

WSR 11-18-001
PERMANENT RULES
DEPARTMENT OF
EARLY LEARNING

[Filed August 24, 2011, 12:15 p.m., effective September 24, 2011]

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

Purpose: Revising rules for the working connection child care (WCCC) and seasonal child care (SCC) programs in chapter 170-290 WAC. Many of the changes affecting the WCCC program are also adopted by reference in the SCC program rules. The rules in this notice:

1. Permanently adopt the following provisions currently in effect by emergency rule to help the department of early learning (DEL) and the department of social and health services* (DSHS) keep the WCCC program within appropriated funding levels:

- Capping entry into WCCC, creating priority lists and a waiting list when appropriate. Currently 33,000 families statewide are enrolled in WCCC each month. Waiting lists for WCCC have been in effect since March 1, 2011.
- Changing the allowable family income limit to qualify for WCCC or SCC from two hundred percent of the federal poverty guidelines (FPG) to one hundred seventy-five percent (\$2,671 per month for a family of three). A family may remain on the WCCC program until their income exceeds one hundred seventy-five percent of the FPG.
- Setting higher monthly family copayment amounts for families with income above eighty-two percent of the FPG.
- Requiring families enrolled in WCCC to reapply before their current eligibility period ends, to avoid termination of their subsidy benefits. If terminated, the family would need to reenroll and face possible placement on the waiting list.
- Limiting field trip fees (up to \$20 per child in WCCC per month) payments only to DEL licensed and certified family home child care providers, and eliminating the age restriction for receiving field trip fees.

2. Implement section 11 of ESSB 5921:

- Requiring each parent applying for or receiving WCCC or SCC to apply for child support services with the DSHS division of child support as a condition of receiving child care subsidy benefits, unless the parent has good cause not to seek child support services.
- Providing six months of WCCC or SCC eligibility before a family must reestablish eligibility, as long as entry into WCCC is capped. This change does not affect families that qualify for a twelve-month eligibility period under WAC 170-290-0082.

3. Further align the rules with federal requirements, including:

- Clarifying the WCCC eligibility process, including when the eligibility of parents and their child needing child care are considered separately, and verifying that the child receiving WCCC benefits is a United States citizen or legal resident.

4. Address federal and state audits by:

- Clarifying that child care subsidy benefits may be used only when the consumer is working or in approved activities outside of his or her home, by adding the following:
 - a. An in-home/relative child care provider who is paid child care subsidies to care for children receiving WCCC benefits may not receive those benefits for their own children during the hours in which they provide subsidized child care.
 - b. A consumer's spouse or partner may not receive WCCC payment for caring for the consumer's child. This provision exists in WAC currently for licensed family home child care and is needed to clearly include legal guardians and in loco parentis caregivers to comply with federal rules.
- Clarifying the family income verification process.
- Revising WCCC requirements regarding relative caregivers, self-employed consumers, legal guardians and in loco parentis custodians.

5. Make other changes to streamline and clarify processes by:

- Eliminating differences regarding when program benefits begin for families receiving temporary assistance for needy families (TANF) and families not receiving TANF where appropriate.
- Clarifying when a WCCC consumer may use the twenty-eight day "gap" period.
- Updating the WCCC "consumer's responsibilities" section.
- Updating wording or cross references where appropriate for clarity.

*DEL and DSHS jointly operate the WCCC program under section 501, chapter 265, Laws of 2006, (uncodified). DEL adopts rules and policy for WCCC. DSHS receives WCCC applications, determines eligibility, and processes payments to child care providers. As of July 1, 2011, DEL and DSHS also jointly manage the SCC program.

When effective, the permanent rules will supersede and replace:

1. Emergency rules filed as WSR 11-12-053 on May 27, 2011, and
2. WAC 170-290-0030, 170-290-0060, and 170-290-082 filed as emergency rules, [in] WSR 11-14-066 on June 30, 2011. Other sections filed in WSR 11-14-066 remain in effect.

Since September 2010, DEL and DSHS have implemented directives to reduce expenditures in the WorkFirst program and child care subsidy programs to avoid a projected WorkFirst budget deficit in state fiscal year (FY) 2011, and projected deficits in succeeding years. (WorkFirst is Washington state's various coordinated "welfare-to-work" programs and agencies, including WCCC and TANF). DEL has filed a series of emergency rules since September 24, 2010, intended to limit the number of families that may receive WCCC and SCC program benefits, thereby regulating program expenditures. Those emergency rules were extended on May 27, 2011, filing number WSR 11-12-053.

