contractor's net worth as set forth in the standard prequalification questionnaire and financial statement. A properly executed letter of credit from an acceptable financial institution may be considered as an asset increasing the contractor's maximum capacity rating by the amount of the credit, but without the use of a multiplier. The maximum capacity rating for a contractor not submitting an audited financial statement as provided in WAC 468-310-020(6) will be ten million dollars: Provided, That in all cases the contractor's maximum capacity rating may be reduced to an amount considered by the department to be within the contractor's actual capacity based upon its organization, personnel, equipment and plant, and experience.

(3) Consideration will be given to raising, by an amount not to exceed fifty percent, the maximum capacity rating of a contractor who qualifies with respect to actual capacity based upon organization, personnel, equipment and plant facilities, and experience, upon receipt of evidence of a current bonding capacity of such additional amount with a corporate surety. Such evidence shall be in the form of a letter of commitment executed by an officer of the surety who is authorized to bind the surety. Notwithstanding the provisions of this subsection, the maximum capacity rating for a contractor not submitting an audited financial statement as provided in WAC 468-310-020(6) will be ten million dollars.

(4) The certificate of prequalification issued by the department will establish a contractor's maximum capacity rating which will be subject to reduction by the total value of its current uncompleted work regardless of its location and with whom it may be contracted to determine the contractor's bidding capacity at the particular time.

(5) Notwithstanding the provisions of this section, a contractor will be allowed to submit a bid for an amount up to \$50,000 on a class or classes of work for which it is prequalified without regard to any financial maximum capacity rating or financial current capacity rating: Provided, That the contractor's current capacity may be reduced to an amount considered by the department to be within the contractor's actual capacity based upon its organization, personnel, equipment and plant facilities, and experience.

(6)(a) Construction, repair and maintenance work on ferry vessels for which prequalification certification under these rules may be granted are classified as follows:

Class 81	Vessel construction and renovation;
Class 82	Dry-docking and hull repairs;
Class 83	Vessel metal fabrication repairs;
Class 84	Vessel electrical repairs;
Class 85	Vessel miscellaneous repairs;

(b) A contractor currently prequalified under RCW 47.28.070 to perform those classes of work required in the construction, improvement and repair of ferry terminal facilities will initially be deemed prequalified under these rules to perform such classes of work with the same capacity rating as approved by the department for highway related work.

(7) Notwithstanding the provisions of this section, proposers who wish to prequalify for the department's construction of new 130-auto ferries, pursuant to the department's 2003 request for proposals, must submit evidence of their ability, if awarded the contract, to obtain contract security in the amount of thirteen million dollars. The department estimates such amount to be adequate to protect one hundred percent of the department's estimated exposure to loss on the vessel construction contract, as calculated by the department prior to issuance of the request for proposals. Such amount shall be specified in the project request for proposals and is subject to modification by addendum during the request for proposals process. The actual contract security amount for the project construction contract will be a percentage of the successful proposer's total bid price. Such percentage shall be specified in the construction contract within the request for proposals. For the new 130-auto ferries contract, this pro-

vision applies in lieu of the maximum capacity rating formula specified in subsection (2) of this section.

(8) Notwithstanding the provisions of this section or WAC 468-310-020, proposers who wish to prequalify for the department's construction of new 130-auto ferries, pursuant to the department's 2003 request for proposals, shall, in addition to the evidence of contract security required in subsection (7) of this section, submit an audited financial statement for at least one year in the previous three years, plus annual financial statements for two additional years in the previous three years. The audited financial statement shall be performed by an independent certified public accountant which shall include comparative balance sheets and income statements, a statement of retained earnings, supporting schedules and notes attached thereto, and the opinion of the independent auditor. The form and quantity of financial statements shall be specified in the project request for proposals and is subject to modification by addendum during the request for proposals process. For the new 130-auto ferries contract, this provision applies in lieu of the quantity of audited financial statements specified in WAC 468-310-020.

(9) This subsection shall apply to the Port Townsend/Keystone vessel procurement only and shall be used in lieu of the requirements of subsections (1) through (5) of this section. It does not replace or modify any other provisions in this chapter or governing prequalification statutes. The department may prequalify a contractor under a Class 81 classification to bid on the Port Townsend/Keystone vessel procurement pursuant to this section based on the department's evaluation of the following criteria:

(a) Whether the contractor has adequate equipment and plant facilities available to accomplish the work;

(b) Whether the contractor has trained personnel available to perform the work;

(c) Whether the contractor has demonstrated experience in the type of work;

(d) Whether the contractor has an organization and technical staff with the size, training, experience and capability to accomplish the work;

(e) Whether the contractor has adequate financial resources to perform the type and size of work, or the ability to timely secure such resources. In evaluating such financial resources, the department may consider the contractor's overall financial condition including, but not limited to:

(i) Level of capitalization;

(ii) Cash flow;

(iii) Level of business activity;

(iv) Credit history;

(v) Debts;

(vi) Assets; and

(vii) Ability to obtain financing, including but not limited to, irrevocable lines of credit, and parent company guarantees.

A contractor does not have adequate financial resources when, based upon the totality of the circumstances, it lacks the financial resources reasonably expected of a contractor capable of performing the work on time and without interruption.

**WSR 08-19-008**  
**PERMANENT RULES**  
**SPOKANE REGIONAL**  
**CLEAN AIR AGENCY**

[Filed September 4, 2008, 12:03 p.m., effective October 7, 2008]

Effective Date of Rule: October 7, 2008.

Purpose: Clarify and update definitions; clarify what exceptions exist from asbestos survey requirements; allow for notifications and notification amendments to be filed electronically; better ensure that asbestos-containing material, which has been disturbed or will likely be disturbed, be properly removed or repaired; and adjust the notification waiting period for certain categories.

Citation of Existing Rules Affected by this Order: Amending SRCAA Regulation I, Article IX and Article X, Section 10.09.

Statutory Authority for Adoption: RCW 70.94.141, 70.94.380(2).

Other Authority: Chapter 70.94 RCW.

Adopted under notice filed as WSR 08-15-017 on July 7, 2008.

A final cost-benefit analysis is available by contacting Matt Holmquist, 1101 West College, Suite 403, Spokane, WA 99201, phone (509) 477-4727, fax (509) 477-6828, e-mail mholmquist@spokaneleanair.org. This is a local agency rule and RCW 34.05.328 does not apply pursuant to RCW 70.94.141(1).

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 11, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 10, 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: September 4, 2008.

Matt Holmquist  
 Compliance Administrator

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 08-20 issue of the Register.

**WSR 08-19-016**  
**PERMANENT RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed September 5, 2008, 10:16 a.m., effective October 6, 2008]

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

Purpose: The 2005 Washington state legislature allowed the office of superintendent of public instruction to use a two-year transition system for migration of the school bus replacement system to a model based on a five-year average of school bus prices. As of September 2007, that transition no longer exists [exists]. Removed the language referring to a transition process. Also, clarified the calculation of the final payment of a bus if the school district disposes the bus prior to the end of its useful life.

Citation of Existing Rules Affected by this Order: Repealing WAC 392-142-174, 392-142-176 and 392-142-178; and amending WAC 392-142-231 and 392-142-265.

Statutory Authority for Adoption: RCW 28A.150.290.

Adopted under notice filed as WSR 08-15-025 on July 8, 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 3.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 3.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 2, Repealed 3; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: September 5, 2008.

Dr. Terry Bergeson  
 State Superintendent

AMENDATORY SECTION (Amending WSR 05-19-072, filed 9/16/05, effective 10/17/05)

**WAC 392-142-231 Calculation of system price.** The ~~((system price of a school bus shall be calculated as following:~~

~~(1) For the 2005-06 school year, the system price for an individual school bus shall be determined by selecting the first condition that applies, as follows:~~

~~(a) If a school bus is in its final year on the replacement system, the system price is the state-determined purchase price.~~

~~(b) If the average price for the school bus is greater or equal to the 2004 or the 2005 state-determined purchase price, the system price is the average price.~~

~~(c) If the average price for the school bus is less than the 2004 state-determined purchase price, the system price is the 2005 weighted price.~~

~~(d) If the 2005 weighted price for the school bus is less than the 2004 actual price, the system price is the 2004 actual price.~~

~~(2) For the 2006-07 school year, the system price for an individual school bus shall be determined by selecting the first statement that applies, as follows:~~

~~(a) If a school bus is in its final year on the replacement system, the system price is the actual price.~~

~~(b) If the 2005 system price for the bus was the 2005 average price, the 2006 system price is the 2006 average price.~~

~~(c) If the 2006 average price for the school bus is greater or equal to the 2005 system price, the system price is the 2006 average price.~~

~~(d) If the 2006 average price for the school bus is less than the 2005 system price, the system price is the 2006 weighted price.~~

~~(3) Effective September 1, 2007, the~~) system price for an individual school bus is the state-determined purchase price if a school bus is in its final year on the replacement system. For a school bus not in its final year on the replacement system, the system price is the average price.

AMENDATORY SECTION (Amending WSR 05-19-072, filed 9/16/05, effective 10/17/05)

**WAC 392-142-265 Maintenance and operation.** (1) To the extent possible, school districts shall operate vehicles not less than the number of years of useful lifetime now, or hereafter, assigned to the category of vehicles by the superintendent of public instruction.

(2) A school bus that continues to possess a valid operation permit and operates its useful vehicle life shall be considered to be properly maintained in accordance with general accepted maintenance and operation standards. A school bus which does not operate its useful vehicle life shall be considered as not being properly maintained in accordance with generally accepted maintenance and operation standards unless proven otherwise by the school district. Prima facie evidence of such proof shall include unforeseen events which shorten the useful vehicle life, including but not limited to, fire, flood, explosion, storm, earthquake, or volcanic eruption.

(3) If a district fails to follow generally accepted standards of maintenance and operation or if a district disposes of a bus prior to the end of its useful life time, the superintendent of public instruction shall discontinue reimbursement system payments, including ((recovering)) adjusting the ((prorated)) amount of the current year payment ((according to the number of months in the current year the bus was not operated)) to be the final payment by:

(a) Determining the total number of months the bus operated;

(b) Dividing the number of months the bus operated by the "useful life" of the bus, in months. Multiply the result by the "state-determined purchase price" for the current year, than subtract previous "total school bus replacement payments," "assumed interest earnings," and the "salvage value."

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 392-142-174      Definition—Weighting factor.

WAC 392-142-176      Definition—2005 weighted price.  
 WAC 392-142-178      Definition—2006 weighted price.

**WSR 08-19-017  
 PERMANENT RULES  
 SUPERINTENDENT OF  
 PUBLIC INSTRUCTION**

[Filed September 5, 2008, 10:16 a.m., effective October 6, 2008]

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

Purpose: Technical changes were made throughout the chapter. The approval of temporary extensions will now be done by the office of superintendent of public instruction (OSPI). The due date of Form 1799 will be changed to coincide with the due date school districts submit their annual student transportation reports. Clarified the definition of a medical examination; clarified the bus driver and district reporting requirements concerning department of licensing's action; and provided school districts the ability to develop and implement an alternative assessment of physical strength and agility upon approval from OSPI.

Citation of Existing Rules Affected by this Order: Amending WAC 392-144-020, 392-144-102, 392-144-103, 392-144-110, 392-144-130, 392-144-140, 392-144-150, and 392-144-160.

Statutory Authority for Adoption: RCW 28A.160.210.

Adopted under notice filed as WSR 08-15-026 on July 8, 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 8, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 8, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 8, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: September 5, 2008.

Dr. Terry Bergeson  
 State Superintendent

AMENDATORY SECTION (Amending WSR 08-07-054, filed 3/14/08, effective 4/14/08)

**WAC 392-144-020 Definitions.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise:

(1) "School bus driver" means a person, who is employed by a school district including contracted drivers

under WAC 392-144-040 (1) and (2) and as part of that employment or contract, operates a school bus as defined in WAC 392-143-010, or other motor vehicles for the regularly scheduled transportation of students between home and school. School buses shall be operated by authorized school bus drivers when transporting students. An authorized school bus driver may also transport students on field trips and other school related activities.

(2) "A school bus driver's authorization" means an authorization issued by the superintendent of public instruction indicating that the person has met the requirements to operate a school bus or other motor vehicle for the purpose of transporting students to and from school routinely on scheduled routes and/or school activities. A school bus driver must be authorized prior to transporting students and such authorization shall continue in effect as long as the person continues to meet the requirements of this chapter. A school bus driver authorization is not valid if suspended, revoked or lapsed.

(3) "School bus driver instructor's authorization" means an authorization issued by the superintendent of public instruction to a person successfully completing the superintendent of public instruction approved school bus driver instructor course. This authorization qualifies a person to train and verify the training of school bus drivers. This authorization shall lapse unless the holder successfully completes an annual school bus driver instructor's in-service course.

(4) "School bus driver training course" means a course established by the superintendent of public instruction and taught by an authorized school bus driver instructor. This course shall be successfully completed by all applicants for a school bus driver's authorization.

(5) "School bus driver annual in-service training course" means an annual course taught by an authorized school bus driver instructor. The content and minimum time requirements of such course shall be annually determined by the superintendent of public instruction and shall be required to be completed no earlier than August 1st and no later than November 1st by all authorized school bus drivers.

(6) "School bus driver instructor's course" means a training program authorized by the superintendent of public instruction to qualify a person as a school bus driver instructor.

(7) "School bus driver instructor's annual in-service course" means an annual required course, the content of which shall be determined by the superintendent of public instruction. Successful completion of this course prevents the instructor's authorization from lapsing.

(8) "Serious behavioral problem" includes, but is not limited to, conduct which indicates unfitness to carry out the responsibilities related to the occupation or job performance of transporting children, such as: Dishonesty; immorality; or misuse of alcohol, a controlled substance, or a prescription drug; or furnishing alcohol or controlled substances to a minor or student. It does not include the orderly exercise during off-duty hours of any rights guaranteed under the law to citizens generally, except where such conduct indicates a safety risk for the transportation of students.

(9) "Medical examiner's certificate" means a written verification of passing a medical examination in accordance

with the standards established in 49 CFR 391.41 through 391.49, of the Federal Motor Carrier Safety Regulations.

(a) School bus drivers must provide verification of passing a medical examination at a minimum of every twenty-four months.

(b) School bus drivers must continue to meet these medical requirements during the time between examinations.

(c) A school district may require more frequent examinations of any school bus driver. If a school district requires a school bus driver to be examined by a district selected physician, the school district must pay for the cost of such exam. If the driver objects to the district selected physician, a physician must be selected that is mutually acceptable.

(d) An individual who is a diabetic being treated with insulin may hold a school bus driver authorization if they meet the following requirements:

(i) Possess a valid commercial driver license intrastate medical waiver for diabetes from the Washington state department of licensing or a valid interstate exemption certificate for diabetes issued by the Federal Motor Carrier Safety Administration;

(ii) Provide at a minimum of every twenty-four months to the authorizing school district(s) or employer a completed, signed copy of Form SPI 1643, Application Section, and a completed, signed copy of Form SPI 1643, Physician Evaluation Section indicating the driver's medical condition allows them to safely operate a school bus while using insulin. The Physician Evaluation Section must indicate that within the past three years, the driver has completed instruction including diabetes management and driving safety; the signs and symptoms of hypoglycemia and hyperglycemia, and what procedures must be followed if complications arise. Physician verification of participation in a diabetes education program covering these topics is required at least every three years in order to remain qualified for a school bus driver authorization;

(iii) Provide at a minimum of every twelve months to the authorizing school district(s) or employer a completed, signed copy of Form SPI 1643, Vision Evaluation Section indicating the driver does not have any vision problems that might impair safe driving;

(iv) Provide at a minimum of every six months to the authorizing school district(s) or employer a completed, signed copy of Form SPI 1643, HbA1c Report Section indicating values more than 5.9 and less than 9.6 (unless accompanied by the signed medical opinion that the event was incidental and not an indication of failure to control glucose levels);

(v) Self-monitor blood glucose using an FDA approved device and demonstrate conformance with requirements (more than 100 mg/dl and less than 300 mg/dl):

(A) Within one hour before driving vehicles transporting students; and

(B) Approximately every four hours while on duty;

(vi) Maintain a daily log of all glucose test results for the previous six-month period and provide copies to the authorizing school district(s) or employer, and the medical examiner or physician upon request;

(vii) Carry a source of readily absorbable/fast-acting glucose while on duty;

(viii) Report immediately to their employer, any failure to comply with specific glucose level requirements as listed in (d)(iv) or (v) of this subsection, or loss of consciousness or control;

(ix) Individuals who have had a loss of consciousness or loss of control (cognitive function) due to a diabetic event do not qualify for a school bus driver authorization for one year, provided there has not been a recurrent hypoglycemic reaction requiring assistance of another person within the previous five years;

(x) A school bus driver is no longer authorized to operate a school bus and must be immediately removed from driving duties for any of the following:

(A) Results of the most recent HbA1c test indicating values less than 6.0 or greater than 9.5 unless accompanied by the signed medical opinion that the event was incidental and not an indication of failure to control glucose levels;

(B) Results of self-monitoring indicate glucose levels less than 100 mg/dl or greater than 300 mg/dl, until self-monitoring indicates compliance with specifications;

(C) Experiencing a loss of consciousness or control relating to diabetic condition;

(D) Failing to maintain or falsifying the required records, including self-monitoring records and any section of Form SPI 1643;

(xi) The authorizing school district or employer may request medical review of any or all signed, completed sections of Form SPI 1643, Washington State Authorized School Bus Driver Diabetes Exemption Program, and the driver's daily glucose test logs by a medical examiner or physician of their choice. The cost of this review shall be paid by the school district or employer.

**AMENDATORY SECTION** (Amending WSR 06-15-010, filed 7/6/06, effective 8/6/06)

**WAC 392-144-102 Continuing requirements for authorized school bus drivers.** Every authorized school bus driver must continue to meet the following requirements:

(1) Have a valid driver's license or commercial driver's license, as required by law, issued by the state department of licensing.

(2) Satisfactorily complete the annual school bus driver in-service training course.

(3) Hold a current and valid first-aid card which certifies that the applicant has completed a course in first aid.

(4) Submit annually to the school district a disclosure of all crimes against children or other persons and all civil adjudications in a dependency action or in a domestic relation action and all disciplinary board final decisions of sexual abuse or exploitation or physical abuse as required by RCW 43.43.834(2) and disclosure of all convictions which may be grounds for denial, suspension, or revocation of authorization under WAC 392-144-103.

(5) Every authorized school bus driver must continue to meet the following physical requirements:

(a) Is physically able to maneuver and control a school bus under all driving conditions; and

(b) Is physically able to use all controls and equipment found on state minimum specified school buses; and

(c) Is physically able to perform daily routine school bus vehicle safety inspections; and

(d) Has sufficient strength and agility to move about in a school bus as required to provide assistance to students in evacuating the bus. The driver must be able to move from a seated position in a sixty-five passenger school bus, or the largest school bus the driver will be operating, to the emergency door, open the emergency door, and exit the bus through the emergency door, all within twenty-five seconds. A school district may develop and implement an alternative assessment of physical strength and agility. The alternate assessment must be submitted by the school district superintendent for approval by OSPI; and

(e) Provide verification of holding a current and valid medical examiner's certificate.

**AMENDATORY SECTION** (Amending WSR 06-15-010, filed 7/6/06, effective 8/6/06)

**WAC 392-144-103 Disqualifying conditions for authorized school bus drivers.** A school bus driver's authorization will be denied, suspended, or revoked as a result of the following conditions:

(1) Misrepresenting or concealing a material fact in obtaining a school bus driver's authorization or in reinstatement thereof in the previous five years.

(2) Having a driving license privilege suspended or revoked as a result of a moving violation as defined in WAC 308-104-160 within the preceding five years or ~~((have))~~ having had their commercial driver's license disqualified, suspended, or revoked within the preceding five years; a certified copy of the disqualification, suspension, or revocation order issued by the department of licensing being conclusive evidence of the disqualification, suspension, or revocation.

(3) ~~((incurring))~~ Having been convicted of three or more speeding tickets of ten miles per hour or more over the speed limit within the last five years.

(4) Having intentionally and knowingly transported public school students within the state of Washington within the previous five years with a lapsed, suspended, surrendered, or revoked school bus driver's authorization in a position for which authorization is required under this chapter.

(5) Having intentionally and knowingly transported public school students within the state of Washington within the previous five years with a suspended or revoked driver's license or a suspended, invalid, disqualified, or revoked commercial driver's license.

(6) Having refused to take a drug or alcohol test as required by the provisions of 49 CFR 382 within the preceding five years. Provided, That this requirement shall not apply to any refusal to take a drug or alcohol test prior to January 31, 2005.

(7) Having a serious behavioral problem which endangers the educational welfare or personal safety of students, teachers, school bus drivers, or other coworkers.

(8) Having been convicted of any misdemeanor, gross misdemeanor, or felony (including instances in which a plea of guilty or *nolo contendere* is the basis for the conviction) or being under a deferred prosecution under chapter 10.05 RCW where the conduct or alleged conduct is related to the occupa-

tion of a school bus driver, including, but not limited to, the following:

(a) The physical neglect of a child under chapter 9A.42 RCW;

(b) The physical injury or death of a child under chapter 9A.32 or 9A.36 RCW, excepting motor vehicle violations under chapter 46.61 RCW;

(c) The sexual exploitation of a child under chapter 9.68A RCW;

(d) Sexual offenses where a child is the victim under chapter 9A.44 RCW;

(e) The promotion of prostitution of a child under chapter 9A.88 RCW;

(f) The sale or purchase of a child under RCW 9A.64.-030;

(g) Any crime involving the use, sale, possession, or transportation of any controlled substance or prescription drug within the last ten years;

(h) Any crime involving driving when a driver's license is suspended or revoked, hit and run driving, driving while intoxicated, being in physical control of motor vehicle while intoxicated, reckless driving, negligent driving of a serious nature, vehicular assault or vehicular homicide, within the last five years;

(i) Provided, That the general classes of felony crimes referenced within this subsection shall include equivalent federal crimes and crimes committed in other states;

(j) Provided further, That for the purpose of this subsection "child" means a minor as defined by the applicable state or federal law;

(k) Provided further, That for the purpose of this subsection "conviction" shall include a guilty plea.

(9) Having been convicted of any crime within the last ten years, including motor vehicle violations, which would materially and substantially impair the individual's worthiness and ability to serve as an authorized school bus driver. In determining whether a particular conviction would materially and substantially impair the individual's worthiness and ability to serve as an authorized school bus driver, the following and any other relevant considerations shall be weighed:

(a) Age and maturity at the time the criminal act was committed;

(b) The degree of culpability required for conviction of the crime and any mitigating factors, including motive for commission of the crime;

(c) The classification of the criminal act and the seriousness of the actual and potential harm to persons or property;

(d) Criminal history and the likelihood that criminal conduct will be repeated;

(e) The permissibility of service as an authorized school bus driver within the terms of any parole or probation;

(f) Proximity or remoteness in time of the criminal conviction;

(g) Any evidence offered which would support good moral character and personal fitness;

(h) If this subsection is applied to a person currently authorized as a school bus driver in a suspension or revocation action, the effect on the school bus driving profession, including any chilling effect, shall be weighed; and

(i) In order to establish good moral character and personal fitness despite the criminal conviction, the applicant or authorized school bus driver has the duty to provide available evidence relative to the above considerations. The superintendent of public instruction has the right to gather and present additional evidence which may corroborate or negate that provided by the applicant or authorized school bus driver.

AMENDATORY SECTION (Amending WSR 07-13-067, filed 6/18/07, effective 7/19/07)

**WAC 392-144-110 Temporary authorizations—Requirements and issuing procedures.** (1) A temporary school bus driver authorization may be issued by the superintendent of public instruction upon application by an authorized representative of the employing school district when the following has been provided:

(a) Verification of successful completion of the school bus driver training course.

(b) Verification that it has on file a copy of a current and valid medical examiner's certificate.

(c) Verification that it has on file an original, current and complete school bus driver's abstract, including departmental actions, of the applicant's employment and nonemployment driving record obtained from the department of licensing verifying compliance with all provisions of this chapter. The issue date of this abstract must be within sixty calendar days prior to the date the application is being submitted for temporary authorization.

(d) Verification that it has on file a disclosure statement in compliance with preemployment inquiry regulations in WAC 162-12-140, signed by the applicant, specifying all convictions which relate to fitness to perform the job of a school bus driver under WAC 392-144-103 and all crimes against children or other persons, that meets the requirements of RCW 43.43.834(2).

(e) Verification that it has requested a criminal record check as required under chapter 28A.400 RCW and the date of such request.

(f) Verification that it has on file an applicant's disclosure of all serious behavioral problems which explains the nature of all such problems and/or conditions, a listing of the names, addresses, and telephone numbers of all doctors, psychologists, psychiatrists, counselors, therapists, or other health care practitioners of any kind or hospitals, clinics, or other facilities who have examined and/or treated the applicant for such problems and/or conditions and dates of examinations, therapy, or treatment and the school district has determined that any reported serious behavioral problem does not endanger the education welfare or personal safety of students, teachers, bus drivers, or other colleagues.

(g) Verification that the applicant complies with all of the requirements for authorized school bus drivers set forth in this chapter except for a first-aid card and/or the results of a criminal record check.

(2) Upon approval of the temporary authorization, notice will be provided to the employing school district.

(3) The temporary authorization shall be valid for a period of sixty calendar days. The temporary authorization

may be renewed by approval of the (~~regional transportation coordinator~~) superintendent of public instruction when the results of the criminal background check have not been received.

AMENDATORY SECTION (Amending WSR 06-15-010, filed 7/6/06, effective 8/6/06)

**WAC 392-144-130 Discipline—Grounds for denial, suspension, or revocation of authorization—Emergency suspension—Appeals—Adjudicative proceedings.** (1) A request for an authorization may be denied or an authorization issued under this chapter may be suspended or revoked for failure to meet any of the minimum requirements set forth in WAC 392-144-101 and 392-144-102 or for disqualifying conditions set forth in WAC 392-144-103, established by a preponderance of the evidence.

(2) Conduct, which by a preponderance of the evidence, amounts to a serious behavioral problem which endangers the educational welfare or personal safety of students, teachers, school bus drivers, or other colleagues is grounds for denial, suspension, or revocation whether or not the conduct constitutes a crime. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to denial, suspension, or revocation action. Upon such conviction, however, the judgment and sentence is conclusive evidence at the ensuing hearing of the guilt of the authorized driver or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based.

(3)(a) Any person in a court-ordered treatment program for alcohol or other drug misuse shall have his or her authorization suspended until treatment is satisfactorily completed and the completion is confirmed by a state-approved alcohol or drug treatment program at which time the authorization will be reinstated.

(b) In all cases of deferred prosecution under chapter 10.05 RCW, the authorization shall be suspended until the court confirms successful completion of the court approved treatment program at which time the authorization will be reinstated.

(4) Emergency suspension. If the superintendent of public instruction finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, emergency suspension of an authorization may be ordered pending proceedings for revocation or other action. In such cases, the superintendent of public instruction shall expedite all due process actions as quickly as possible.

(5)(a) Appeals and adjudicative proceedings. Any person desiring to appeal a denial, suspension, or revocation of a school bus driver authorization may do so to the superintendent of public instruction or designee in accordance with the adjudicative proceedings in RCW 34.05.413 through 34.05.494, and the administrative practices and procedures of the superintendent of public instruction in chapter 392-101 WAC.

(b) The superintendent of public instruction may assign the adjudicative proceeding to the office of administrative

hearings and may delegate final decision-making authority to the administrative law judge conducting the hearing.

(c) The superintendent of public instruction may appoint a person to review initial orders and to prepare and enter final agency orders in accordance with RCW 34.05.464.

(d) Any person who disagrees with the school district's determination of failure to meet any school bus driver authorization qualifications may request that the school district forward the pertinent records to the superintendent of public instruction. After review or investigation, the superintendent of public instruction shall grant, deny, suspend, or revoke the authorization.

AMENDATORY SECTION (Amending WSR 06-15-010, filed 7/6/06, effective 8/6/06)

**WAC 392-144-140 School bus driver—Reporting.**

(1) Every person authorized under this chapter to operate a motor vehicle to transport children shall, within twenty calendar days, notify his or her employer in writing of the filing of any criminal charge involving conduct listed in WAC 392-144-103. The authorized driver shall also notify his or her employer of any disqualifying traffic convictions, or license suspension, disqualification, or revocation orders issued by the department of licensing. In cases where the employer is providing transportation services through a contract with the school district, the contractor shall immediately notify the school district superintendent or designee.

(2) The notification in writing shall identify the name of the authorized driver, his or her authorization number, the court in which the action is commenced, and the case number assigned to the action.

(3) The failure of an authorized driver to comply with the provisions of this section is an act of unprofessional conduct and constitutes grounds for authorization suspension or revocation by the superintendent of public instruction.

AMENDATORY SECTION (Amending WSR 06-15-010, filed 7/6/06, effective 8/6/06)

**WAC 392-144-150 School district—Reporting.** (1) Every school district employing authorized school bus drivers to transport children or contracting with a private firm who provides such authorized drivers as a part of a contract shall, within twenty calendar days, notify the superintendent of public instruction in writing of knowledge it may have of disqualifying traffic convictions or the filing of any criminal charge involving the conduct listed in WAC 392-144-103 against any authorized school bus driver.

(2) The notification in writing shall be by certified or registered mail and shall identify the name of the authorized school bus driver, his or her authorization number, the court in which the action is commenced, and the case number assigned to the action.

AMENDATORY SECTION (Amending WSR 07-13-067, filed 6/18/07, effective 7/19/07)

**WAC 392-144-160 School district—Verification of driver's continuing compliance.** (1) Every school district shall evaluate each authorized school bus driver for continu-



ing compliance with the provisions of this chapter annually. The results of this evaluation of all drivers shall be (~~for-warded to the superintendent of public instruction~~) included with the Annual Transportation Report submitted to the regional transportation coordinator on SPI Form 1799, ((Ver-ification Statement and Confirmation of Updated Records)) School Bus Driver Compliance Report, no later than (~~November 15th~~) the last business day in October of each year.

(2) This report shall verify that each authorized school bus driver's medical examination certificate expiration date, first-aid expiration date, driver's license expiration date and most recent school bus driver in-service training date has been updated in compliance with OSPI procedures.

(3) This report shall verify that each authorized school bus driver has made an updated disclosure in writing and signed and sworn under penalty of perjury which updates the disclosure required in WAC 392-144-102(4).

(4) This report shall verify that a current and original school bus driver's abstract has been obtained from the department of licensing on each authorized school bus driver and the driving record is in compliance with WAC 392-144-103.

(5) This report shall verify that each authorized school bus driver remains in compliance with the physical require-ments of WAC 392-144-102(5).

(6) This report shall be a written verification that the evaluation has been conducted in accordance with the requirements of this chapter and that all drivers are in compli-ance, or if all drivers are not in compliance, a list of drivers who are out of compliance and the reason for noncompliance shall be provided.

**WSR 08-19-018**  
**PERMANENT RULES**  
**DEPARTMENT OF HEALTH**

[Filed September 5, 2008, 3:03 p.m., effective October 6, 2008]

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

Purpose: To change the "established ratio" of forty beds per one thousand persons age sixty-five and older to forty beds per one thousand persons age seventy and older. Changing the established ratio based on the population age seventy or older more accurately reflects the population served by nursing homes.

Citation of Existing Rules Affected by this Order:  
Amending WAC 246-310-010.

Statutory Authority for Adoption: RCW 70.38.135.

Adopted under notice filed as WSR 08-12-079 on June 3, 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 Nongov-ernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Ini-tiative: 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 Mak-ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: September 5, 2008.

Mary C. Selecky  
Secretary

AMENDATORY SECTION (Amending WSR 06-24-050, filed 12/1/06, effective 1/1/07)

**WAC 246-310-010 Definitions.** For the purposes of chapter 246-310 WAC, the following words and phrases have the following meanings unless the context clearly indicates otherwise.

(1) "Acute care facilities" means hospitals and ambula-tory surgical facilities.

(2) "Affected person" means an interested person who:

(a) Is located or resides in the applicant's health service area;

(b) Testified at a public hearing or submitted written evi-dence; and

(c) Requested in writing to be informed of the depart-ment's decision.

(3) "Alterations," see "construction, renovation, or alter-ation."

(4) "Ambulatory care facility" means any place, build-ing, institution, or distinct part thereof not a health care facil-ity as defined in this section and operated for the purpose of providing health services to individuals without providing such services with board and room on a continuous twenty-four-hour basis. The term "ambulatory care facility" includes the offices of private physicians, whether for individual or group practice.

(5) "Ambulatory surgical facility" means any free-stand-ing entity, including an ambulatory surgery center that oper-ates primarily for the purpose of performing surgical proced-ures to treat patients not requiring hospitalization. This term does not include a facility in the offices of private physicians or dentists, whether for individual or group practice, if the privilege of using the facility is not extended to physicians or dentists outside the individual or group practice.

(6) "Applicant," means:

(a) Any person proposing to engage in any undertaking subject to review under chapter 70.38 RCW; or

(b) Any person or individual with a ten percent or greater financial interest in a partnership or corporation or other comparable legal entity engaging in any undertaking subject to review under chapter 70.38 RCW.

(7) "Bed banking" means the process of retaining the rights to nursing home bed allocations which are not licensed as outlined in WAC 246-310-395.

(8) "Bed supply" means within a geographic area the total number of:

(a) Nursing home beds which are licensed or certificate of need approved but not yet licensed or beds banked under

RCW 70.38.111 (8)(a) or where the need is deemed met under RCW 70.38.115 (13)(b), excluding:

(i) Those nursing home beds certified as intermediate care facility for the mentally retarded (ICF-MR) the operators of which have not signed an agreement on or before July 1, 1990, with the department of social and health services department of social and health services to give appropriate notice prior to termination of the ICF-MR service;

(ii) New or existing nursing home beds within a CCRC which are approved under WAC 246-310-380(5); or

(iii) Nursing home beds within a CCRC which is excluded from the definition of a health care facility per RCW 70.38.025(6); and

(iv) Beds banked under RCW 70.38.115 (13)(b) where the need is not deemed met.

(b) Licensed hospital beds used for long-term care or certificate of need approved hospital beds to be used for long-term care not yet in use, excluding swing-beds.

(9) "Bed-to-population ratio" means the nursing home bed supply per one thousand persons of the estimated or forecasted resident population age (~~sixty-five~~) seventy and older.

(10) "Capital expenditure": Except for WAC 246-310-280, capital expenditure means an expenditure, including a force account expenditure (i.e., an expenditure for a construction project undertaken by a nursing home facility as its own contractor), which, under generally accepted accounting principles, is not properly chargeable as an expense of operation or maintenance. The costs of any studies, surveys, designs, plans, working drawings, specifications, and other activities (including staff effort, consulting and other services which, under generally accepted accounting principles, are not properly chargeable as an expense of operation and maintenance) shall be considered capital expenditures. Where a person makes an acquisition under lease or comparable arrangement, or through donation, which would have required certificate of need review if the acquisition had been made by purchase, this acquisition shall be deemed a capital expenditure. Capital expenditures include donations of equipment or facilities to a nursing home facility, which if acquired directly by the facility, would be subject to review under this chapter and transfer of equipment or facilities for less than fair market value if a transfer of the equipment or facilities at fair market value would be subject to the review.

(11) "Certificate of need" means a written authorization by the secretary's designee for a person to implement a proposal for one or more undertakings.

(12) "Certificate of need program" means that organizational program of the department responsible for the management of the certificate of need program.

(13) "Commencement of the project" means whichever of the following occurs first: In the case of a construction project, giving notice to proceed with construction to a contractor for a construction project provided applicable permits have been applied for or obtained within sixty days of the notice; beginning site preparation or development; excavating or starting the foundation for a construction project; or beginning alterations, modification, improvement, extension, or expansion of an existing building. In the case of other projects, initiating a health service.

(14) "Construction, renovation, or alteration" means the erection, building, remodeling, modernization, improvement, extension, or expansion of a physical plant of a health care facility, or the conversion of a building or portion thereof to a health care facility.

(15) "Continuing care contract" means a contract providing a person, for the duration of that person's life or for a term in excess of one year, shelter along with nursing, medical, health-related, or personal care services. The contract is conditioned on the transfer of property, the payment of an entrance fee to the provider of the services, or the payment of periodic charges for the care and services involved. A continuing care contract is not excluded from this definition because the contract is mutually terminable or because shelter and services are not provided at the same location.

(16) "Continuing care retirement community (CCRC)" means any of a variety of entities, unless excluded from the definition of health care facility under RCW 70.38.025(6), which provides shelter and services based on continuing care contracts with its residents which:

Maintains for a period in excess of one year a CCRC contract with a resident which provides or arranges for at least the following specific services:

- (a) Independent living units;
- (b) Nursing home care with no limit on the number of medically needed days;
- (c) Assistance with activities of daily living;
- (d) Services equivalent in scope to either state chore services or Medicaid home health services;
- (e) Continues a contract, if a resident is no longer able to pay for services;
- (f) Offers services only to contractual residents with limited exception during a transition period; and
- (g) Holds the Medicaid program harmless from liability for costs of care, even if the resident depletes his or her personal resources.

(17) "Days" means calendar days. Days are counted starting the day after the date of the event from which the designated period of time begins to run. If the last day of the period falls on a Saturday, Sunday, or legal holiday observed by the state of Washington, a designated period runs until the end of the first working day following the Saturday, Sunday, or legal holiday.

(18) "Department" means the Washington state department of health.

(19) "Effective date of facility closure" means:

- (a) The date on which the facility's license was relinquished, revoked or expired; or
- (b) The date the last resident leaves the facility, whichever comes first.

(20) "Enhance the quality of life for residents" means, for the purposes of voluntary bed banking, those services or facility modifications which have a direct and immediate benefit to the residents. These include, but are not limited to: Resident activity and therapy facilities; family visiting rooms; spiritual rooms and dining areas. These services or facility modifications shall not include those that do not have direct and immediate benefit to the residents, such as: Modifications to staff offices; meeting rooms; and other staff facilities.

(21) "Established ratio" means a bed-to-population ratio of forty beds per one thousand persons of the estimated or forecast resident population age (~~sixty-five~~) seventy and older established for planning and policy-making purposes. The department may revise this established ratio using the process outlined in WAC 246-310-370.

(22) "Estimated bed need" means the number of nursing home beds calculated by multiplying the planning area's forecasted resident population by the established ratio for the projection year.

(23) "Estimated bed projection" means the number of nursing home beds calculated by the department statewide or within a planning area, by the end of the projection period.

(24) "Ex parte contact" means any oral or written communication between any person in the certificate of need program or any other person involved in the decision regarding an application for, or the withdrawal of, a certificate of need and the applicant for, or holder of, a certificate of need, any person acting on behalf of the applicant or holder, or any person with an interest regarding issuance or withdrawal of a certificate of need.

(25) "Expenditure minimum" means one million dollars for the twelve-month period beginning with July 24, 1983, adjusted annually by the department according to WAC 246-310-900.