In the 2011-2013 biennium, projected state revenues are expected to continue [to] be lower than needed to fund the WorkFirst and WCCC program caseloads at pre-FY 2011 levels. To keep the WCCC program within FY 2012 and 2013 legislative budget appropriations, the department must continue the program caps, priority lists, waiting lists, income limits, copayment increases, and limits on field trip fees under "permanent" rules.

The 2011 legislature also passed ESSB 5921, a "Work-First redesign" bill. Section 11 of the bill requires that each applicant and recipient of WCCC and other child care subsidy programs seek DSHS child support enforcement services as a condition of receiving child care subsidy benefits, unless the applicant or recipient has good cause not to seek child support services. The bill also sets a standard six months eligibility period for WCCC and other child care subsidy programs, as long as the subsidy program entry is capped. DEL has applied section 11 of ESSB 5921 in these permanent rules and in emergency rules filed for the SCC program (see rules filed as WSR 11-14-066).

This filing is consistent with office of financial management guidance regarding Executive Order 10-06 suspending noncritical rule making in 2011, but allowing rules to proceed that are necessary to "manage budget shortfalls;" "required to maintain federally delegated or authorized programs;" and to "finalize permanent rule making that has previously been covered by emergency rules."

Citation of Existing Rules Affected by this Order: Repealing WAC 170-290-0100; and amending WAC 170-290-0001, 170-290-0005, 170-290-0015, 170-290-0020, 170-290-0025, 170-290-0030, 170-290-0035, 170-290-0040, 170-290-0045, 170-290-0050, 170-290-0055, 170-290-0060, 170-290-0070, 170-290-0075, 170-290-0082, 170-290-0085, 170-290-0095, 170-290-0107, 170-290-0109, 170-290-0120, 170-290-0130, 170-290-0190, and 170-290-0247.

Statutory Authority for Adoption: Chapter 43.215 RCW, RCW 43.215.060 and 43.215.070.

Other Authority: Chapter 42, Laws of 2011 1st sp. sess., PV (ESSB 5921); chapter 50, Laws of 2011 1st sp. sess., PV (2ESHB 1087); section 501, chapter 265, Laws of 2006 (uncodified).

Adopted under notice filed as WSR 11-13-128 on June 22, 2011.

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 8, 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 15, 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 23, Repealed 1.

Date Adopted: August 24, 2011.

Elizabeth M. Hyde
Director

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

WAC 170-290-0001 Purpose and intent. (1) This chapter establishes the requirements for eligible families to receive subsidized child care through the working connections child care (WCCC) and seasonal child care (SCC) programs under applicable state and federal law, to the extent of available funds. As used in chapter 170-290 WAC, "to the extent of available funds" includes one or more of the following:

(a) Limiting or closing enrollment;

(b) Establishing a priority list for new enrollees subject to applicable state and federal law; or

(c) Creating and maintaining a waiting list.

(2) The purpose of WCCC, as provided in part II of this chapter, is to:

(a) Assist eligible families in obtaining child care subsidies for approvable activities that enable them to work, attend training, or enroll in educational programs; and

(b) Consider the health and safety of children while they are in care and receiving child care subsidies.

(3) The purpose of SCC, as provided in part III of this chapter, is to:

(a) Assist eligible families who are seasonally employed in agriculturally related work to pay for licensed child care; and

(b) Consider the health and safety of children while they are in care and receiving child care subsidies.

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

WAC 170-290-0005 ((Consumers-)) Eligibility. (1) ~~((H))~~ Parents. To be eligible for WCCC, ~~((an eligible consumer has))~~ the person applying for benefits must:

(a) Have parental control of one or more eligible children ~~((, lives))~~;

(b) Live in the state of Washington ~~((, and is))~~;

(c) Be the child's:

~~((a))~~ (i) Parent, either biological or adopted;

~~((b))~~ (ii) Stepparent;

~~((c))~~ (iii) Legal guardian verified by a legal or court document;

~~((d))~~ (iv) Adult sibling or step-sibling;

~~((e))~~ (v) Nephew or niece;

~~((f))~~ (vi) Aunt;

~~((g))~~ (vii) Uncle;

~~((h))~~ (viii) Grandparent; ~~((or~~

~~((i))~~ (ix) Any of the relatives in ~~((f), (g), or (h))~~ (c)(vi), (vii), or (viii) of this subsection with the prefix "great ~~((for example)),~~" such as great-aunt ~~((,~~

~~(2) Consumers may be eligible for WCCC benefits if they:~~

~~(a) Meet eligibility requirements for WCCC described under part II of this chapter;~~

~~(b))~~; or

(x) An approved in loco parentis custodian responsible for exercising day-to-day care and control of the child and who is not related to the child as described above;

(d) Participate in an approved activity under WAC 170-290-0040, 170-290-0045, 170-290-0050, or have been approved per WAC 170-290-0055;

~~((e))~~ (e) Comply with any special circumstances that might affect WCCC eligibility under WAC 170-290-0020;
~~((and~~

~~(d))~~ (f) Have countable income at or below ~~((two))~~ one hundred ~~seventy-five~~ percent of the federal poverty guidelines (FPG) ~~((under WAC 170-290-0065)).~~

(3) A consumer is not eligible for WCCC benefits when he or she:

(a) Is the only parent in the family and will be away from the home for more than thirty days in a row; or

(b) Has a monthly copayment that is higher than the rate the state will pay for all eligible children in care)). The consumer's eligibility shall end if the consumer's countable income is greater than one hundred seventy-five percent of the FPG;

(g) Not have a monthly copayment that is higher than the state will pay for all eligible children in care;

(h) Complete the WCCC application and DSHS verification process regardless of other program benefits or services received; and

(i) Meet eligibility requirements for WCCC described in Part II of this chapter.

(2) **Children.** To be eligible for WCCC, the child must:

(a) Belong to one of the following groups as defined in WAC 388-424-0001:

(i) A U.S. citizen;

(ii) A U.S. national;

(iii) A qualified alien; or

(iv) A nonqualified alien who meets the Washington state residency requirements as listed in WAC 388-468-0005:

(b) Live in Washington state, and be:

(i) Less than age thirteen; or

(ii) Less than age nineteen, and:

(A) Have a verified special need, according WAC 170-290-0220; or

(B) Be under court supervision.

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

WAC 170-290-0012 Verifying consumers' information. (1) A consumer must complete the DSHS application for WCCC benefits and provide all required information to DSHS to determine eligibility when:

(a) The consumer initially applies for benefits;

(b) The consumer reapplies for benefits;

(c) The consumer reports a change of circumstances ~~((occurs, which is either reported by the consumer or determined by DSHS));~~

(d) DSHS finds out that the consumer's circumstances may have changed; or

(e) The information DSHS has is inconsistent, conflicting, or outdated.

~~(2) ((DSHS may accept any verification that the consumer can easily obtain when it reasonably supports the consumer's statement or circumstances.))~~ The verification that the consumer gives to DSHS must:

(a) Clearly relate to the information DSHS is requesting;

(b) Be from a reliable source; ~~((and))~~

(c) Be accurate, complete, and consistent; and

(d) As applicable, include, but not be limited to, the following:

(i) A current WorkFirst IRP for consumers receiving TANF;

(ii) Employer name, address, and phone number;

(iii) State business registration and license, if self-employed;

(iv) Work, school, or training schedule (when requesting child care for non-TANF activities);

(v) Hourly wage or salary;

(vi) Either the:

(A) Gross income for the last three months;

(B) Federal income tax return for the preceding calendar year; or

(C) DSHS employment verification form;

(vii) Monthly unearned income the consumer receives, such as child support or Supplemental Security Income (SSI) benefits;

(viii) If the other parent is in the household, the same information for them;

(ix) Proof that the child belongs to one of the following groups as defined in WAC 388-424-0001:

(A) A U.S. citizen;

(B) A U.S. national;

(C) A qualified alien; or

(D) A nonqualified alien who meets the Washington state residency requirements as listed in WAC 388-468-0005;

(x) Proof of child enrollment in a head start, early head start or early childhood education and assistance program for twelve-month eligibility;

(xi) Name and phone number of the licensed child care provider; and

(xii) For the in-home/relative child care provider, a:

(A) Completed and signed criminal background check form;

(B) Legible copy of the proposed provider's photo identification, such as a driver's license, Washington state identification, or passport;

(C) Legible copy of the proposed providers' valid Social Security card; and

(D) All other information required by WAC 170-290-0135.

(3) If DSHS requires verification from a consumer that costs money, DSHS must pay for the consumer's reasonable costs.

(4) If the verification that a consumer provides to DSHS is inconsistent, conflicting, or outdated, DSHS may:

(a) Ask the consumer to provide DSHS with more verification or provide a collateral contact (a "collateral contact" is a statement from someone outside of the consumer's residence that knows the consumer's situation); or

(b) Send an investigator from the division of fraud investigations (DFI) to make an unannounced visit to the con-

sumer's home to verify the consumer's circumstances. See WAC 170-290-0025(9).