(26) "Health care facility" means hospitals, psychiatric hospitals, nursing homes, kidney disease treatment centers including freestanding dialysis units, ambulatory surgical facilities, continuing care retirement communities, hospices and home health agencies, and includes the facilities when owned and operated by a political subdivision or instrumentality of the state and other facilities as required by federal law and rules, but does not include any health facility or institution conducted by and for those who rely exclusively upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well-recognized church or religious denomination, or any health facility or institution operated for the exclusive care of members of a convent as defined in RCW 84.36.800 or rectory, monastery, or other institution operated for the care of members of the clergy.

(a) In addition, the term "health care facility" does not include any nonprofit hospital:

(i) Operated exclusively to provide health care services for children;

(ii) Which does not charge fees for the services; and

(iii) If not contrary to federal law as necessary to the receipt of federal funds by the state.

(b) In addition, the term "health care facility" does not include a continuing care retirement community which:

(i) Offers services only to contractual residents;

(ii) Provides its residents a contractually guaranteed range of services from independent living through skilled nursing, including some form of assistance with activities of daily living;

(iii) Contractually assumes responsibility for costs of services exceeding the resident's financial responsibility as stated in contract, so that, with the exception of insurance purchased by the retirement community or its residents, no third party, including the Medicaid program, is liable for costs of care even if the resident depletes personal resources;

(iv) Offers continuing care contracts and operates a nursing home continuously since January 1, 1988, or obtained a certificate of need to establish a nursing home;

(v) Maintains a binding agreement with the department of social and health services assuring financial liability for services to residents, including nursing home services, shall not fall upon the department of social and health services;

(vi) Does not operate, and has not undertaken, a project resulting in a number of nursing home beds in excess of one for every four living units operated by the continuing care retirement community, exclusive of nursing home beds; and

(vii) Has undertaken no increase in the total number of nursing home beds after January 1, 1988, unless a professional review of pricing and long-term solvency was obtained by the retirement community within the prior five years and fully disclosed to residents.

(27) "Health maintenance organization" means a public or private organization, organized under the laws of the state, which:

(a) Is a qualified health maintenance organization under Title XIII, Section 1310(d) of the Public Health Service Act; or

(b) Provides or otherwise makes available to enrolled participants health care services, including at least the following basic health care services: Usual physician services, hospitalization, laboratory, X ray, emergency and preventive services, and out-of-area coverage;

(c) Is compensated (except for copayments) for the provision of the basic health care services listed in this subsection to enrolled participants by a payment made on a periodic basis without regard to the date the health care services are provided and fixed without regard to the frequency, extent, or kind of health service actually provided; and

(d) Provides physicians' services primarily:

(i) Directly through physicians who are either employees or partners of the organization; or

(ii) Through arrangements with individual physicians or one or more groups of physicians (organized on a group practice or individual practice basis).

(28) "Health service area" means a geographic region appropriate for effective health planning including a broad range of health services.

(29) "Health services" means clinically related (i.e., preventive, diagnostic, curative, rehabilitative, or palliative) services and includes alcoholism, drug abuse, and mental health services.

(30) "Home health agency" means an entity which is, or has declared its intent to become, certified as a provider of home health services in the Medicaid or Medicare program.

(31) "Hospice" means an entity which is, or has declared its intent to become, certified as a provider of hospice services in the Medicaid or Medicare program.

(32) "Hospital" means any institution, place, building or agency or distinct part thereof which qualifies or is required to qualify for a license under chapter 70.41 RCW, or as a psychiatric hospital licensed under chapter 71.12 RCW.

(33) "Inpatient" means a person receiving health care services with board and room in a health care facility on a continuous twenty-four-hour-a-day basis.

(34) "Interested persons" means:

- (a) The applicant;
- (b) Health care facilities and health maintenance organizations providing services similar to the services under review and located in the health service area;
- (c) Third-party payers reimbursing health care facilities in the health service area;
- (d) Any agency establishing rates for health care facilities and health maintenance organizations in the health service area where the proposed project is to be located;
- (e) Health care facilities and health maintenance organizations which, in the twelve months prior to receipt of the application, have submitted a letter of intent to provide similar services in the same planning area;
- (f) Any person residing within the geographic area to be served by the applicant; and
- (g) Any person regularly using health care facilities within the geographic area to be served by the applicant.

(35) "Licensee" means an entity or individual licensed by the department of health or the department of social and health services. For the purposes of nursing home projects, licensee refers to the operating entity and those persons specifically named in the license application as defined under chapter 388-97 WAC.

(36) "Net estimated bed need" means estimated bed need of a planning area changed by any redistribution as follows:

- (a) Adding nursing home beds being redistributed from another nursing home planning area or areas; or
- (b) Subtracting nursing home beds being redistributed to another nursing home planning area or areas.

(37) "New nursing home bed" means a nursing home bed never licensed by the state or beds banked under RCW 70.38.115(13), where the applicant must demonstrate need for the previously licensed nursing home beds. This term does not include beds banked under RCW 70.38.111(8).

(38) "Nursing home" means any entity licensed or required to be licensed under chapter 18.51 RCW or distinct part long-term care units located in a hospital and licensed under chapter 70.41 RCW.

(39) "Obligation," when used in relation to a capital expenditure, means the following has been incurred by or on behalf of a health care facility:

(a) An enforceable contract has been entered into by a health care facility or by a person on behalf of the health care facility for the construction, acquisition, lease, or financing of a capital asset; or

(b) A formal internal commitment of funds by a health care facility for a force account expenditure constituting a capital expenditure; or

(c) In the case of donated property, the date on which the gift is completed in accordance with state law.

(40) "Offer," when used in connection with health services, means the health facility provides one or more specific health services.

(41) "Over the established ratio" means the bed-to-population ratio is greater than the statewide current established ratio.

(42) "Person" means an individual, a trust or estate, a partnership, a corporation (including associations, joint stock companies, and insurance companies), the state, or a political

subdivision or instrumentality of the state, including a municipal corporation or a hospital district.

(43) "Planning area" means each individual county designated by the department as the smallest geographic area for which nursing home bed need projections are developed, except as follows:

(a) Clark and Skamania counties shall be one planning area.

(b) Chelan and Douglas counties shall be one planning area.

(44) "Predevelopment expenditures" means capital expenditures, the total of which exceeds the expenditure minimum, made for architectural designs, plans, drawings, or specifications in preparation for the acquisition or construction of physical plant facilities. "Predevelopment expenditures" exclude any obligation of a capital expenditure for the acquisition or construction of physical plant facilities and any activity which the department may consider the "commencement of the project" as this term is defined in this section.

(45) "Professional review of continuing care retirement community pricing and long-term solvency" means prospective financial statements, supported by professional analysis and documentation, which:

(a) Conform to Principles and Practices Board Statement Number 9 of the Healthcare Financial Management Association, "Accounting and Reporting Issues Related to Continuing Care Retirement Communities"; and

(b) Project the financial operations of the continuing care retirement community over a period of ten years or more into the future; and

(c) Are prepared and signed by a qualified actuary as defined under WAC 284-05-060 or an independent certified public accountant, or are prepared by management of the continuing care retirement community and reviewed by a qualified actuary or independent certified public accountant who issues a signed examination or compilation report on the prospective financial statements; and

(d) Include a finding by management that the intended expansion project of the continuing care retirement project is financially feasible.

(46) "Project" means all undertakings proposed in a single certificate of need application or for which a single certificate of need is issued.

(47) "Project completion" for projects requiring construction, means the date the facility is licensed. For projects not requiring construction, project completion means initiating the health service.

(48) "Projection period" means the three-year time interval following the projection year.

(49) "Projection year" for nursing home purposes, means the one-year time interval preceding the projection period.

(50) "Public comment period" means the time interval during which the department shall accept comments regarding a certificate of need application.

(51) "Redistribution" means the shift of nursing home bed allocations between two or more planning areas or the shift of nursing home beds between two or more nursing homes.

(52) "Replacement authorization" means a written authorization by the secretary's designee for a person to

implement a proposal to replace existing nursing home beds in accordance with the eligibility requirements in WAC 246-310-044 and notice requirements in WAC 246-310-396.

(53) "Resident population" for purposes of nursing home projects, means the number of residents sixty-five years of age and older living within the same geographic area which:

(a) Excludes contract holders living within a recognized CCRC:

(i) With approval for new nursing home beds under WAC 246-310-380(4); or

(ii) Excluded from the definition of a health care facility per RCW 70.38.025(6);

(b) Is calculated using demographic data obtained from:

(i) The office of financial management; and

(ii) Certificate of need applications and exemption requests previously submitted by a CCRC.

(54) "Secretary" means the secretary of the Washington state department of health or the secretary's designee.

(55) "State Health Planning and Resources Development Act" means chapter 70.38 RCW.

(56) "Statewide current ratio" means a bed-to-population ratio computed from the most recent statewide nursing home bed supply and the most recent estimate of the statewide resident population.

(57) "Swing beds" means up to the first five hospital beds designated by an eligible rural hospital which are available to provide either acute care or nursing home services.

(58) "Tertiary health service" means a specialized service meeting complicated medical needs of people and requires sufficient patient volume to optimize provider effectiveness, quality of service, and improved outcomes of care.

(59) "Transition period" means the period of time, not exceeding five years, between the date a CCRC is inhabited by a member, and the date it fully meets the requirements of a CCRC.

(60) "Under the established ratio" means the bed-to-population ratio is less than the statewide current established ratio.

(61) "Undertaking" means any action subject to the provisions of chapter 246-310 WAC.

(62) "Working days" excludes Saturdays, Sundays, and legal holidays observed by the state of Washington. Working days are counted in the same way as calendar days.

Purpose: Amend WAC 232-28-353 2008 Deer special permits and 232-28-354 2008 Elk special permits.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-353 and 232-28-354.

Statutory Authority for Adoption: RCW 77.12.047, 77.12.020, 77.12.570, 77.12.210.

Adopted under notice filed as WSR 08-15-117 on July 21, 2008.

A final cost-benefit analysis is available by contacting Lori Preuss, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155, e-mail preuslmp@dfw.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 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

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

Date Adopted: September 5, 2008.

Susan Yeager  
for Jerry Gutzwiller, Chair  
Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 08-79, filed 4/18/08, effective 5/19/08)

**WAC 232-28-353 2008 Deer special permits.**

SPECIAL DEER PERMIT HUNTING SEASONS

**(Open to Permit Holders Only)**

Hunters must purchase a deer hunting license prior to purchase of a permit application. Hunters may only apply for permits consistent with the tag required for the hunt choice; however, Multiple Season Permit holders may apply for archery, muzzleloader, or modern firearm permit hunts. Hunters drawn for a special permit hunt must comply with weapon restrictions and dates listed for the hunt.

**WSR 08-19-021  
PERMANENT RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 08-227—Filed September 8, 2008, 9:14 a.m., effective October 9, 2008]

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

Hunt Name	Permit Season Dates	Special Restrictions	Boundary Description	Permits
<b>Modern Firearm Deer Permit Hunts (Only modern firearm deer tag holders may apply.)</b>				
Sherman	Oct. 11-26	Whitetail, antlerless	GMU 101	50
Kelly Hill	Oct. 11-24 & Nov. 3-19	Whitetail, antlerless	GMU 105	50
Douglas	Oct. 11-24 & Nov. 3-19	Whitetail, antlerless	GMU 108	100
Aladdin	Nov. 26-30	Whitetail, any buck	GMU 111	50

Hunt Name	Permit Season Dates	Special Restrictions	Boundary Description	Permits
49 Degrees North	Oct. 11-24 & Nov. 3-19	Whitetail, antlerless	GMU 117	175
Huckleberry A	Oct. 11-24 & Nov. 3-19	Whitetail, antlerless	GMU 121	300
Mt. Spokane A	Oct. 11-24 & Nov. 3-19	Whitetail, antlerless	GMU 124	350
Mica Peak A	Oct. 11-19	Whitetail, antlerless	GMU 127	150
Cheney A	Oct. 11-19	Antlerless	GMU 130	200
Roosevelt	Oct. 11-19	Antlerless	GMU 133	200
Harrington	Oct. 11-19	Antlerless	GMU 136	125
Steptoe	Oct. 11-19 & Nov. 3-19	Antlerless	GMU 139	300
Almota A	Oct. 11-19 & Nov. 3-19	Antlerless	GMU 142	100
Palouse	Nov. 3-19	Whitetail, 3 pt. min.	GMUs 127-142	625
Mayview A	Nov. 1-12	Antlerless	GMU 145	50
Prescott A	Nov. 1-12	Antlerless	GMU 149	50
Blue Creek	Nov. 3-16	Whitetail, antlerless	GMU 154	80
Dayton A	Nov. 3-16	Whitetail, antlerless	GMU 162	80
Dayton B	Nov. 3-16	Antlerless	Deer Area 1010	75
Marengo	Nov. 1-12	Whitetail, antlerless	GMU 163	50
Peola	Nov. 1-12	Whitetail, antlerless	GMU 178	50
Blue Mtns. Foothills A	Nov. 3-19	Whitetail, 3 pt. min. or antlerless	GMUs 149, 154, 162-166	100
Blue Mtns. Foothills B	Nov. 3-19	Whitetail, 3 pt. min. or antlerless	GMUs 145, 172-181	50
East Okanogan A	Nov. 1-18	Any whitetail	GMU 204	50
East Okanogan B	Oct. 11-26	Whitetail, antlerless	GMU 204	100
West Okanogan A	Nov. 1-18	Any whitetail	GMUs 218-242	100
West Okanogan B	Oct. 11-19	Whitetail, antlerless	GMUs 218-242	100
Sinlahekin A	Nov. 1-18	Any whitetail	GMU 215	50
Sinlahekin B	Oct. 11-19	Whitetail, antlerless	GMU 215	50
Chewuch A	Nov. 1-18	Any deer	GMU 218	15
Pearygin A	Nov. 1-18	Any deer	GMU 224	15
Gardner A	Nov. 1-18	Any deer	GMU 231	10
Pogue A	Nov. 1-18	Any deer	GMU 233	10
Chiliwist A	Nov. 1-18	Any deer	GMU 239	10
Alta A	Nov. 1-18	Any deer	GMU 242	10
Manson	Nov. 1-18	Any deer	GMU 243	5
Chiwawa A	Nov. 1-18	Any deer	GMU 245	30
Slide Ridge A	Nov. 1-18	Any deer	GMU 246	16
Entiat A	Nov. 1-18	Any deer	GMU 247	52
Big Bend A	Nov. 1-18	Antlerless	GMU 248	150
Swakane A	Nov. 1-18	Any deer	GMU 250	32
Mission A	Nov. 1-18	Any deer	GMU 251	28
Mission B	Oct. 13-28	Antlerless	GMU 251	168
St. Andrews	Oct. 11-19	Antlerless	GMU 254	115
Foster Creek A	Oct. 11-19	Antlerless	GMU 260	75
Foster Creek B	Nov. 1-18	Antlerless	GMU 260	75
Withrow A	Oct. 11-19	Antlerless	GMU 262	50
Badger	Nov. 1-18	Antlerless	GMU 266	15
Ritzville A	Nov. 1-18	3 pt. min. or antlerless	GMU 284	5
Desert A	Nov. 1-12	Any deer	GMU 290	15
Desert B	Nov. 26-30	Antlerless	GMU 290	75
Naneum A	Nov. 10-16	Any buck	GMU 328	16
Quilomene A	Nov. 3-16	3 pt. min.	GMU 329	14
Teanaway A	Nov. 10-16	Any buck	GMU 335	16
L.T. Murray A	Nov. 10-16	Any buck	GMUs 336, 340	17
Bethel A	Nov. 3-16	Any buck	GMU 360	5
Cowiche A	Nov. 3-16	Any buck	GMU 368	10
<del>((Alkali A</del>	<del>Nov. 15-23</del>	<del>Any buck</del>	<del>GMU 371</del>	<del>-53</del>
<del>Alkali B</del>	<del>Nov. 15-23</del>	<del>Antlerless</del>	<del>GMU 371</del>	<del>-35))</del>
Kahlotus A	Dec. 9-15	Antlerless	GMU 381	50

Hunt Name	Permit Season Dates	Special Restrictions	Boundary Description	Permits
East Klickitat A	Oct. 11-24	3 pt. min. or antlerless	GMU 382	30
Grayback A	Oct. 11-24	3 pt. min. or antlerless	GMU 388	25
Grayback B	Nov. 11-18	3 pt. min.	GMU 388	50
Sauk	Nov. 13-16	2 pt. min.	GMU 437	25
Stillaguamish	Nov. 13-16	Any buck	GMU 448	10
Snoqualmie	Nov. 13-16	Any buck	GMU 460	25
Green River A	Nov. 1-7	Any buck	GMU 485	10
Lincoln A	Oct. 11-31	Any deer	GMU 501	40
Stella A	Oct. 11-31	Any deer	GMU 504	35
Mossyrock A	Oct. 11-31	Any deer	GMU 505	85
Stormking A	Oct. 11-31	Any deer	GMU 510	30
South Rainier A	Oct. 11-31	Any deer	GMU 513	30
Packwood A	Oct. 11-31	Any deer	GMU 516	50
Winston A	Oct. 11-31	Any deer	GMU 520	50
Yale A	Oct. 11-31	Any deer	GMU 554	15
Coweeman A	Oct. 11-31	Any deer	GMU 550	20
Toutle A	Oct. 11-31	Any deer	GMU 556	25
Lewis River A	Oct. 11-31	Any deer	GMU 560	20
Washougal A	Oct. 11-31	Any deer	GMU 568	10
Siouxon A	Oct. 11-31	Any deer	GMU 572	20
Wind River A	Oct. 11-31	2 pt. min. or antlerless	GMU 574	10
Wind River B	Nov. 11-18	2 pt. min.	GMU 574	40
West Klickitat A	Oct. 11-31	2 pt. min. or antlerless	GMU 578	15
West Klickitat B	Nov. 11-18	2 pt. min.	GMU 578	40
Pysht	Oct. 11-31	Any deer	GMU 603	15
Olympic A	Oct. 11-31	Any deer	GMU 621	35
Kitsap	Oct. 11-31	Any deer	GMU 627	20
Skokomish A	Oct. 11-31	Any deer	GMU 636	20
Wynoochee A	Oct. 11-31	Any deer	GMU 648	110
Wynoochee B	Nov. 1-11	Any buck	GMU 648	10
Satsop A	Nov. 1-11	Any buck	GMU 651	10
Mashel A	Oct. 11-31	2 pt. min or antlerless	GMU 654	40
North River A	Oct. 11-31	Any deer	GMU 658	70
Minot Peak	Oct. 11-31	Any deer	GMU 660	20
Capitol Peak A	Oct. 11-31	Any deer	GMU 663	15
Capitol Peak B	Nov. 1-11	Any buck	GMU 663	10
Deschutes	Oct. 11-31	Any deer	GMU 666	80
Skookumchuck A	Oct. 11-31	Any deer	GMU 667	20
Skookumchuck B	Nov. 1-11	Any buck	GMU 667	10
<b>Muzzleloader Only Deer Permit Hunts (Only muzzleloader tag holders may apply.)</b>				
Green Bluff	Dec. 9-31	Whitetail, antlerless	That portion of GMU 124 east of Hwy 2	90
Mayview B	Oct. 4-10	Antlerless	GMU 145	25
Prescott B	Oct. 4-10	Antlerless	GMU 149	25
Blue Mtns. Foothills C	Nov. 20 - Dec. 8	Whitetail, 3 pt. min. or antlerless	GMUs 149, 154, 162, 166	60
Wannacut A	Oct. 4-10	Antlerless	GMU 209	25
Chiwawa B	Nov. 19-30	Any deer	GMU 245	3
Chiwawa C	Oct. 4-10	Antlerless	GMU 245	56
Swakane B	Oct. 4-10	Antlerless	GMU 250	28
Mission C	Oct. 4-10	Antlerless	GMU 251	36
Foster Creek C	Dec. 1-31	Antlerless	GMU 260	100
Moses Coulee A	Nov. 1-18	Any deer	GMU 269	20
Moses Coulee B	Dec. 1-31	Antlerless	GMU 269	100
Ritzville B	Nov. 19-30	Mule deer, 3 pt. min. or antlerless; any white-tailed deer	GMU 284	5
Benge A	Dec. 1-15	Antlerless	Deer Area 2010	20
Lakeview A	Nov. 1-18	Antlerless	Deer Area 2011	10

Hunt Name	Permit Season Dates	Special Restrictions	Boundary Description	Permits
Desert C	Oct. 25-31	Any deer	GMU 290	2
Naneum B	Nov. 3-9	Any buck	GMU 328	2
Quilomene B	Oct. 4-10	3 pt. min.	GMU 329	2
Teanaway C	Nov. 3-9	Any buck	GMU 335	2
L.T. Murray B	Nov. 3-9	Any buck	GMUs 336, 340	4
<del>((Alkali C</del>	<del>Nov. 29 - Dec. 6</del>	<del>Any buck</del>	<del>GMU 371</del>	<del>-8</del>
<del>Alkali D</del>	<del>Nov. 29 - Dec. 6</del>	<del>Antlerless</del>	<del>GMU 371</del>	<del>-10))</del>
Whitcomb A	Sept. 8-13	Antlerless	Deer Area 3071	7
Whitcomb B	Sept. 14-19	Antlerless	Deer Area 3071	7
Whitcomb C	Sept. 22 - Oct. 3	Any deer	Deer Area 3071	7
Paterson A	Sept. 8-13	Antlerless	Deer Area 3072	10
Paterson B	Sept. 14-19	Antlerless	Deer Area 3072	10
Paterson C	Sept. 22 - Oct. 3	Any deer	Deer Area 3072	10
Kahlotus B	Nov. 20 - Dec. 8	Any deer	GMU 381	50
East Klickitat B	Nov. 21-30	3 pt. min. or antlerless	GMU 382	15
Grayback C	Oct. 4-10	3 pt. min. or antlerless	GMU 388	5
West Klickitat C	Dec. 1-15	2 pt. min. or antlerless	GMU 578	15
Mossyrock B	Oct. 4-10	Any deer	GMU 505	10
Stormking B	Oct. 4-10	Any deer	GMU 510	5
South Rainier B	Oct. 4-10	Any deer	GMU 513	5
Packwood B	Oct. 4-10	Any deer	GMU 516	5
Winston B	Oct. 4-10	Any deer	GMU 520	5
Coweeman B	Oct. 4-10	Any deer	GMU 550	30
Yale B	Oct. 4-10	Any deer	GMU 554	2
Toutle B	Oct. 4-10	Any deer	GMU 556	3
Lewis River B	Oct. 4-10	Any deer	GMU 560	5
Washougal B	Oct. 4-10	Any deer	GMU 568	10
Siouxon B	Oct. 4-10	Any deer	GMU 572	5
Wind River C	Oct. 4-10	2 pt. min. or antlerless	GMU 574	1
Olympic B	Oct. 4-10	Any deer	GMU 621	20
North River B	Oct. 4-10	Any deer	GMU 658	5
<b>Archery Only Deer Permit Hunts (Only archery deer tag holders may apply.)</b>				
Chiwawa D	Dec. 1-12	Any deer	GMU 245	16
Entiat B	Nov. 20-29	Any deer	GMU 247	128
Entiat C	Nov. 30 - Dec. 8	Any deer	GMU 247	120
Big Bend B	Nov. 20 - Dec. 8	Any deer	GMU 248	10
Desert D	Nov. 13- 25	Any deer	GMU 290	16
Naneum C	Nov. 20 - Dec. 8	Any buck	GMU 328	8
Quilomene C	Nov. 20 - Dec. 8	3 pt. min.	GMU 329	11
Teanaway D	Nov. 20 - Dec. 8	Any buck	GMU 335	13
L.T. Murray C	Nov. 20 - Dec. 8	Any buck	GMUs 336, 340	7
<del>((Alkali E</del>	<del>Dec. 7-25</del>	<del>Any deer</del>	<del>GMU 371</del>	<del>-46))</del>
<b>Special Modern Firearm Deer Permit Hunts for Hunters 65 or older</b>				
Ferry A	Oct. 11-19	Antlerless	GMU 101	20
Blue Mtns. Foothills D	Oct. 11-19	Antlerless	GMUs 145, 149	30
East Okanogan C	Oct. 11-19	Antlerless	GMU 204	10
Wannacut B	Oct. 11-19	Antlerless	GMU 209	10
Sinlahekin C	Oct. 11-19	Antlerless	GMU 215	10
Chewuch B	Oct. 11-19	Antlerless	GMU 218	15
Pearygin B	Oct. 11-19	Antlerless	GMU 224	20
Gardner B	Oct. 11-19	Antlerless	GMU 231	15
Pogue B	Oct. 11-19	Antlerless	GMU 233	10
Chiliwist B	Oct. 11-19	Antlerless	GMU 239	10
Alta B	Oct. 11-19	Antlerless	GMU 242	15
Chiwawa E	Oct. 13-28	Antlerless	GMU 245	12
Entiat E	Oct. 13-28	Antlerless	GMU 247	12



Hunt Name	Permit Season Dates	Special Restrictions	Boundary Description	Permits
Swakane C	Oct. 13-28	Antlerless	GMU 250	12
Mission D	Oct. 13-28	Any deer	GMU 251	12
Bridgeport A	Oct. 13-21	Antlerless	GMUs 248, 260	20
Palisades A	Oct. 13-21	Antlerless	GMUs 266, 269	10
Sunnyside A	Oct. 13-21	Antlerless	GMU 372	15
Horse Heaven Hills A	Oct. 13-21	Antlerless	GMU 373	10
Kahlotus C	Oct. 13-21	Antlerless	GMU 381	10
East Klickitat C	Oct. 11-24	3 pt. min. or antlerless	GMU 382	15
Grayback D	Oct. 11-24	3 pt. min. or antlerless	GMU 388	5
Lincoln B	Oct. 11-31	Any deer	GMU 501	5
Stella B	Oct. 11-31	Any deer	GMU 504	5
Mossyrock C	Oct. 11-31	Any deer	GMU 505	15
Stormking C	Oct. 11-31	Any deer	GMU 510	5
South Rainier C	Oct. 11-31	Any deer	GMU 513	5
Packwood C	Oct. 11-31	Any deer	GMU 516	5
Winston C	Oct. 11-31	Any deer	GMU 520	5
Yale C	Oct. 11-31	Any deer	GMU 554	5
Toutle C	Oct. 11-31	Any deer	GMU 556	10
Lewis River C	Oct. 11-31	Any deer	GMU 560	5
Washougal C	Oct. 11-31	Any deer	GMU 568	10
Siouxon C	Oct. 11-31	Any deer	GMU 572	5
Wind River D	Oct. 11-31	2 pt. min. or antlerless	GMU 574	2
West Klickitat D	Oct. 11-31	2 pt. min. or antlerless	GMU 578	5
Copalis	Oct. 11-31	Any deer	GMU 642	20
North River C	Oct. 11-31	Any deer	GMU 658	10
Williams Creek	Oct. 11-31	Any deer	GMU 673	20
<b>Disabled Hunter Deer Permits (Hunters must use method/weapon listed on their tag. All weapon types may apply unless otherwise noted.)</b>				
Ferry B	Oct. 11-19	Antlerless	GMU 101	20
East Okanogan D	Restricted to general early season by tag choice	Antlerless	GMU 204	10
Wannacut C		Antlerless	GMU 209	10
Sinlahekin D		Antlerless	GMU 215	15
Chewuch C		Antlerless	GMU 218	20
Pearygin C		Antlerless	GMU 224	15
Gardner C		Antlerless	GMU 231	10
Pogue C		Antlerless	GMU 233	10
Chiliwist C		Antlerless	GMU 239	15
Alta C		Antlerless	GMU 242	10
Chiwawa F		Oct. 13-28	Antlerless, modern firearm only	GMU 245
Entiat F	Oct. 13-28	Antlerless, modern firearm only	GMU 247	20
Mission E	Oct. 13-28	Any deer, modern firearm only	GMU 251	20
Bridge Port B	Restricted to general early season by tag choice	Any deer	GMUs 248, 260	15
Palisades B		Any deer	GMUs 266, 269	5
Sunnyside B	Restricted to general early season by tag choice	Antlerless	GMU 372	10
Kahlotus D		Antlerless	GMU 381	10
East Klickitat D		3 pt. min. or antlerless	GMU 382	15
Grayback E		3 pt. min. or antlerless	GMU 388	5
Green River B	Nov. 1-7	Antlerless, modern firearm only	GMU 485	5
Lincoln C	Restricted to general early season by tag choice	Any deer	GMU 501	3
Stella C		Any deer	GMU 504	3
Mossyrock D		Any deer	GMU 505	5
Stormking D		Any deer	GMU 510	3
South Rainier D		Any deer	GMU 513	3
Packwood D		Any deer	GMU 516	3
Winston D		Any deer	GMU 520	3
Yale D		Any deer	GMU 554	3
Toutle D		Any deer	GMU 556	5

Hunt Name	Permit Season Dates	Special Restrictions	Boundary Description	Permits
Lewis River D		Any deer	GMU 560	2
Washougal D		Any deer	GMU 568	10
Siouxon D		Any deer	GMU 572	3
Wind River E		2 pt. min. or antlerless	GMU 574	1
West Klickitat E		2 pt. min. or antlerless	GMU 578	3
Capitol Peak C		Any deer	GMU 663	30
Skookumchuck C		Any deer	GMU 667	30
North River D		Any deer	GMU 658	5
<b>Youth Special Deer Permit Hunts (Must be eligible for the youth hunting license and accompanied by an adult during the hunt.)</b>				
<b>Modern Firearm Only</b>				
Ferry C	Oct. 11-19	Antlerless	GMU 101	30
Blue Mtns. Foothills E	Oct. 11-19	Antlerless	GMUs 149, 154, 163, Deer Area 1010	40
Blue Mtns. Foothills F	Oct. 11-19	Antlerless	GMUs 145, 172-181	40
East Okanogan E	Oct. 11-19	Antlerless	GMU 204	35
Wannacut D	Oct. 11-19	Antlerless	GMU 209	20
Sinlahekin E	Oct. 11-19	Antlerless	GMU 215	40
Chewuch D	Oct. 11-19	Antlerless	GMU 218	65
Pearygin D	Oct. 11-19	Antlerless	GMU 224	70
Gardner D	Oct. 11-19	Antlerless	GMU 231	25
Pogue D	Oct. 11-19	Antlerless	GMU 233	20
Chiliwist D	Oct. 11-19	Antlerless	GMU 239	40
Alta D	Oct. 11-19	Antlerless	GMU 242	45
Chiwawa G	Oct. 11-26	Antlerless	GMU 245	68
Entiat G	Oct. 11-26	Antlerless	GMU 247	44
Swakane D	Oct. 11-26	Antlerless	GMU 250	24
Mission F	Oct. 11-26	Antlerless	GMU 251	168
Bridge Port C	Oct. 11-19	Antlerless	GMUs 248, 260	175
Palisades C	Oct. 11-19	Antlerless	GMUs 266, 269	50
Lakeview C	Oct. 11-19	Any deer	Deer Area 2011	10
Benge B	Oct. 23-31	Antlerless	Deer Area 2010	20
Desert E	Sept. 22-23	Any deer	GMU 290	2
Horse Heaven Hills B	Oct. 11-19	Antlerless	GMU 373	10
Kahlotus E	Oct. 11-19	Antlerless	GMU 381	15
Grayback F	Oct. 11-24	Any deer	GMU 388	15
East Klickitat E	Oct. 11-24	Any deer	GMU 382	25
Green River C	Nov. 1-7	Any deer	GMU 485	5
Lincoln D	Oct. 11-31	Any deer	GMU 501	10
Stella D	Oct. 11-31	Any deer	GMU 504	10
Mossyrock E	Oct. 11-31	Any deer	GMU 505	10
Stormking E	Oct. 11-31	Any deer	GMU 510	10
South Rainier E	Oct. 11-31	Any deer	GMU 513	10
Packwood E	Oct. 11-31	Any deer	GMU 516	10
Winston E	Oct. 11-31	Any deer	GMU 520	10
Yale E	Oct. 11-31	Any deer	GMU 554	10
Toutle E	Oct. 11-31	Any deer	GMU 556	60
Lewis River E	Oct. 11-31	Any deer	GMU 560	10
Washougal E	Oct. 11-31	Any deer	GMU 568	10
Siouxon E	Oct. 11-31	Any deer	GMU 572	10
Wind River F	Oct. 11-31	Any deer	GMU 574	10
West Klickitat F	Oct. 11-31	Any deer	GMU 578	10
Satsop B	Oct. 11-31	Any deer	GMU 651	10
Skookumchuck D	Oct. 4-31	Any deer	GMU 667	60
North River E	Oct. 11-31	Any deer	GMU 658	10
<b>Youth Special Deer Permit Hunts (Must be eligible for the youth hunting license and accompanied by an adult during the hunt.)</b>				
<b>Muzzleloader Only</b>				
Ferry D	Oct. 4-10	Antlerless	GMU 101	10

Hunt Name	Permit Season Dates	Special Restrictions	Boundary Description	Permits
East Okanogan F	Oct. 4-10	Antlerless	GMU 204	5
Wannacut E	Oct. 4-10	Antlerless	GMU 209	5
Pogue E	Oct. 4-10	Antlerless	GMU 233	5
Chiliwist E	Oct. 4-10	Antlerless	GMU 239	5
Alta E	Oct. 4-10	Antlerless	GMU 242	5
Mission G	Oct. 1-10	Any deer	GMU 251	16
Ritzville C	Oct. 4-10	Antlerless	GMU 284	50
Desert F	Sept. 8-9	Any deer	GMU 290	2
Whitcomb D	Aug. 30 - Sept. 5	Antlerless	Deer Area 3071	7
Paterson D	Aug. 30 - Sept. 5	Antlerless	Deer Area 3072	10

**Youth Special Deer Permit Hunts (Must be eligible for the youth hunting license and be accompanied by an adult during the hunt.)**

**Archery Only**

Desert G	Sept. 15-16	Any deer	GMU 290	2
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**Special Deer Permits - Second Deer Tag**

These permits are only valid when a second license and tag is purchased. Hunters must use the method/weapon listed on their tag. The second deer license and tag type must be the same tag type as the first one. These 2nd deer special permit hunts will affect hunters' accumulated points. Hunters' points will be used if drawn for this special permit.

Hunt Name	Second Tag Season	Special Restrictions	Boundary Description	Permits
Huckleberry B	Restricted to general seasons by tag choice	Whitetail, antlerless	GMU 121	150
Mt. Spokane B	Restricted to general seasons by tag choice	Whitetail, antlerless	GMU 124	450
Almota B	Restricted to general seasons by tag choice	Antlerless	GMU 142	100
Mica Peak B	Modern firearm and archery general season only, depending on tag choice	Whitetail, antlerless	GMU 127	150
Northeast	Archery tag required. Any open archery hunt. Must use archery equipment.	Whitetail, antlerless	GMUs 105, 108, 121, 124	400
Clarkston	Dec. 9-31. Archery tag required. Must use archer equipment.	Antlerless	Deer Area 1021	30
Benge C	Dec. 16-31	Antlerless	Deer Area 2010	20
Lakeview C	Jan. 1-30	Antlerless	Deer Area 2011	20
Methow	Sept. 4 - Oct. 12	Antlerless	Deer Area 2012	100
High Prairie	Restricted to general early season by tag choice	Antlerless	Deer Area 3088	20
Shaw	Restricted to general seasons by tag choice	Any deer	Deer Area 4004	20
Lopez		Any deer	Deer Area 4005	50
Orcas		Any deer	Deer Area 4006	50
Decatur		Any deer	Deer Area 4007	50
Blakely		Any deer	Deer Area 4008	50
Cypress		Any deer	Deer Area 4009	50
San Juan		Any deer	Deer Area 4010	50
Camano		Antlerless	Deer Area 4011	50
Whidbey		Antlerless	Deer Area 4012	125
Vashon-Maury		Antlerless	Deer Area 4013	125
Guemes		Antlerless	Deer Area 4926	50
Anderson		Antlerless	Deer Area 6014	50

**Master Hunter Special Deer Permit Hunts: Only master hunters may apply; antlerless only hunts will not affect accumulated points; any weapon may be used.**

Lakeview D	Dec. 9-31	Antlerless	Deer Area 2011	20
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**Hunter Education Instructor Incentive Permits**

- Special deer permits will be allocated through a random drawing to those hunter education instructors that qualify.
- Permit hunters must use archery equipment during archery seasons, muzzleloader equipment during muzzleloader seasons, and any legal weapon during modern firearm seasons.

<b>Hunter Education Instructor Incentive Permits</b>				
<ul style="list-style-type: none"> <li>- Qualifying hunter education instructors must be certified and have been in active status for a minimum of three consecutive years, inclusive of the year prior to the permit drawing.</li> <li>- Instructors who are drawn, accept a permit, and are able to participate in the hunt, will not be eligible for these incentive permits for a period of ten years thereafter.</li> <li>- Permittees may purchase a second license for use with the permit hunt only.</li> </ul>				
Area	Dates	Restrictions	GMUs	Permits
Region 1	All general season and permit seasons established for GMUs included with the permit	Any white-tailed deer	Any 100 series GMU except GMU 157	2
Region 2		Any white-tailed deer	GMUs 204-215	2
Region 2		Any deer	GMUs 215-251	1
Region 2		Any deer	GMU 290	1
Region 3		Any deer	GMUs 335-368, 382, 388	1
Region 4		Any deer	Any 400 series GMU except GMUs 485 and 490	2
Region 5		Legal buck for 500 series GMU of choice or antlerless	Any 500 series GMU open for a general deer hunting season or a special deer permit hunting season	6
Region 6		Legal buck for GMU of choice	GMUs 654, 660, 672, 673, 681	1

AMENDATORY SECTION (Amending Order 08-79, filed 4/18/08, effective 5/19/08)

**WAC 232-28-354 2008 Elk special permits.**

**Special Elk Permit Hunting Seasons (Open to Permit Holders Only)**

Hunters must purchase an elk hunting license prior to purchase of a permit application. Hunters may only apply for permits consistent with the tag required for the hunt choice; however, Multiple Season Permit holders may apply for Eastern or Western Washington archery, muzzleloader, or modern firearm permit hunts. Applicants must have purchased the proper tag for these hunts. The elk tag prefixes required to apply for each hunt are shown in the following table. Hunters drawn for a special permit hunt must comply with weapon restrictions and dates listed for the hunt.