(5) If a consumer does not provide all of the verification requested, DSHS will determine if a consumer is eligible based on the information already available to DSHS.

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

WAC 170-290-0015 Eligibility—Family size. DSHS determines a consumer's family size as follows:

(1) If a consumer's family includes:	DSHS counts the following individuals as part of the family for WCCC eligibility:
(a) A single parent, including a minor parent living independently.	The consumer and the consumer's children.
(b) Unmarried parents who have at least one mutual child.	Both parents and all their children living in the household.
(c) Unmarried parents with no mutual children.	Unmarried parents and their respective children living in the household as separate WCCC families.
(d) Married parents.	Both parents and all their children living in the household.
(e) ((Undocumented)) <u>Parents who are undocumented aliens as defined in WAC 388-424-0001.</u>	Parents and children, documented and undocumented, as long as the child needing care ((is a)) <u>belongs to one of the following groups as defined in WAC 388-414-0001:</u> (i) A U.S. citizen ((or legally residing in the United States.)) ; (ii) <u>A U.S. national;</u> (iii) <u>A qualified alien; or</u> (iv) <u>A nonqualified alien who meets the Washington state residency requirements as listed in WAC 388-468-0005.</u> All other family rules in this section apply.

(f) A legal guardian verified by a legal or court document; adult sibling or step-sibling; nephew, niece, aunt, uncle, grandparent; or great-nephew, great-niece, great-aunt, great-uncle, or great-grandparent.	The children only (the children and their income are counted).
(g) A minor parent with children and lives with a parent/guardian.	Only the minor parent and their children.
(h) A parent who is out of the household because of employer requirements, such as the military or training, and is expected to return to the household.	The consumer, the absent parent, and the children. Subsection (1)(b) and (d) of this section apply.
(i) A parent who is voluntarily out of the household for reasons other than requirements of the employer, such as unapproved schooling and visiting family members, and is expected to return to the household.	The consumer, the absent parent, and the children. Subsection (1)(b) and (d) of this section apply as well as WAC 170-290-0020.
(j) An incarcerated parent.	The incarcerated individual is not part of the household count in determining income and eligibility. DSHS counts all remaining household members. All other family rules in this section apply.
(2) If the consumer's household includes:	DSHS counts the following individuals as part of the family for WCCC eligibility:
(a) Eighteen year old siblings of the children who require care and are enrolled in high school or general equivalency diploma (GED) program.	The eighteen year olds (unless they are a parent themselves), until they turn nineteen or complete high school/GED, whichever comes first. All other family rules in this section apply.
(b) Siblings of the children requiring care who are up to twenty-one years of age and who are participating in an approved program through the school district's special education department under RCW 28A.155.020.	The individual participating in an approved program through RCW 28A.155.020 up to twenty-one years of age (unless they are a parent themselves). All other family rules in this section apply.

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

WAC 170-290-0020 Eligibility—Special circumstances. ~~((1) A consumer may be eligible for WCCC if he or she is:~~

~~(a) An employee at a child care center where the consumer's child receives care and the consumer does not provide direct care to his or her own children during the time WCCC is requested;~~

~~(b) A sanctioned WorkFirst participant or an applicant who was terminated by a sanction review panel and in an activity needed to remove a sanction penalty or to reopen his or her case;~~

~~(c) A parent in a two-parent family and one parent is not able or available to provide care for the children while the other is working, looking for work, or preparing for work;~~

~~(i) "Able" means physically and mentally capable of caring for a child in a responsible manner. If a consumer claims one parent is unable to care for the children, the consumer must provide written documentation from a licensed professional (see WAC 388-448-0020) that states the:~~

~~(A) Reason the parent is unable to care for the children;~~

~~(B) Expected duration and severity of the condition that keeps the parent from caring for the children; and~~

~~(C) Treatment plan if the parent is expected to improve enough to be able to care for the children. The parent must provide evidence from a medical professional showing he or she is cooperating with treatment and is still unable to care for the children.~~

~~(ii) "Available" means free to provide care when not participating in an approved work activity under WAC 170-290-0040, 170-290-0045, 170-290-0050, or 170-290-0055 during the time child care is needed; or~~

~~(d) A married consumer described under WAC 170-290-0005 (1)(d) through (i). Only the consumer or the consumer's spouse must be participating in activities under WAC 170-290-0040, 170-290-0045, 170-290-0050, or 170-290-0055.~~

~~(2) A consumer might be eligible for WCCC if his or her children are legally residing in the country, are living in Washington state, and are:~~

~~(a) Less than age thirteen; or~~

~~(b) Less than age nineteen, and:~~

~~(i) Have a verified special need, according to WAC 170-290-0220; or~~

~~(ii) Are under court supervision.~~

~~(3) Any of a consumer's children who receive care at the same place where the consumer works (other than (1)(a) of this section) are not eligible for WCCC payments but may be included in the consumer's household if they meet the requirements of WAC 170-290-0015. This includes if a consumer works:~~

~~(a) In a family home child care in any capacity and his or her children are receiving care at the same home during the consumer's hours of employment; or~~

~~(b) In their own home or another location and his or her children receive care at the same location during the consumer's hours of employment.)~~

(1) Child care provided at the consumer's place of work. A consumer is not eligible for WCCC benefits for his or her children when child care is provided at the same location where the consumer works.

(2) Consumer's child care employment.

(a) A consumer may be eligible for WCCC benefits during the time she or he works in a child care center but does not provide direct care in the same classroom to his or her children during work hours.

(b) A consumer is not eligible for WCCC benefits during the time she or he works in a family home child care where his or her children are also receiving subsidized child care.

(c) In-home/relative providers who are paid child care subsidies to care for children receiving WCCC benefits may not receive those benefits for their own children during the hours in which they provide subsidized child care.

(d) A child care provider who receives TANF benefits on behalf of a dependent child may not bill the state for subsidized child care for that same child.

(3) Two-parent family.

(a) A consumer may be eligible for WCCC if he or she is a parent in a two-parent family and one parent is not able or available as defined in WAC 170-290-0003 to provide care for the children while the other parent is working or participating in approved activities.

(b) If a consumer claims one parent is not able to care for the children the consumer must provide written documentation from a licensed professional (see WAC 388-448-0020) that states the:

(i) Reason the parent is not able to care for the children;

(ii) Expected duration and severity of the condition that keeps the parent from caring for the children; and

(iii) Treatment plan if the parent is expected to improve enough to be able to care for the children. The parent must provide evidence from a medical professional showing he or she is cooperating with treatment and is still not able to care for the children.

(4) Single-parent family. A consumer is not eligible for WCCC benefits when he or she is the only parent in the family and will be away from the home for more than thirty days in a row.

(5) Legal guardians.

(a) A legal guardian under WAC 170-290-0005 may receive WCCC benefits for his or her work or approved activities without his or her spouse or live-in partner's availability to provide care being considered unless his or her spouse or live-in partner is also named on the permanent custody order.

(b) Eligibility for WCCC benefits is based on the consumer's work or approved activities schedule, the child's need for care, and the child's income eligibility and family size of one.

(c) The consumer's spouse or live-in partner is not eligible to receive subsidized child care payments as a child care provider for the child.

(6) In loco parentis custodians.

(a) An in loco parentis custodian may be eligible for WCCC benefits when he or she cares for an eligible child in the absence of the child's legal guardian or biological, adoptive or step-parents.

(b) An in loco parentis custodian who is not related to the child as described in WAC 170-290-0005(1) may be eligible for WCCC benefits if he or she has:

(i) A written, signed agreement between the parent and the caregiver assuming custodial responsibility; or

(ii) Receives a TANF grant on behalf of the eligible child.

(c) Eligibility for WCCC benefits is based on his or her work schedule, the child's need for care, and the child's income eligibility and family size of one.

(d) The consumer's spouse or live-in partner is not eligible to receive subsidized child care payments as a child care provider for the child.

(7) WorkFirst sanction.

(a) A consumer may be eligible for WCCC if he or she is a sanctioned WorkFirst participant and participating in an activity needed to remove a sanction penalty or to reopen his or her WorkFirst case.

(b) A WorkFirst participant who loses his or her TANF grant due to exceeding the federal time limit for receiving TANF may still be eligible for WCCC benefits under WAC 170-290-0055.