Hunt Name	Permit Season Dates	Special Restrictions	Elk Tag Prefix	Boundary Description	Permits
<b>Modern Firearm Bull Permit Hunts (Only modern firearm elk tag holders may apply.)</b>					
Prescott A	Oct. 20 - Nov. 2	Any bull	EF	GMU 149	3
Blue Creek A	Oct. 20 - Nov. 2	Any bull	EF	GMU 154	4
Watershed	Oct. 25 - Nov. 2	3 pt. min. or Antlerless	EA, EF, EM	GMU 157	45
Dayton A	Oct. 20 - Nov. 2	Any bull	EF	GMU 162	21
Tucannon A	Oct. 20 - Nov. 2	Any bull	EF	Elk Area 1014	6
Wenaha West A	Oct. 20 - Nov. 2	Any bull	EF	Elk Area 1008	15
Wenaha East A	Oct. 20 - Nov. 2	Any bull	EF	Elk Area 1009	15
Mountain View A	Oct. 20 - Nov. 2	Any bull	EF	GMU 172	16
Peola A	Oct. 20 - Nov. 2	Any bull	EF	GMU 178	1
Couse A	Oct. 20 - Nov. 2	Any bull	EF	GMU 181	1
Mission A	Oct. 20 - Nov. 2	Any bull	EF	GMU 251	2
Colockum A	Oct. 20 - Nov. 2	Any bull	EF	GMUs 328, 329	3
Teanaway A	Dec. 19-30	Any bull	EF	GMU 335	14
Teanaway B	Oct. 20 - Nov. 2	Any bull	EF	GMU 335	1
Peaches Ridge A	Oct. 20 - Nov. 2	Any bull	EF	GMUs 336, 346	140
Little Naches A	Oct. 1-10	Any bull	EF	GMU 346	15
Observatory A	Oct. 20 - Nov. 2	Any bull	EF	GMUs 340, 342	73
Goose Prairie A	Oct. 20 - Nov. 2	Any bull	EF	GMUs 352, 356	89
Bethel A	Oct. 20 - Nov. 2	Any bull	EF	GMU 360	48
Rimrock A	Oct. 20 - Nov. 2	Any bull	EF	GMU 364	120
Cowiche A	Oct. 20 - Nov. 2	Any bull	EF	GMU 368	18
Klickitat Meadows A	Oct. 20 - Nov. 2	Any bull	EF	Elk Area 3068	1
Nooksack A	Oct. 11 - Nov. 10	Any bull	WF	GMU 418	7
Green River	Nov. 1-7	Any bull	WF	GMU 485	3
Margaret A	Nov. 1-10	Any bull	WF	GMU 524	36
Toutle A	Nov. 1-10	Any bull	WF	GMU 556	131

Hunt Name	Permit Season Dates	Special Restrictions	Elk Tag Prefix	Boundary Description	Permits
Clearwater	Oct. 1-10	Any bull	WA, WF, WM	GMU 615	2
Matheny	Oct. 1-10	Any bull	WA, WF, WM	GMU 618	3
Olympic A	Nov. 1- 10	3 pt. min.	WF	GMU 621, EXCEPT for Elk Area 6071	16
Skokomish A	Nov. 1- 10	3 pt. min.	WF	GMU 636	10
Wynoochee	Oct. 1-10	Any bull	WA, WF, WM	GMU 648	1
White River A	Nov. 1-10	Any bull	WF	GMU 653	40
<b>Modern Firearm Elk Permit Hunts (Only modern firearm elk tag holders may apply.)</b>					
Aladdin A	Oct. 25 - Nov. 2	Any elk	EF	GMU 111	15
Selkirk A	Oct. 25 - Nov. 2	Any elk	EF	GMU 113	20
49 Degrees North A	Oct. 25 - Nov. 2 & Dec. 16-31	Antlerless	EF	GMU 117	45
Blue Creek B	Oct. 25 - Nov. 2	Antlerless	EF	GMUs 149, 154	75
Prescott B	Oct. 25 - Nov. 2	Antlerless	EF	GMU 149	75
Dayton B	Oct. 25 - Nov. 2	Antlerless	EF	GMU 163 and Elk Area 1011	100
Dayton C	Oct. 25 - Nov. 2	Antlerless	EF	GMU 149 and Elk Area 1012	100
Peola B	Oct. 25 - Nov. 2	Antlerless	EF	GMU 178	50
Couse B	Oct. 1-12	Antlerless	EF	GMU 181	30
Mountain View B	Oct. 25 - Nov. 2	Antlerless	EF	Elk Area 1013	10
Malaga A	Sept. 8-30	Any elk	EF	Elk Area 2032	3
Malaga B	Sept. 15-25	Antlerless	EF	Elk Area 2032	35
Malaga C	Nov. 6 - Dec. 31	Antlerless	EF	Elk Area 2032	50
Malaga D	Nov. 6 - Dec. 18	Any elk	EF	Elk Area 2032	5
Peshastin A	Sept. 15 - Oct. 5	Antlerless	EF	Elk Area 2033	20
Peshastin B	Oct. 13-31	Any elk	EF	Elk Area 2033	5
West Bar A	Oct. 25-29	Antlerless	EF	GMU 330	5
West Bar B	Oct. 30 - Nov. 2	Antlerless	EF	GMU 330	5
Teanaway C	Dec. 19 - Jan. 13, 2009	Antlerless	EF	GMU 335	100
Taneum A	Oct. 29 - Nov. 2	Antlerless	EF	GMU 336	150
Manastash A	Oct. 29 - Nov. 2	Antlerless	EF	GMU 340	250
Umtanum A	Oct. 29 - Nov. 2	Antlerless	EF	GMU 342	200
Little Naches B	Oct. 29 - Nov. 2	Antlerless	EF	GMU 346	150
Nile A	Oct. 29 - Nov. 2	Antlerless	EF	GMU 352	50
Bumping A	Oct. 29 - Nov. 2	Antlerless	EF	GMU 356	100
Bethel B	Oct. 29 - Nov. 2	Antlerless	EF	GMU 360	100
Rimrock B	Oct. 29 - Nov. 2	Antlerless	EF	GMU 364	200
Cowiche B	Oct. 29 - Nov. 2	Antlerless	EF	GMU 368	200
Klickitat Meadows B	Oct. 29 - Nov. 2	Spike bull or antlerless	EF	Elk Area 3068	9
((Alkali A	Oct. 18 - Nov. 2	Any elk	EF	GMU 371	20))
Mossyrock A	Nov. 1-10	Antlerless	WF	GMU 505	50
Willapa Hills A	Nov. 1-10	Antlerless	WF	GMU 506	35
Winston A	Nov. 1-10	Antlerless	WF	GMU 520	100
Margaret B	Nov. 19-30	Antlerless	WF	GMU 524	60
Ryderwood A	Nov. 1-10	Antlerless	WF	GMU 530	35
Coweeman A	Nov. 1-10	Antlerless	WF	GMU 550	160
Coweeman B	Jan. 1-15, 2009	Antlerless	WF	GMU 550	35
Toutle B	Nov. 19-30	Antlerless	WF	GMU 556	150
Toledo A	Nov. 1-10	Antlerless	WF	Elk Area 5029	20
Green Mtn C	Nov. 1-10	Antlerless	WF	Elk Area 5051	10
Carlton	Sept. 22-30	Any bull	WF	Elk Area 5057	5
West Goat Rocks	Sept. 22-30	Any bull	WF	Elk Area 5058	5
Mt. Adams	Sept. 22-30	Any bull	WF	Elk Area 5059	5
Wildwood A	Jan. 16-30, 2009	Antlerless	WF	Elk Area 5061	20
Newaukum A	Nov. 1-10	Antlerless	WF	Elk Area 5050	5
Upper Smith Creek A	Oct. 27 - Nov. 2	Antlerless	WF	Elk Area 5064	6

Hunt Name	Permit Season Dates	Special Restrictions	Elk Tag Prefix	Boundary Description	Permits
Upper Smith Creek B	Oct. 27 - Nov. 2	Any elk	WF	Elk Area 5064	2
Mount Whittier A	Oct. 27 - Nov. 2	Antlerless	WF	Elk Area 5065	2
Mount Whittier B	Oct. 27 - Nov. 2	Any elk	WF	Elk Area 5065	1
Lewis River A	Nov. 1-10	Antlerless	WF	GMU 560	250
Siouxon A	Nov. 1-10	Antlerless	WF	GMU 572	100
Raymond A	Nov. 5-10	3 pt. min. or antlerless	WF	Elk Area 6010	20
Raymond B	Dec. 16-31	Antlerless	WF	Elk Area 6010	30
Raymond C	Jan. 1-30, 2009	Antlerless	WF	Elk Area 6010	15
Raymond D	Feb. 1-28, 2009	Antlerless	WF	Elk Area 6010	15
Chehalis Valley A	Oct. 1-31	Antlerless	WF	Elk Area 6066	5
Chehalis Valley B	Nov. 5-10	Antlerless	WF	Elk Area 6066	5
North Minot A	Oct. 20-31	Antlerless	WF	Elk Area 6067	20
Deschutes	Jan. 15-23, 2009	Antlerless	WF	GMU 666	10
North River	Nov. 8-13	Antlerless	WF	GMU 658	10
Williams Creek	Nov. 8-13	Antlerless	WF	GMU 673	50
Tri Valley A	Dec. 1 - Jan. 20, 2009	Antlerless	WF	Elk Area 6012	10
North Shore A	Nov. 4-8	Antlerless	WF	Elk Area 6068	5
<b>Muzzleloader Bull Permit Hunts (Only muzzleloader elk tag holders may apply.)</b>					
Note: Fire closures may limit access during early October seasons.					
Prescott C	Oct. 1-10	Any bull	EM	GMU 149	1
Blue Creek C	Oct. 1-10	Any bull	EM	GMU 154	2
Dayton D	Oct. 1-10	Any bull	EM	GMU 162	4
Tucannon B	Oct. 1-10	Any bull	EM	Elk Area 1014	1
Wenaha West B	Oct. 1-10	Any bull	EM	Elk Area 1008	3
Wenaha East B	Oct. 1-10	Any bull	EM	Elk Area 1009	3
Mountain View C	Oct. 1-10	Any bull	EM	GMU 172	4
Peola C	Oct. 1-10	Any bull	EM	GMU 178	1
Couse D	Oct. 1-10	Any bull	EM	GMU 181	1
Mission B	Oct. 1-10	Any bull	EM	GMU 251	1
Colockum B	Oct. 1-10	Any bull	EM	GMUs 328, 329	1
Teanaway D	Dec. 9-18	Any elk	EM	GMU 335	6
Peaches Ridge B	Oct. 1-10	Any bull	EM	GMUs 336, 346	23
Observatory B	Oct. 1-10	Any bull	EM	GMUs 340, 342	24
Goose Prairie B	Oct. 1-10	Any bull	EM	GMUs 352, 356	15
Bethel C	Oct. 1-10	Any bull	EM	GMU 360	15
Rimrock C	Oct. 1-10	Any bull	EM	GMU 364	16
Cowiche C	Oct. 1-10	Any bull	EM	GMU 368	8
Klickitat Meadows C	Oct. 1-10	Any bull	EM	Elk Area 3068	1
Nooksack B	Sept. 29 - Oct. 10 and Nov. 11-30	Any bull	WM	GMU 418	3
Margaret D	Oct. 4-10	Any bull	WM	GMU 524	8
Toutle D	Oct. 4-10	Any bull	WM	GMU 556	29
Olympic B	Oct. 4-10	3 pt. min.	WM	GMU 621, EXCEPT for Elk Area 6071	3
Skokomish B	Oct. 4-10	3 pt. min.	WM	GMU 636	2
White River B	Oct. 1-10	Any bull	WM	GMU 653	3
<b>Muzzleloader Permit Hunts (Only muzzleloader elk tag holders may apply.)</b>					
Aladdin B	Oct. 4-10	Any elk	EM	GMU 111	10
Selkirk B	Oct. 4-10	Any elk	EM	GMU 113	10
49 Degrees North B	Oct. 4-10 & Dec. 16-31	Antlerless	EM	GMU 117	20
Blue Creek D	Dec. 9 - Jan. 30, 2009	Antlerless	EM	GMUs 149, 154	40
Mountain View D	Oct. 4-10	Antlerless	EM	Elk Area 1013	10
Couse E	Dec. 1-31	Antlerless	EM	GMU 181	30
Couse F	Jan. 1- 20, 2009	Antlerless	EM	GMU 181	30
Malaga E	Oct. 1-21	Antlerless	EM	Elk Area 2032	50
Malaga F	Oct. 1-21	Any elk	EM	Elk Area 2032	5

Hunt Name	Permit Season Dates	Special Restrictions	Elk Tag Prefix	Boundary Description	Permits
West Bar C	Oct. 4-10	Antlerless	EM	GMU 330	5
Taneum B	Oct. 4-10	Antlerless	EM	GMU 336	25
Manastash B	Oct. 4-10	Antlerless	EM	GMU 340	25
Umtanum B	Oct. 4-10	Antlerless	EM	GMU 342	200
Nile B	Oct. 4-10	Antlerless	EM	GMU 352	40
Bumping B	Oct. 4-10	Antlerless	EM	GMU 356	90
Bethel D	Oct. 4-10	Antlerless	EM	GMU 360	40
Cowiche D	Oct. 4-10	Antlerless	EM	GMU 368	250
Klickitat Meadows D	Oct. 4-10	Spike bull or antlerless	EM	Elk Area 3068	4
((Alkali B	Oct. 1-15	Any elk	EM	GMU 371	40))
Stella A	Nov. 19 - Dec. 15	Antlerless	WM	GMU 504	100
Stella B	Jan. 1-16, 2009	Antlerless	WM	GMU 504	100
Toledo B	Dec. 7-20	Antlerless	WM	Elk Area 5029	30
Mossyrock B	Jan. 1-16, 2009	Antlerless	WM	Elk Area 5052	30
Randle A	Jan. 1-16, 2009	Antlerless	WM	Elk Area 5053	15
Boistfort A	Jan. 1-16, 2009	Antlerless	WM	Elk Area 5054	40
Willapa Hills B	Nov. 19 - Dec. 15	Antlerless	WM	GMU 506	15
Green Mt. A	Jan. 1-16, 2009	Antlerless	WM	Elk Area 5051	30
Wildwood B	Jan. 1-15, 2009	Antlerless	WM	Elk Area 5061	20
Winston B	Oct. 4-10	Antlerless	WM	GMU 520	45
Margaret E	Oct. 4-10	Antlerless	WM	GMU 524	35
Ryderwood B	Oct. 4-10	Antlerless	WM	GMU 530	15
Coweeman C	Nov. 19 - Dec. 15	Antlerless	WM	GMU 550	45
Toutle E	Oct. 4-10	Antlerless	WM	GMU 556	50
Lewis River B	Oct. 4-10	Antlerless	WM	GMU 560	160
Siouxon B	Oct. 4-10	Antlerless	WM	GMU 572	50
Yale A	Oct. 4-10	Antlerless	WM	GMU 554	50
Yale B	Nov. 19 - Dec. 15	3 pt. min. or antlerless	WM	GMU 554	75
Ethel A	Aug. 1-15	Antlerless	WM	Elk Area 5049	10
Ethel B	Aug. 16-31	Antlerless	WM	Elk Area 5049	10
Newaukum B	Jan. 1-31, 2009	Antlerless	WM	Elk Area 5050	10
Upper Smith Creek C	Oct. 18-26	Antlerless	WM	Elk Area 5064	6
Upper Smith Creek D	Oct. 18-26	Any elk	WM	Elk Area 5064	2
Mount Whittier C	Oct. 18-26	Antlerless	WM	Elk Area 5065	2
Mount Whittier D	Oct. 18-26	Any elk	WM	Elk Area 5065	1
Twin Satsop A	Jan. 5-15, 2009	Antlerless	WM	Elk Area 6061	10
Mashel A	Jan. 1-15, 2009	Antlerless	WM	Elk Area 6054	25
North River	Nov. 26 - Dec. 15	Antlerless	WM	GMU 658	20
North Minot B	Oct. 1-7	Antlerless	WM	Elk Area 6067	20
Raymond E	Oct. 1-31	Antlerless	WM	Elk Area 6010	30
Chehalis Valley C	Jan. 1- 20, 2009	Antlerless	WM	Elk Area 6066	5
Tri Valley B	Dec. 16 - Jan. 20, 2009	Antlerless	WM	Elk Area 6012	30
<b>Archery Permit Hunts (Only archery elk tag holders may apply.)</b>					
Note: Fire closures may limit access during September seasons.					
Prescott D	Sept. 8-21	Any bull	EA	GMU 149	2
Blue Creek E	Sept. 8-21	Any bull	EA	GMU 154	4
Dayton E	Sept. 8-21	Any bull	EA	GMU 162	8
Tucannon C	Sept. 8-21	Any bull	EA	Elk Area 1014	3
Wenaha West C	Sept. 8-21	Any bull	EA	Elk Area 1008	3
Wehaha East C	Sept. 8-21	Any bull	EA	Elk Area 1009	3
Mountain View E	Sept. 8-21	Any bull	EA	GMU 172	7
Peola D	Sept. 8-21	Any bull	EA	GMU 178	1
Couse G	Sept. 8-21	Any bull	EA	GMU 181	1
Colockum C	Sept. 8-21	Any bull	EA	GMUs 328, 329	2
Teanaway E	Nov. 20 - Dec. 8	Any bull	EA	GMU 335	18

Hunt Name	Permit Season Dates	Special Restrictions	Elk Tag Prefix	Boundary Description	Permits
Peaches Ridge C	Sept. 8-21	Any bull	EA	GMUs 336, 346	104
Observatory C	Sept. 8-21	Any elk	EA	GMUs 340, 342	94
Goose Prairie C	Sept. 8-21	Any bull	EA	GMUs 352, 356	127
Bethel E	Sept. 8-21	Any bull	EA	GMU 360	32
Rimrock D	Sept. 8-21	Any bull	EA	GMU 364	103
Cowiche E	Sept. 8-21	Any bull	EA	GMU 368	13
Klickitat Meadows E	Oct. 11-22	Any bull	EA	Elk Area 3068	1
Klickitat Meadows F	Oct. 11-22	Spike bull or antlerless	EA	Elk Area 3068	9
Malaga G	Sept. 1-7	Antlerless	EA	Elk Area 2032	25
Peshastin C	Sept. 1-14	Any elk	EA	Elk Area 2033	15
Nooksack C	Sept. 1-28 and Dec. 1-31	Any bull	WA	GMU 418	3
Margaret F	Sept. 15-30 and Dec. 1-15	Any bull	WA	GMU 524	13
Margaret G	Sept. 15-30 and Dec. 1-15	Antlerless	WA	GMU 524	35
Toutle F	Sept. 15-30 and Dec. 1-15	Any bull	WA	GMU 556	71
Toutle G	Sept. 15-30 and Dec. 1-15	Antlerless	WA	GMU 556	60
Ethel C	Jan 1-20, 2009	Antlerless	WA	Elk Area 5049	10
Newaukum C	Aug. 1-15	Antlerless	WA	Elk Area 5050	10
Newaukum D	Aug. 16-31	Antlerless	WA	Elk Area 5050	10
Upper Smith Creek E	Oct. 11-17	Antlerless	WA	Elk Area 5064	6
Upper Smith Creek F	Oct. 11-17	Any elk	WA	Elk Area 5064	2
Mount Whittier E	Oct. 11-17	Antlerless	WA	Elk Area 5065	2
Mount Whittier F	Oct. 11-17	Any elk	WA	Elk Area 5065	1
Lewis River C	Nov. 19-30	3 pt. min. or antlerless	WA	GMU 560	50
Siouxon C	Nov. 19-30	3 pt. min. or antlerless	WA	GMU 572	25
Olympic C	Sept. 8-21	3 pt. min.	WA	GMU 621, EXCEPT for Elk Area 6071	6
Skokomish C	Sept. 8-21	3 pt. min.	WA	GMU 636	5
White River C	Sept. 8-21	Any bull	WA	GMU 653	15
<b>Master Hunter Special Elk Permit Hunts: Only master hunters may apply; antlerless only hunts will not affect accumulated points; and any weapon may be used.</b>					
Mossyrock C	Jan. 17-30, 2009	Antlerless	Any elk tag	Elk Area 5052	20
Randle B	Jan. 17-30, 2009	Antlerless	Any elk tag	Elk Area 5053	15
Pumice Plains A	Oct. 25 - Nov. 2	Antlerless	Any elk tag	Elk Area 5063	10
Pumice Plains B	Oct. 18-24	Any elk	Any elk tag	Elk Area 5063	4
Quinalt Ridge	Oct. 1-10	3 pt. min. or antlerless	Any elk tag	GMU 638	5
Green Mt. B	Jan. 17-30, 2009	Antlerless	Any elk tag	Elk Area 5051	20
Merwin A	Nov. 21 - Dec. 15	Antlerless	Any elk tag	Elk Area 5060	10
Merwin B	Jan. 17-30, 2009	Antlerless	Any elk tag	Elk Area 5060	10
<b>Master Hunter, Second Elk Tag Hunts: Only master hunters may apply; these hunts will not affect accumulated points; a second tag may be purchased by successful applicants as needed; and any weapon may be used. The second elk license and tag type must be the same tag type as the first one.</b>					
Peola E	Oct. 1-10	Antlerless	EM	GMU 178	15
Malaga H	Aug. 1 - Mar. 31, 2009	Antlerless	Any elk tag	Elk Area 2032	100 <sup>HM</sup>
Malaga I	Aug. 1 - Feb. 28, 2009	Any elk	Any elk tag	Elk Area 2032	6 <sup>HM</sup>
Peshastin E	Aug. 1 - Mar. 31, 2009	Antlerless	Any elk tag	Elk Area 2033	100 <sup>HM</sup>
Peshastin F	Aug. 1 - Feb. 28, 2009	Any elk	Any elk tag	Elk Area 2033	6 <sup>HM</sup>
Fairview	Jan. 21 - Feb. 28, 2009	Antlerless	Any elk tag	Elk Area 3911	20 <sup>HM</sup>
Rattlesnake Hills	Aug. 1 - Feb. 28, 2009	Antlerless or spike bull	Any elk tag	Designated areas in GMU 372	20 <sup>HM</sup>
Toledo C	Dec. 21-31	Any elk	Any elk tag	Elk Area 5029	20
Toledo D	Aug. 1-7	Any elk	Any archery elk tag	Elk Area 5029	5
Toledo E	Aug. 8-14	Any elk	Any archery elk tag	Elk Area 5029	5
Toledo F	Aug. 15-21	Any elk	Any muzzleloader elk tag	Elk Area 5029	5



Hunt Name	Permit Season Dates	Special Restrictions	Elk Tag Prefix	Boundary Description	Permits
Toledo G	Aug. 22-28	Any elk	Any muzzleloader elk tag	Elk Area 5029	5
Boistfort B	Aug. 1-7	Any elk	Any archery elk tag	Elk Area 5054	5
Boistfort C	Aug. 8-14	Any elk	Any archery elk tag	Elk Area 5054	5
Boistfort D	Aug. 15-21	Any elk	Any muzzleloader elk tag	Elk Area 5054	5
Boistfort E	Aug. 22-28	Any elk	Any muzzleloader elk tag	Elk Area 5054	5
JBH *	Nov. 12 - Feb. 28, 2009	Antlerless	Any elk tag	Elk Area 5090	20 <sup>HM</sup>
Trout Lake A**	Dec. 15-31	Antlerless	Any elk tag	Elk Area 5062	3
Trout Lake B**	Jan. 1-14, 2009	Antlerless	Any elk tag	Elk Area 5062	3
Trout Lake C**	Jan. 15-30, 2009	Antlerless	Any elk tag	Elk Area 5062	3
North River B	Dec. 16 - Feb. 28, 2009	Antlerless	Any elk tag	Designated areas in GMU 658	10 <sup>HM</sup>
Chehalis Valley D	Aug. 1 - Feb. 28, 2009	Antlerless	Any elk tag	Designated areas in Elk Area 6066	10 <sup>HM</sup>
Raymond F	Dec. 1 - Mar. 31, 2009	Antlerless	Any elk tag	Elk Area 6010	10 <sup>HM</sup>
Hanaford C	Aug. 1 - Mar. 31, 2009	Antlerless	Any elk tag	Designated areas in Elk Area 6069	5 <sup>HM</sup>
Dungeness A	Sept. 1 - Feb. 28, 2009	3 pt. min.	Any elk tag	Elk Area 6071 north of Hwy 101 only	8 <sup>HM</sup>
Dungeness B	Oct. 1 - Dec. 31	Antlerless	Any elk tag	Elk Area 6071 north of Hwy 101 only	6 <sup>HM</sup>
<b>Youth - Special Elk Permit Hunts (Must be eligible for the youth hunting license and accompanied by an adult during the hunt.)</b>					
Mudflow A	Oct. 20-26	Antlerless	Any elk tag	Elk Area 5099	4
Dungeness C	Sept. 1 - Feb. 28, 2009	Any elk	Any elk tag	Elk Area 6071 north of Hwy 101 only	4 <sup>HM</sup>
Sol Duc Valley	Aug. 1 - Jan. 22, 2009	Antlerless	Any elk tag	Elk Area 6072	2
Clearwater Valley	Aug. 1 - Mar. 31, 2009	Antlerless	Any elk tag	Elk Area 6073	1
<b>Persons of Disability Only - Special Elk Permit Hunts</b>					
Sol Duc Valley B	Aug. 1 - Jan. 22, 2009	Antlerless	Any elk tag	Elk Area 6072	2
Observatory D	Oct. 20 - Nov. 2	Any elk	EF or EM	GMUs 340, 342	7
Little Naches C	Oct. 1-10	Any elk	EF, EM, EA	GMU 346	5
Little Naches D	Oct. 29 - Nov. 2	Antlerless	EF, EM, EA	GMU 346	8
<del>((Alkali C</del>	<del>Oct. 18 - Nov. 2</del>	<del>Any elk</del>	<del>EF</del>	<del>GMU 374</del>	<del>5</del> )
Corral Canyon	Sept. 28 - Oct. 5	Any elk	Any elk tag	Elk Area 3721	2
Mudflow B	Sept. 15-21	Any elk	Any elk tag	Elk Area 5099	4
Mudflow C	Sept. 29 - Oct. 5	Any elk	Any elk tag	Elk Area 5099	4
Mudflow D	Nov. 10-16	Antlerless	Any elk tag	Elk Area 5099	4
Ethel D	Nov. 1-10	Antlerless	Any elk tag	Elk Area 5049	5
Centralia Mine A	Oct. 25-26	Antlerless	Any elk tag	Elk Area 6011	2
Centralia Mine B	Nov. 1-2	Antlerless	Any elk tag	Elk Area 6011	2
North Shore B	Oct. 1-31	Antlerless	Any elk tag	Elk Area 6068	5
North Shore C	Dec. 16-31	Antlerless	Any elk tag	Elk Area 6068	5
Chehalis Valley E	Dec. 16-31	Antlerless	Any elk tag	Elk Area 6066	10
<b>Hunters 65 or Older Only - Special Elk Permit Hunts</b>					
Hanaford	Jan. 16-30, 2009	Antlerless	Any elk tag	Elk Area 6069	5
Mudflow E	Nov. 24-30	Antlerless	Any elk tag	Elk Area 5099	4
Margaret H	Nov. 11-16	Antlerless	WF	GMU 524	10

\*Muzzleloaders only; scopes allowed in JBH hunt.

\*\*May only hunt on privately owned lands. Must use only archery or legal shotgun (10 or 12 gauge; slugs only).

<sup>HM</sup>This is a damage hunt administered by a WDFW designated hunt master. Successful applicants will be contacted on an as-needed basis to help with specific sites of elk damage on designated landowner's property. Not all successful applicants will be contacted in any given year depending on elk damage activity for that year.

<b>Hunter Education Instructor Incentive Permits</b>				
<ul style="list-style-type: none"> <li>- Special elk permits will be allocated through a random drawing to those hunter education instructors that qualify.</li> <li>- Permit hunters must use archery equipment during archery seasons, muzzleloader equipment during muzzleloader seasons, and any legal weapon during modern firearm seasons.</li> <li>- Qualifying hunter education instructors must be certified and have been in active status for a minimum of three consecutive years, inclusive of the year prior to the permit drawing.</li> <li>- Instructors who are drawn, accept a permit, and are able to participate in the hunt, will not be eligible for these incentive permits for a period of ten years thereafter.</li> <li>- Permittees may purchase a second license for use with the permit hunt only.</li> </ul>				
Area	Dates	Restrictions	GMUs	Permits
Region 3	All general season and permit seasons established for GMUs included with the permit	Any elk	GMUs 335-368	2
Region 5		Any elk	All 500 series GMUs except GMU 522	4
Region 6		Any elk	GMUs 654, 660, 672, 673, 681	1

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

**WSR 08-19-026  
PERMANENT RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Health and Recovery Services Administration)  
[Filed September 8, 2008, 2:10 p.m., effective October 9, 2008]

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

Purpose: The department recently reorganized and updated chapter 388-544 WAC, Vision care. The permanent rule was filed on June 24, 2008, under WSR 08-14-052. In the newly revised rule, a new section (WAC 388-544-0575 Noncovered vision) was created to replace the repealed WAC 388-544-0475 Noncovered vision. When the permanent rule was filed, the department inadvertently missed listing WAC 388-544-0475 as repealed. This repeal is necessary so that two duplicate noncovered sections do not exist.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-544-0475.

Statutory Authority for Adoption: RCW 74.08.090.

Adopted under notice filed as WSR 08-15-056 on July 14, 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 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 1.

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 1.

Date Adopted: September 4, 2008.

Stephanie E. Schiller  
Rules Coordinator

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 388-544-0475	Vision care—Noncovered services, eyeglasses, and contact lenses.
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**WSR 08-19-038  
PERMANENT RULES  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION**

[Filed September 10, 2008, 12:21 p.m., effective October 11, 2008]

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

Purpose: The purpose of the rule revision is to reflect the provisions of the legislative intent on RCW 28A.300.475 related to sexual health education in public schools and the provisions of parent excusal for student participation.

Incorrect version was filed. This is a correction filing.

Citation of Existing Rules Affected by this Order: Amending WAC 392-410-140.

Statutory Authority for Adoption: RCW 28A.300.040.

Adopted under notice filed as WSR 08-11-032 on May 13, 2008.

Changes Other than Editing from Proposed to Adopted Version: Following comments submitted prior to or presented at a hearing held on June 27, 2008, at the office of superintendent of public instruction revisions were made to the proposed revised WAC 392-410-140. Changes are as follows:

Section	Comments	Response
(2)(b) Definitions	Recommend modifying definitions of sex education and human sexuality to reflect language of the 2005 Guidelines for Sexual Health and Disease Prevention - Cj Gribble, Planned Parenthood of Inland Northwest, Spokane, Anna Franks, Planned Parenthood of Central Washington, Yakima, Chris Charbonneau, Planned Parenthood of Western Washington, Seattle, Beth Reis, Seattle, King County Public Health.	Subsection (b), now (a) was expanded to incorporate language referencing the 2005 Guidelines for Sexual Health and Disease Prevention as noted in RCW 28A.300.475. The original subsection (a) was eliminated as no longer necessary.
(6) Medical and scientific accuracy	Department of Health (DOH) requested that language requiring all materials used for sexual health education be approved for medical and scientific accuracy by the DOH be stricken and language inserted to state that the DOH may provide technical assistance regarding medical and scientific accuracy - Sophia Aragon, JD, RN. Request that the requirement remain for all materials used in sex education programs in schools be reviewed by DOH and approved for medical accuracy - Cj Gribble, Planned Parenthood of Inland Northwest, Anna Franks, Planned Parenthood of Central Washington, Joan Helmich, Center for health Training, Seattle, Beth Reis, Seattle King County Public Health.	Language was changed to require that all curricula, presentations and materials used must be <u>medically and scientifically accurate. The Washington state department of health, upon request, may provide technical assistance regarding medical and scientific accuracy.</u>

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 1, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: September 10, 2008.

Dr. Terry Bergeson  
Superintendent of  
Public Instruction

AMENDATORY SECTION (Amending WSR 06-14-009, filed 6/22/06, effective 6/22/06)

**WAC 392-410-140 ((Sex)) Sexual health education—Definition—Optional course or subject matter—Excusal of students.** (1) Local option. The decision as to whether or not a program about ~~((sex))~~ sexual health education (~~((or human sexuality))~~) is to be introduced into the common schools is a matter for determination at the district level by the local school board, the duly elected representatives of the people of the community.

(2) Definition(s).

(a) ~~((Sex education for the purpose of this regulation is defined as the study of the anatomy and the physiology of human reproduction.~~

~~((b) Human sexuality))~~ Sexual health education for the purpose of this regulation is ~~((defined as the characteristics or qualities that distinguish between maleness and femaleness))~~ consistent with the 2005 Guidelines for Sexual Health and Disease Prevention. It includes:

(i) The physiological, psychological, and sociological developmental processes experienced by an individual;

(ii) The development of intrapersonal and interpersonal skills to communicate, respectfully and effectively, to reduce health risks and choose healthy behaviors;

(iii) Health care and prevention resources;

(iv) The development of meaningful relationships and avoidance of exploitative relationships; and

(v) Understanding of the influences of family, peers, community and the media throughout life on healthy sexual relationships.

(b) Medically and scientifically accurate means information that is verified or supported by research in compliance with scientific methods, is published in peer reviewed journals, where appropriate, and is recognized as accurate and objective by professional organizations and agencies with expertise in the field of sexual health including but not limited to the American College of Obstetricians and Gynecologists, the Washington state department of health and the U.S. Centers for Disease Control and Prevention.

(3) By September 1, 2008, every public school that offers sexual health education must assure the sexual health education is medically and scientifically accurate, age appropriate, and inclusive of students regardless of gender, race, disability status, or sexual orientation.

(4) Development of instruction in ~~((sex))~~ sexual health education ~~((and human sexuality))~~. School districts shall involve parents and school district community groups in the planning, development, evaluation, and revision of any instruction in ~~((sex))~~ sexual health education ~~((and human sexuality))~~ offered as a part of the school program.

~~((4))~~ (5) All sexual health education programs must include an emphasis on abstinence as the only one hundred percent effective means of preventing unintended pregnancy, HIV and other sexually transmitted diseases. All sexual health education programs must also provide medically and scientifically accurate information on all other methods of preventing unintended pregnancy, HIV and other sexually transmitted diseases. Abstinence may not be taught to the exclusion of instruction on contraception and disease prevention.

(6) Schools may choose to use separate, outside speakers or prepared curriculum to teach different content areas or units within the comprehensive sexual health program. All such curricula, presentations and materials used must be medically and scientifically accurate. The Washington state department of health, upon request, may provide technical assistance regarding medical and scientific accuracy.

(7) Notification of parents. Each school district shall, at least one month before teaching a program in sexual health education in any classroom or other school venue, provide notice to parents of the planned instruction and that the materials or course of study are available for inspection. Such notification includes all formats of instruction related to sexual health education including, but not limited to written materials, guest speakers, classroom presentations, videos, electronically formatted materials.

(8) Excusal of students—Alternative studies. Any parent or legal guardian who wishes to have his/her child excused from any planned instruction in ~~((sex))~~ sexual health education ~~((or human sexuality))~~ may do so upon filing a written request with the school district board of directors or its designee and the board of directors shall make available the appropriate forms for such requests. Alternative educational opportunities shall be provided for those excused.

The requirement to report harassment, intimidation, or bullying under RCW 28A.600.480(2) applies to this section.

### WSR 08-19-039

#### PERMANENT RULES

#### SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed September 10, 2008, 12:23 p.m., effective October 11, 2008]

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

Purpose: The purpose of the proposed rule changes is to be in compliance with RCW and to effectively educate English language learners (ELLs).

Citation of Existing Rules Affected by this Order: Amending chapter 392-160 WAC.

Statutory Authority for Adoption: RCW 28A.180.010.

Adopted under notice filed as WSR 08-12-091 on June 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 0, 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 0, Repealed 0.

Date Adopted: September 10, 2008.

Dr. Terry Bergeson  
Superintendent of  
Public Instruction

AMENDATORY SECTION (Amending WSR 08-09-071, filed 4/16/08, effective 5/17/08)

**WAC 392-160-010 School district board of directors duties.** Consistent with the provisions of this chapter, every school district board of directors:

(1) Shall make available to each eligible student a transitional bilingual instructional program or, if the use of two languages is not practicable as provided in WAC 392-160-040, an alternative instructional program;

(2) Shall communicate, whenever feasible, with parents of students in the bilingual program, or alternative instruction program in a language they can understand; and

(3) Shall provide ~~((whenever feasible))~~ professional development training for administrators, teachers, counselors, and other staff on bilingual program models, and/or district's alternative instructional program, appropriate use of instructional strategies and assessment results, and curriculum and instructional materials for use with culturally and linguistically diverse students.

AMENDATORY SECTION (Amending WSR 08-09-071, filed 4/16/08, effective 5/17/08)

#### **WAC 392-160-015 Identification of eligible students.**

(1) District procedures—Identification of primary language required: Every school district board of directors shall adopt written procedures governing the identification of each student's primary language and the determination of which students with a primary language other than English are eligible students. Such procedures shall include:

(a) A home language survey, completed by the student and the student's parent(s) or guardian(s), which identifies the student's primary language as other than English; and

(b) Provisions for testing students on the state-approved Washington language proficiency placement test.

(2) Deadline for determining eligibility of newly enrolled students: The primary language and eligibility of each newly enrolled student shall be established no later than

the tenth school day after the date upon which the student registers and commences attendance at a particular school district. Provided that no eligible student shall be required to participate in a transitional bilingual instructional program or an alternative instructional program, if the parent/guardian chooses to opt the student out of program services.

(3) Annual reassessment of all (eligible) students is required: Each school year each school in which an eligible student is enrolled shall conduct an evaluation of the overall academic progress and English language development of the student. This evaluation must include but not be limited to the administration of a standardized test in reading, writing, listening and speaking in English as set forth in WAC 392-160-035.

**WSR 08-19-042**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Special Commitment Center)

[Filed September 11, 2008, 9:46 a.m., effective October 12, 2008]

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

Purpose: The purpose of these rule changes is to clarify our business practices and expectations as they pertain to county government obtaining cost reimbursements from DSHS for legal and expert evaluation costs pursuant to civil commitment proceedings under chapter 71.09 RCW.

This filing includes the adoption of new section WAC 388-885-013 Limitations on reimbursement costs related to expert evaluations.

Citation of Existing Rules Affected by this Order: Amending WAC 388-885-005, 388-885-010, 388-885-015, 388-885-020, 388-885-025, 388-885-030, and 388-885-035.

Statutory Authority for Adoption: Chapter 71.09 RCW.

Other Authority: RCW 72.01.090.

Adopted under notice filed as WSR 08-15-057 on July 14, 2008.

Changes Other than Editing from Proposed to Adopted Version: The changes were the inclusion of two additional entities within a county who would receive notice of reimbursement rate changes once approved by the legislature. This change will be applied to WAC 388-885-020 (4)(b) and will read as follows: "A notice of the revised reimbursement rates will be published by the department and sent to each county sheriff, superior court administrator, public defender and prosecutor's office, and."

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 1, Amended 7, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 7, Repealed 0.

Date Adopted: September 9, 2008.

Stephanie E. Schiller  
Rules Coordinator

AMENDATORY SECTION (Amending Order 3263 [WSR 99-21-002], filed 10/6/99, effective 10/6/99)

**WAC 388-885-005 Purpose.** These rules establish the standards and procedures for reimbursing counties for the cost incurred during civil commitment trial, annual evaluation, and review processes and release procedures related to chapter 71.09 RCW.

The department's reimbursement to counties is limited to appropriated funds and is intended to minimize primary or direct costs to counties for proceedings and related to civil commitment of sexually violent predators.

Indirect costs and costs incurred in excess of or different from those allowed by the itemized schedule of reimbursements as described in WAC 388-885-035 are the responsibility of the county.

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

AMENDATORY SECTION (Amending Order 3736 [WSR 99-21-002], filed 10/6/99, effective 10/6/99)

**WAC 388-885-010 Definitions.** (1) "Attorney cost" means the fully documented ((fee)) itemized hourly cost directly related to the violent sexual predator civil commitment process for:

(a) A single assigned prosecuting attorney;

(b) When the person is indigent, a single court-appointed attorney; ((and))

(c) Additional counsel, for the defense or prosecution, when additional defense counsel is approved by the trial judge for good cause(~~(--Said fee includes the cost of paralegal services--)); and~~

(d) Paralegal services and other costs, itemized based on a schedule of reimbursements as described in WAC 388-885-035.

(2) "Department" means the department of social and health services.

(3) "Evaluation by expert cost" ((means a county-incurred service fee directly resulting from the completion of a comprehensive examination and/or a records review, by a single examiner selected by the county, of a person:

(a) Investigated for "sexually violent predator" probable cause;

(b) Alleged to be a "sexually violent predator" and who has had a petition filed; or

(c) Committed as a "sexually violent predator" and under review for release.

In the case where the person is indigent, "evaluation by expert cost" includes the fee for a comprehensive examina-

tion and/or records review by a single examiner selected by the person examined. When additional examiners are approved by the trial judge for good cause, "evaluation by expert cost" includes the cost of additional examiners)) is as described in WAC 388-885-013.

(4) "Incidental cost" means county-incurred efforts or costs that are not otherwise covered and are exclusively attributable and necessary to the trial of a person alleged to be a "sexually violent predator."

(5) "Investigative cost" means a cost incurred by a police agency or other investigative ~~((agency))~~ service in the course of investigating issues specific to:

(a) Filing or responding to a petition alleging a person is a "sexually violent predator;" or

(b) Testifying at a hearing to determine if a person is a "sexually violent predator."

(6) "Medical cost" means a county-incurred extraordinary medical expense beyond the routine services of a jail.

(7) "Secretary" means the secretary of the department of social and health services.

(8) "Transportation cost" means the cost a county incurs when transporting a person alleged to be, or having been found to be, a "sexually violent predator," to and from a sexual predator program facility.

(9) "Trial cost" means the costs a county incurs as the result of filing a petition for the civil commitment of a person alleged to be a "sexually violent predator" under chapter 71.09 RCW. This cost is limited to fees for:

(a) Judges ~~((, including court clerk and bailiff services));~~

(b) Court ~~((reporter services))~~ clerk;

(c) ~~((Transcript typing and preparation))~~ Bailiff services;

(d) ~~((Expert and nonexpert witnesses))~~ Court reporter services;

(e) ~~((Jury; and))~~ transcript typing and preparation;

(f) ~~((Jail facilities))~~ Expert and nonexpert witnesses;

(g) Jury; and

(h) Jail facilities.

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

## NEW SECTION

**WAC 388-885-013 Limitations on reimbursement costs related to expert evaluations.** (1) "Evaluation by expert cost" means a county-incurred itemized hourly service rate directly resulting from the completion of a comprehensive examination and/or a records review and other costs, itemized based on the schedule of reimbursements as described in WAC 388-885-035, by a single examiner selected and appointed by the court of a person who is indigent, when:

(a) Investigated for "sexually violent predator" probable cause;

(b) Alleged to be a "sexually violent predator" and who has had a petition filed; or

(c) Committed as a "sexually violent predator" and under review for release.

(2) The department will reimburse a county for costs related to the evaluation of an indigent person by an additional examiner only upon a finding by the superior court that such appointment is for good cause. In making its finding of

good cause the superior court shall consider and issue written findings on whether:

(a) Any previous expert(s) appointed to assist the indigent person lack expertise to address a new area of concern;

(b) The request for an additional expert is being requested merely because the opinion of a prior expert was not favorable to respondent's position;

(c) The request is being interposed for the purpose of delaying the proceeding; or

(d) The previously appointed expert is unavailable for testimony at trial.

(3) The department will not reimburse a county for expert evaluation costs under the following circumstances:

(a) Where the appointed expert lacks appropriate qualifications as provided for in WAC 388-880-033; or

(b) For any charges related to international travel by an expert to or from a destination outside of North America, including but not limited to, airfare, meals, hourly rates, and accommodations.

**AMENDATORY SECTION** (Amending Order 3736 [WSR 99-21-002], filed 10/6/99, effective 10/6/99)

**WAC 388-885-015 Limitation of funds.** The department shall:

(1) Reimburse funds to a county when funds are available;

(2) Limit a county's reimbursement to costs of civil commitment trials or hearings as described under this chapter;

(3) Restrict a county's reimbursement to documented investigation, expert evaluation, attorney, transportation, trial, incidental, and medical costs;

(4) Not pay a county a cost under the rules of this section when said cost is otherwise reimbursable under law;

(5) Pay a county's claim for a trial or hearing occurring during each biennium in the order in which the claim is received ~~((at the office of accounting services, special commitment center)),~~ until the department's biennial appropriation is expended.

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

**AMENDATORY SECTION** (Amending Order 3736 [WSR 99-21-002], filed 10/6/99, effective 10/6/99)

**WAC 388-885-020 Maximum allowable reimbursement for civil commitment cost.** (1) The department shall reimburse a county for actual costs incurred up to the maximum allowable rate as specified(~~(=~~

~~(1) Attorney cost—Up to forty nine dollars and forty one cents per hour;~~

~~(2) Evaluation by expert cost—Actual costs, within reasonable limits, plus travel and per diem according to state travel policy;~~

~~(3) Trial costs:~~

~~(a) Judge—Up to forty six dollars and five cents per hour;~~

~~(b) Court reporters—Up to twenty dollars and seventy one cents per hour;~~

~~(e) Transcript typing and preparation services—Up to four dollars and thirteen cents per page;~~

~~(d) Expert witnesses—Actual costs within reasonable limits plus travel and per diem according to state travel policy;~~

~~(e) Nonexpert witnesses—Actual compensation, travel and per diem paid to witnesses, provided compensation is in accordance with chapter 2.40 RCW and state travel policy;~~

~~(f) Jurors—Actual compensation, travel, and per diem paid to jurors provided compensation is in accordance with chapter 2.36 RCW and state travel policy;~~

~~(g) Jail facilities—Thirty dollars per day.~~

~~(4) Investigative cost—Up to twenty dollars and sixty-six cents per hour. Medical costs—Up to fifty dollars per day, not to exceed five consecutive days; and~~

~~(5) Transportation cost—Actual compensation paid to transport staff, plus mileage and per diem at the rate specified in the state travel policy)) in a biennial reimbursement rate schedule created and maintained by the department and approved by the legislature for reimbursement rates and expenses authorized under this chapter.~~

~~(2) The reimbursement schedule shall be developed and reviewed by the department for adequacy each biennium.~~

~~(a) In developing the reimbursement schedule, the special commitment center will accept input and comment from the public and counties in the form of written substantive documented evidence that reflects a need to change the reimbursement rates found in WAC 388-885-035.~~

~~(b) Substantive evidence may be submitted to the special commitment center during the month of June on even numbered years.~~

~~(c) Evidence of need should be sent to: DSHS Special Commitment Center, Attn: Chief Financial Officer, P.O. Box 88450, Steilacoom, WA 98388-0646.~~

~~(d) Evidence of need will be compiled and reviewed for reimbursement rate change consideration and budget proposals.~~

~~(3) A revised reimbursement schedule shall be presented for legislative review each biennial year as part of the budget proposal for the special commitment center.~~

~~(4) When the reimbursement schedule or the related budget is approved by the legislature:~~

~~(a) The reimbursement schedule rates found in WAC 388-885-035 will be updated:~~

~~(b) A notice of the revised reimbursement rates will be published by the department and sent to each county sheriff, superior court administrator, public defender and prosecutor's office; and~~

~~(c) The reimbursement schedule shall be included in any memorandum of understanding, contract, or other document related to reimbursements under this rule which may be communicated by the special commitment center, or entered into between the special commitment center and the counties.~~

~~(5) Included in the reimbursement schedule shall be rates for:~~

~~(a) Attorney fees;~~

~~(b) Legal assistant/paralegal;~~

~~(c) Evaluation by expert costs, reimbursable according to the nature of the work performed;~~

~~(d) Trial costs, to include the trial judge, court reporters, bailiff, court clerk, transcript preparation services, and compensation for nonexpert witnesses and jurors;~~

~~(e) Investigative services;~~

~~(f) Medical costs; and~~

~~(g) Jail costs.~~

~~(6) Travel costs and per diem shall be reimbursed for investigators, attorneys, judges, legal assistant/paralegal, expert evaluators, nonexpert witnesses, jurors, and transporting staff. Reimbursement rates shall be in accordance with applicable state law and state travel policy.~~

~~(7) With the submission of an itemized invoice, attorneys and expert evaluators and expert witnesses may also be reimbursed for reasonable time spent in travel.~~

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

AMENDATORY SECTION (Amending Order 3736 [WSR 99-21-002], filed 10/6/99, effective 10/6/99)

**WAC 388-885-025 Billing procedure.** (1) When a county requests the department reimburse a county's cost, the county shall:

(a) Make a claim using the state of Washington invoice voucher, Form A 19 1-A;

(b) Attach to the claim necessary documentation, support, and justification materials (the department may require use of an itemized invoice);

(c) Report expenses billed by the hour in one-quarter hour increments unless smaller increments are provided to the county by the vendor; and

(d) Include the name of the person for whom the costs were incurred and the cause number when it exists.

(2) The department may subject a county's claim documentation to periodic audit at the department's discretion.

(3) Only an authorized administrator, or the county administrator's designee, may submit to the department a request for a county's cost reimbursement.

(4) A county shall submit a reimbursement claim to the department within thirty days of (~~final costs~~) receipt of itemized expenditures for services incurred to assure proper handling of the claim.

(5) When a county submits a reimbursement claim(~~(, the county shall submit a reimbursement claim to the special commitment center, offices of accounting services))~~ on a state invoice voucher (Form A-19 1-A) sent to the Special Commitment Center, Attn: Business Office, P.O. Box 88450, Steilacoom, WA 98388-0646.

(6) If the department's reimbursement appropriation becomes exhausted before the end of a biennium, a county may continue to make a claim for reimbursement. The department may use the reimbursement claim to justify a request for adequate department funding during future biennia.

(7) Claims for reimbursement of costs associated with the subject of this rule will not be accepted if the span of time between the time the services were rendered and the bill was submitted is greater than twelve months.

(8) When the reimbursement fee schedule in WAC 388-885-035 changes following legislative approval there is a transitional period where bills are being received for services rendered prior to the approved increase to the reimbursement schedule rates, such as, bills received for services rendered shall be paid based on the reimbursement schedule rate that

existed at the time services were rendered, not the rate that exists at the time the bill is submitted to SCC.

(9) In submitting bills for reimbursement under this rule, the billing entity agrees to maintain records of their billed services and make those records available for auditing by DSHS, or other state auditing service, for a period of thirty-six months following the submission of the bill.

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

AMENDATORY SECTION (Amending Order 3736 [WSR 99-21-002], filed 10/6/99, effective 10/6/99)

**WAC 388-885-030 Exceptions.** (1) The secretary may grant exceptions to the rules of this chapter. Exceptions granted by the secretary may not include exceptions to the biennial reimbursement rate schedule which is set by legislative mandate.

(2) ((A county seeking an exception shall request the exception, in writing from the secretary or secretary's designee)) Exceptions may be allowed on a case-by-case basis for:

(a) Unanticipated expenditures;

(b) For a rate or cost increase related to a single commitment proceeding; or

(c) For a new type or class of expenditure.

(3) A request for exception may only be made by a county administration or an entity of county government that has been independently elected, not from a sub-agency of a county or contractor to a county. A county seeking an exception from the secretary shall request the exception, in writing, to the secretary, through the chief financial officer of the special commitment center.

(4) The department shall deny a claim which does not follow the rules of this chapter unless the secretary or secretary's designee granted an exception before the claim was filed.

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

AMENDATORY SECTION (Amending Order 3263 [WSR 99-21-002], filed 10/6/99, effective 10/6/99)

**WAC 388-885-035 ((Effective date)) Reimbursement rate schedule.** When a county submits a reimbursement claim according to this chapter, the claim shall be only for costs incurred as defined in this chapter ((on or after July 1, 1990)) and for the rates provided in this schedule. This schedule of reimbursement rates is effective as of July 1, 2007.

(1) Attorney per hour rate of eighty-five dollars and sixty-five cents (travel and per diem per state schedule).

(2) Legal assistant/paralegal per hour rate of forty-six dollars (travel and per diem per state schedule).

(3) Investigator per hour rate of forty-six dollars (travel and per diem per state schedule).

(4) Evaluation by expert actual cost (travel and per diem per state schedule).

(5) Judge per hour rate of forty-six dollars and five cents.

(6) Court clerk actual hourly salary.

(7) Bailiff actual hourly salary.

(8) Court reporter per hour rate of twenty dollars and seventy-one cents (transcript preparation per page rate of four dollars and thirteen cents).

(9) Expert witnesses actual cost (travel and per diem per state schedule).

(10) Nonexpert witnesses actual cost (travel and per diem per state schedule).

(11) Juror's actual compensation (travel and per diem per state schedule).

(12) Jail facilities daily rate of thirty dollars.

(13) Incidentals - actual costs based on receipts.

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

## WSR 08-19-056

### PERMANENT RULES

### DEPARTMENT OF LICENSING

[Filed September 12, 2008, 10:15 a.m., effective November 1, 2008]

Effective Date of Rule: November 1, 2008.

Purpose: In the 2008 legislative session, the department of licensing's security guard program was granted an increase in spending authority to pay for increased expenditures. Because the program must be self supporting under RCW 43.24.086, the funds to pay program expenses must come from licensing fees. An increase in security guard applicants and the requirement to electronically transmit fingerprint cards to the Washington state patrol (WSP) has resulted in a workload increase that is beyond the capacity of the current data entry staff of 2.4 FTEs.

Citation of Existing Rules Affected by this Order: Amending WAC 308-19-150.

Statutory Authority for Adoption: Chapter 18.170 RCW.

Adopted under notice filed as WSR 08-15-083 on July 16, 2008.

Changes Other than Editing from Proposed to Adopted Version: There are two minor clarifications made to WAC 308-19-101(5) and 308-19-140(5). Neither of these revisions changed the requirements or procedures as first proposed.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 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: September 12, 2008.

Ralph Osgood  
Assistant Director



AMENDATORY SECTION (Amending WSR 07-01-032, filed 12/12/06, effective 2/15/07)

**WAC 308-18-150 Private security guard company, private security guard, and armed private security guard fees.** Licenses issued to private security guard companies and private security guards expire one year from the date of issuance and must be renewed each year. The fees are as follows:

Title of Fee	Fee
Private security guard company/principal:	
Application/includes first examination	\$ 350.00
Reexamination	25.00
License renewal	300.00
Late renewal with penalty	400.00
Change of principal/includes first examination	100.00
Principal armed endorsement	10.00
Private security guard:	
Original license	((85.00)) <u>111.00</u>
Armed endorsement	10.00
Transfer fee	25.00
Licensees with inactive licenses are not required to pay late renewal penalty fees.	
License renewal	((55.00)) <u>85.00</u>
<del>((Note: License renewals without a Federal Bureau of Investigation background check will be required to pay additional background check fees.))</del>	
License late renewal with penalty.	((70.00))
Late fee is not due if submitting a renewal with a transfer or rehire application.	<u>90.00</u>
Certified trainer endorsement examination/reexamination	25.00
Certified trainer endorsement renewal	15.00
Duplicate license	10.00

**WSR 08-19-058**

**PERMANENT RULES**

**PUBLIC DISCLOSURE COMMISSION**

[Filed September 12, 2008, 12:03 p.m., effective November 5, 2008]

Effective Date of Rule: November 5, 2008.

Purpose: Amendments to WAC 390-24-010 Forms for statement of financial affairs and 390-24-020 Forms for amending statement of financial affairs. The personal financial affairs forms need to be amended to reflect legislative changes found in 2SHB 3104 (chapter 6, Laws of 2008) and to provide clarification to filers concerning asset reporting, F-1 supplemental reports and e-mail addresses. The amended forms include registered domestic partner as part of the filer's "immediate family," make home e-mail addresses optional,

and clarify asset/investment reporting and lobbying compensation.

Citation of Existing Rules Affected by this Order: Amending WAC 390-24-010 and 390-24-020.

Statutory Authority for Adoption: RCW 42.17.370.

Adopted under notice filed as WSR 08-14-164 on July 2, 2008.

Changes Other than Editing from Proposed to Adopted Version: Effective date of rule amendments was changed from September 2008, to November 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 2, 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: August 28, 2008.

Vicki Rippie  
Executive Director

AMENDATORY SECTION (Amending WSR 08-01-070, filed 12/14/07, effective 1/14/08)

**WAC 390-24-010 Forms for statement of financial affairs.** The official form for statements of financial affairs as required by RCW 42.17.240 is designated "F-1," revised ((4/08)) 11/08. Copies of this form are available at the Commission Office, 711 Capitol Way, Room 206, Evergreen Plaza Building, P.O. Box 40908, Olympia, Washington 98504-0908. Any paper attachments must be on 8-1/2" x 11" white paper.

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 <b>PUBLIC DISCLOSURE COMMISSION</b> 711 CAPITOL WAY RM 206 PO BOX 40908 OLYMPIA WA 98504-0908 (360) 753-1111 TOLL FREE 1-877-601-2828		PDC FORM <b>F-1</b> (1/08)	<b>PERSONAL FINANCIAL AFFAIRS STATEMENT</b>	P M PDC OFFICE USE O A S R T K  R E C E I V E D
Refer to instruction manual for detailed assistance and examples. <b>Deadlines:</b> Incumbent elected and appointed officials -- by April 15. Candidates and others -- within two weeks of becoming a candidate or being newly appointed to a position. <b>SEND REPORT TO PUBLIC DISCLOSURE COMMISSION</b>		<b>DOLLAR CODE</b> <b>AMOUNT</b> A      \$1 to \$3,999 B      \$4,000 to \$19,999 C      \$20,000 to \$39,999 D      \$40,000 to \$99,999 E      \$100,000 or more		
Last Name      First      Middle Initial  Mailing Address (Use PO Box or Work Address)  City      County      Zip + 4		Names of immediate family members. If there is no reportable information to disclose for dependent children, or other dependents living in your household, do not identify them. Do identify your spouse. See F-1 manual for details.		
Filing Status (Check only one box.) <input type="checkbox"/> An elected or state appointed official filing annual report <input type="checkbox"/> Final report as an elected official. Term expired: _____ year _____ <input type="checkbox"/> Candidate running in an election: month _____ year _____ <input type="checkbox"/> Newly appointed to an elective office <input type="checkbox"/> Newly appointed to a state appointive office <input type="checkbox"/> Professional staff of the Governor's Office and the Legislature		Office Held or Sought Office title: _____ County, city, district or agency of the office, name and number: _____ Position number: _____ Term begins: _____ ends: _____		
<b>1 INCOME</b> List each employer, or other source of income (pension, social security, legal judgment, etc.) from which you or a family member received \$2,000 or more during the period. (Report interest and dividends in Item 3 on reverse)				
Show Self (S) Spouse (SP) Dependent (D)				
Name and Address of Employer or Source of Compensation		Occupation or How Compensation Was Earned		Amount: (Use Code)
Check Here <input type="checkbox"/> if continued on attached sheet				
<b>2 REAL ESTATE</b> List street address, assessor's parcel number, or legal description AND county for each parcel of Washington real estate with value of over \$10,000 in which you or a family member held a personal financial interest during the reporting period. (Show partnership, company, etc. real estate on F-1 supplement.)				
Property Sold or Interest Divested	Assessed Value (Use Code)	Name and Address of Purchaser		Nature and Amount (Use Code) of Payment or Consideration Received
Property Purchased or Interest Acquired		Creditor's Name/Address	Payment Terms	Security Given
				Mortgage Amount - (Use Code) Original      Current
All Other Property Entirely or Partially Owned				
Check here <input type="checkbox"/> if continued on attached sheet				

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<p><b>3 ASSETS / INVESTMENTS - INTEREST / DIVIDENDS</b></p> <p>A. Name and address of each bank or financial institution in which you or a family member had an account over \$20,000 any time during the report period.</p> <p>B. Name and address of each insurance company where you or a family member had a policy with a cash or loan value over \$20,000 during the period.</p> <p>C. Name and address of each company, association, government agency, etc. in which you or a family member owned or had a financial interest worth over \$2,000. Include stocks, bonds, ownership, retirement plan, IRA, notes, and other intangible property.</p> <p>Check here <input type="checkbox"/> if continued on attached sheet.</p>	<p>List bank and savings accounts, insurance policies, stock, bonds and other intangible property held during the reporting period.</p>		
	Type of Account or Description of Asset	Asset Value (Use Code)	Income Amount (Use Code)

<p><b>4 CREDITORS</b></p> <p>Creditor's Name and Address</p> <p>Check here <input type="checkbox"/> if continued on attached sheet.</p>	<p>List each creditor you or a family member owed \$2,000 or more any time during the period. Don't include retail charge accounts, credit cards, or mortgages or real estate reported in Item 2.</p>		<p>AMOUNT (USE CODE)</p>	
	Terms of Payment	Security Given	Original	Present

**5** All filers answer questions A thru D below. If the answer is YES to any of these questions, the F-1 Supplement must also be completed as part of this report. If all answers are NO and you are a candidate for state or local office, an appointee to a vacant elective office, or a state executive officer filing your initial report, no F-1 Supplement is required.

Incumbent elected officials and state executive officers filing an annual financial affairs report also must answer question E. An F-1 Supplement is required of these officeholders unless all answers to questions A thru E are NO.

- A. At any time during the reporting period were you, your spouse or dependents (1) an officer, director, general partner or trustee of any corporation, company, union, association, joint venture or other entity or (2) a partner or member of any limited partnership, limited liability partnership, limited liability company or similar entity including but not limited to a professional limited liability company? \_\_\_ If yes, complete Supplement, Part A.
- B. Did you, your spouse or dependents have an ownership of 10% or more in any company, corporation, partnership, joint venture or other business at any time during the reporting period? \_\_\_ If yes, complete Supplement, Part A.
- C. Did you, your spouse or dependents own a business at any time during the reporting period? \_\_\_ If yes, complete Supplement, Part A.
- D. Did you, your spouse or dependents prepare, promote or oppose state legislation, rules, rates or standards for current or deferred compensation (other than pay for a currently-held public office) at any time during the reporting period? \_\_\_ If yes, complete Supplement, Part B.
- E. **Only for Persons Filing Annual Report.** Regarding the receipt of items not provided or paid for by your governmental agency during the previous calendar year: 1) Did you, your spouse or dependents (or any combination thereof) accept a gift of food or beverages costing over \$50 per occasion? \_\_\_ or 2) Did any source other than your governmental agency provide or pay in whole or in part for you, your spouse and/or dependents to travel or to attend a seminar or other training? \_\_\_ If yes to either or both questions, complete Supplement, Part C.

<p><b>ALL FILERS EXCEPT CANDIDATES.</b> Check the appropriate box.</p> <p><input type="checkbox"/> I hold a state elected office, am an executive state officer or professional staff. I have read and am familiar with RCW 42.52.180 regarding the use of public resources in campaigns.</p> <p><input type="checkbox"/> I hold a local elected office. I have read and am familiar with RCW 42.17.130 regarding the use of public facilities in campaigns.</p>	<p><b>CERTIFICATION:</b> I certify under penalty of perjury that the information contained in this report is true and correct to the best of my knowledge.</p> <p>Signature _____ Date _____</p> <p>Contact Telephone: (    ) _____</p> <p>Email: _____(work)</p> <p>Email: _____(Home)</p>
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REPORT NOT ACCEPTABLE WITHOUT FILER'S SIGNATURE

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**Information Continued**

**F-1**

Name				
<b>1 INCOME</b> (continued)				
Show Self (S) Spouse (SP) Dependent (D)	Name and Address of Employer or Source of Compensation		Occupation or How Compensation Was Earned	Amount: (Use Code)
<b>2 REAL ESTATE</b> (continued)				
Property Sold or Interest Divested	Assessed Value (Use Code)	Name and Address of Purchaser		Nature and Amount (Use Code) of Payment or Consideration Received
Property Purchased or Interest Acquired		Creditor's Name/Address	Payment Terms	Security Given
All Other Property Entirely or Partially Owned				Mortgage Amount - (Use Code) Original   Current
<b>3 ASSETS / INVESTMENTS - INTEREST / DIVIDENDS</b> (continued)				
A. Name and address of each bank or financial institution		Type of Account or Description of Asset	Asset Value (Use Code)	Income Amount (Use Code)
B. Name and address of each insurance company				
C. Name and address of each company, association, government agency				
<b>4 CREDITORS</b> (continued)				<b>AMOUNT (USE CODE)</b>
Creditor's Name and Address		Terms of Payment	Security Given	Original   Present

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 <p><b>PUBLIC DISCLOSURE COMMISSION</b>  711 CAPITOL WAY RM 206  PO BOX 40908  OLYMPIA WA 98504-0908  (360) 753-1111  TOLL FREE 1-877-601-2828  EMAIL: pdc@pdc.wa.gov</p>	PDC FORM <b>F-1</b> SUPPLEMENT (1/08)	<b>SUPPLEMENT PAGE</b> PERSONAL FINANCIAL AFFAIRS STATEMENT	
<b>PROVIDE INFORMATION FOR YOURSELF, SPOUSE, DEPENDENT CHILDREN AND OTHER DEPENDENTS IN YOUR HOUSEHOLD</b>			
Last Name	First	Middle Initial	DATE
<p><b>A OFFICE HELD, BUSINESS INTERESTS:</b> Provide the following information if, during the reporting period, you, your spouse or dependents</p> <p>(1) were an officer, director, general partner, trustee, or 10 percent or more owner of a corporation, non-profit organization, union, partnership, joint venture or other entity; and/or</p> <p>(2) were a partner or member of a limited partnership, limited liability partnership, limited liability company or similar entity, including but not limited to a professional limited liability company.</p> <ul style="list-style-type: none"> <li>• Legal Name: Report name used on legal documents establishing the entity.</li> <li>• Trade or Operating Name: Report name used for business purposes if different from the legal name.</li> <li>• Position or Percent of Ownership: The office, title and/or percent of ownership held.</li> <li>• Brief Description of the Business/Organization: Report the purpose, product(s), and/or the service(s) rendered.</li> <li>• Payments from Governmental Unit: If the governmental unit in which you hold or seek office made payments to the business entity concerning which you're reporting, show the purpose of each payment and the actual amount received.</li> <li>• Payments from Business Customers and Other Government Agencies: List each corporation, partnership, joint venture, sole proprietorship, union, association, business or other commercial entity and each government agency (other than the one you seek/hold office) which paid compensation of \$10,000 or more during the period to the entity. Briefly say what property, goods, services or other consideration was given or performed for the compensation.</li> <li>• Washington Real Estate: Identify real estate owned by the business entity if the qualifications referenced below are met.</li> </ul>			
<b>ENTITY NO. 1</b> LEGAL NAME:  TRADE OR OPERATING NAME:  ADDRESS:  BRIEF DESCRIPTION OF THE BUSINESS/ORGANIZATION:  PAYMENTS ENTITY RECEIVED FROM GOVERNMENTAL UNIT IN WHICH YOU SEEK/HOLD OFFICE: Purpose of payments  Amount (actual dollars) \$  PAYMENTS ENTITY RECEIVED FROM OTHER GOVERNMENT AGENCIES OF \$10,000 OR MORE: Agency name:  Purpose of payment (amount not required)  PAYMENTS ENTITY RECEIVED FROM BUSINESS CUSTOMERS OF \$10,000 OR MORE: Customer name:  Purpose of payment (amount not required)		Reporting For: Self <input type="checkbox"/> Spouse <input type="checkbox"/> Dependent <input type="checkbox"/> POSITION OR PERCENT OF OWNERSHIP	
WASHINGTON REAL ESTATE IN WHICH ENTITY HELD A DIRECT FINANCIAL INTEREST (Complete only if ownership in the ENTITY is 10% or more and assessed value of property is over \$20,000. List street address, assessor parcel number, or legal description and county for each parcel):   			
Check here <input type="checkbox"/> if continued on attached sheet			

CONTINUE PARTS B AND C ON NEXT PAGE

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Page 2

F-1 Supplement

Name

**ENTITY NO. 2** Reporting For: Self  Spouse  Dependent

LEGAL NAME: POSITION OR PERCENT OF OWNERSHIP

TRADE OR OPERATING NAME:

ADDRESS:

BRIEF DESCRIPTION OF THE BUSINESS/ORGANIZATION:

PAYMENTS ENTITY RECEIVED FROM GOVERNMENTAL UNIT IN WHICH YOU SEEK/HOLD OFFICE:  
 Purpose of payments Amount (actual dollars)  
 \$

PAYMENTS ENTITY RECEIVED FROM OTHER GOVERNMENT AGENCIES OF \$10,000 OR MORE:  
 Agency name: Purpose of payment (amount not required)

PAYMENTS ENTITY RECEIVED FROM BUSINESS CUSTOMERS OF \$10,000 OR MORE  
 Customer name: Purpose of payment (amount not required)

WASHINGTON REAL ESTATE IN WHICH ENTITY HELD A DIRECT FINANCIAL INTEREST (Complete only if ownership in the ENTITY is 10% or more and assessed value of property is over \$20,000. List street address, assessor parcel number, or legal description and county for each parcel):

Check here  if continued on attached sheet

**B LOBBYING:** List persons for whom you or any immediate family member lobbied or prepared state legislation or state rules, rates or standards for current or deferred compensation. Do not list pay from government body in which you are an elected official or professional staff member.

Person to Whom Services Rendered	Description of Legislation, Rules, Etc.	Compensation (Use Code)
Check here <input type="checkbox"/> if continued on attached sheet		

**C FOOD TRAVEL SEMINARS** Complete this section if a source other than your own governmental agency paid for or otherwise provided all or a portion of the following items to you, your spouse or dependents, or a combination thereof: 1) Food and beverages costing over \$50 per occasion; 2) Travel occasions; or 3) Seminars, educational programs or other training.

Date Received	Donor's Name, City and State	Brief Description	Actual Dollar Amount	Value (Use Code)
Check here <input type="checkbox"/> if continued on attached sheet				

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**Information Continued**

**F-1 Supplement**

Name	
<b>ENTITY NO.</b> LEGAL NAME: TRADE OR OPERATING NAME: ADDRESS:  BRIEF DESCRIPTION OF THE BUSINESS/ORGANIZATION:  PAYMENTS ENTITY RECEIVED FROM GOVERNMENTAL UNIT IN WHICH YOU SEEK/HOLD OFFICE: Purpose of payments	Reporting For: Self <input type="checkbox"/> Spouse <input type="checkbox"/> Dependent <input type="checkbox"/> POSITION OR PERCENT OF OWNERSHIP  Amount (actual dollars) \$  PAYMENTS ENTITY RECEIVED FROM OTHER GOVERNMENT AGENCIES OF \$10,000 OR MORE: Agency name: Purpose of payment (amount not required)  PAYMENTS ENTITY RECEIVED FROM BUSINESS CUSTOMERS OF \$10,000 OR MORE: Customer name: Purpose of payment (amount not required)
WASHINGTON REAL ESTATE IN WHICH ENTITY HELD A DIRECT FINANCIAL INTEREST (Complete only if ownership in the ENTITY is 10% or more and assessed value of property is over \$20,000. List street address, assessor parcel number, or legal description and county for each parcel):	

<b>B LOBBYING:</b> (Continued)		
Person to Whom Services Rendered	Description of Legislation, Rules, Etc.	Compensation (Use Code)

<b>C FOOD TRAVEL SEMINARS</b> (continued)				
Date Received	Donor's Name, City and State	Brief Description	Actual Dollar Amount	Value (Use Code)
			\$	

\_\_\_\_\_  
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<b>PUBLIC DISCLOSURE COMMISSION</b> <b>711 CAPITOL WAY RM 206</b> <b>PO BOX 40908</b> <b>OLYMPIA WA 98504-0908</b> <b>(360) 753-1111</b> <b>TOLL FREE 1-877-601-2828</b>		PDC FORM <b>F-1</b> (11/08)	<b>PERSONAL FINANCIAL AFFAIRS STATEMENT</b>	P M PDC OFFICE USE O A S R T K  R E C E I V E D	
Refer to instruction manual for detailed assistance and examples.  <b>Deadlines:</b> Incumbent elected and appointed officials -- by April 15. Candidates and others -- within two weeks of becoming a candidate or being newly appointed to a position.  <b>SEND REPORT TO PUBLIC DISCLOSURE COMMISSION</b>		<b>DOLLAR CODE</b> <b>AMOUNT</b> A                                      \$1 to \$3,999 B                                      \$4,000 to \$19,999 C                                      \$20,000 to \$39,999 D                                      \$40,000 to \$99,999 E                                      \$100,000 or more			
Last Name                                      First                                      Middle Initial		Names of immediate family members, including registered domestic partner. If there is no reportable information to disclose for dependent children, or other dependents living in your household, do not identify them. Do identify your spouse or registered domestic partner. See F-1 manual for details.			
Mailing Address (Use PO Box or Work Address) *					
City                                      County                                      Zip + 4					
Filing Status (Check only one box.) <input type="checkbox"/> An elected or state appointed official filing annual report <input type="checkbox"/> Final report as an elected official. Term expired: _____ <input type="checkbox"/> Candidate running in an election: month _____ year _____ <input type="checkbox"/> Newly appointed to an elective office <input type="checkbox"/> Newly appointed to a state appointive office <input type="checkbox"/> Professional staff of the Governor's Office and the Legislature		Office Held or Sought  Office title: _____  County, city, district or agency of the office, name and number: _____ Position number: _____ Term begins: _____ ends: _____			
<b>1 INCOME</b> List each employer, or other source of income (pension, social security, legal judgment, etc.) from which you or a family member, including registered domestic partner, received \$2,000 or more during the period. (Report interest and dividends in Item 3 on reverse)					
Show Self (S) Spouse (SP/DP) Dependent (D)					
Name and Address of Employer or Source of Compensation		Occupation or How Compensation Was Earned		Amount: (Use Code)	
Check Here <input type="checkbox"/> if continued on attached sheet					
<b>2 REAL ESTATE</b> List street address, assessor's parcel number, or legal description AND county for each parcel of Washington real estate with value of over \$10,000 in which you or a family member, including registered domestic partner, held a personal financial interest during the reporting period. (Show partnership, company, etc. real estate on F-1 supplement.)					
Property Sold or Interest Divested	Assessed Value (Use Code)	Name and Address of Purchaser		Nature and Amount (Use Code) of Payment or Consideration Received	
Property Purchased or Interest Acquired		Creditor's Name/Address	Payment Terms	Security Given	Mortgage Amount - (Use Code) Original                      Current
All Other Property Entirely or Partially Owned					
Check here <input type="checkbox"/> if continued on attached sheet					

**CONTINUE ON NEXT PAGE**




<b>3</b>	<b>ASSETS / INVESTMENTS - INTEREST / DIVIDENDS</b>	<b>List bank and savings accounts, insurance policies, stock, bonds and other intangible property held during the reporting period.</b>			
<p>A. Name and address of each bank or financial institution in which you, a family member, including registered domestic partner, had an account over \$20,000 any time during the report period.</p> <p>B. Name and address of each insurance company where you, a family member, including registered domestic partner, had a policy with a cash or loan value over \$20,000 during the period.</p> <p>C. Name and address of each company, association, government agency, etc. in which you, a family member, including registered domestic partner, owned or had a financial interest worth over \$2,000. Include stocks, bonds, ownership, retirement plan, IRA, notes, and other intangible property. If you, your spouse, registered domestic partner and/or dependents had decision making authority regarding individual assets/investments list each asset or investment, the value and any income amount. EXAMPLE: If you self-directed an investment account identify each stock or other asset in that account.</p>	Type of Account or Description of Asset	Asset Value (Use Code)	Income Amount (Use Code)		
Check here <input type="checkbox"/> if continued on attached sheet.					
<b>4</b>	<b>CREDITORS</b>	<b>List each creditor you or a family member, including registered domestic partner, owed \$2,000 or more any time during the period. Don't include retail charge accounts, credit cards, or mortgages or real estate reported in Item 2.</b>			<b>AMOUNT (USE CODE)</b>
Creditor's Name and Address		Terms of Payment	Security Given	Original	Present
Check here <input type="checkbox"/> if continued on attached sheet.					
<p><b>5</b> All filers answer questions A thru D below. If the answer is YES to any of these questions, the F-1 Supplement must also be completed as part of this report. If all answers are NO and you are a candidate for state or local office, an appointee to a vacant elective office, or a state executive officer filing your initial report, no F-1 Supplement is required.</p> <p><b>Incumbent elected officials and state executive officers filing an annual financial affairs report also must answer question E. An F-1 Supplement is required of these officeholders unless all answers to questions A thru E are NO.</b></p> <p>A. At any time during the reporting period were you, your spouse, registered domestic partner or dependents (1) an officer, director, general partner or trustee of any corporation, company, union, association, joint venture or other entity or (2) a partner or member of any limited partnership, limited liability partnership, limited liability company or similar entity including but not limited to a professional limited liability company? ____ If yes, complete Supplement, Part A.</p> <p>B. Did you, your spouse, registered domestic partner or dependents have an ownership of 10% or more in any company, corporation, partnership, joint venture or other business at any time during the reporting period? ____ If yes, complete Supplement, Part A.</p> <p>C. Did you, your spouse, registered domestic partner or dependents own a business at any time during the reporting period? ____ If yes, complete Supplement, Part A.</p> <p>D. Did you, your spouse, registered domestic partner or dependents prepare, promote or oppose state legislation, rules, rates or standards for compensation or deferred compensation (other than pay for a currently-held public office) at any time during the reporting period? ____ If yes, complete Supplement, Part B.</p> <p>E. <b>Only for Persons Filing Annual Report.</b> Regarding the receipt of items not provided or paid for by your governmental agency during the previous calendar year: 1) Did you, your spouse, registered domestic partner or dependents (or any combination thereof) accept a gift of food or beverages costing over \$50 per occasion? ____ or 2) Did any source other than your governmental agency provide or pay in whole or in part for you, your spouse, registered domestic partner and/or dependents to travel or to attend a seminar or other training? ____ If yes to either or both questions, complete Supplement, Part C.</p>					
<p><b>ALL FILERS EXCEPT CANDIDATES.</b> Check the appropriate box.</p> <p><input type="checkbox"/> I hold a state elected office, am an executive state officer or professional staff. I have read and am familiar with RCW 42.52.180 regarding the use of public resources in campaigns.</p> <p><input type="checkbox"/> I hold a local elected office. I have read and am familiar with RCW 42.17.130 regarding the use of public facilities in campaigns.</p> <p><b>*CANDIDATES:</b> Do not use public agency addresses or telephone numbers for contact information.</p>		<p><b>CERTIFICATION:</b> I certify under penalty of perjury that the information contained in this report is true and correct to the best of my knowledge.</p> <p>Signature _____ Date _____</p> <p>Contact Telephone: * (    )</p> <p>Email: _____(work) *</p> <p>Email: _____(Home) <u>Optional</u></p>			

**REPORT NOT ACCEPTABLE WITHOUT FILER'S SIGNATURE**

**F-1**

**Information Continued**

Name					
<b>1 INCOME</b> (continued)					
<small>Show Self (S) Spouse (SP/DP) Dependent (D)</small>	Name and Address of Employer or Source of Compensation	Occupation or How Compensation Was Earned	Amount: (Use Code)		
<b>2 REAL ESTATE</b> (continued)					
Property Sold or Interest Divested	Assessed Value (Use Code)	Name and Address of Purchaser		Nature and Amount (Use Code) of Payment or Consideration Received	
Property Purchased or Interest Acquired		Creditor's Name/Address	Payment Terms	Security Given	Mortgage Amount - (Use Code) Original   Current
All Other Property Entirely or Partially Owned					
<b>3 ASSETS / INVESTMENTS - INTEREST / DIVIDENDS</b> (continued)					
A. Name and address of each bank or financial institution	Type of Account or Description of Asset		Asset Value (Use Code)	Income Amount (Use Code)	
B. Name and address of each insurance company					
C. Name and address of each company, association, government agency					
<b>4 CREDITORS</b> (continued)					
Creditor's Name and Address	Terms of Payment	Security Given	<b>AMOUNT (USE CODE)</b>		
			Original	Present	

 <p><b>PUBLIC DISCLOSURE COMMISSION</b>                  711 CAPITOL WAY RM 206                  PO BOX 40908                  OLYMPIA WA 98504-0908                  (360) 753-1111                  TOLL FREE 1-877-601-2828                  EMAIL: <a href="mailto:pdcc@pdcc.wa.gov">pdcc@pdcc.wa.gov</a></p>	PDC FORM <b>F-1</b> SUPPLEMENT (11/08)	<b>SUPPLEMENT PAGE</b> PERSONAL FINANCIAL AFFAIRS STATEMENT	
PROVIDE INFORMATION FOR YOURSELF, SPOUSE, REGISTERED DOMESTIC PARTNER, DEPENDENT CHILDREN AND OTHER DEPENDENTS IN YOUR HOUSEHOLD			
Last Name	First	Middle Initial	DATE
<p><b>A OFFICE HELD, BUSINESS INTERESTS:</b> Provide the following information if, during the reporting period, you, your spouse, registered domestic partner or dependents</p> <p>(1) were an officer, director, general partner, trustee, or 10 percent or more owner of a corporation, non-profit organization, union, partnership, joint venture or other entity; and/or</p> <p>(2) were a partner or member of a limited partnership, limited liability partnership, limited liability company or similar entity, including but not limited to a professional limited liability company.</p> <ul style="list-style-type: none"> <li>• Legal Name: Report name used on legal documents establishing the entity.</li> <li>• Trade or Operating Name: Report name used for business purposes if different from the legal name.</li> <li>• Position or Percent of Ownership: The office, title and/or percent of ownership held.</li> <li>• Brief Description of the Business/Organization: Report the purpose, product(s), and/or the service(s) rendered.</li> <li>• Payments from Governmental Unit: If the governmental unit in which you hold or seek office made payments to the business entity concerning which you're reporting, show the purpose of each payment and the actual amount received.</li> <li>• Payments from Business Customers and Other Government Agencies: List each corporation, partnership, joint venture, sole proprietorship, union, association, business or other commercial entity and each government agency (other than the one you seek/hold office) which paid compensation of \$10,000 or more during the period to the entity. Briefly say what property, goods, services or other consideration was given or performed for the compensation.</li> <li>• Washington Real Estate: Identify real estate owned by the business entity if the qualifications referenced below are met.</li> </ul>			
<p><b>ENTITY NO. 1</b> Reporting For: Self <input type="checkbox"/> Spouse <input type="checkbox"/></p> <p style="text-align: right;">Registered Domestic Partner <input type="checkbox"/> Dependent <input type="checkbox"/></p> <p>LEGAL NAME: POSITION OR PERCENT OF OWNERSHIP</p> <p>TRADE OR OPERATING NAME:</p> <p>ADDRESS:</p> <p>BRIEF DESCRIPTION OF THE BUSINESS/ORGANIZATION:</p> <p>PAYMENTS ENTITY RECEIVED FROM GOVERNMENTAL UNIT IN WHICH YOU SEEK/HOLD OFFICE:</p> <p style="text-align: center;">Purpose of payments <span style="float: right;">Amount (actual dollars)</span></p> <p style="text-align: center;">\$</p> <p>PAYMENTS ENTITY RECEIVED FROM OTHER GOVERNMENT AGENCIES OF \$10,000 OR MORE:</p> <p style="text-align: center;">Agency name: <span style="float: right;">Purpose of payment (amount not required)</span></p> <p>PAYMENTS ENTITY RECEIVED FROM BUSINESS CUSTOMERS OF \$10,000 OR MORE:</p> <p style="text-align: center;">Customer name: <span style="float: right;">Purpose of payment (amount not required)</span></p> <p>WASHINGTON REAL ESTATE IN WHICH ENTITY HELD A DIRECT FINANCIAL INTEREST (Complete only if ownership in the ENTITY is 10% or more and assessed value of property is over \$20,000. List street address, assessor parcel number, or legal description and county for each parcel):</p> <p>Check here <input type="checkbox"/> if continued on attached sheet</p> <p style="text-align: right;"><b>CONTINUE PARTS B AND C ON NEXT PAGE</b></p>			

Name

**ENTITY NO. 2** Reporting For: Self  Spouse   
 Registered Domestic Partner  Dependent

LEGAL NAME: POSITION OR PERCENT OF OWNERSHIP

TRADE OR OPERATING NAME:

ADDRESS:

BRIEF DESCRIPTION OF THE BUSINESS/ORGANIZATION:

PAYMENTS ENTITY RECEIVED FROM GOVERNMENTAL UNIT IN WHICH YOU SEEK/HOLD OFFICE:  
 Purpose of payments Amount (actual dollars)  
 \$

PAYMENTS ENTITY RECEIVED FROM OTHER GOVERNMENT AGENCIES OF \$10,000 OR MORE:  
 Agency name: Purpose of payment (amount not required)

PAYMENTS ENTITY RECEIVED FROM BUSINESS CUSTOMERS OF \$10,000 OR MORE  
 Customer name: Purpose of payment (amount not required)

WASHINGTON REAL ESTATE IN WHICH ENTITY HELD A DIRECT FINANCIAL INTEREST (Complete only if ownership in the ENTITY is 10% or more and assessed value of property is over \$20,000. List street address, assessor parcel number, or legal description and county for each parcel):

Check here  if continued on attached sheet

**B LOBBYING:** List persons for whom you, or any immediate family member, including registered domestic partner, lobbied or prepared state legislation or state rules, rates, or standards for compensation or deferred compensation. Do not list pay from government body in which you are an elected official or professional staff member.

Person to Whom Services Rendered	Description of Legislation, Rules, Etc.	Compensation (Use Code)

Check here  if continued on attached sheet

**C FOOD TRAVEL SEMINARS** Complete this section if a source other than your own governmental agency paid for or otherwise provided all or a portion of the following items to you, your spouse, registered domestic partner or dependents, or a combination thereof: 1) Food and beverages costing over \$50 per occasion; 2) Travel occasions; or 3) Seminars, educational programs or other training.

Date Received	Donor's Name, City and State	Brief Description	Actual Dollar Amount	Value (Use Code)
			\$	

Check here  if continued on attached sheet

**Information Continued**

**F-1 Supplement**

Name	
ENTITY NO.	Reporting For: Self <input type="checkbox"/> Dependent <input type="checkbox"/> Spouse/Registered Domestic Partner <input type="checkbox"/>
LEGAL NAME:	POSITION OR PERCENT OF OWNERSHIP
TRADE OR OPERATING NAME:	
ADDRESS:	
BRIEF DESCRIPTION OF THE BUSINESS/ORGANIZATION:	
PAYMENTS ENTITY RECEIVED FROM GOVERNMENTAL UNIT IN WHICH YOU SEEK/HOLD OFFICE: Purpose of payments	
	Amount (actual dollars) \$
PAYMENTS ENTITY RECEIVED FROM OTHER GOVERNMENT AGENCIES OF \$10,000 OR MORE: Agency name:	
	Purpose of payment (amount not required)
PAYMENTS ENTITY RECEIVED FROM BUSINESS CUSTOMERS OF \$10,000 OR MORE Customer name:	
	Purpose of payment (amount not required)
WASHINGTON REAL ESTATE IN WHICH ENTITY HELD A DIRECT FINANCIAL INTEREST (Complete only if ownership in the ENTITY is 10% or more and assessed value of property is over \$20,000. List street address, assessor parcel number, or legal description and county for each parcel):	

<b>B LOBBYING:</b> (Continued)		
Person to Whom Services Rendered	Description of Legislation, Rules, Etc.	Compensation (Use Code)

<b>C FOOD TRAVEL SEMINARS</b> (continued)				
Date Received	Donor's Name, City and State	Brief Description	Actual Dollar Amount	Value (Use Code)
			\$	

AMENDATORY SECTION (Amending WSR 08-01-070, filed 12/14/07, effective 1/14/08)


**WAC 390-24-020 Forms for amending statement of financial affairs.** (1) The official form for amending statements of financial affairs as required by RCW 42.17.240 for all persons who have previously filed the Form F-1 is designated Form "F-1A," revised (~~4/08~~) 11/08.

(2) No more than three F-1A forms may be filed to amend a previously submitted statement of financial affairs (Form F-1). The form can be used only to update information required on an F-1.

(3) The commission reserves the right to reject amendatory forms and require a new statement of financial affairs (Form F-1) at any time the amendments are confusing or create misunderstandings. Authority is delegated to the commission's executive director to make this determination.

(4) Copies of Form F-1A are available at the Commission Office, 711 Capitol Way, Room 206, Evergreen Plaza Building, P.O. Box 40908, Olympia, Washington 98504-0908. Any paper attachments must be on 8-1/2" x 11" white paper.

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 <b>PUBLIC DISCLOSURE COMMISSION</b> 711 CAPITOL WAY RM 206 PO BOX 40908 OLYMPIA WA 98504-0908 (360) 753-1111 TOLL FREE 1-877-601-2828		PDC FORM <b>F-1A</b> (1/08)	<b>PERSONAL FINANCIAL AFFAIRS STATEMENT</b> Short Form		P M PDC OFFICE USE O A S R T K
The F-1A form is designed to simplify reporting for persons who have no changes or only minor changes to an F-1 report previously filed. <b>A complete F-1 form must be filed at least every four years;</b> an F-1A form may be used for no more than three consecutive reports. <b>Deadlines:</b> Incumbent elected and appointed officials -- by April 15. Candidates and others -- within two weeks of becoming a candidate or being newly appointed to a position.		<b>DOLLAR CODE</b> A \$1 to \$3,999 B \$4,000 to \$19,999 C \$20,000 to \$39,999 D \$40,000 to \$99,999 E \$100,000 or more		R E C E I V E D	
Last Name First Middle Initial Mailing Address (Use PO Box or Work Address) City County Zip + 4		Names of immediate family members. If there is no reportable information to disclose for dependent children, or other dependents living in your household, do not identify them. Do identify your spouse. See F-1 manual for details.			
Filing Status (Check only one box.) <input type="checkbox"/> An elected or state appointed official filing annual report <input type="checkbox"/> Final report as an elected official. Term expired: _____ year _____ <input type="checkbox"/> Candidate running in an election: month _____ year _____ <input type="checkbox"/> Newly appointed to an elective office <input type="checkbox"/> Newly appointed to a state appointive office <input type="checkbox"/> Professional staff of the Governor's Office and the Legislature		Office Held or Sought Office title: _____ County, city, district or agency of the office, name and number: _____ Position number: _____ Term begins: _____ ends: _____			
Select either "No Change Report" or "Minor Change Report," whichever reflects your situation. Supply all the requested information. <input type="checkbox"/> <b>NO CHANGE REPORT.</b> I have reviewed my last complete F-1 report dated _____ and F-1A reports (if any) dated (1) _____ and (2) _____. The information disclosed on those reports is accurate for the current reporting period. <input type="checkbox"/> <b>MINOR CHANGES REPORT.</b> I have reviewed my last complete F-1 report dated _____. The changes listed below have occurred during the reporting period. Specify F-1 Form Item numbers describing changes. Provide all information required on F-1 report.					
Check here <input type="checkbox"/> if continued on attached sheet					
<b>FOOD TRAVEL SEMINARS</b> Complete this section if a source other than your own governmental agency paid for or otherwise provided all or a portion of the following items to you, your spouse or dependents, or a combination thereof: 1) Food and beverages costing over \$50 per occasion; 2) Travel occasions; or 3) Seminars, educational programs or other training.					
Date Received	Donor's Name, City and State	Brief Description	Actual Dollar Amount	Value (Use Code)	
Check here <input type="checkbox"/> if continued on attached sheet					
<b>ALL FILERS EXCEPT CANDIDATES.</b> Check the appropriate box. <input type="checkbox"/> I hold a state elected office, am an executive state officer or professional staff. I have read and am familiar with RCW 42.52.180 regarding the use of public resources in campaigns. <input type="checkbox"/> I hold a local elected office. I have read and am familiar with RCW 42.17.130 regarding the use of public facilities in campaigns.			<b>CERTIFICATION:</b> I certify under penalty of perjury that the information contained in this report is true and correct to the best of my knowledge. Signature _____ Date _____ Contact Telephone: ( ) _____ Email: _____(work) Email: _____(Home)		

Report Not Acceptable Without Filer's Signature

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**Information Continued**

**F-1A**

Name \_\_\_\_\_

Select either "No Change Report" or "Minor Change Report," whichever reflects your situation. Supply all the requested information.

**NO CHANGE REPORT.** I have reviewed my last complete F-1 report dated \_\_\_\_\_ and F-1A reports (if any) dated (1) \_\_\_\_\_ and (2) \_\_\_\_\_. The information disclosed on those reports is accurate for the current reporting period.

**MINOR CHANGES REPORT.** I have reviewed my last complete F-1 report dated \_\_\_\_\_. The changes listed below have occurred during the reporting period. Specify F-1 Form Item numbers describing changes. Provide all information required on F-1 report.

**FOOD  
TRAVEL  
SEMINARS** (Continued)

Date Received	Donor's Name, City and State	Brief Description	Actual Dollar Amount \$	Value (Use Code)

~~\_\_\_\_\_  
STRICKEN GRAPHIC))~~



<b>PUBLIC DISCLOSURE COMMISSION</b> <b>711 CAPITOL WAY RM 206</b> <b>PO BOX 40908</b> <b>OLYMPIA WA 98504-0908</b> <b>(360) 753-1111</b> <b>TOLL FREE 1-877-601-2828</b>		PDC FORM <b>F-1A</b> (11/08)	<b>PERSONAL FINANCIAL AFFAIRS STATEMENT</b> Short Form	P M PDC OFFICE USE O A S R T K  R E C E I V E D						
The F-1A form is designed to simplify reporting for persons who have no changes or only minor changes to an F-1 report previously filed. <b>A complete F-1 form must be filed at least every four years;</b> an F-1A form may be used for no more than three consecutive reports. <b>Deadlines:</b> Incumbent elected and appointed officials -- by April 15. Candidates and others -- within two weeks of becoming a candidate or being newly appointed to a position.		<b>DOLLAR CODE</b> <table style="margin-left: 20px;"> <tr> <td><b>AMOUNT</b></td> </tr> <tr> <td><b>A \$1 to \$3,999</b></td> </tr> <tr> <td><b>B \$4,000 to \$19,999</b></td> </tr> <tr> <td><b>C \$20,000 to \$39,999</b></td> </tr> <tr> <td><b>D \$40,000 to \$99,999</b></td> </tr> <tr> <td><b>E \$100,000 or more</b></td> </tr> </table>		<b>AMOUNT</b>	<b>A \$1 to \$3,999</b>	<b>B \$4,000 to \$19,999</b>	<b>C \$20,000 to \$39,999</b>	<b>D \$40,000 to \$99,999</b>	<b>E \$100,000 or more</b>	
<b>AMOUNT</b>										
<b>A \$1 to \$3,999</b>										
<b>B \$4,000 to \$19,999</b>										
<b>C \$20,000 to \$39,999</b>										
<b>D \$40,000 to \$99,999</b>										
<b>E \$100,000 or more</b>										
Last Name <span style="margin-left: 100px;">First</span> <span style="margin-left: 100px;">Middle Initial</span>  Mailing Address (Use PO Box or Work Address) *  City <span style="margin-left: 100px;">County</span> <span style="margin-left: 100px;">Zip + 4</span>		Names of immediate family members, including registered domestic partner. If there is no reportable information to disclose for dependent children, or other dependents living in your household, do not identify them. Do identify your spouse or registered domestic partner. See F-1 manual for details.								
Filing Status (Check only one box.) <input type="checkbox"/> An elected or state appointed official filing annual report <input type="checkbox"/> Final report as an elected official. Term expired: _____ year _____ <input type="checkbox"/> Candidate running in an election: month _____ year _____ <input type="checkbox"/> Newly appointed to an elective office <input type="checkbox"/> Newly appointed to a state appointive office <input type="checkbox"/> Professional staff of the Governor's Office and the Legislature		Office Held or Sought Office title: _____ County, city, district or agency of the office, name and number: _____ Position number: _____ Term begins: _____ ends: _____								
Select either "No Change Report" or "Minor Change Report," whichever reflects your situation. Supply all the requested information. <input type="checkbox"/> <b>NO CHANGE REPORT.</b> I have reviewed my last complete F-1 report dated _____ and F-1A reports (if any) dated (1) _____ and (2) _____. The information disclosed on those reports is accurate for the current reporting period. <input type="checkbox"/> <b>MINOR CHANGES REPORT.</b> I have reviewed my last complete F-1 report dated _____. The changes listed below have occurred during the reporting period. Specify F-1 Form Item numbers and describe changes. Provide all information required on F-1 report.										
Check here <input type="checkbox"/> if continued on attached sheet										
<b>FOOD TRAVEL SEMINARS</b> Complete this section if a source other than your own governmental agency paid for or otherwise provided all or a portion of the following items to you, your spouse, registered domestic partner or dependents, or a combination thereof: 1) Food and beverages costing over \$50 per occasion; 2) Travel occasions; or 3) Seminars, educational programs or other training.										
Date Received	Donor's Name, City and State	Brief Description	Actual Dollar Amount	Value (Use Code)						
Check here <input type="checkbox"/> if continued on attached sheet										
<b>ALL FILERS EXCEPT CANDIDATES.</b> Check the appropriate box. <input type="checkbox"/> I hold a state elected office, am an executive state officer or professional staff. I have read and am familiar with RCW 42.52.180 regarding the use of public resources in campaigns. <input type="checkbox"/> I hold a local elected office. I have read and am familiar with RCW 42.17.130 regarding the use of public facilities in campaigns.		<b>CERTIFICATION:</b> I certify under penalty of perjury that the information contained in this report is true and correct to the best of my knowledge.								
*CANDIDATES: Do not use public agency addresses or telephone numbers for contact information.		Signature _____ Date _____ Contact Telephone: (     )     * Email: _____ (work) * Email: _____ (Home) <u>Optional</u>								

**Report Not Acceptable Without Filer's Signature**

**Information Continued**

**F-1A**

Name \_\_\_\_\_

Select either "No Change Report" or "Minor Change Report," whichever reflects your situation. Supply all the requested information.

**NO CHANGE REPORT.** I have reviewed my last complete F-1 report dated \_\_\_\_\_ and F-1A reports (if any) dated (1) \_\_\_\_\_ and (2) \_\_\_\_\_. The information disclosed on those reports is accurate for the current reporting period.

**MINOR CHANGES REPORT.** I have reviewed my last complete F-1 report dated \_\_\_\_\_. The changes listed below have occurred during the reporting period. Specify F-1 Form Item numbers and describe changes. Provide all information required on F-1 report.

**FOOD  
TRAVEL  
SEMINARS** (Continued)

Date Received	Donor's Name, City and State	Brief Description	Actual Dollar Amount \$	Value (Use Code)

**WSR 08-19-061****PERMANENT RULES****DEPARTMENT OF AGRICULTURE**

[Filed September 15, 2008, 7:08 a.m., effective October 16, 2008]

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

Purpose: The purpose of chapter 16-731 WAC, Asparagus grower equipment lease program, is to implement section 3217, chapter 520, Laws of 2007 (ESHB 1092), which appropriates funds to the Washington state department of agriculture to extend and expand the department's asparagus automation and mechanization program subject to appropriate agreement with growers. These rules also provide the criteria and qualifications to apply for participation in this program.

Statutory Authority for Adoption: RCW 15.04.402, chapter 520, Laws of 2007 (ESHB 1092).

Other Authority: Chapter 34.05 RCW.

Adopted under notice filed as WSR 08-15-144 on July 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 17, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 17, 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 17, Amended 0, Repealed 0.

Date Adopted: September 15, 2008.

Robert W. Gore  
Acting Director

**Chapter 16-731 WAC****ASPARAGUS GROWER EQUIPMENT  
LEASE PROGRAM**NEW SECTION

**WAC 16-731-010 What is the purpose of the asparagus grower equipment lease program?** (1) The Washington state department of agriculture is establishing the asparagus grower equipment lease program to implement section 3217, chapter 520, Laws of 2007 (ESHB 1092), which appropriates funds to the Washington state department of agriculture to extend and expand the department's asparagus automation and mechanization program. These rules also provide the criteria and qualifications to apply for participation in this program.

(2) The asparagus grower equipment lease program allows Washington state asparagus growers to lease with an opportunity to purchase labor saving equipment that will strengthen their production and harvesting efforts to efficiently produce fresh asparagus.

NEW SECTION

**WAC 16-731-020 How does the department ensure that program participants comply with the program's purpose?** To ensure that program participants are in compliance with the terms of the program and to ensure that the leased equipment is being used principally to produce or harvest fresh asparagus, the participating growers must, during each year of their participation, provide the department or its agent a letter:

(1) Certifying that the leased equipment is being used for the program's intended purpose; and

(2) Summarizing the cost and labor savings for that year relative to asparagus production or harvesting.

NEW SECTION

**WAC 16-731-030 What definitions are important to this chapter? "Applicant"** means any person who applies to participate in the asparagus grower equipment leasing program and who produces in the state of Washington asparagus in commercial quantities (6,000 pounds or more in a calendar year) for fresh market, for processing, or for sale to processors and paid assessments to the Washington asparagus commission in the calendar year preceding the year in which they submit an application.

**"Automation"** means a labor-saving technique or equipment used to bring about automatic operation and control of a process.

**"Department"** means the Washington state department of agriculture.

**"Director"** means the director of the Washington state department of agriculture or the director's designee.

**"Equipment"** means labor-saving equipment used principally to aid in the production or harvesting of asparagus but excludes general farming equipment, such as tractors.

**"Grower"** means any person who produces in the state of Washington asparagus in commercial quantities for fresh market, for processing, or for sale to processors.

**"Labor saving"** means actions, activities or processes designed to decrease the amount of human labor needed to produce or harvest fresh asparagus.

**"Leasing"** means to obtain the use of asparagus production or harvesting equipment through the asparagus grower equipment leasing program.

**"Person"** means an individual, firm, partnership, corporation, or association engaged in growing fresh Washington state asparagus.

**"Program administrator"** means the director of the Washington state department of agriculture or the director's designee.

**"Review committee"** means a group of five to seven people that is made up of representatives from the department, the Washington asparagus commission staff and its members. In addition, one agricultural representative who is neither directly affiliated with the asparagus industry nor any of the equipment leasing program applicants shall be part of the committee. The purpose of the committee is to review equipment leasing program applications and make selection recommendations to the director.

NEW SECTION

**WAC 16-731-040 How will the asparagus grower equipment leasing program be administered?** The director or the director's designee will administer the asparagus equipment leasing program according to the rules of this chapter.

NEW SECTION

**WAC 16-731-050 Who is eligible to participate in the asparagus grower equipment leasing program?** To be eligible to participate in the asparagus grower equipment leasing program, a grower must:

(1)(a) Produce in the state of Washington asparagus in commercial quantities (6,000 pounds) in the calendar year preceding the year in which they apply; and

(b) Provide documentation verifying the 6,000 pounds. Verification can include proof of payment of asparagus commission assessments or other industry accepted documentation.

(2) Comply with all applicable federal, state, and local laws and rules related to doing business in Washington.

NEW SECTION

**WAC 16-731-060 How does an eligible asparagus grower apply to the equipment leasing program?** (1) Eligible growers can obtain an equipment leasing program application by contacting:

Asparagus Grower Leasing Program  
Washington State Department of Agriculture  
1111 Washington St. S.E., 2nd Floor  
P.O. Box 42560  
Olympia, WA 98504-2560

(2) Eligible applicants must complete the program application and provide the department with the following information:

(a) Verification consistent with normal and usual leasing agreements that their business is a going concern;

(b) Verification that they have the ability to adequately insure any equipment they may lease;

(c) A statement declaring their eligibility and intent to participate in the program;

(d) Documentation of their ability to provide the necessary upkeep and maintenance of any equipment they may lease;

(e) A description of the equipment to be leased and its cost, along with the percentage of equipment cost the applicant pledges to match (minimum of 25% required);

(f) A description of how the leased equipment will automate their production or harvesting operation;

(g) The estimated amount of labor savings in terms of wages and labor hours to be achieved through automation; and

(h) The number of pounds of asparagus produced as stated in a range for the period of years identified on the application. (The department will verify the pounds of production with the Washington asparagus commission.)

(3) The completed application and the related information (subsection (2) of this section) must be submitted to:

Asparagus Grower Leasing Program  
Washington State Department of Agriculture  
1111 Washington St. S.E., 2nd Floor  
P.O. Box 42560  
Olympia, WA 98504-2560

NEW SECTION

**WAC 16-731-070 How will applicants be selected to participate in the equipment leasing program?** (1) The department, in consultation with the Washington asparagus commission, and the industry at large, will establish application deadlines, application review dates and dates for notifying applicants if they have been selected to participate in the equipment lease program.

(2) The process for reviewing and approving applications is as follows:

(a) The review committee will review all applications, weigh the responses, rank the applications and make selection recommendations to the director based on the selection criteria which will include:

(i) The application is complete and includes all required information;

(ii) The percentage of equipment costs that the applicant is willing to match relative to the cost of the equipment;

(iii) The amount of labor savings to be achieved;

(iv) The type and reliability of the equipment requested; and

(v) The extent to which the equipment will be used in the production or harvesting of asparagus.

Additionally, the following balancing factors shall be used to determine the final ranking:

(A) Geographic location of applicant;

(B) Size of operation or business;

(C) Type of equipment requested, with preference given to requests for mechanical harvesting equipment.

(b) The director will review the committee's recommendations and ranking. The director reserves the right to modify the committee's recommendations and ranking. If the final ranking results in a tie, the director reserves the right to select the successful applicant(s) by lot.

(c) Once the director selects the successful applicants, applicants will be notified of the results within five working days of the director's decision.

(3) The department may implement additional application cycles if needed.

NEW SECTION

**WAC 16-731-080 If an application is not selected, can the applicant request a review of the director's decision?** (1) An applicant whose application is not selected by the director may request a review of the director's decision within ten calendar days after the decision has been mailed to the applicant. The request for review must:

(a) Specify the date of the decision or action being reviewed;

(b) Explain as precisely as possible the issue or error to be resolved by the review;

(c) Include the address of the applicant; and

(d) Be signed by the applicant.

(2) Reviews of unsuccessful applications will follow an informal process conducted by the director or director's designee based on the following criteria:

(a) Was there a factual or numerical error in scoring the application?

(b) Were the selection criteria as listed in WAC 16-731-070 (2)(a) erroneously applied?

(3) The review will be completed within fifteen days after receipt of the review request.

(4) Once the review is completed, the department has five working days to inform the applicant of the review decision.

(5) The rights of the department provided in this section are exclusive and are in addition to any other rights and remedies provided by law.

#### NEW SECTION

**WAC 16-731-090 If an applicant's initial application is not selected, can the applicant reapply to the equipment leasing program?** (1) If an applicant whose initial application was not selected has been notified that additional program funds are available, the applicant has ten days from the date they receive notification of the availability of additional funds to reapply.

(2) Applicants must reapply by following the procedures outlined in WAC 16-731-060.

(3) When reapplying, the applicant must present a different proposal from that contained in their original application. Differences may include a greater percentage of matching funds, a request for different equipment and/or a way to improve labor or cost savings.

#### NEW SECTION

**WAC 16-731-100 How will the program distribute equipment leasing funds?** The program's equipment leasing funds will be distributed indirectly for the benefit of selected applicants through an approved leasing company. The approved leasing company will purchase the production or harvesting equipment, request reimbursement from the department in the amount of the allocation for that applicant and subsequently lease the equipment to the selected applicant. Title to the equipment shall be held by the department. "Reimbursement" means that equipment has already been paid for or a bill for the equipment is due and payable within thirty days.

#### NEW SECTION

**WAC 16-731-110 How will the program's equipment leasing funds be allocated?** (1) The initial allocation of equipment leasing funds will be distributed based upon the availability of funds and the evaluation of the application using the criteria set forth in WAC 16-731-070 (2)(a).

(2) An applicant will receive no more than 75% of the value of the equipment to be purchased.

#### NEW SECTION

**WAC 16-731-120 For the leasing program, what are the maximum distribution amounts for each successful grower applicant?** (1) The final grower allocation will not exceed 75% of the value of the equipment to be purchased.

(2) Any future distributions will be determined by:

(a) The amount of program funds available after all administrative and contract-leasing costs are subtracted from the total program allocation received from the legislature;

(b) The number of participants in the program;

(c) Whether any viable projects were eligible for funding but not previously selected; and

(d) Department consultations with the Washington asparagus commission and the industry at large.

#### NEW SECTION

**WAC 16-731-130 What requirements apply to equipment leasing program lease agreements?** (1) The department will follow the department of general administration purchased service procurement guidelines when selecting a leasing company to act as its agent to purchase and manage all equipment leasing arrangements for all selected growers.

(2) All selected growers must enter into a department-approved lease agreement with the department-approved leasing firm.

(3) All equipment lease agreements:

(a) Must be exclusive to the selected grower for the term of the contract with the leasing company; and

(b) Are not transferable without the written approval of the department.

(4) Lease agreements cannot be paid off before the leasing company's contract termination date.

#### NEW SECTION

**WAC 16-731-140 What happens if a selected asparagus grower defaults on a lease?** If a selected grower defaults on a lease agreement, the department retains ownership of the equipment and will make the equipment available to other asparagus growers. Availability will be determined by whether any other applicant that was not selected is interested in leasing the equipment or if none, if any other asparagus grower is interested in leasing the equipment.

#### NEW SECTION

**WAC 16-731-150 How long will the asparagus grower equipment leasing program be in operation?** (1) How long the equipment leasing program will be in operation will be determined by:

(a) An office of financial management (OFM) approved depreciation schedule for each type of equipment that will be available for leasing; and

(b) The period of time needed to:

(i) Surplus and dispose of or transfer the equipment; and

(ii) Complete program closeout activities.

(2) For any distributions following the initial one, the department may modify the program length, depreciation schedules, contract requirements or leasing agreements.

#### NEW SECTION

**WAC 16-731-160 Who develops the depreciation schedules for the program's leased equipment?** The department, with final approval from OFM, will develop depreciation schedules for the program's leased equipment. These schedules will be based upon the characteristic economic useful lives of asparagus production or harvesting equipment used by the industry.

#### NEW SECTION

**WAC 16-731-170 Will the equipment used in the asparagus grower equipment leasing program be offered for sale to the grower who leased it?** (1) At the end of its depreciation period, the equipment leased to a grower will be declared "surplus" and offered for sale to the grower or their designee at a price to be determined at the end of the depreciation period.

(2) If a grower chooses not to purchase the leased equipment at the end of its depreciation period, the state will attempt to first sell the surplus equipment to another grower.

### **WSR 08-19-068**

#### **PERMANENT RULES DEPARTMENT OF**

#### **SERVICES FOR THE BLIND**

[Filed September 15, 2008, 3:43 p.m., effective October 16, 2008]

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

Purpose: The purpose of the proposed changes to:

WAC 67-25-065 is to clarify language regarding trial work experience and the time in which is [it] occurs (prior to eligibility). The proposed changes are based on federal statute and don't change the effect of the rule.

WAC 67-25-570(13) is to adopt rule changes made by another Washington state agency, the department of social and health services (DSHS), division of vocational rehabilitation (DVR) which extends the amount of time a customer has to request a fair hearing from twenty days to forty-five calendar days. The proposed changes amend the procedures relating to agency hearings.

WAC 67-25-384 is to correct a typo where language was left out. The proposed changes don't change the effect of the rule.

WAC 67-25-388 is to clarify the language and correct the Washington State Constitution Article reference regarding use of state funds to support education and training for an employment goal that is religious in nature. The proposed changes are based on state statute and don't change the effect of the rule.

Citation of Existing Rules Affected by this Order: Amending X [WAC 67-25-065, 67-25-384, 67-25-388, and 67-25-570].

Statutory Authority for Adoption: Regulation 34 C.F.R. 361.42, the Rehabilitation Act and Washington state constitution.

Adopted under notice filed as WSR 08-14-005 on June 19, 2008.

A final cost-benefit analysis is available by contacting Patrick Dymond, Department of Services for the Blind, P.O. Box 40933, Olympia, WA 98504-0933, phone (360) 725-3834, fax (360) 407-0679, e-mail PatDymond@dsb.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended X [4], 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 4, 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: September 11, 2008.

Ellen Drumheller  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 05-08-097, filed 4/4/05, effective 5/5/05)

**WAC 67-25-065 Trial work experience.** (1) Trial work experience is a process of providing assessment and related vocational rehabilitation services to an applicant with related significant disabilities, for the limited purpose of collecting information necessary to make an eligibility determination, if there is concern that the individual is incapable of benefiting in terms of an employment outcome from vocational rehabilitation services due to the significance of his or her disability.

~~(2) ((Trial work experience will be provided for a customer in an individualized plan for employment, if necessary, to assess his or her capability to continue benefiting, in terms of an employment outcome, from vocational rehabilitation services due to the significance of his or her disability.~~

~~(3))~~ Trial work experience allows the individual to explore his or her abilities, capabilities, and capacities to perform in a realistic work situation, while addressing identified barriers to employment through the provision of appropriate vocational rehabilitation services, including supported employment, on-the-job training, rehabilitation technology and personal assistance services in order to accommodate the rehabilitation needs of the individual during the trial work experience.

~~((4))~~ (3) A written trial work plan, including periodic assessments, must be developed to determine the individual's abilities, capabilities, and capacities, to perform in work situations through the use of trial work experiences. ~~((The individualized plan for employment, developed in accordance~~

with WAC 67-25-260, must be inactivated while the individual is involved in the trial work experience.

(5) Trial work experience may take place more than once and may extend as long as necessary to determine that:

(a) There is sufficient evidence that the individual can benefit from vocational rehabilitation services and achieve an employment outcome, and is eligible to receive or to continue to receive vocational rehabilitation services; or

(b) There is clear and convincing evidence (a high degree of certainty) based on functional and situational assessments, that the individual cannot benefit from vocational rehabilitation services and achieve an employment outcome, due to the significance of his or her disability, and is not eligible or no longer eligible for vocational rehabilitation services.

(6)) (4) If a trial work experience is provided, it must occur in a variety of work environments, include an appropriate range of tasks, must occur in the most integrated settings possible and be consistent with the individual's informed choice and rehabilitation needs.

AMENDATORY SECTION (Amending WSR 05-08-097, filed 4/4/05, effective 5/5/05)

**WAC 67-25-384 Vocational rehabilitation services—Physical and mental restoration services.** (1) Physical and mental restoration services shall be provided to a customer under an individualized plan for employment when the vocational rehabilitation counselor determines that such services are likely, within a reasonable period of time, to substantially correct or modify a stable or slowly progressive physical or mental impairment that constitutes a substantial impediment to employment for the customer.

(2) All authorized physical and mental restoration services shall be provided by qualified personnel who meet state licensing requirements.

(3) When receiving physical and mental restoration services, the customer may choose the physician or other health professional and appropriate facilities. Service providers and facilities should, to the maximum extent appropriate, be selected from those who will accept reimbursement in accordance with the *Washington State Department of Labor and Industries Schedule of Maximum Allowances and Program Descriptions*.

(4) Physical and mental restoration services may be provided to an applicant or customer during trial work experience or extended evaluation, in accordance with WAC 67-25-065 and 67-25-070, if it is necessary to stabilize or halt progression of a chronic illness for purposes of determining eligibility or continued eligibility.

(5) Physical and mental restoration services include but are not limited to:

- (a) Surgical and therapeutic treatment;
- (b) Diagnosis and treatment for mental or emotional disorders;
- (c) Dental treatment;
- (d) Nursing services;
- (e) Necessary hospitalization (either inpatient or outpatient care) in connection with surgery or treatment and clinic services;

- (f) Convalescent or nursing home care;
  - (g) Drugs and supplies;
  - (h) Prosthetic, orthopedic or other assistive devices;
  - (i) Eyeglasses and visual services, including visual training, and the examination and services necessary for the prescription and provision of eyeglasses, contact lenses, microscopical lenses, telescopic lenses, and other special visual aids prescribed by qualified medical practitioners;
  - (j) Podiatry;
  - (k) Physical therapy;
  - (l) Occupational therapy.
- (6) Physical and mental restoration services shall be provided only after consideration of comparable services and benefits except as specified in WAC 67-25-360.

AMENDATORY SECTION (Amending WSR 05-08-097, filed 4/4/05, effective 5/5/05)

**WAC 67-25-388 Vocational rehabilitation services—General training provisions.** (1) The individualized plan for employment may include any organized form of instruction providing the knowledge and skills necessary for a customer to perform competitively in an occupation and achieve an employment outcome. Knowledge and skills may be acquired through training in an institution, on the job, by correspondence, by tutors, or through a combination of these methods. Training may be given for any occupation, except as prohibited in subsection (2) of this section.

(2) Article ~~((IX))~~ I, Subsection 11 of the Washington state Constitution forbids the use of public funds to ((assist)) support an individual in ((the pursuit of a career or degree in theology or related areas)) education or training for an employment goal that is religious in nature.

(3) Programs or schools used to provide training shall be limited to those which are accredited, licensed, or approved either by a legal authority, or are recognized as adequate by the professional or trade group with which they are associated.

(4) The department may provide books, tools and other training materials and shall periodically establish guidelines for determining the provision of these services.

AMENDATORY SECTION (Amending WSR 05-08-097, filed 4/4/05, effective 5/5/05)

**WAC 67-25-570 Resolving a disagreement about vocational rehabilitation services.** (1) If at any time during the vocational rehabilitation process, the department makes a decision relating to the provision of vocational rehabilitation services that a customer does not agree with, the customer or the customer's representative has the right to use one or more of the following options to resolve the issue:

- (a) Talk to the vocational rehabilitation counselor or to the counselor's supervisor to resolve the disagreement;
  - (b) Ask for help or information from the client assistance program;
  - (c) Request mediation; and/or
  - (d) Request a fair hearing.
- (2) Efforts to reach agreement with the vocational rehabilitation counselor or supervisor will not be used to deny or delay mediation or a fair hearing.

(3) Mediation is voluntary and must be agreed to by both the customer and the department. Mediation is not used to deny or delay a fair hearing. A customer may request both mediation and a fair hearing at the same time. If agreement is:

(a) Reached during mediation, the fair hearing is canceled.

(b) Not reached during mediation, the fair hearing is held as scheduled.

(4) Mediation is conducted by a trained mediator who knows the laws and rules about vocational rehabilitation services and who does not work for the department. The mediator does not make case service decisions.

(5) During mediation, the mediator:

(a) Allows each party to present information or evidence;

(b) Helps each party listen to and understand the other party's position;

(c) Reviews and explains any laws that apply; and

(d) Facilitates an agreement, if possible, between the parties.

(6) If agreement is reached during mediation, the department will provide a written statement of the agreement to the customer. Agreements made through mediation are not legally binding.

(7) The customer may choose to be represented by a family member, advocate or other individual at the mediation meeting.

(8) The department schedules mediation sessions in a timely manner at a convenient location to all parties.

(9) The department pays for costs related to mediation, except costs related to a representative or attorney engaged by the customer.

(10) The department will pay for vocational rehabilitation services necessary for the customer to participate in mediation, such as transportation or child care.

(11) Information discussed during mediation is kept confidential and may not be used in a later hearing or civil proceeding, if one is held. Before beginning a mediation session, all parties must sign a statement of confidentiality.

(12) A fair hearing is a proceeding as outlined under the Administrative Procedure Act, chapter 34.05 RCW and chapter 388-02 WAC. An administrative law judge who works for the office of administrative hearings holds a fair hearing.

(13) A customer who does not agree with a decision made by the department about eligibility or vocational rehabilitation services may ask for a fair hearing within ~~((twenty))~~ forty-five calendar days of that decision.

(14) To ask for a fair hearing, the customer must send a written request to the office of administrative hearings. The written request must include:

(a) The customer's name, address, and telephone number;

(b) A written statement about the decision and the reasons for disagreement; and

(c) Any other information that supports the customer's position.

(15) The office of administrative hearings must hold a formal hearing within sixty days of receipt of written request for a hearing, unless:

(a) The customer or the department ask for a delay; and

(b) There is a reasonable cause for the delay.

(16) After the customer submits a request for a fair hearing, the department will offer the customer a prehearing meeting. The prehearing is optional for the customer and can be conducted in person, by telephone, or by another method agreeable to both parties. The purpose of the prehearing meeting is to:

(a) Clarify the decision with which the customer disagrees;

(b) Provide copies of laws, rules or other information to be presented in the fair hearing;

(c) Explain how the fair hearing is conducted; and

(d) Settle the disagreement, if possible.

(17) During the formal hearing, the customer and the department may present information, witnesses and/or documents to support their position.

(18) The customer may choose to be represented by an attorney, a relative, or someone else;

(19) The administrative law judge makes a decision after:

(a) Hearing all of the information presented;

(b) Reviewing any documents submitted; and

(c) Reviewing relevant federal and state laws and regulations.

(20) The office of administrative hearings sends a written report of the findings and decisions to the customer and to the department within thirty days of the formal hearing.

(21) The office of administrative hearings decision is final and the department must implement the decision.

(22) If a customer does not agree with the office of administrative hearings decision, the individual may pursue civil action through superior court to review that decision.

(23) The department will not suspend, reduce, or terminate services to a customer while waiting for a formal hearing decision, unless the department believes the customer:

(a) Provided false information to obtain vocational rehabilitation services; or

(b) Committed fraud or other criminal action to obtain vocational rehabilitation services.

#### NEW SECTION

**WAC 67-25-595 Work skills assessment.** (1) A work skills assessment is a process of providing assessment and related vocational rehabilitation services, after eligibility, to a customer with significant disabilities, for the purpose of collecting information necessary to assess his or her capability to continue benefiting, in terms of an employment outcome, from vocational rehabilitation services due to the significance of his or her disability. The individualized plan for employment, developed in accordance with WAC 67-25-260, must be inactivated while the individual is involved in the work skills assessment.

(2) A work skills assessment plan will be created by the VR counselor and the VR customer and include:

(a) Intermediate objectives that outline steps or activities that will determine what barriers are preventing the customer from making successful progress in their individual plan for employment;

(b) Responsibilities of the customer and VR counselor for the achievement of each individual objective;



- (c) Methods for evaluating progress;
  - (d) Vocational services which support the achievement of each intermediate objective;
  - (e) Timelines for the overall work skills assessment plan and each service;
  - (f) Cost for each service with consideration of comparable benefits;
  - (g) Comments from the customer regarding the objectives, services and service providers;
  - (h) A statement that the individualized plan for employment can be amended at any time during the life of the individualized plan for employment; and
  - (i) Signatures of both the customer and VR counselor. The signature date shall reflect the date the work skills assessment plan is signed.
- (3) A work skills assessment may take place more than once and may extend as long as necessary to determine that:
- (a) There is sufficient evidence that the customer can benefit from vocational rehabilitation services and achieve an employment outcome and is to continue to receive vocational rehabilitation services; or
  - (b) There is sufficient evidence based on functional and situational assessments that the customer cannot benefit from vocational rehabilitation services and achieve an employment outcome, due to the significance of his or her disability, and is no longer eligible for vocational rehabilitation services.

**WSR 08-19-078****PERMANENT RULES****WASHINGTON STATE PATROL**

[Filed September 16, 2008, 10:24 a.m., effective October 17, 2008]

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

Purpose: To consolidate vehicle lighting standards partly under chapter 204-32 WAC into chapter 204-21 WAC and rewriting the remaining rules in clearer language.

Citation of Existing Rules Affected by this Order: Repealing WAC 204-32-040, 204-32-070, 204-32-080 and 204-32-120; and amending WAC 204-32-010, 204-32-020, 204-32-030, 204-32-050, 204-32-060, 204-32-090, 204-32-100, and 204-32-110.

Statutory Authority for Adoption: RCW 46.37.005 and 46.37.290.

Adopted under notice filed as WSR 08-15-097 on July 17, 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 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 8, Repealed 4.

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

Date Adopted: August 27, 2008.

John R. Batiste  
Chief

AMENDATORY SECTION (Amending Order 7001, filed 6/10/70, effective 7/15/70)

**WAC 204-32-010 Definitions.** (1) "Chief" means the chief of the Washington state patrol or their designee.

(2) "Private carrier bus" means every motor vehicle designed for the purpose of carrying passengers (having a seating capacity for eleven or more persons) used regularly to transport persons in furtherance of any organized agricultural, religious or charitable purpose. Such term does not include buses operated by common carriers under a franchise granted by any city or town or the Washington public utilities commission.

((2)) (3) "Stop signal" means a sign bearing the word "STOP" which is actuated by the driver of the bus.

((3)) (4) "Signal lamps" means red lamps mounted on the vehicle to be used in conjunction with the "stop signal" when the bus is loading or unloading passengers under certain conditions.

((4)) (5) "Warning sign" means a sign to be attached to the rear of the bus to inform following motorists of their duty to stop when the "signal lamps" are activated.

AMENDATORY SECTION (Amending WSR 99-18-028, filed 8/24/99, effective 9/24/99)

**WAC 204-32-020 Standards for signal lamps.** The signal lamps required on private carrier buses (~~shall~~) must be constructed in conformance with the society of automotive engineers standard for "school bus red signal lamps," in effect at the time of manufacture of such lamps. All lamps used as signal lamps (~~shall be of a type approved by the Washington state patrol~~) must meet the requirements set forth for lighting under chapter 204-21 WAC.

AMENDATORY SECTION (Amending Order 7001, filed 6/10/70, effective 7/15/70)

**WAC 204-32-030 Standards for stop signal.** The stop signal required on private carrier buses (~~shall~~) must:

(1) Be ~~(14)~~ fourteen inches vertically and ~~(18)~~ eighteen inches horizontally (~~and shall~~).

(2) Be treated with red reflective material.

(3) ~~Have~~ the word "STOP" (~~shall be~~) painted on the sign in white with letters which are a minimum of ~~(8)~~ eight inches in height and having a ~~(3/4)~~ three-quarter-inch stroke. (~~Both sides of the sign shall be treated in the same manner and bear the same legend.~~) (4) Meet the requirements outlined in above on both sides of the sign.

(5) Be mounted on the left side of the bus just below the window line and adjacent to the driver of the bus.

(6) Be hinged at the front edge of the sign.

(7) Be manually controlled by the driver of the bus.

(8) Be so constructed as to lock in an extended position perpendicular to the side of the bus and to also lock in the closed position parallel to the side of the bus.

(9) Only be actuated by the driver of a private carrier bus whenever such vehicle is stopped on the highway for the purpose of receiving or discharging passengers, except:

(a) When the passengers boarding or alighting do not have to cross a highway and the bus is stopped completely off the main traveled portion of the roadway; or

(b) When the bus is stopped at an intersection or place where traffic is controlled by a traffic officer or official control signal.

AMENDATORY SECTION (Amending Order 7001, filed 6/10/70, effective 7/15/70)

WAC 204-32-050 Identification signs. A sign must be affixed to every private carrier bus ~~((shall bear on the front and rear thereof))~~ that is plainly visible ~~((signs containing))~~ and contains the words "private carrier bus." ~~((m))~~ The sign must:

(1) Have letters not less than ~~((8))~~ eight inches in height. ~~((The lettering shall be))~~

(2) Have letters that are at least ~~((3/4))~~ three-quarter-inch stroke. ~~((These signs shall))~~

(3) Be located above the windshield on the front of the bus and above the rear windows on the rear of the bus.

AMENDATORY SECTION (Amending WSR 99-18-028, filed 8/24/99, effective 9/24/99)

WAC 204-32-060 Warning sign. A sign must be affixed to the rear of every private carrier bus ~~((shall be equipped with a sign on the rear of the bus which shall bear))~~ that is clearly visible and contains the words "unlawful to pass bus when red lights flash." The sign ~~((shall))~~ must:

(1) Be ~~((+6))~~ sixteen inches vertically and ~~((32))~~ thirty-two inches horizontally. ~~((The sign shall have))~~

(2) Have a background of silver retrodirective-reflex reflective sheeting. ~~((The lettering shall all be))~~

(3) Have lettering that is size ~~((3))~~ three inch B. ~~((Line one shall))~~

(4) Have the letters "unlawful to" in black on line one. ~~((Line two shall))~~

(5) Have the letters "pass bus when" in black on line two. ~~((Line three shall))~~

(6) Have the letters "red lights flash" in red on line three.

EXCEPTION: Buses that do not stop upon the roadway to load or discharge passengers are exempt from the requirements of this section.

AMENDATORY SECTION (Amending Order 7001, filed 6/10/70, effective 7/15/70)

WAC 204-32-090 Stops at railroad crossings. (1) The driver of any private carrier bus, carrying any passenger, before crossing at grade any track or tracks of a railroad, ~~((shall))~~ must stop such vehicle within fifty feet but no less than fifteen feet from the nearest rail of such railroad and while so stopped ~~((shall))~~ must listen and look in both direc-

tions along such track for any approaching train, and for signals indicating the approach of a train and ~~((shall))~~ must not proceed until he can do so safely.

(2) After stopping as required and upon proceeding when it is safe to do so the driver of any private carrier bus ~~((shall))~~ must cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing and the driver ~~((shall))~~ must not shift gears while crossing the track or tracks.

(3) No stop need be made at any such crossing where a police officer or a traffic-control signal directs traffic to proceed.

AMENDATORY SECTION (Amending Order 7001, filed 6/10/70, effective 7/15/70)

WAC 204-32-100 Inspection of buses. The chief ~~((of the Washington state patrol))~~ may, from time to time, require that every private carrier bus be presented at some location which ~~((shall))~~ must be designated by him for the purpose of inspection of the vehicle to determine if the vehicle is equipped as required by law and the provisions of this regulation.

AMENDATORY SECTION (Amending Order 7001, filed 6/10/70, effective 7/15/70)

WAC 204-32-110 Bus stops and routing. The chief ~~((of the Washington state patrol))~~ may delegate officers of the Washington state patrol to work with private carrier bus operators and owners to establish routes and passenger loading and unloading locations which will provide the greatest safety for bus passengers and the motoring public. Bus stops and routes established by this means ~~((shall))~~ must be adhered to by private carrier bus drivers.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 204-32-040	Mounting and activation of warning devices.
WAC 204-32-070	Color of turn signal and stop lamps.
WAC 204-32-080	Use of warning devices.
WAC 204-32-120	Effective date.

**WSR 08-19-079**

**PERMANENT RULES**

**WASHINGTON STATE PATROL**

[Filed September 16, 2008, 10:35 a.m., effective October 17, 2008]

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

Purpose: Adoption of federal standards for vehicle equipment under chapter 204-10 WAC and consolidation of vehicle equipment standards formerly codified under chap-

ters 204-46, 204-52, 204-82A, 204-90, 204-92 and 204-94 WAC, making the rules more accessible.

Citation of Existing Rules Affected by this Order: Repealing WAC 204-10-035, 204-10-055, chapters 204-46, 204-52, 204-82A, 204-90, 204-92 and 204-94 WAC; and amending chapter 204-10 WAC.

Statutory Authority for Adoption: RCW 46.37.005 and 46.37.320.

Adopted under notice filed as WSR 08-15-098 on July 17, 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 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 11, Amended 9, Repealed 46.

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: August 27, 2008.

John R. Batiste  
Chief

**AMENDATORY SECTION** (Amending Order 81-08-02, filed 8/21/81)

**WAC 204-10-010 Promulgation.** By authority of RCW 46.37.005 (~~and~~), 46.37.320, 46.37.400, and 46.37.530 (1)(b) the (~~state commission on equipment~~) Washington state patrol hereby adopts the following rules setting forth standards for motor vehicle equipment for which approval is required in chapter 46.37 RCW.

**NEW SECTION**

**WAC 204-10-012 Purpose.** The purpose of this rule is to establish equipment requirements and provide limitations on the alteration of motor vehicle equipment in order to ensure that equipment used on motor vehicles complies with current safety standards.

**NEW SECTION**

**WAC 204-10-014 Definitions.** (1) "Eye glasses" mean any spectacles, sunglasses, or goggles having two separately mounted lenses, but shall exclude contact lenses.

(2) "Goggles" means an optical device worn before the eyes, the predominant function of which is to protect the eyes without obstructing peripheral vision. They provide protection from the front and sides and may or may not form a complete seal with the face.

(3) "Face shield" means an eye protector attached to a helmet or headband(s) and which covers the wearer's eyes

and face at least to a point approximately to the tip of the nose and whose predominant function is protection of the eyes.

(4) "FMVSS" means Federal Motor Vehicle Safety Standard, chapter 49 Code of Federal Regulations (CFR) Part 571.

(5) "Frame" means those parts of eye glasses or goggles containing the lens housings. The frame may be associated with padding.

(6) "Headband" means that part of the device consisting of a supporting band or other structure that either encircles the head or protective helmet, or can be attached thereto.

(7) "Motor vehicle" means passenger vehicles, multipurpose passenger vehicles, motorcycles, trucks and buses which are intended for use on public highways, excluding commercial vehicles as defined under RCW 46.04.140.

(8) "Motor vehicle window glazing" means glass material that meets the appropriate FMVSS for use in motor vehicles.

(9) "Recognized manufacturer" means a person, firm, copartnership, association, or corporation who is or has engaged in the business of manufacturing motor vehicles intended for use on the public highways and offered for sale in interstate commerce.

(10) "Recreational products" means any toys, cartoon characters, stuffed animals, signs, and other vision-reducing articles and materials that may be applied to or suspended near motor vehicle windows for entertainment and/or amusement purposes.

(11) "Reflectorized warning device" means any device defined in RCW 46.37.450 or any device composed of a reflective sheeting material which consists of spherical lens elements embedded with a transparent plastic having a smooth, flat outer surface. The sheeting shall be weather resistant and have a protected, low tac, precoated adhesive backing.

(12) "Reflex reflector" means a device that is used on vehicles to give an indication of presence to an approaching driver by reflecting light from the headlamps of the approaching vehicle.

(13) "SAE" means the Society of Automotive Engineers. Copies of the SAE Standards are available for review at the Washington State Patrol, 210 11th Avenue, Olympia, WA 98504, and may also be ordered from the Society of Automotive Engineers International, 400 Commonwealth Drive, Warrendale, PA 15086-7511.

(14) "Sunscreening devices" are those products and/or materials applied or installed on motor vehicle windows for the purpose of reducing adverse effects of the sun. Such devices include, but are not limited to, semipermanently installed roll-up style shades and louver materials as well as temporarily applied articles such as towels, sheets, and blankets.

(15) "Wheelchair conveyance" means any vehicle specially manufactured or designed for transportation of a physically or medically impaired person who is either wheelchair-bound or otherwise walking impaired. The vehicle may be a separate vehicle used in lieu of a wheelchair or a vehicle used for transporting the impaired person who is simultaneously occupying a wheelchair.

NEW SECTION

**WAC 204-10-021 Adoption of federal standards.** The Washington state patrol adopts by reference Title 49 Code of Federal Regulations (CFR) Part 571 Federal Motor Vehicle Safety Standards (FMVSS) and any amendments thereto for vehicle equipment standards unless otherwise prescribed under state law. The FMVSS as outlined in Title 49 CFR 571 are as follows:

1. 101 - Controls and displays.
2. 102 - Transmission shift lever sequence, starter interlock, and transmission brake effect.
3. 103 - Windshield defrosting and defogging systems.
4. 104 - Windshield wiping and washing system.
5. 105 - Hydraulic and electric brake systems.
6. 106 - Brake hoses.
7. 108 - Lamps, reflective devices, and associated equipment.
8. 109 - New pneumatic tires.
9. 110 - Tire selection and rims for motor vehicles with a GVWR of 4,536 kilograms (10,000 pounds) or less.
10. 111 - Rearview mirrors.
11. 113 - Hood latch system.
12. 114 - Theft protection.
13. 116 - Motor vehicle brake fluids.
14. 117 - Retreaded pneumatic tires.
15. 118 - Power-operated window, partition, and roof panel systems.
16. 119 - New pneumatic tires for vehicles other than passenger cars.
17. 120 - Tire selection and rims for motor vehicles with a GVWR of more than 4,536 kilograms (10,000 pounds).
18. 121 - Air brake systems.
19. 122 - Motorcycle brake systems.
20. 123 - Motorcycle controls and displays.
21. 124 - Accelerator control systems.
22. 125 - Warning devices.
23. 129 - New nonpneumatic radial tires for light vehicles.
24. 131 - School bus pedestrian safety devices.
25. 135 - Light vehicle brake systems.
26. 138 - Tire pressure monitoring systems.
27. 139 - New pneumatic radial tires for light vehicles.
28. 201 - Occupant protection in interior impact.
29. 202 - Head restraints; mandatory applicability begins on September 1, 2008.
30. 203 - Impact protection for the driver from the steering control system.
31. 204 - Steering control rearward displacement.
32. 205 - Glazing materials.
33. 206 - Door locks and door retention components.
34. 207 - Seating systems.
35. 208 - Occupant crash protection.
36. 209 - Seat belt assemblies.
37. 210 - Seat belt assembly anchorages.
38. 212 - Windshield mounting.
39. 213 - Child restraint systems.
40. 214 - Side impact protection.
41. 216 - Roof crush resistance.

42. 217 - Bus emergency exits and window retention and release.
43. 218 - Motorcycle helmets.
44. 219 - Windshield zone intrusion.
45. 220 - School bus roll-over protection.
46. 221 - School bus body joint strength.
47. 222 - School bus passenger seating and crash protection.
48. 223 - Rear impact guards.
49. 224 - Rear impact protection.
50. 225 - Child restraint anchorage systems.
51. 301 - Fuel system integrity.
52. 302 - Flammability of interior materials.
53. 303 - Fuel system integrity of compressed natural gas vehicles.
54. 304 - Compressed natural gas fuel container integrity.
55. 305 - Electric-powered vehicles: Electrolyte spillage and electrical shock protection.
56. 401 - Internal trunk release.
57. 403 - Platform lift systems for motor vehicles.
58. 404 - Platform lift installations in motor vehicles.
59. 500 - Low speed vehicles.

Links to 49 CFR 571 are available on the Washington state patrol web site at [www.wsp.wa.gov](http://www.wsp.wa.gov). Copies of the CFR may also be ordered through the United States Government Printing Office, 732 N. Capitol Street N.W., Washington, D.C. 20401.

NEW SECTION

**WAC 204-10-022 Body requirements.** (1) Defroster and defogging devices: Every enclosed motor vehicle must be equipped with a device capable of defogging and defrosting the windshield area. Vehicles or exact replicas of vehicles manufactured prior to January 1938 are exempt from this requirement.

(2) Door latches: Every enclosed motor vehicle equipped with side doors leading directly into a compartment that contains one or more seating accommodations must be equipped with door latches which firmly and automatically secure the door when pushed closed and which allow each door to be opened both from the inside and outside.

(3) Hoodlatches: A front opening hood must be equipped with a primary and a secondary latching system to hold the hood in a closed position.

Hoods are optional equipment on vehicles defined as street rods and kit vehicles by the Washington state patrol vehicle inspectors.

(4) Enclosed passenger compartment: A motor vehicle with an enclosed passenger compartment and powered by an internal combustion engine must be constructed to prevent the entry of exhaust fumes into the passenger compartment.

(5) Floor pan: A motor vehicle must be equipped with a floor pan under the entire passenger compartment capable of supporting the weight of the number of occupants that the vehicle is designed to carry.

(6) Bumpers: A motor vehicle must be equipped with a bumper on both the front and rear of the vehicle with the exception of motor vehicles where the original or predomi-

nant body configuration, provided by a recognized manufacturer, did not include such bumper or bumpers in the design of the vehicle. For the relevant model year, bumpers must accommodate recognized manufacturer impact absorption systems pursuant to applicable SAE Bumper Standards or equivalent standards.

Bumpers are optional equipment on vehicles defined as street rods and kit vehicles by the Washington state patrol vehicle inspectors.

Bumpers, unless specifically exempted above, must:

- (a) Be at least four and one-half inches in vertical height.
- (b) Be centered on the vehicle's centerline.
- (c) Extend no less than the width of the respective wheel track distances.
- (d) Be attached to the vehicle in a manner equivalent to the original manufacturer's installation.
- (e) Be horizontal load bearing and attach to the vehicle frame to effectively transfer energy when impacted.
- (f) Be mounted at a maximum height based on the original gross vehicle weight rating (GVWR) of the vehicle, measured from a level surface to the highest point on the bottom of the bumper. For vehicles exempted from the bumper requirement for the reasons stated above, a maximum frame elevation measurement must be made to the bottom of the frame rail. Maximum heights are as follows:

	Front	Back
Passenger Vehicles	22 Inches	22 Inches
4,500 lbs. and under GVWR	24 Inches	26 Inches
4,501 lbs. to 7,500 lbs. GVWR	27 Inches	29 Inches
7,501 lbs. and over GVWR	28 Inches	30 Inches

A blocker beam or additional bumper may not be used to meet the above requirements.

(g) If an existing bumper from a recognized manufacturer is not used and a special bumper is fabricated, it must be certified as meeting the bumper standards set under 49 CFR 581.

(7) Fenders: All wheels of a motor vehicle must be equipped with fenders designed to cover the entire tire tread width that comes in contact with the road surface. Coverage of the tire tread circumference must be from at least fifteen degrees in front and to at least seventy-five degrees to the rear of the vertical centerline at each wheel measured from the center of the wheel rotation. At no time can the tire come in contact with the body, fender, chassis, or suspension of the vehicle. Street rods and kit vehicles which are more than forty years old and are owned and operated primarily as a collector's item need not be equipped with fenders when the vehicle is used and driven during fair weather on well-maintained, hard-surfaced roads.

(8) Frame: A motor vehicle must be equipped with a frame. If an existing frame from a recognized manufacturer is not used and a special frame is fabricated, it must be constructed of wall box or continuous section tubing, wall chan-

nel, or unitized construction capable of supporting the vehicle, its load, and the torque produced by the power source under all conditions of operation. All welding on the frame must be completed by a certified welder and the structural strength of the frame must be certified by an engineer as meeting the applicable standards set under 49 CFR 571 Parts 201, 214, 216, and 220 through 224, and the SAE Standards.

NEW SECTION

**WAC 204-10-024 Windows.** (1) Window glazing, manufactured and installed in accordance with 49 CFR 571.205 must not be etched or otherwise permanently altered if such glazing is installed in the windshield or any other window location of a motor vehicle passenger compartment. The only exception to this rule is the etching of the vehicle identification number permissible with the following provisions:

- (a) The maximum height of the letters or numbers must not exceed one-half inch.
- (b) The etched vehicle identification number must not be located in any position as to interfere with the vision of the occupant(s).

(2) The windshield must be framed and in such a position that it affords continuous horizontal frontal protection to the driver and front seat occupants. The minimum vertical height of the unobstructed windshield glass must be six inches, or as originally equipped by a recognized manufacturer.

(3) The vehicle must be provided with a windshield and side windows or openings which allow the driver a minimum outward horizontal vision capability, ninety degrees each side of a vertical plane passing through the fore and aft centerline of the vehicle. This range of vision:

- (a) May be interrupted by window framing not exceeding four inches in width at each side location.
- (b) Must have no obstruction forward of the windshield which extends more than two inches upward into the horizontally forward projected vision area of the windshield except windshield wiper components and hood ornaments identical to those originally installed by a recognized manufacturer. For the purposes of this section, the projected vision area of the windshield shall be defined as that area above a line from the top of the steering wheel to the top of the front fenders or hood, whichever is higher.

(4) Sunscreening devices and/or recreational products:

- (a) Must not be applied to or suspended between the driver and the windshield or the windows to the immediate right and left of the driver.
- (b) May be applied to other windows provided that such devices do not interfere, by their size or position, with the driver's ability to see other vehicles, persons, and objects and do not reduce the driver's area of vision uniformly and by no more than fifty percent, as measured on a horizontal plane.
- (c) May be applied to the rear window, provided that the vehicle must be equipped with outside rear view mirrors on both the left and the right.

This rule does not permit or prohibit the use and placement of federal, state, or local certificates or decals on any window as are required or prohibited by applicable laws or regulations. Any such decal or certificate must, however, be

of such size and placement so that the ability of the driver to safely operate the vehicle is not impaired.

(5) Due to the nature of use, function and operation of such vehicles, transit city buses are exempt from the provisions of subsection (4)(a) and (b) of this section. The following are exempted from the provisions of subsection (4)(b) of this section:

- (a) Hearses.
- (b) Ambulances.
- (c) Limousines, passenger buses, and transit city buses used to transport persons for compensation.

Such vehicles must have mirrors on both the right and left to provide vision at least two hundred feet to the rear. This section does not limit liability of the operators and/or owners of such vehicles involved in accidents resulting from reduced visibility.

(6) If a windshield is not required under 49 CFR 571, the operator must wear eye protection as outlined in chapter 46.37 RCW and WAC 204-10-026.

#### NEW SECTION

**WAC 204-10-026 Eye protection.** If a vehicle does not have a windshield, and the driver is required to wear eye protection, chapter 46.37 RCW, the eye protection device (EPD) must:

(1) Be one of the following: Goggles, face shield, or eye glasses.

(a) Eye glasses must:

(i) Have a convex frontal surface on each lens, or be an ophthalmic corrective lens.

(ii) Have a minimum area of three square inches or 19.356 square centimeters for each lens. The horizontal diameter (or side-to-side measurement) must be no less than two inches or 50 millimeters. The vertical diameter (or top-to-bottom measurement) must be no less than one and one-half inches or 38 millimeters. A diameter must pass through a point on the lens that is intended to be directly in front of the pupil of the eye when the wearer is looking straight ahead.

(b) Optical correction of a person's vision, where required or desired, may be provided either:

(i) By an EPD that provides the proper optical correction; or

(ii) By personal corrective lenses worn under an EPD that does not disturb the adjustment of those lenses.

(2) Not have any sharp edges or projections that could cause harm or discomfort to the wearer.

(3) Be made of durable quality.

Example: Material characteristics must not undergo appreciable alterations under the influence of aging or of the circumstances of use to which the device is normally subjected (exposure to sun, rain, cold, dust, vibrations, contact of the skin, effects of sweat, or of products applied to the hair or skin).

(4) Have a headband capable of holding the EPD securely under normal operating conditions. It must be capable of easy adjustment and replacement.

(5) Not use material(s) commonly known to cause skin irritation or disease for those parts of the device which come into contact with the skin.

(6) Where plastic materials are used, use noncombustible or slow burning materials.

(7) Not use cellulose nitrate, or materials having flammability characteristics approximately those of cellulose nitrate.

(8) Be tested on a standard human head form in a position simulating its position in actual use.

Example: Helmet-mounted face shields must be tested while attached to an appropriate medium-size helmet supplied by the manufacturer of the face shield, which must be mounted on a standard head form.

The test must:

(a) Use a steel projectile three-eighths inches in diameter, weighing 1.56 ounces approximately two and one-half inches long with a conical point of ninety degrees included angle, the point having a spherical radius no greater than .020 inches and a hardness of 60(10) on the Rockwell "C" scale, which must be freely dropped from a height of fourteen feet above the EPD. The projectile may be guided, but not restricted in its vertical fall by dropping it through a tube extending to within approximately four inches of the impact area. The impact area must be on the forward optical surface and within one-inch diameter circle centered over the eye opening. The impact point shall be perpendicular to a plane tangent to the impact area.

(b) Not allow penetration of the projectile through the EPD. Cracking or piercing of the EPD is permissible provided that the projectile does not pass through or remain lodged in the EPD lens, but is repulsed by the EPD, and that no particles of the EPD shall break loose from any eyeward surface of the EPD.

(c) Be performed at room temperature (sixty-five degrees to eighty-five degrees F) under normal humidity conditions.

(d) If plastic materials are used, expose the EPD to a test to determine the flame-propagation rate. The specimen must be ignited by holding one end of the specimen horizontally at the top of a luminous three quarter-inch Bunsen burner flame in a draft-free room. The rate of propagation of burning, after removing the flame from the specimen, determined by a stop watch, shall be one inch or less per twenty-four seconds. A faster rate of propagation shall be cause for rejection.

(9) Have lenses that comply with the following requirements:

(a) Lenses must be made of material suitable for ophthalmic use, and must be free from striae, waves, bubbles, or any other defects which may impair their optical quality.

(b) The prismatic effect of a noncorrective lens must not exceed 1/8 diopter at any point with the specified minimum field of vision. In the case of eye glasses, each noncorrective lens must comply with the limitation of prismatic effect.

(c) In any meridian, the refractive power of a noncorrective lens must not exceed plus or minus 1/8 diopter and the difference between the refractive powers in any two meridians must not exceed 1/8 diopter.

(d) The definition afforded by a noncorrective lens must be such that a line pattern with lines separated not more than twenty-four seconds of angle must be clearly distinguishable when viewed through the lens.

(e) The compliance of a lens with the prismatic effects, refractive power, and definition requirements of (a), (b), and (c) of this subsection must be determined in accordance with those test methods described in Sections 6.3.4.1.1, 6.3.4.1.2, and 6.3.4.1.3 of the American National Standards Institute Standard Z87.1-1968, September 18, 1968, "Eye and Face Protection" and explained in Section 10.1 of the National Bureau of Standards Circular 533, May 20, 1953, "Method for Determining the Resolving Power of Photographic Lenses." In order to maintain consistency in the results of tests conducted by various organizations, the following test requirements must be met:

(i) An 8-power telescope with focusing arrangement to accommodate the refractive effects of both positive (converging) and negative (diverging) lenses placed between the telescope and test chart shall be used. The illuminated target and test chart shall be a central dot and a concentric circle one-inch in diameter plus one of the high contrast ("black and white") NBS Resolution Test Charts, dated 1952, and printed on "Lens Resolution Chart to Accompany NBS Circular 533." The chart shall be perpendicularly aligned thirty-five feet from the objective lens of the telescope when the telescope is properly focused with no test, sample, or other lens between the objective lens and the chart. The center dot and the periphery of the concentric circle one-inch in diameter shall be used when testing for prismatic effect. The test pattern marked "20" shall be used when testing for refractive power and when testing for definition. Standard lenses of plus or minus 1/8 diopter shall be used when testing for refractive power.

(ii) Other standard methods of test or examination that are equivalent or superior, as regards to accuracy, quality, and consistency of results to (e)(i) of this subsection specified in National Bureau of Standards methods, may be used to determine compliance only when such methods are approved by the state official to whom such approving authority has been assigned, or delegated, through due process of applicable state law.

(10) Not obstruct a horizontal field of vision to at least one hundred five degrees to the right side of the plane that passes through the pupil of the right eye looking straight ahead, and at least one hundred five degrees to the left side of the plane that passes through the pupil of the left eye looking straight ahead, and are parallel to the midsagittal plane, except as provided in (a) of this subsection.

(a) The specified minimum horizontal field of vision must be unobstructed except that the horizontal field provided by the spectacles or sunglasses may be obstructed by the frame in a sector no greater than seven and one-half degrees in horizontal angular width and located between fifty degrees and eighty degrees of the pertinent sagittal plane passing through the eye pupil when looking straight ahead.

(b) When ascertaining the horizontal field of vision afforded by eyeglasses, the pupil of the eye must be assumed to be located 17 mm behind the point on the rear surface of the lens where the horizontal and vertical diameters intersect. When ascertaining the horizontal field of vision of EPDs other than eye glasses, the assumed location of the pupil of the eye relative to the structures of the EPD shall be that loca-

tion which is most likely to occur when the EPD is attached and worn in accordance with its manufacturer's instructions.

(c) No portion of the minimum horizontal field of vision shall be obstructed by a temple piece, headband, helmet, helmet attaching device, or any other supporting or attaching device.

(11) Be clear (transmitting not less than eighty-five percent of incident visible radiation) or may be tinted provided that the tint does not impair the wearer's ability to discern color. If the EPD is tinted it must not be used at any time from a half hour after sunset to a half hour before sunrise and at any other time when due to insufficient light or unfavorable atmosphere conditions, persons and vehicles on the highway are not clearly discernible at a distance of five hundred feet ahead. The luminous transmittance must be determined by one of the following means:

(a) Photometrically by an observer having normal color vision, as determined by recognized color vision chart tests such as those employing pseudoisochromatic plates.

(b) With a physical photometer consisting of a thermopile (or other radiometer) and luminosity solution having a special transmittance curve which coincides closely with the luminous efficiency curve of the average eye.

(c) By measuring the special transmittance and calculating the luminous transmittance through the use of published data on the spectral radiant energy of CIE Source A and the relative luminous efficiency of the average eye.

The standard source of radiant energy used in the measurement of luminous transmittance must be a projection type lamp No. T-8 (or other high-powered, gas-filled tungsten filament incandescent lamp) operated at the color temperature (2854K) corresponding to CIE Source A.

(12) Be identified and labeled as follows:

(a) The EPD shall be permanently marked in a manner not to interfere with the vision of the wearer.

(b) The manufacturer's or distributor's trade name and model name or number, which shall correspond with the name and number under which the device has been approved or certified.

(c) That the device meets the standard VESC-8. Where space is limited, V-8 may be used in lieu of VESC-8.

(d) The information required under subsection (l) of this section plus the corporate or business name and address of either the actual manufacturer or the marketer assuming the responsibilities of the manufacturer shall be imprinted on the container in which the EPD is packed and on any instruction sheet(s) pertaining to the EPD.

(e) If the EPD is tinted, the following statement shall appear in a prominent location on the container or label: **This tinted eye protective device is for daytime use only.**

#### NEW SECTION

**WAC 204-10-028 Instrumentation and electrical system requirements.** (1) A motor vehicle must be equipped with an operating speedometer calibrated to indicate "miles per hour," and may also indicate "kilometers per hour."

(2) The headlamp circuit for a motor vehicle must be equipped with a driver-controlled high and low beam selector

switch unless the vehicle is equipped with single beam headlamps.

(3) If a motor vehicle is manufactured after 1965, it must be equipped with a hazard warning switch causing all turn signal lamps to flash simultaneously.

(4) The headlamp switch for a motor vehicle must activate the headlamps, tail lamps, license plate lamp, and when required, marker lamps simultaneously.

(5) An indicator must be provided on a motor vehicle which indicates to the driver when the high beams of the headlamp system are energized. The indicator shall emit a light other than white plainly visible to the driver under normal driving conditions.

(6) A motor vehicle must be equipped with an operable horn capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet. No horn or other warning device shall emit an unreasonably loud or harsh sound or whistle nor shall a bell or siren be used as a warning device. The device used to actuate the horn must be easily accessible to the driver when operating the vehicle.

(7) A motor vehicle, if equipped with an automatic transmission, must be equipped with a safety switch that prevents the starter motor from being actuated except when the gear selector is in the neutral or park position.

(8) If the front signal lamp(s) on a motor vehicle are not readily visible to the driver, there must be an illumination indicator to give the operator a clear, unmistakable indication that the turn signal system is on. The illumination indicator must consist of one or more bright lights flashing at the same frequency as the signal lamps, and it must emit a light other than white.

AMENDATORY SECTION (Amending Order 81-08-02, filed 8/21/81)

**WAC 204-10-030 ((~~Brake fluid~~) Mirrors and backup alert devices.** ((Federal Motor Vehicle Safety Standard 116 is hereby adopted by reference as the standard for ~~brake fluid~~.) A motor vehicle must be equipped with mirrors as outlined under 49 CFR 571 and RCW 46.37.400. The mirror mountings must provide for mirror adjustment by tilting both horizontally and vertically. The following definitions must be used for additional backup alert devices or mirrors:

(1) Backup alert devices means any type of motion detection device, laser device, camera, or television device mounted on a truck with a cube-style, walk-in cargo box up to eighteen feet long, which will warn the driver of the detection of a person or object at a minimum of six feet to the rear of the vehicle and also encompass the width of the rear of the vehicle.

(2) Rear crossview mirrors mean any type of mirrors which, when mounted, will allow the driver of a truck with a cube-style, walk-in cargo box up to eighteen feet long, to view a minimum distance of six feet to the rear and encompass the width of the rear of the vehicle in order to be able to detect an object or person. These crossview mirrors must be installed in a manner that will satisfy the above requirements.

NEW SECTION

**WAC 204-10-032 Brakes.** (1) A motor vehicle must be equipped with brakes acting on all wheels. The service brakes, upon application, must be capable of stopping the vehicle within a twelve-foot lane, and:

(a) Developing an average tire to road braking or retardation force of not less than 52.8% of the gross vehicle weight;

(b) Decelerating the vehicle at a rate of not less than seventeen feet per second; or

(c) Stopping the vehicle within a distance of twenty-five feet from a speed of 20 mph.

Tests must be made on a level, dry, concrete or asphalt surface free from loose material.

(2) A motor vehicle must be equipped with a parking brake operating on at least two wheels on the same axle which, when applied, must be capable of holding the vehicle on any grade on which the vehicle is operated. Parking brakes must be separately actuated so that failure of any part of the service brake actuation system would not diminish the vehicle's parking brake holding capability.

NEW SECTION

**WAC 204-10-034 Steering.** A motor vehicle must be equipped with a continuous rim steering wheel meeting the requirements set forth under RCW 46.37.375, and this chapter. The steering must:

(1) Include a steering wheel which must:

(a) Have an outside diameter of not less than twelve inches.

(b) Not move less than two turns nor more than six turns.

(c) Remain unobstructed when turning from stop-to-stop.

(d) Have a box mount securely welded or bolted to the vehicle frame or other suitable location as originally installed by a recognized manufacturer.

(e) Have a distinct tendency for the vehicle to increase its turning radius when the steering wheel is released while the vehicle is in a sharp turn at a speed of between 5 and 15 mph.

Note: Stability tests must be performed on a dry, level concrete or asphalt road having no loose surface contaminant, and the vehicle's tires must be inflated to the recommended pressure in accordance with the tire load pursuant to 49 CFR 571.109 (FMVSS 109). The vehicle must contain a front seat passenger or simulated equivalent one hundred fifty pounds weight secured to the seat in addition to the driver.

(2) Have steering capability for negotiating right and left turns of a thirty-two foot radius or less measured from the center of the turn circle to the outside front wheel track.

(3) Not have more free play or lash in the steering system than is allowed based on the table outlined in RCW 46.37.-375. The test for free play or lash must be conducted as follows: With the engine on and the wheels in the straight ahead position, turn the steering wheel in one direction until there is a perceptible movement of a front wheel. If a point on the steering wheel rim moves more than the value shown in the table before perceptible return movement of the wheel under observation, there is excessive lash or free play in the steering system.



NEW SECTION

**WAC 204-10-036 Suspension.** A motor vehicle must be capable of stable, controlled operation while traversing a slalom-type path passing alternately to the left and right of at least four cones or markers arranged in a straight line and spaced sixty feet apart at a minimum speed of 25 mph.

Body lifts are permitted provided that they are manufactured by an aftermarket manufacturer, designed for the make and model vehicle on which they are installed, and installed according to the manufacturer's recommendations. Body lifts may not use more than a three-inch spacer and may not raise the body more than four inches above the frame when all components are installed.

A motor vehicle must:

(1) Have a minimum ground clearance to allow the vehicle to be in motion on its four rims on a flat surface with no other parts of the vehicle touching that surface and a maximum ground clearance determined based on the table contained in WAC 204-10-022 (6)(f) bumpers.

(2) Have spring mounts and shackles properly aligned and of sufficient strength so as to support the gross weight of the vehicle and provide free travel in an up and down movement under all conditions of operation.

(3) Incorporate antisway devices to control lateral movement in rear coil spring suspension systems.

(4) Have a suspension system that allows movement between the unsprung axles and wheels and the chassis body.

(5) Be equipped with a damping device at each wheel location. The dampening device must stop vertical body motion within two cycles when any corner of the vehicle is depressed and released.

(6) Be capable of providing a minimum relative motion of plus and minus two inches.

(7) Not use heating or welding for coil springs, leaf springs, or torsion bars.

(8) Not be constructed or loaded so that the weight on the wheels of any axle is less than thirty percent of the gross weight of the vehicle.

(9) Not raise or lower the height of a motor vehicle while the motor vehicle is traveling more than 15 mph on a public roadway with a posted speed limit of 25 mph or less. Except when lawfully participating in a parade permitted by local jurisdiction.

(10) At no time have any portion of any tire of such motor vehicle leave the surface of the roadway.

(11) Not have any portion of the vehicle or component of the hydraulic system used to raise or lower the vehicle cause or emit sparks.

Nothing in this section shall prohibit a county or city from enacting stricter regulations for aftermarket vehicle hydraulics on a public roadway.

NEW SECTION

**WAC 204-10-038 Exhaust system.** A motor vehicle must be equipped with a leakproof exhaust system that includes the exhaust manifold(s), headers, the piping leading from the flange of the exhaust manifold(s), the muffler(s), and the tail piping.

Exhaust systems on property-carrying vehicles must:

(1) Discharge the exhaust fumes to the rear of that part of the vehicle designed and normally used for carrying the driver and passengers.

(2) Discharge the exhaust fumes at a location to the rear of the vehicle body or direct the exhaust fumes outward from the side of the vehicle body at a location rearward of any operable side windows.

(3) Not have any part of the exhaust system pass through any area of the vehicle that is used as a passenger compartment, nor in close proximity to the fuel system without being properly shielded.

AMENDATORY SECTION (Amending WSR 97-10-024, filed 4/29/97, effective 5/30/97)

**WAC 204-10-045 Hands-free wireless communication systems.** ~~Hands-free((~~wireless communication systems may also refer to the use of cellular phone systems. These hands-free listening~~))~~ cellular telephone devices may be used by motorists while driving motor vehicles as long as the use complies with RCW 46.61.667. Listening devices that include an earpiece (~~shall~~) must cover or be attached to only one ear.

AMENDATORY SECTION (Amending Order 81-08-02, filed 8/21/81)

**WAC 204-10-050 ((~~Seat belts~~)) ReflectORIZED warning device.** ~~((1) Federal Motor Vehicle Safety Standard 209 is hereby adopted by reference as the standard for seat belt assemblies.~~

~~((2) Federal Motor Vehicle Safety Standard 210 is hereby adopted by reference as the standard for seat belt assembly anchorages.))~~ ReflectORIZED warning devices used by law enforcement must:

(1) Conform to those devices described in RCW 46.37.-450 and requirements of the Washington state department of transportation standard specifications for road, bridge, and municipal construction, Section 9-28.6, "Enclosed lens reflective sheeting." These specifications are available through the Washington State Patrol, 210 11th Avenue, Olympia, Washington 98504, or the Washington State Department of Transportation, 310 Maple Park Avenue, Olympia, Washington 98504.

(2) Be placed on a vehicle whenever any such vehicle is disabled upon the traveled portion of any highway or shoulder thereof outside any municipality, at any time when lights are required by RCW 46.04.200, upon discovery of such disabled vehicle by law enforcement, a reflectORIZED device such as those defined in RCW 46.37.450 or this section.

AMENDATORY SECTION (Amending Order 81-08-02, filed 8/21/81)

**WAC 204-10-060 ((~~Glazing material~~)) Reflectors.** ~~((Federal Motor Vehicle Safety Standard 205 is hereby adopted by reference as the standard for glazing materials.))~~

(1) On motor vehicles, reflex reflectors must be securely mounted on a rigid part of the vehicle with the plane of the lens perpendicular to the roadway and parallel to the rear

axle. Side reflex reflectors must be mounted with the lens face perpendicular to the roadway and parallel to the rear wheels.

(2) On bicycles and motorized foot scooters, the reflectors must be securely mounted and of a type conforming to 16 CFR Part 1512.

AMENDATORY SECTION (Amending WSR 98-04-053, filed 1/30/98, effective 3/2/98)

**WAC 204-10-070 Air conditioning units.** (1) Society of Automotive Engineers (~~(Recommended Practice)~~) (SAE) Standard J639 is ((hereby)) adopted by reference as the standard for automotive air conditioning units.

(2) (~~(Society of Automotive Engineers Standard)~~) SAE Standard J51 is ((hereby)) adopted by reference as the standard for automotive air conditioning hose.

AMENDATORY SECTION (Amending Order 82-07-03, filed 7/29/82)

**WAC 204-10-080 ((Emergency reflex reflectors.)) Wheelchair conveyance.** ((Federal Motor Vehicle Safety Standard 125, January 1, 1974, is hereby adopted by reference as the standard for emergency reflex reflector warning devices.)) The wheelchair conveyance must be equipped with a propulsion device capable of propelling the vehicle at a minimum speed of 20 mph on level ground.

(1) Every wheelchair conveyance that is designed to travel on four wheels in contact with the ground must comply with the provisions of chapter 46.37 RCW as they pertain to motor vehicle equipment.

(2) Every wheelchair conveyance that is designed to travel on not more than three wheels in contact with the ground must comply with the equipment requirements for motorcycles, motor-driven cycles, and mopeds contained in chapters 46.37 and 46.61 RCW: Provided, That all wheelchair conveyances must be equipped with two rear view mirrors and turn signals as defined in RCW 46.37.400 and 46.37.200.

AMENDATORY SECTION (Amending WSR 98-04-053, filed 1/30/98, effective 3/2/98)

**WAC 204-10-090 ((Slow moving vehicle emblems.)) Equipment prohibited.** ((Society of Automotive Engineers Standard SAE J943 is hereby adopted by reference as the standard for slow moving vehicle identification emblems. Mounting of the emblem shall be as set forth in chapter 204-28 WAC.)) If aftermarket equipment is installed on a vehicle, it must not impair the effectiveness of equipment required by 49 Code of Federal Regulations (CFR) Part 571, chapter 46.37 RCW or Title 204 WAC.

AMENDATORY SECTION (Amending WSR 93-11-018, filed 5/6/93, effective 6/6/93)

**WAC 204-10-120 Sirens.** Society of Automotive Engineers (SAE) Standard J1849 is ((hereby)) adopted by reference as the standard for emergency vehicle sirens.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 204-10-035      Antique motor-driven cycles.
- WAC 204-10-055      Child restraint systems.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 204-46-010      Promulgation.
- WAC 204-46-020      Backup alert devices.
- WAC 204-46-030      Rear crossview mirrors.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 204-52-010      Promulgation.
- WAC 204-52-020      Definitions.
- WAC 204-52-030      Eye protective devices.
- WAC 204-52-040      Materials.
- WAC 204-52-050      Lens strength—Testing procedures.
- WAC 204-52-060      Flammability test—Plastics only.
- WAC 204-52-070      Optical properties of eye protective devices.
- WAC 204-52-080      Light transmitting ability of eye protective devices.
- WAC 204-52-090      Cleansing.
- WAC 204-52-100      Identification and labeling.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 204-82A-010      Authority.
- WAC 204-82A-020      Purpose.
- WAC 204-82A-030      Scope.
- WAC 204-82A-040      Definitions.
- WAC 204-82A-050      Maximum levels of sun-screening and other restrictions.
- WAC 204-82A-060      Exceptions.

WAC 204-82A-070 Physical alteration of motor vehicle glazing material prohibited.

WAC 204-94-050 Placement of reflectorized warning devices.

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

- WAC 204-90-010 Purpose.
- WAC 204-90-020 Scope.
- WAC 204-90-030 Definitions.
- WAC 204-90-040 Body requirements.
- WAC 204-90-050 Glazing material/driver visibility.
- WAC 204-90-060 Instrumentation.
- WAC 204-90-070 Rear view mirror.
- WAC 204-90-080 Accelerator control systems.
- WAC 204-90-090 Brakes.
- WAC 204-90-100 Fuel system.
- WAC 204-90-110 Steering.
- WAC 204-90-120 Suspension.
- WAC 204-90-130 Exhaust system.
- WAC 204-90-140 Electrical system requirements.

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

- WAC 204-92-010 Promulgation.
- WAC 204-92-020 Purpose.
- WAC 204-92-030 Definition.
- WAC 204-92-040 Minimum speed requirements.
- WAC 204-92-050 Equipment requirements on wheelchair conveyances.

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

- WAC 204-94-010 Authority.
- WAC 204-94-020 Purpose.
- WAC 204-94-030 Definition.
- WAC 204-94-040 Standards for reflectorized warning devices.

**WSR 08-19-099**

**PERMANENT RULES  
DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

(Health and Recovery Services Administration)

[Filed September 17, 2008, 6:28 a.m., effective October 18, 2008]

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

Purpose: The purpose of this proposal is to correct outdated cross references in WAC 388-505-0220 (1)(c) replacing reference to "chapter 388-222" with "388-400-0010(2)"; and in WAC 388-505-0220(5) replacing reference to "WAC 388-505-0210 (4)(c)(i) and (ii)" with "388-505-0210(6)."

Citation of Existing Rules Affected by this Order: Amending WAC 388-505-0220.

Statutory Authority for Adoption: RCW 74.04.050, 74.08.090.

Other Authority: RCW 74.04.050, 74.08.090.

Adopted under notice filed as WSR 08-13-044 on June 12, 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 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: September 9, 2008.

Stephanie E. Schiller  
Rules Coordinator

**AMENDATORY SECTION** (Amending WSR 05-16-127 [08-14-105], filed 8/3/05 [6/30/08], effective 9/3/05 [8/1/08])

**WAC 388-505-0220 Family medical eligibility.** (1) A person is eligible for categorically needy (CN) medical assistance when they are:

- (a) Receiving temporary assistance for needy families (TANF) cash benefits;
- (b) Receiving Tribal TANF;
- (c) Receiving cash diversion assistance, except SFA relatable families, described in ((chapter 388-222)) WAC 388-400-0010(2);
- (d) Eligible for TANF cash benefits but choose not to receive; or

(e) Not eligible for or receiving TANF cash assistance, but meet the eligibility criteria for aid to families with dependent children (AFDC) in effect on July 16, 1996 except that:

(i) Earned income is treated as described in WAC 388-450-0210; and

(ii) Resources are treated as described in WAC 388-470-0005 for applicants and 388-470-0026 for recipients.

(2) An adult cannot receive a family Medicaid program unless the household includes a child who is eligible for:

(a) Family Medicaid;

(b) SSI; or

(c) Children's Medicaid.

(3) A person is eligible for CN family medical coverage when the person is not eligible for or receiving cash benefits solely because the person:

(a) Received sixty months of TANF cash benefits or is a member of an assistance unit which has received sixty months of TANF cash benefits;

(b) Failed to meet the school attendance requirement in chapter 388-400 WAC;

(c) Is an unmarried minor parent who is not in a department-approved living situation;

(d) Is a parent or caretaker relative who fails to notify the department within five days of the date the child leaves the home and the child's absence will exceed ninety days;

(e) Is a fleeing felon or fleeing to avoid prosecution for a felony charge, or is a probation and parole violator;

(f) Was convicted of a drug related felony;

(g) Was convicted of receiving benefits unlawfully;

(h) Was convicted of misrepresenting residence to obtain assistance in two or more states;

(i) Has gross earnings exceeding the TANF gross income level; or

(j) Is not cooperating with WorkFirst requirements.

(4) An adult must cooperate with the division of child support in the identification, use, and collection of medical support from responsible third parties, unless the person meets the medical exemption criteria described in WAC 388-505-0540 or the medical good cause criteria described in chapter 388-422 WAC.

(5) Except for a client described in WAC (~~388-505-0210(4)(e)(i) and (ii)~~) 388-505-0210(6), a person who is an inmate of a public institution, as defined in WAC 388-500-0005, is not eligible for CN or MN medical coverage.

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

**Reviser's note:** RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

## WSR 08-19-102

### PERMANENT RULES

### DEPARTMENT OF

### SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed September 17, 2008, 6:39 a.m., effective October 18, 2008]

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

**Purpose:** The department is amending chapter 388-106 WAC, Long-term care services, to phase in a 17 level CARE assessment payment system effective July 1, 2008, as directed by ESHB 2687 (Washington state supplemental operating budget).

Prior to July 1, 2008, the department assigned a home and community residential client to one of 12 CARE classifications. The development of the 17 CARE classifications for home and community residential clients allows the department to tie payment more closely to acuity. Each of the 17 levels of CARE classifications is assigned a payment rate.

**Citation of Existing Rules Affected by this Order:** Amending WAC 388-106-0080, 388-106-0110, and 388-106-0115.

**Statutory Authority for Adoption:** ESHB 2687, chapter 329, Laws of 2008.

Adopted under notice filed as WSR 08-14-121 on July 1, 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 3, 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 3, Repealed 0.

Date Adopted: September 11, 2008.

Stephanie E. Schiller

Rules Coordinator

**AMENDATORY SECTION** (Amending WSR 05-11-082, filed 5/17/05, effective 6/17/05)

**WAC 388-106-0080 How is the amount of long-term care services I can receive in my own home or in a residential facility determined?** The amount of long-term care services you can receive in your own home or in a residential facility is determined through a classification system. (~~Twelve~~) Seventeen classifications apply to clients served in residential and in-home settings. (~~Two additional exceptional care groups apply to clients served in in-home settings.~~) The department has assigned each classification a residential facility daily rate or a base number of hours you can receive in your own home.

**AMENDATORY SECTION** (Amending WSR 08-10-022, filed 4/25/08, effective 5/26/08)

**WAC 388-106-0110 How does the CARE tool evaluate me for the exceptional care classification of (~~in-home care~~) the E Group?** CARE places you in the exceptional

care E Group classifications (~~for the in-home setting~~) when the following criteria are met in either diagram 1 or 2:

Diagram 1
You have an ADL score of greater than or equal to 22.
AND
You need a Turning/repositioning program.
AND
You <del>((require))</del> need at least one of the following: <ul style="list-style-type: none"> <li>■ External catheter;</li> <li>■ Intermittent catheter;</li> <li>■ Indwelling catheter care;</li> <li>■ Bowel program;</li> <li>■ Ostomy care; or</li> <li>■ Total in Self Performance for Toilet Use.</li> </ul>
AND
You need one of the following services provided by an individual provider, agency provider, a private duty nurse, or through self-directed care <u>when in the in home setting, or provided by AFH/boarding home staff, facility RN/LPN, facility staff or private duty nursing when living in a residential setting</u> : <ul style="list-style-type: none"> <li>■ Active range of motion (AROM); or</li> <li>■ Passive range of motion (PROM).</li> </ul>

Diagram 2
You have an ADL score of greater than or equal to 22.
AND
You need a Turning/repositioning program.
AND
You need one of the following services provided by an individual provider, agency provider, a private duty nurse, or through self-directed care <u>when in the in home setting, or provided by AFH/boarding home staff, facility RN/LPN, facility staff or private duty nursing when living in a residential setting</u> : <ul style="list-style-type: none"> <li>■ Active range of motion (AROM); or</li> <li>■ Passive range of motion (PROM).</li> </ul>
AND
All of the following apply: <ul style="list-style-type: none"> <li>■ You require IV nutrition support or tube feeding;</li> <li>■ Your total calories received per IV or tube was greater than 50%; and</li> <li>■ Your fluid intake by IV or tube is greater than 2 cups per day.</li> </ul>
AND

You need assistance with one of the following, provided by an individual provider, agency provider, a private duty nurse, or through self-directed care when in the in home setting or provided by AFH/boarding home staff, facility RN/LPN, facility staff, a private duty nurse or nurse delegation when living in a residential setting:

- Dialysis; or
- Ventilator/respirator.

AMENDATORY SECTION (Amending WSR 05-11-082, filed 5/17/05, effective 6/17/05)

**WAC 388-106-0115 How does CARE use ~~((the))~~ criteria ~~((of cognitive performance as determined under WAC 388-106-0090, clinical complexity as determined under WAC 388-106-0095, mood/behaviors as determined under WAC 388-106-0100, and ADLs as determined under WAC 388-106-0105))~~ to place me in a classification group for residential facilities?** The CARE tool uses the criteria of cognitive performance as determined under WAC 388-106-0090, clinical complexity as determined under WAC 388-106-0095, mood/behaviors as determined under WAC 388-106-0100, ~~((and))~~ ADLs as determined under WAC 388-106-0105 and exceptional care under WAC 388-106-0110 to place you into one of the following ~~((twelve))~~ seventeen residential classification groups:

<b>((Classification))</b>	<b>((ADL Score))</b>	<b>((Group))</b>
<b>((Group D</b> Cognitive performance score = 4-6 and Clinically complex = yes and Mood/behavior = yes or no))	((ADL Score 18-28))	((D High (12))
	((ADL Score 13-17))	((D Med (11))
	((ADL Score 2-12))	((D Low (10))
<b>((Group C</b> Cognitive performance score = 0-3 and Clinically complex = yes and Mood/behavior = yes or no))	((ADL Score 18-28))	((C High (9))
	((ADL Score 9-17))	((C Med (8))
	((ADL Score 2-8))	((C Low (7))
<b>((Group B</b> Mood & behavior = Yes and Clinically complex = no and Cognitive performance score = 0-6))	((ADL Score 15-28))	((B High (6))
	((ADL Score 5-14))	((B Med (5))
	((ADL Score 0-4))	((B Low (4))
<b>((Group A</b> Mood & behavior = No and Clinically complex = No and Cognitive performance score = 0-6))	((ADL Score 10-28))	((A High (3))
	((ADL Score 5-9))	((A Med (2))
	((ADL Score 0-4))	((A Low (1))

CARE classification is determined first by meeting criteria to be placed into a group, then you are further classified based on ADL score or behavior point score into a classification sub-group following a classification path of highest possible group to lowest qualifying group.

(1) If you meet the criteria for exceptional care, then CARE will place you in Group E. CARE then further classifies you into:

- (a) Group E High if you have an ADL score of 26-28; or
- (b) Group E Medium if you have an ADL score of 22-25.

(2) If you meet the criteria for clinical complexity and have a cognitive performance score of 4-6 then you are classified in Group D regardless of your mood and behavior qualification or behavior points. CARE then further classifies you into:

- (a) Group D High if you have an ADL score of 25-28; or
- (b) Group D Medium-High if you have an ADL score of 18-24; or
- (c) Group D Medium if you have an ADL score of 13-17;

or  
(d) Group D Low if you have an ADL score of 2-12.

(3) If you meet the criteria for clinical complexity and have a CPS score of less than 4, then you are classified in Group C regardless of your mood and behavior qualification or behavior points. CARE then further classifies you into:

- (a) Group C High if you have an ADL score of 25-28; or
- (b) Group C Medium-High if you have an ADL score of 18-24; or

(c) Group C Medium if you have an ADL score of 9-17; or

(d) Group C Low if you have an ADL score of 2-8.

(4) If you meet the criteria for mood and behavior qualification and do not meet the classification for C, D, or E groups, then you are classified into Group B. CARE further classifies you into:

- (a) Group B High if you have an ADL score of 15-28; or
- (b) Group B Medium if you have an ADL score of 5-14;

or  
(c) Group B Low if you have an ADL score of 0-4.

(5) If you meet the criteria for behavior points and have a CPS score of greater than 2 and your ADL score is greater than 1, and do not meet the classification for C, D, or E groups, then you are classified in Group B. CARE further classifies you into:

- (a) Group B High if you have a behavior point score 12 or greater; or
- (b) Group B Medium-High if you have a behavior point score greater than 6; or
- (c) Group B Medium if you have a behavior point score greater than 4; or
- (d) Group B Low if you have a behavior point score greater than 1.

(6) If you are not clinically complex and you do not qualify under either mood and behavior criteria, then you are classified in Group A. CARE further classifies you into:

- (a) Group A High if you have an ADL score of 10-28; or

(b) Group A Medium if you have an ADL score of 5-9;

or

(c) Group A Low if you have an ADL score of 0-4.

### WSR 08-19-104

#### PERMANENT RULES

#### WASHINGTON STATE PATROL

[Filed September 17, 2008, 7:50 a.m., effective October 18, 2008]

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

Purpose: The changes being proposed are to clean up existing WAC language and make the rules easier for users to find. This is a new WAC chapter that will consolidate existing rules written under chapters 204-28, 204-32, 204-38, 204-39, 204-40, 204-60, 204-62, 204-65, 204-72, 204-74A, 204-78, 204-80, and 204-88 WAC and WAC 204-10-020 under one. In addition to the consolidation the rule will adopt new language to allow for an exemption for municipal transit vehicles for certain lighting requirements.

Citation of Existing Rules Affected by this Order: Repealing WAC 204-10-020, chapters 204-28, 204-32, 204-38, 204-39, 204-40, 204-60, 204-62, 204-65, 204-72, 204-74A, 204-78, 204-80, and 204-88 WAC.

Statutory Authority for Adoption: RCW 46.37.005 and 46.37.320.

Adopted under notice filed as WSR 08-15-099 on July 17, 2008.

Changes Other than Editing from Proposed to Adopted Version: The only change is the addition of language to allow scrolling signs under certain conditions.

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 23, Amended 0, Repealed 67.

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: August 27, 2008.

John R. Batiste  
Chief

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 204-10-020      Lighting devices.

### Chapter 204-21 WAC

#### LIGHTING REQUIREMENTS

#### NEW SECTION

**WAC 204-21-010 Purpose and authority.** The purpose of this chapter is to outline additional lighting requirements in an effort to reduce motor vehicle collisions caused by improper lighting.

By authority of RCW 46.37.005, 46.37.185, 46.37.190, 46.37.194, 46.37.280, 46.37.290, 46.37.300, 46.37.310, 46.37.320, and chapter 119, Laws of 1984, the Washington state patrol adopts the following rules pertaining to the mounting, adjusting, and aiming of lamps used upon motor vehicles.

#### NEW SECTION

**WAC 204-21-020 Definitions.** (1) "Animal control vehicle" means any vehicle, either publicly or privately owned, which is used primarily for transportation of animals to or from animal shelters, humane society facilities, or veterinary medicine facilities.

(2) "Authorized emergency vehicle" means any vehicle of any fire department, police department, sheriff's office, coroner, prosecuting attorney, Washington state patrol, ambulance service, public or private, licensed by the department of social and health services or operated by any of the agencies named above, or any other vehicle authorized in writing by the state patrol.

(3) "CFR" means the Code of Federal Regulations.

(4) "Deceleration warning light," excluding stop lamps, means a device that indicates to a following driver the deceleration of the vehicle ahead.

(5) "Electronic light modulation" means the periodic change in intensity of light, controlled by an all electric modulating device in the electrical circuit of the lighting system.

(6) "Electronic modulation" means using one hundred percent electronic circuitry instead of mechanical metallic switches.

(7) "Emergency tow truck" means a motor vehicle that is especially designed and constructed principally for the purpose of recovery and/or towing of disabled, abandoned or damaged vehicles and not otherwise generally used in transporting goods or persons.

(8) "Flashing" means any lamp which emits a beam of light which is broken intermittently and regularly by use of an electronic or electric switch, a rotating reflector, a rotating lamp, or a strobe lamp; or a lamp which emits a steady beam of light which is intermittently and regularly directed away from any viewer by means of a rotating or oscillating reflector or lamp assembly. Flashing lamps are not to be confused with modulated lamps which intermittently and regularly decrease the power to the lamp filament so as to dim the light output but do not cause a total break in the light beam.

(9) "FMVSS" means the Federal Motor Vehicle Safety Standards 49 Code of Federal Regulations (CFR) Part 571.

(10) "Hazardous materials response team vehicle" means any vehicle either publicly or privately owned which is used for responding to hazardous materials incidents.

(11) "Headlamp flashing system" means an automatic method for controlling the high beams from the headlamps so that they can be alternately flashed in sequence on opposite sides of the front of the vehicle as a warning signal.

(12) "Law enforcement agency" means any municipal, port district or tribal police department, county police department or sheriff's office, the Washington state patrol, or any other state or federal agency which is publicly authorized to carry out law enforcement duties which include the authority to stop and detain motor vehicles on the public highways of this state.

(13) "Law enforcement vehicle" means a publicly owned or leased vehicle operated by a law enforcement agency and which is used for the law enforcement functions of the agency.

(14) "Other construction and maintenance vehicle" means any vehicle owned or operated by a private company which is in the process of providing highway construction or maintenance services or is working in conjunction with any public utility.

(15) "Oversize unit" means any vehicle towing a load that exceeds legal dimensions which may be equipped with flashing amber lights in addition to any other lights required by law.

(16) "Percent modulation" equals time-weighted power input with modulation to headlamp divided by time-weighted power input without modulation to headlamp times one hundred.

(17) "Pilot car" means any vehicle which is used to provide escort for overlegal size loads upon the roadways of this state.

(18) "Private carrier bus" means every motor vehicle designed for the purpose of carrying passengers (having a seating capacity for eleven or more persons) used regularly to transport persons in furtherance of any organized agricultural, religious or charitable purpose. Such term does not include buses operated by common carriers under a franchise granted by any city or town or the Washington public utilities commission.

(19) "Public utilities vehicle" means any vehicle used for construction, operations, and maintenance, and which is owned or operated by a public or private utility, including, but not limited to, companies providing water, electricity, natural gas, telephone, television cable services, and railroads.

(20) "Rural newspaper carrier vehicle" means any vehicle driven on rural roads by carriers delivering newspapers on their route.

(21) "SAE" means the Society of Automotive Engineers. Copies of SAE Standards are available for review at the Washington State Patrol, P.O. Box 42600, Olympia, WA 98504-2600, and may also be ordered from the Society of Automotive Engineers International, 400 Commonwealth Drive, Warrendale, PA 15096-0001.

(22) "Search and rescue team vehicle" means any vehicle either publicly or privately owned which is used for responding to search and rescue situations.

(23) "Signal lamps" means red lamps mounted on the vehicle to be used in conjunction with the "stop signal" when

the bus is loading or unloading passengers under certain conditions.

(24) "Tow truck" means any vehicle engaged in removing disabled or abandoned vehicles from the roadway and which is used primarily for that purpose.

#### NEW SECTION

##### **WAC 204-21-030 General lighting requirements.** (1)

All lighting equipment must be mounted:

(a) Securely on a rigid part of the vehicle to prevent noticeable vibration of the beam.

(b) At the height prescribed as measured from the center of the lamp or reflector to the level surface upon which the vehicle stands when it is without load.

(c) In accordance with orientation markings such as "top" if such markings exist.

(d) Installed with the lettering on the lens face right side up if the lamp has a sealed or semisealed optical unit.

(e) At the same angle as originally intended for the vehicle for which they were designed, unless the lamps are designed for a particular make of vehicle and installed on another vehicle, then the lamp does not need to be mounted at the same height or lateral spacing as the original vehicle so long as the height and lateral spacing comply with the requirements outlined in 49 CFR Part 571.108 (FMVSS 108), chapter 46.37 RCW, and this title.

(f) Maintained with the proper aim when the vehicle is stationary and in motion.

(2) All lighting equipment must be aimed so the center of the beam produced by the major filament is parallel to the road and projects directly to the front, side, or rear, depending on mounting location, unless otherwise outlined in 49 CFR Part 571.108 (FMVSS 108), chapter 46.37 RCW, or this title. The lamps must be aimed with only the driver in the vehicle, except that lamps on vehicles which normally carry a load should be aimed with the vehicle so loaded. Enforcement agencies that inspect vehicles may establish aiming tolerances to allow for variations in inspection procedures and in vehicle loading.

(a) If the road lighting device is visually aimed, it must be aimed as specified in the following sections of this rule on a vertical aiming screen at a distance of twenty-five feet from the front of the lens surface or with an optical aimer meeting SAE J600a (March 1965) with the aiming line on the screen adjusted to the level of the surface upon which the vehicle stands or with an optical aimer designed to aim headlamps complying with Canadian Standards Association Regulation D106.2.

(b) If the road lighting device is mechanically aimed, it must be set at 0-0 with a mechanical aimer meeting SAE J602c (December 1974).

#### NEW SECTION

**WAC 204-21-040 Headlamps.** Headlamps must be mounted as specified in FMVSS 108, chapter 46.37 RCW, and as follows:

(1) On motor vehicles:

(a) If installed after November 15, 1975, the headlamps must not be closer than twelve inches to the centerline of the



vehicle. This distance must be measured from the center of the lens. Except motorcycles, motor-driven cycles, and motorized bicycles must have the headlamps spaced as far apart as practicable.

(b) Adjusting and aiming of headlamps:

(i) If the headlamp is a Type 1 sealed beam headlamp unit (including those with any suffix letters and numbers such as 1A and 1C1) the lamp must be aimed with the center of the high intensity zone on the vertical line straight ahead of the lamp center and at the level of the lamp center.

(ii) If the headlamp is a Type 2 sealed beam headlamp unit (including those with any suffix letters and numbers such as 2A1 and 2B) the lamp must be aimed with the left edge of the high intensity zone on the vertical line straight ahead of the lamp center and with the top edge of the high intensity zone at the level of the lamp center.

(iii) If the headlamp is quartz halogen nonsealed beam meeting the requirements of the Canadian Standards Association: The high beam lamp must be aimed as specified for Type 1 headlamps in (b)(i) of this subsection; the low beam lamps must be aimed so that the top edge of the low beam cutoff is three inches below the level of the lamp center, and the point which the cutoff rises to the right must be on the vertical line with the center of the lamp.

(c) In cases of customized headlamp installation, headlamps must not be mounted closer together than requirements outlined for the year or original manufacture of the vehicle body.

(2) On motorcycles or motor-driven cycles with multiple beam lamps, the lamps must be aimed on the upper beam as specified for Type 1 units in subsection (1)(b)(i) of this section. As an alternative, motorcycle headlamps or motor-driven cycles with multiple beam headlamps with a well-defined lower beam may be aimed on the lower beam as specified for Type 2 units in subsection (1)(b)(ii) of this section with the vehicle upright and the front wheel facing straight ahead.

(3) On motor-driven cycles with single beam headlamps, the lamps must be aimed with the center of the high intensity zone on a vertical centerline straight ahead of the lamp center and with the top edge of the high intensity zone at the level of the lamp center.

(4) On motorcycles and motor-driven cycles with electronic headlamp modulators.

(a) The headlamp modular must:

(i) Be inserted in the high beam headlight circuit on motorcycles between the high beam hand switch and high beam filament in the lamp.

(ii) Be located on a frame bar or other substantial structure number, easily accessible to the operator for quick access to a bypass switch. The device should be air cooled, if necessary.

(iii) Be designed to continuously operate 60 watt headlamps.

(iv) Have an electrical bypass switch rated at 6 amps, 12.8 volts.

(v) Be made to change modulation amplitude:

(A) Daytime - modulation depth should be at least 50% but not more than 80%.

(B) Nighttime - not more than 20% modulation.

(C) At no time while the light modulator is being used should the percent modulation become 100%. This condition switches off the light intermittently and leads to premature filament failure.

(vi) Have No. 16 AWG stranded copper interconnecting wire.

(vii) Not make changes that would render ineffective any portion of 49 CFR Part 571.108 (FMVSS 108).

(b) The headlamp modular should:

(i) Not use potentially dangerous voltages, i.e., above 50 volts, in the light modulator.

(ii) Operate within a frequency band of one cycle every two seconds to not more than four times per second.

(iii) Be sealed to prevent water intrusion.

(iv) Be designed to withstand intense vibration at 130°F.

(v) Be capable of operating over a voltage range of from 8 to 14 volts with no discernible change in its operating characteristics other than in headlamp brightness.

(vi) Not alter the low beam headlight circuit so that it may be used as backup in case of modulator malfunction.

#### NEW SECTION

**WAC 204-21-050 Clearance lamps, side marker lamps and identification lamps.** Clearance lamps, side marker lamps, and identification lamps must be mounted as specified in 49 CFR Part 571.108 (FMVSS 108) unless other requirements are outlined in RCW 46.37.090 or this section.

(1) Clearance lamps on vehicles manufactured prior to May 1, 1980, do not need to be visible at the inboard angles and need not comply with the mounting height requirements of 49 CFR Part 571.108 (FMVSS 108).

(2) Specialized combination lamps designed to be mounted with the base at angles other than 0, 45, or 90 degrees from the longitudinal axis of the vehicle must be installed in accordance with the manufacturer's instructions.

#### NEW SECTION

**WAC 204-21-060 Turn signal lamps.** (1) Turn signal lamps visible to approaching or following drivers must:

(a) Flash at a rate of sixty to one hundred twenty flashes per minute.

(b) Flash in unison. Except that a turn signal consisting of two or more units mounted horizontally may flash in sequence from inboard to outboard. The lamps may either be extinguished simultaneously or lighted simultaneously.

(c) Be mounted and operated as follows:

(i) On motor vehicles, turn signal systems must:

(A) Have four separate lamps consisting of at least two single-faced or double-faced turn signal lamps on or near the front and at least two single-faced lamps on the rear. Except that a truck-tractor or a truck chassis without a body or load may be equipped with one double-faced turn signal lamp on each side in lieu of the four separate lamps otherwise required on motor vehicles. If double-faced turn lamps are used, they must be mounted ahead of the center of the steering wheel or the center of the outside rearview mirror, whichever is rear-most.

(B) Be spaced as far apart as practical.

(C) Have the optical center of the front turn signal at least four inches from the inside diameter of the retaining ring of the lower beam headlamp unit, fog lamp unit, or passing lamp unit. Except original equipment turn signals that emit two and one-half times the minimum candela requirements may be closer.

(ii) For motorcycles, the front and rear turn signal lamps must be at least nine inches apart, except that front turn signals on motorcycles manufactured after January 1, 1973, must be at least sixteen inches apart.

(iii) On the rearmost towed vehicle in combination of vehicles, turn signal systems must be equipped with at least two single-faced turn signal lamps on the rear. The signal system on a combination of vehicles towed by a motor vehicle equipped with double-faced front turn signal lamps may be connected so only the double-faced turn signal lamps on the towing vehicle and the signal lamps on the rear of the rearmost vehicle are operative.

(2) Side turn signal lamps must:

(a) Meet SAE Standard J914.

(b) Be mounted on the side not lower than twenty inches or higher than seventy-two inches.

(c) Flash with the front and rear turn signal lamps on their respective sides of the vehicle. On vehicles with sequential turn signal lamps, the side turn signal lamps must flash with the front turn signal lamps.

(d) Flash with the rear turn signal lamps, if the side lamps flash when the hazard warning switch is actuated.

#### NEW SECTION

**WAC 204-21-070 Supplemental high-mounted stop and rear turn signal lamps.** Supplemental high-mounted stop and rear turn signal lamps must meet requirements of SAE J1957 and J2068.

(1) Supplemental high-mounted stop and rear turn signal lamps must:

(a) Be single-faced.

(b) Be actuated in the same manner and at the same time as the required stop lamps or turn signal lamps.

(c) Be mounted not lower than thirty-five inches nor higher than fifty-five inches. Except that standard stop or turn signal lamps not combined with tail lamps or reflex reflectors may be used respectively as supplemental lamps in which case they must be mounted at any height not lower than fifteen inches or higher than seventy-two inches.

(d) Not be used in lieu of required stop and turn signal lamps.

(2) Supplemental turn signal lamps and combination stop-and-turn signal lamps must be mounted in pairs facing the rear with one lamp near each side of the vehicle, at the same height and equally spaced from the vehicle centerline.

(3) Supplemental stop lamps must be mounted in pairs as specified above or with not more than two lamps on or adjacent to the centerline of the vehicle.

#### NEW SECTION

**WAC 204-21-080 Fog lamps.** (1) Fog lamps must:

(a) Meet SAE Standard J583.

(b) Be white to amber in color.

(c) Be mounted in accordance with RCW 46.37.180 and so the inner edge of the lens retaining ring is no closer than four inches to the optical center of the front turn signal lamp to provide illumination in front of the vehicle under conditions of rain, snow, dust or fog.

(d) Not be used alone in lieu of headlamps, but may be used with lower head lamp beams as specified in RCW 46.37.220.

(2) Fog tail lamps must meet standards set by SAE J1319.

#### NEW SECTION

**WAC 204-21-090 Auxiliary driving lamps.** Auxiliary driving lamps must:

(1) Meet SAE Standard J581.

(2) Be white in color.

(3) Provide illumination forward the vehicle.

(4) Be wired so that the taillights are lighted whenever the driving lamps are lighted. If driving lamps are not wired to operate only with headlamp high beams, a separate switch and indicator lamp must be provided to operate the driving lamps.

(5) Be aimed with the center of the high intensity zone on a vertical line straight ahead of the lamp center and at the level of the lamp center.

(6) Not be used alone in lieu of headlamps, but may be used to supplement the upper beam of a standard headlight system as specified in RCW 46.37.220, and may only be used to supplement the upper beam of a standard headlamp system.

#### NEW SECTION

**WAC 204-21-100 Auxiliary passing lamps.** Auxiliary passing lamps must:

(1) Meet SAE Standard J582a.

(2) Be white to amber in color.

(3) Be mounted in accordance with RCW 46.37.180 and so the inner edge of the lens retaining ring is no closer than four inches to the optical center of the front turn signal lamp.

(4) Be aimed with the top edge of the high intensity zone one inch above the level of the lamp center and with the left edge of the high intensity zone five inches to the left of a vertical line straight ahead of the lamp center.

(5) Not be used alone in lieu of headlamps, but may be used at the driver's discretion with either low or high beam headlamps as specified in RCW 46.37.220.

#### NEW SECTION

**WAC 204-21-110 Spot lamps.** Spot lamps must meet SAE Standard J591.

#### NEW SECTION

**WAC 204-21-120 Cornering lamps.** Cornering lamps:

(1) Must meet SAE Standard J852a.

(2) Must be on the front of the vehicle near the side or the side near the front.

(3) Must be mounted no lower than twelve inches nor higher than thirty inches.

(4) Must, if they have means to adjust and aim the lamp, be mounted so the center of the high intensity portion of the beam is within forty to fifty degrees from the longitudinal axis of the vertical toward the front. The vertical aim must be within the center of the high intensity zone, ten to fourteen inches below the level of the lamp center.

(5) Must, if they don't have aiming mechanisms, be mounted in a fixed position on the vehicle in accordance with the manufacturer's instructions.

**NEW SECTION**

**WAC 204-21-130 Emergency lamps.** (1) All emergency lamps must meet the criteria established in RCW 46.37.320. In descending order of preference, these are:

(a) Conformance to Federal Motor Vehicle Safety Standards, or, if none,

(b) Conformance to current standards and specifications of the Society of Automotive Engineers, or, if none,

(c) Certified for compliance by any recognized organization or agency such as, but not limited to, the American National Standards Institute, the Society of Automotive Engineers, or the American Association of Motor Vehicle Administrators.

(2) Headlamp flashing systems may be used for authorized emergency vehicles owned and operated by law enforcement agencies, licensed ambulance companies, and fire departments. Headlamp flashing systems must:

(a) Have a circuit that alternately flashes only the high beams from the headlamps at a rate of sixty to one hundred twenty flashes per minute per side.

(b) Be so designated that any failure to flash the lamps will not result in failure of the headlamp system to operate normally.

(c) Incorporate an override feature which must stop the flashing and provide full illumination from both high beam headlamps when the dimmer switch is in the high-beam mode.

(d) Have an indicator lamp included in the circuit to give a visible and unmistakable indication to the driver that the system is turned on.

(3) The following table outlines the color of emergency lamp to be used for each type of emergency vehicle.

Vehicle Type	Lighting Required	Other Lighting Allowed
Authorized Emergency	1 red lamp	Flashing amber or white lamps
Law Enforcement Vehicle	1 blue lamp	Flashing red, amber or white lamps

Vehicle Type	Lighting Required	Other Lighting Allowed
Volunteer Fire Fighter		If approved by the chief of their respective service, green lamps may be installed on the vehicle provided that the requirements outlined in subsection (4) of this section are met.
Public utilities vehicles, other construction and maintenance vehicles, pilot cars, tow trucks, animal control vehicles, hazardous materials response team vehicles, search and rescue team vehicles, and rural newspaper carrier vehicles, and vehicles towing a load that exceeds legal dimensions.		One or more flashing amber lamps provided that the requirements of subsection (5) of this section are met.

(4) Green lights for volunteer fire fighter vehicles must:

(a) Meet the requirements of SAE J595 except that the color of the lamp must be green as the color described in SAE J578.

(b) Be visible for a distance of two hundred feet under normal atmospheric conditions.

(c) Not have a maximum light projected in any one direction exceeding three hundred candle power.

(d) Be mounted no less than twenty-four inches above the level surface upon which the vehicle stands, or may be placed on the forward portion of the top above the windshield.

(e) Be mounted anywhere from the center of the vehicle to the left side thereof.

(f) Be used only for the purpose of identification and the operator of a vehicle so equipped must not be entitled to any of the privileges provided in RCW 46.61.035 for the operators of authorized emergency vehicles.

(5) Amber lamps must:

(a) Be mounted and be of sufficient intensity so as to be clearly visible to approaching traffic for at least five hundred feet in normal sunlight.

(b) Be mounted as outlined in WAC 204-21-020 and as follows:

(i) Must be mounted so that the entire projected area of the lens is visible from all eye heights of drivers of other vehi-

cles at angles within forty-five degrees left to forty-five degrees right of the front of the vehicle. If the light within these required angles is blocked by the vehicle or any substantial object on it, an additional warning lamp must be displayed within the obstructed angle.

(ii) May be mounted at any height.

(c) Only be used on the vehicles described in subsection (3) of this section, when such vehicles are actually involved in construction, maintenance, or operations which require that warning be given to ensure the protection of the motoring public or the work crew. Warning lamps must not be illuminated while traveling to or from the site of operations. For the purposes of tow truck operations, the site of operations must be only that place where vehicles are attached to or detached from the tow truck. Lamps on pilot cars must be illuminated only while the vehicle is actually providing escort service. Lamps on rural newspaper delivery vehicles must only be illuminated when the vehicle is traveling on the delivery route. Lamps on oversize units may be illuminated when traveling on public roadways. The operator of these vehicles must not be entitled to any of the privileges provided in RCW 46.61.035 for the operators of authorized emergency vehicles.

(6) Three hundred sixty degree emergency warning lamps must meet SAE Standard J845.

(7) Nothing in this section relieves the operator of any vehicle from displaying any other light or warning device required by statute or regulation.

NEW SECTION

**WAC 204-21-140 Flashing warning lamps.** Flashing warning lamps may be mounted at any height and must:

(1) Meet the SAE Standards outlined for the type of vehicle as outlined in the table below.

Vehicle Type	Standard Adopted
Agricultural equipment	SAE J974
Authorized emergency maintenance, volunteer fire fighter, and service vehicles	SAE J595
Industrial equipment	SAE J96

(2) Be mounted so that the entire projected area of the lens is visible from all eye heights of drivers of other vehicles at angles within forty-five degrees left to forty-five degrees right of the front of the vehicle. If the light within these required angles is blocked by the vehicle or any substantial object on it, an additional warning lamp must be displayed within the obstructed angle.

NEW SECTION

**WAC 204-21-150 Side cowl fender or running board courtesy lamps.** Side cowl, fender, or running board courtesy lamps must meet SAE Standard J575.

NEW SECTION

**WAC 204-21-160 Slow-moving vehicle emblems.** (1) Every farm tractor, every self-propelled unit of farm equipment, every implement of husbandry designed for operation at speeds not in excess of twenty-five miles per hour and every combination of farm tractor and towed farm equipment or towed implement of husbandry normally operated at speeds not in excess of twenty-five miles per hour shall at all times be equipped with a slow-moving vehicle emblem.

(2) Other classes of vehicles not covered by RCW 46.37.160 such as road construction vehicles and road maintenance vehicles which normally operate at a speed of twenty-five miles per hour or less may be equipped with slow-moving vehicle emblems meeting the requirements of this section.

(3) In order to comply with the provisions of RCW 46.37.160(6), slow-moving vehicle emblems:

(a) Must be constructed in conformance with SAE Standard J943.

(b) Must be mounted point up in plane perpendicular to the direction of travel of the vehicle so that the reflectorized side of the emblem is facing to the rear.

(c) Must be mounted, as nearly as is practicable, centrally at the rear of the vehicle in an unobscured location.

(d) Must be mounted not less than two feet nor more than six feet above the ground on which the vehicle stands measured from the lower edge of the emblem.

(e) May be permanently attached to the vehicle. Where portable brackets are used, they must be so constructed that they will hold the emblem securely and in a position meeting the requirements of all other mounting instructions under this section.

If the towed unit is sufficiently large to obscure the slow-moving vehicle emblem on the farm tractor, the towed unit must be equipped with a slow-moving vehicle emblem. In such cases, the towing vehicle need not display the emblem. Where the slow-moving vehicle emblem on the farm tractor unit is not obscured by the towed unit, then either or both may be equipped with the required emblem.

(f) Must not replace any of the required lamps or other devices required in chapter 46.37 RCW.

(g) Must not be used as a clearance marker for wide equipment.

NEW SECTION

**WAC 204-21-170 Additional lighting for snow removal, highway maintenance and refuse haulers.** (1) Additional headlamps may be positioned sufficiently high enough to clear operating equipment provided they are aimed at an angle to avoid blinding oncoming traffic while on their routes, involved in construction, maintenance, and/or operations. Except, refuse haulers must:

(a) Use regular mounted headlamps when transporting refuse to the dump site. Auxiliary headlamps may be used if necessary.

(b) Use the alternate lights when the refuse haulers' collections container is in a position to obscure the headlamps, and will not exceed twenty miles per hour.

(2) Additional operating lamps may be located on the top of the cab or at other locations to illuminate plowing, abrasive spreading or other equipment.

(3) No flashing red warning signal except those required by RCW 46.37.150 shall be displayed or used on any highway equipment.

(4) Amber colored lamps must:

(a) Be mounted on the cab or other high point of the equipment so as to be visible at all times, at least from the front and rear of the vehicle, from a distance of five hundred feet in normal sunlight, unless otherwise prescribed below.

(b) Have a minimum light intensity of the lamp filament not be less than twenty-one candle power.

(c) Be used on the following vehicles:

(i) Power shovels or other similar highway maintenance equipment. The amber lamp and a red flag are to indicate an extension which designates the maximum danger limit created by the swing of the cab while operating along the traffic lane.

(ii) Other highway equipment which creates a potential hazard to traffic including those vehicles and trailers for construction, maintenance, and operations.

(iii) Knuckle of all man lift-type platform trucks with articulating boom, where the knuckle is capable of being rotated beyond the side of the truck.

(d) Only be illuminated:

(i) When the equipment is actually involved in construction, maintenance, collecting refuse, and/or operations.

(ii) When the equipment is traveling to or from the job site and is unable to maintain, either because of equipment limitations, or other reasons, at least one-half posted or prevailing speed.

**NEW SECTION**

**WAC 204-21-180 Deceleration alert lamp system. (1)**

Deceleration warning lights must:

(a) Be installed as follows:

(i) Only one such system may be mounted on a motor vehicle, trailer, semitrailer, truck tractor, or pole trailer.

(ii) Provision must be made for rigid or shock-absorbing mounting.

(iii) The axis of the light beam must be parallel to the roadway and the longitudinal axis of the vehicle.

(iv) The lamp must be mounted on the centerline of the rear exterior of the vehicle or with the optical center of the lamp not more than fifteen inches from the centerline.

(v) The deceleration warning light system must be mounted as nearly as practicable at the same height as the existing stop lamps on the vehicle.

(vi) Visibility of the deceleration lamps to the rear must not be obstructed by any part of the vehicle or load thereon.

(b) Meet Type I or Type II requirements and test methods for a deceleration alert system.

(i) Type I - the system must:

(A) Be mounted on the rear of the vehicle as close as possible to the vertical centerline of the vehicle.

(B) Be mounted at a height of not more than seventy-two inches nor less than fifteen inches.

(C) Center-to-center (optical axis) distance between two adjacent compartments should not exceed six inches.

(D) Have three compartments. The center compartment emits a green light and is energized when the vehicle operator has the accelerator depressed. The two outer compartments emit an amber light and are energized when the operator releases the accelerator and prior to applying pressure to the foot brake pedal. When the amber lights are energized, the green light is deenergized. When pressure is applied to the foot brake pedal, the amber lights are deenergized and the vehicle's stop lamps operate in the normal manner. SAE Standard J578d is adopted for color chromaticity boundaries.

(E) Meet the requirements under the following sections of SAE J575g: Section B, samples for test; Section C, lamp bulbs; Section D, laboratory facilities; Section E, vibration test; Section F, moisture test; Section G, dust test; Section H, corrosion test; and Section J, photometry. If plastic material is used in optical parts it must comply with the requirements set forth in SAE J576c.

(F) Measure the beam candle power with the H-V axis taken as paralleled to the longitudinal axis of the vehicle. The candle power measurements for the center green compartment must be made with the incandescent filament of the lamp at least ten feet from the photometric screen.

Beam candle power measurements of the two amber compartments shall be made by either of the following methods:

(I) The two compartments may be photometered together provided that a line from the optical axis (filament centers) of each compartment to the center of the photometer sensing device does not make an angle of more than 0.6° with the photometer (H-V) axis.

(II) Each compartment may be photometered separately by aligning its axis with the photometer and adding the value at each test point.

Table 1 lists the design candle power requirements for the two outer amber lights, and Table 2 lists the design candle power requirements for the center green light.

Table 1			Table 2		
Minimum Design Candle power Requirements for Amber Light			Minimum Design Candle power Requirements for Green Light		
Test	Points	Candle power	Test	Points	Candle power
10 up	10L	25	10 up	10L	1
	V	65		and	V
10 down	10R	25	10 down	10R	1
	20L	25		20L	1
	10L	65		10L	2
	5L	85		5L	4
5 up	V	125	5 up	V	4
	5R	85		5 down	5R
5 down	10R	65	10R		2
	20R	25	20R	1	
	20L	25	20L	2	
	10L	75	10L	3	
	5L	125	5L	5	
	H-V	175	H-V	5	
	5R	125	5R	5	
	10R	75	10R	3	
	20R	25	20R	2	
	Maximum	450	Maximum	45	

(ii) Type II - the system must:

(A) Operate so as to indicate a component of deceleration of the vehicle on which it is installed by varying the flashing rate of a yellow lamp when the service brakes are applied.

(B) Incorporate an automatic means for reducing the intensity of the lamp during darkness. The system must cause the voltage to the deceleration lamps to decrease to 5.0 V ± 10% at 0 g deceleration during darkness. The specified voltage must be reached when the illumination on the sensor is not more than 5 lm/sq. ft., nor less than 0.5 lm/sq. ft.

(C) Have an output voltage, duty cycle, and flash rate of the control unit as a temperature of 24° ± 5.5°C (75° ± 10°F), when 12.8 V dc is applied to the input terminal, as shown in Table I when the control sensor is placed on a tilt table and slightly vibrated as the table is slowly rotated through the angles representing the specified vehicle deceleration rates.

TABLE I

Test Requirements for Deceleration Lamps

Deceleration (g)	Output (V)	Peak Relative Brightness	Flash Rate (Hz)	On Time (%)
0.0	7.0	1.0	1.0	50
0.1	—	1.0	1.5	48
0.2	—	1.0	2.3	46
0.3	—	1.2	3.4	44
0.4	—	1.4	5.0	42
0.5	—	1.7	7.6	40

(D) Have a deceleration at which the unit switches from a lower to a higher flash rate that is within ± 0.05 g of the rate specified in Table I. If the unit operates at more steps than the required minimum, the additional values for each column shall lie on the smooth curve connecting the indicated values within the specified tolerances. The values specified in Table II apply to ramp-type inertial sensors for which the downward angles correspond to the deceleration and a tolerance of 3.0° applies to the tilt angle.

TABLE II

Test Requirements for Deceleration Sensors

Deceleration (g)	DEGREES		
	Forward Tilt Angle	Dip Correction	Corrected Tilt Angle
0.0	0.0	0.0	0.0
0.1	5.7	0.8	6.5
0.2	11.3	1.6	12.9
0.3	16.7	2.4	19.1
0.4	21.8	3.2	25.0
0.5	26.6	4.0	30.6

(E) Have the rms of the output voltage during the on portion of the flash cycle at the 1 Hz flash rate within ± 5% of the specified value, measured at the lamp bulbs with daytime illumination on the automatic darkness sensor.

(F) Have a relative brightness of the lamp or bulbs at the decelerations within ± 25% of the specified values after the fifth flash with the brightness of the lamp or its bulbs taken as

1.0 when measured with the rms output voltage specified for 0 g deceleration.

(G) Have a flash rate within ± 15% of the specified value. The percent on time must be within ± 10% of the specified value.

(H) Have linear dip corrections varying from 4° at 0.5 g or more deceleration to 0° at 0 g on passenger vehicles and pickup trucks that have substantial front end dip upon braking.

(I) Comply with the following mechanical tests in SAE Standard J575g (tests for motor vehicle lighting devices and components): Corrosion, dust, moisture, vibration, and warpage (at a flashing rate of 1 Hz when a plastic lens or housing is used).

(J) Meet the following control system requirements at both 11 V and 15 V:

(I) Low temperature test. The control system must be placed in its normal operating position in a circulating air cabinet at -32° ± 3°C (-25° ± 5°F) for 2 hours. At the end of that period and while still at that temperature, the unit must meet the requirements in Table I at 0 g and 0.3 g.

(II) High temperature test. The control system must be placed in its normal operating position in a circulating air cabinet at 74° 0°, -2.8°C (165° 0°, -5°F) for 2 hours. At the end of that period and while at that temperature, the unit must meet the requirements in Table I at 0 g and 0.3 g.

(K) Operate the control system continuously at a supply voltage of 12.8 V dc for 200 hours with no failure (except bulb replacement), after which it must meet the requirements in Table I at 0 g and 0.3 g.

(L) Meet the photometric requirements in Table III after the sample has been mechanically tested in the order shown in (b)(ii)(J) of this subsection for the luminous intensity of a deceleration lamp with the bulbs operated at mean spherical candela.

TABLE III

Photometric Requirements for Deceleration Signal Lamps

Test Point Coordinates	Max		Cd		Min	
	Amber	Red	Amber	Red	Amber	Red
10U	10L	70	35	25	12.5	
	V	200	100	60	30	
	10R	70	35	25	12.5	
5U	20L	40	20	15	7.5	
	10L	200	100	60	30	
	5L	600	300	200	100	
	V	800	400	350	175	
	5R	600	300	200	100	
	10R	200	100	60	30	
H	20R	40	20	15	7.5	
	20L	40	20	15	7.5	
	10L	200	100	60	30	
	5L	800	400	350	175	
	V	1,300	650	600	300	
	5R	800	400	350	175	
	10R	200	100	60	30	
	20R	40	20	15	7.5	
	20L	40	20	15	7.5	
	10L	200	200	60	30	

Photometric Requirements for Deceleration Signal Lamps

Test Point Coordinates		Max		Min	
Vertical	Horizontal	Amber	Red	Amber	Red
5D	5L	600	300	200	100
	V	800	400	350	175
	5R	600	300	200	100
	10R	200	100	60	30
	20R	40	20	15	7.5
10D	10L	70	35	25	12.5
	V	200	100	60	30
	10R	70	35	25	12.5

**NEW SECTION**

**WAC 204-21-190 School bus warning lamps.** (1) If the bus is a privately owned school bus or private carrier bus, then it must not use the eight lamp warning system unless such use is in conformance with the rules and regulations set forth by the superintendent of public instruction in chapters 392-143 and 392-145 WAC. The requirements for private carrier buses may be found under chapter 204-32 WAC.

(2) If the bus is a school bus owned and operated by any public school district and all privately owned school buses operated under contract with a school district in the state and used for the transportation of public school children, then the warning lamp system must:

(a) Be operated in accordance with the regulations set forth in chapter 392-145 WAC.

(b) Consist of a total of eight lamps conforming to SAE Standard J887a, J1318, or the standard in effect for such lamp at the time it was manufactured. Two amber and two red on both the front and rear of the bus. The amber lamps must be mounted inboard of the red lamps.

(c) Be mounted as high as practicable on the bus body and as near the outside edges of the body as curvature permits.

(d) Have shielding to protect the lamps from the elements.

(e) Be mounted on a background that is painted black and extends a minimum of three inches outward from the lamps.

(f) Be mounted and aimed as specified in 49 CFR Part 571.108 (FMVSS 108) and SAE Standard J887a.

(g) Be clearly visible from a distance of at least five hundred feet in normal sunlight.

(h) Be activated only by means of a manually operated switch. Such activation will cause the right and left amber lamps to flash alternately until the stop signal arm is extended, or the bus entrance door is opened, at which time the amber lamps must be automatically deactivated and the right and left red lamps must be automatically activated. Whenever the warning lamp system has been activated, opening of the entrance door must automatically deactivate the amber lamps, cause the stop signal arm to extend, and activate the red lamps. Automatic extension of the stop signal arm does not apply to systems equipped with a manually operated stop signal arm.

(i) Have all lamps flashing at a rate from sixty to one hundred twenty times per minute and must reach full brilliance during each cycle.

(j) Have lamp controls which must consist of:

(i) The master or sequencing switch which must be in plain view and mounted within easy reach of the driver, and which must activate the system sequencing and deactivate the system at any time during the sequence.

(ii) An override switch which must automatically activate the red lamps whenever the stop signal arm is extended even though the master control switch is turned off, and which must automatically deactivate the amber lamps if previously activated regardless of the then present normal state of sequencing or entrance door position. Such override switch must be designed and installed so as to function with air, vacuum, electric, or manually operated stop signal arms. The stop signal arm must be capable of being extended at any time, regardless of the position of the entrance door. The opening of the entrance door must not cause extension of the stop signal arm, or the activation of the red lamps unless the master switch has been activated.

(iii) A minimum of two pilot lamps, one amber and one red, each of which must flash when the like colored warning lamps are in operation. Pilot lamps which show the operation of each individual lamp are permissible. All pilot indicators must be located so as to be clearly visible to the driver.

**NEW SECTION**

**WAC 204-21-200 Private carrier bus lamps.** (1) All signal lamps on private carrier buses must be constructed in conformance with the SAE Standard for "school bus red signal lamps," in effect at the time of manufacture of such lamps, and must:

(a) Be mounted on the front and rear of the bus, above the windows, as high and as widely spaced laterally as practicable but in no case shall the lateral spacing of these lamps be less than forty inches.

(b) Be mounted so that the vision of front signals to the front and rear signals to the rear are not unobstructed by any part of the vehicle from 5° above to 10° below the horizontal and from 30° to the right to 30° to the left of the centerline of the bus.

(c) Have the switch which activates the signal lamps be actuated by movement of the stop signal to the extended position.

(d) Be no switch between the signal lamps and the switch which activates these lamps when the stop signal is extended.

(e) Be a flashing red indicator lamp on the instrument panel of the vehicle which will indicate to the driver that the signal lamps are operating.

(f) Operate through a flasher unit which will cause the front signal lamps to flash alternately and the rear signal lamps to flash alternately at a rate no slower than sixty nor faster than one hundred twenty times per minute. The "on" period of the flasher must be long enough to permit the bulb filament to come up to a full brightness.

(g) Signal lamps must be aimed two inches below level at twenty-five feet and straight ahead. An aiming tolerance of from three inches up to seven inches down and ten inches right or left will be allowed.

(h) Only be actuated by the driver of a private carrier bus whenever such vehicle is stopped on the highway for the purpose of receiving or discharging passengers, except:

(i) When the passengers boarding or alighting do not have to cross a highway and the bus is stopped completely off the main traveled portion of the roadway; or

(ii) When the bus is stopped at an intersection or place where traffic is controlled by a traffic officer or official control signal.

EXCEPTION: Buses that do not stop upon the roadway to load or discharge passengers are exempt from the requirements of this section.

(2) Rear turn signal lamp and stop lamp lenses must be amber in color to avoid confusion with signal lamps and the message on the warning sign.

#### NEW SECTION

##### **WAC 204-21-210 Bus hazard warning strobe lamp.**

All bus hazard warning strobe lamps must meet the Class I requirements of SAE Standard J1318, and may only be used as follows:

(1) School buses may be equipped with a single additional hazard strobe lamp in addition to the eight lamp warning system. Such lamps must:

(a) Not be mounted any closer than six feet from the rear of the bus measured from a vertical plane tangent to the rear-most point of the bus body. However:

(i) If the bus is equipped with a roof hatch falling within the above mentioned measurements, the strobe lamp may be located directly behind the roof hatch.

(ii) If the bus has a clear lens strobe lamp, less than eight inches in height, it may be mounted on the centerline of the roof in the rear one-half of the bus.

(b) Be activated by a switch independent of all other lamp switches. This switch must be plainly labeled and have a pilot lamp that must indicate when the lamp is in operation.

(c) Only be used when the bus is occupied with school children and one or more of the following conditions exists:

(i) The bus is in motion in inclement, sight obscuring conditions, including but not limited to rain, fog, snow, and smoke;

(ii) There is a need to improve the visibility of the bus when stopping, standing, or starting onto a highway;

(iii) There is limited visibility caused by geographic hazards such as winding roadways, hills, trees, buildings, etc.

The strobe lamp shall not be activated solely because of darkness.

(2) Municipal transit vehicles (as defined in RCW 46.04.355) may be equipped with a single additional hazard strobe lamp. Such lamps:

(a) May be mounted on the centerline of the roof in the rear one-half of the bus so long as the lamp is clear and less than eight inches in height.

(b) Be activated by a switch independent of all other lamp switches. The hazard strobe lamp switch must be plainly labeled and have a pilot lamp that must indicate when the lamp is in operation.

(c) Only be used when the bus is occupied with passengers and one or more of the following conditions exists:

(i) The bus is in motion in inclement, sight obscuring conditions, including but not limited to rain, fog, snow, and smoke;

(ii) There is a need to improve the visibility of the bus when stopping, standing, or starting onto a highway;

(iii) There is limited visibility caused by geographic hazards, such as winding roadways, hills, trees, etc.

The strobe lamp must not be activated solely because of darkness.

#### NEW SECTION

**WAC 204-21-220 Trailer tongue lamps.** A lamp must be used on the tongue of any trailer where the distance between the front of the trailer body and the rear of the body of the towing vehicle is fifteen feet or greater, and where the top of the tongue is less than twenty-four inches above the ground at any point between the front of the body of the trailer and the rear of the body of the towing vehicle. This lamp must:

(1) Be amber in color and be in operation whenever the combination of vehicles is in motion, and must be visible to each side of the combination.

(2) Have a minimum diameter of two and one-half inches.

(3) Have a steady burn or may be flashing provided that the flashing lamp only flashes by means of an electronic or electric flasher. Strobe lamps and rotating type lamps are not permitted.

(4) Be mounted as nearly as practicable in the center of the distance between the vehicle bodies. Lamps mounted on extendable tongues will necessarily vary in distance between the bodies in relation to the amount of extension used; however, in no case shall the lamp be over five feet from the center of the distance between vehicle bodies nor more than fifteen feet from either of the vehicle bodies.

(5) Be mounted at a minimum height of twenty-one inches above the roadway, and maximum height of forty-eight inches above the roadway.

#### NEW SECTION

**WAC 204-21-230 Lighting equipment prohibited.** (1) The addition of a lamp, reflective device or other motor vehicle equipment must not impair the effectiveness of lighting equipment required by 49 CFR Part 571.108 or chapter 46.37 RCW.

(a) If a vehicle is in motion on a public roadway, the vehicle must not:

(i) Display aftermarket neon lighting devices.

(ii) Combine any type of letter, number, sign, symbol or combination thereof with an eye level brake light meeting the standards of 49 CFR Part 571.108 (FMVSS 108). No function other than red reflex reflectors shall be combined in eye level brake lights.

(iii) Have a lighted or electrically/mechanically powered sign or message board enabling change or movement of any displayed message to be displayed or affixed to the vehicle. Except:

(A) Vehicles that are used in conjunction with officially sanctioned or sponsored motor vehicle traffic control or



movement may display lighted or electrically powered signs to assist in the efficient control of traffic movement on public roadways. The signs must be designed, worded, and located to limit misinterpretation and confusion by the motoring public.

(B) Electric signs may be unitized to identify taxicabs and the destinations of mass transportation vehicles. These signs must not contain any commercial or personal message and must be designed, worded, and located so that it is clearly differentiated from other required motor vehicle lights.

(b) If a vehicle is not in motion and parked on private property, the vehicle may use aftermarket lighting except as outlined under RCW 47.36.180.

(c) This section is not intended to prohibit a scrolling sign provided that the scrolling sign must:

(i) Be powered by an external source or in a manner which does not cause the required equipment on the vehicle to be out of compliance with 49 CFR Part 571, chapter 46.37 RCW or Title 204 WAC.

(ii) Not be lit.

(iii) Not have continual motion.

(2) Pursuant to Title 49 CFR Part 571.108, the addition of an aftermarket style ornament or other feature such as tinted plastic glass covers, a grille or allotted covers must not be placed in front of the headlamp lens, or in front of any other lighting devices installed on motor vehicles which impair the effectiveness of lighting equipment required under 49 CFR Part 571.108 (FMVSS 108) or chapter 46.37 RCW. Except:

(a) Clear aftermarket headlamp covers.

(b) Headlamp wipers may be used in front of the lens provided that the headlamp system is designed to conform to all applicable photometric requirements in 49 CFR Part 571.108 (FMVSS 108) with the wiper stopped in any position in front of the lens.

(c) A bike rack may be installed on the front of a municipal transit vehicle (as defined under RCW 46.04.355) provided that even with the bike rack installed, loaded or unloaded with bicycles, the headlight system still conforms with all applicable photometric requirements in 49 CFR Part 571.108 (FMVSS 108).

(3) Red emergency lights are prohibited on any vehicle other than an authorized emergency vehicle, a law enforcement vehicle, an emergency tow truck as defined in WAC 204-88-030 (1), (2), and (5), school buses, and private carrier buses.

(4) Blue lights are prohibited on any vehicle other than a law enforcement vehicle as defined in WAC 204-21-010.

(5) Flashing white lights are prohibited on any vehicle other than authorized emergency vehicles, law enforcement vehicles, school buses, and emergency tow trucks as defined in WAC 204-88-030 (1), (2), and (5).

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

- WAC 204-28-020 Standards for emblems.
- WAC 204-28-030 Mounting standards.

- WAC 204-28-040 Use of emblem on other classes of vehicles.
- WAC 204-28-050 Approval of emblems.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 204-32-040 Mounting and activation of warning devices.
- WAC 204-32-070 Color of turn signal and stop lamps.
- WAC 204-32-080 Use of warning devices.

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

- WAC 204-38-010 Promulgation.
- WAC 204-38-020 Purpose.
- WAC 204-38-030 Definitions.
- WAC 204-38-040 Mounting of lamps.
- WAC 204-38-050 Use of lamps.

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

- WAC 204-39-010 Promulgation.
- WAC 204-39-020 Purpose.
- WAC 204-39-030 Use of lamps required.
- WAC 204-39-040 Mounting of lamps.
- WAC 204-39-050 Effective date.

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

- WAC 204-40-010 Promulgation.
- WAC 204-40-020 Authorization.
- WAC 204-40-030 Standard.
- WAC 204-40-040 Limitations.

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

- WAC 204-60-010 Promulgation.

WAC 204-60-020	Clearance lamps, side marker lamps and reflectors.
WAC 204-60-030	Standards for lights.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 204-62-010	Promulgation.
WAC 204-62-020	Definition.
WAC 204-62-030	Installation requirements.
WAC 204-62-040	Standards.
WAC 204-62-050	Requirements and test methods for a deceleration alert system, Type I.
WAC 204-62-060	Requirements and test methods for a deceleration alert system, Type II.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 204-65-010	Authority.
WAC 204-65-020	Purpose.
WAC 204-65-030	Electronic messages.
WAC 204-65-040	Eye level brake light.
WAC 204-65-050	Traffic control vehicles.
WAC 204-65-060	Taxicabs and public transportation vehicles.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 204-72-010	Promulgation.
WAC 204-72-020	Purpose.
WAC 204-72-030	Mounting requirements, general.
WAC 204-72-040	Mounting requirements, specific.
WAC 204-72-050	Adjusting and aiming requirements, general.
WAC 204-72-060	Adjusting and aiming requirements, specific.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 204-74A-010	Authority.
WAC 204-74A-020	Purpose.
WAC 204-74A-030	Scope.
WAC 204-74A-040	Eight lamp warning system.
WAC 204-74A-050	Operation of lamps.
WAC 204-74A-060	Additional hazard strobe lamp.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 204-78-010	Promulgation.
WAC 204-78-020	Scope.
WAC 204-78-030	Definitions.
WAC 204-78-040	Location of light modulator.
WAC 204-78-050	Parameter specifications for light modulators.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 204-80-010	Promulgation.
WAC 204-80-020	Scope.
WAC 204-80-030	Definitions.
WAC 204-80-040	Operating unit.
WAC 204-80-050	Indicator lamp.
WAC 204-80-060	Approval.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 204-88-010	Promulgation.
WAC 204-88-020	Purpose.
WAC 204-88-030	Definitions.
WAC 204-88-040	Lighting for authorized emergency vehicles.
WAC 204-88-050	Lighting for law enforcement vehicles.
WAC 204-88-060	Lighting prohibited.
WAC 204-88-070	Approved lighting devices required.

**WSR 08-19-106  
PERMANENT RULES  
DEPARTMENT OF  
RETIREMENT SYSTEMS**

[Filed September 17, 2008, 8:44 a.m., effective October 18, 2008]

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

Purpose: The purpose of this rule-making order is to adopt changes to WAC 415-112-401 What types of payments are considered earnable compensation? and 415-112-4602 Are bonuses for National Board for Professional Teaching Standards certification earnable compensation? SB 6657, passed by the 2008 legislature, made bonuses received by members of the teachers' retirement system for attaining certification by the National Board for Professional Teaching Standards includable as earnable compensation. As a result, the department of retirement systems needs to updates its rules.

Citation of Existing Rules Affected by this Order: Amending WAC 415-112-401 and 415-112-4602.

Statutory Authority for Adoption: RCW 41.50.050(5).

Other Authority: For WAC 415-112-401 is chapter 41.32 RCW; and for WAC 415-112-4602 is RCW 41.32.010 (10).

Adopted under notice filed as WSR 08-16-115 on August 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 2, 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 2, Repealed 0.

Date Adopted: September 17, 2008.

Sandra J. Matheson  
Director

AMENDATORY SECTION (Amending WSR 05-12-042, filed 5/25/05, effective 6/25/05)

**WAC 415-112-401 What types of payments are considered earnable compensation?** The following table indicates whether certain types of payments are earnable compensation under TRS Plan 1, 2 or 3 and provides a cross-reference to the specific WAC.

Type of Payment	TRS 1 Earnable Compensation?	TRS 2/3 Earnable Compensation?
Annual Leave Cash Outs	Yes - WAC 415-112-415	No - WAC 415-112-415
Base Contract	Yes - WAC 415-112-4601	Yes - WAC 415-112-4601

Type of Payment	TRS 1 Earnable Compensation?	TRS 2/3 Earnable Compensation?
Car Allowances	No - WAC 415-112-41301 <sup>1</sup>	No - WAC 415-112-41301
Cafeteria Plans	Yes - WAC 415-112-4604	Yes - WAC 415-112-4604
Deferred Wages	Yes - WAC 415-112-4609	Yes - WAC 415-112-4609
Disability Payments	No - WAC 415-112-482	No - WAC 415-112-482
Employer Provided Vehicle	No - WAC 415-112-413 <sup>2</sup>	No - WAC 415-112-413
Employer Taxes/Contributions	No - WAC 415-112-4609	No - WAC 415-112-4609
Evening/Summer School	Yes - WAC 415-112-4601	Yes - WAC 415-112-4601
Extracurricular Contracts	Yes - WAC 415-112-4601	Yes - WAC 415-112-4601
Fringe Benefits, including insurance	No - WAC 415-112-480	No - WAC 415-112-480
Illegal Payments	No - WAC 415-112-485	No - WAC 415-112-485
Legislative Leave	Yes - WAC 415-112-471	Yes - WAC 415-112-471
Longevity/Education Attainment Pay	Yes - WAC 415-112-4601	Yes - WAC 415-112-4601
National Board of Professional Teaching Standards Certification Bonus	((No)) Yes - WAC 415-112-4602	((No)) Yes - WAC 415-112-4602
Nonmoney Maintenance	Yes - WAC 415-112-412 <sup>3</sup>	No - WAC 415-112-412
Optional Payments	No - WAC 415-112-487	No - WAC 415-112-487
Performance Bonuses	Yes - WAC 415-112-4603	Yes - WAC 415-112-4603
Retroactive Salary Increase	Yes - WAC 415-112-4607	Yes - WAC 415-112-4607
Reimbursements	No - WAC 415-112-489	No - WAC 415-112-489
Reinstatement Payments	Yes - WAC 415-112-477	Yes - WAC 415-112-477
Retirement or Termination Bonuses	No - WAC 415-112-490	No - WAC 415-112-490
Severance Pay - Earned Over Time	Yes - WAC 415-112-4608	No - WAC 415-112-4608
Severance Pay - Not Earned Over Time	No - WAC 415-112-4608	No - WAC 415-112-4608
Sick Leave Cash Outs	No - WAC 415-112-417	No - WAC 415-112-417
Supplemental Contracts	Yes - WAC 415-112-4601	Yes - WAC 415-112-4601
Time Off with Pay	Yes - WAC 415-112-473	Yes - WAC 415-112-473
Union Leave <sup>4</sup>	Yes - WAC 415-112-475	Yes - WAC 415-112-475
Workers' Compensation	No - WAC 415-112-482	No - WAC 415-112-482

<sup>1</sup>A portion of the value of an employer car allowance may be reportable in Plan 1 only. See WAC 415-112-41301.

<sup>2</sup>A portion of the value of an employer provided vehicle may be reportable in Plan 1 only. See WAC 415-112-413.

<sup>3</sup>A portion of the value of nonmoney maintenance provided may be reportable in Plan 1 only. See WAC 415-112-412.

<sup>4</sup>Only specific types of union leave are reportable. See WAC 415-112-475.

AMENDATORY SECTION (Amending WSR 05-12-108, filed 5/27/05, effective 6/27/05)

**WAC 415-112-4602 Are bonuses for National Board for Professional Teaching Standards certification earnable compensation?** Bonuses you receive for attaining National Board for Professional Teaching Standards certification are (~~not~~) earnable compensation.