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

WAC 170-290-0025 Consumers' rights. When a consumer applies for or receives WCCC benefits, the consumer has the right to:

(1) Be free from discrimination in accordance with all applicable federal and state nondiscrimination laws, regulations, and policies;

(2) Have WCCC eligibility determined within thirty days from his or her application date per WAC ~~((170-290-0100(2)))~~ 170-290-0095;

(3) Be informed, in writing, of his or her legal rights and responsibilities related to WCCC benefits;

(4) Receive a written notice at least ten days before DSHS makes changes to lower or stop benefits except as stated in WAC 170-290-0120;

(5) Ask for an administrative hearing if he or she does not agree with DSHS about a decision per WAC 170-290-0280;

(6) Ask a supervisor or administrator to review a decision or action affecting the consumer's benefits without affecting the right to an administrative hearing;

(7) Have an interpreter or translator service provided by DSHS within a reasonable amount of time and at no cost to the consumer;

(8) Choose a provider as long as the provider meets the requirements in WAC 170-290-0125;

(9) Ask the fraud early detection (FRED) investigator from the division of fraud investigations (DFI) to come back at another time. A consumer does not have to let an investigator into his or her home. This request will not affect the consumer's eligibility for benefits. If the consumer refuses to cooperate (provide the information requested) with the investigator, it could affect his or her benefits;

(10) Access his or her child at all times while the child is in child care;

(11) Terminate child care without cause and without notice to the provider. Notice must be given to DSHS within five days of termination;

(12) Not be charged by the consumer's licensed or certified provider, or be made to pay for:

(a) The difference between the provider's private rate and the state maximum rate, when the provider's private rate for child care or the registration fee is higher;

(b) Any day when the consumer's child is absent;

(c) Vacation days when the provider chooses to close;

(d) A higher amount than the state allows for field trips.

If the consumer requests, and the provider has a policy in place, the consumer may voluntarily pay the difference between the amount that the state allows and the actual field trip cost;

(e) A preschool tuition fee in addition to regular child care services; or

(f) Child care services after the final day of care, when the provider chooses to stop caring for the consumer's children.

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

WAC 170-290-0030 Consumers' responsibilities.

When a ~~((consumer))~~ person applies for or receives WCCC benefits, the applicant or consumer must, as a condition of receiving those benefits:

(1) Give DSHS correct and current information so DSHS can determine eligibility and authorize child care payments correctly;

(2) Choose a provider who meets requirements of WAC 170-290-0125;

(3) Pay, or make a plan to have someone pay, the WCCC copayment directly to the child care provider;

(4) Only use WCCC benefits while the consumer is working or in WCCC approved activities outside the consumer's home. ~~((If the consumer is not in an approved activity and wants to use the provider, he or she must make a plan to pay the provider if the provider wants payment. The provider may charge the consumer the same rate that the provider charges to other parents who are not in the WCCC program.))~~

(5) Pay the provider for child care services when he or she requests additional child care for personal reasons other than working or participating in WCCC approved activities that have been authorized by DSHS.

(6) Pay the provider for optional child care programs that he or she requests. The provider must have a written policy in place charging all families for these optional child care programs.

(7) Pay the provider the same late fees that are charged to other families, if the consumer pays a copayment late or picks up the child late;

~~((6))~~ (8) Ensure that care is provided in the correct home per WAC 170-290-130 if the consumer uses an in-home/relative provider, and monitor the in-home/relative provider's quality of care to ensure that the child's environmental, physical, nutritional, emotional, cognitive, safety, and social needs are being met;

~~((7))~~ (9) Cooperate (provide the information requested) with the quality assurance review process to remain eligible for WCCC. A consumer becomes ineligible for WCCC benefits upon a determination of noncooperation by quality assurance and remains ineligible until he or she meets quality assurance requirements. If DSHS determines that a consumer

is not cooperating, the consumer will not be eligible for WCCC benefits. The consumer may become eligible again when he or she meets WCCC requirements in part II of this chapter;

~~((8))~~ (10) Provide the information requested by DSHS's WCCC staff or the fraud early detection (FRED) investigator. If the consumer refuses to provide the information requested within fourteen days, it could affect his or her benefits;

~~((9))~~ (11) Document the children's attendance as described in WAC 170-290-0138, 170-295-7030, 170-296-0520, or 170-151-460, as applicable, for that type of provider; ~~and~~

~~(10))~~ (12) Provide to his or her in-home/relative provider the names, addresses, and telephone numbers of persons who are authorized to pick up the child from care; and

(13) Seek child support enforcement services from the DSHS division of child support, unless DSHS finds that the applicant or consumer has good cause not to cooperate as defined under WAC 388-422-0020 or as provided in (a) of this subsection.

(a) For the purposes of this subsection, "good cause" also includes the following:

(i) The applicant or consumer has a current court order showing the child support amount ordered on behalf of the child who will receive the child care subsidy benefits;

(ii) The applicant or consumer already complies with child support enforcement services, either voluntarily or to meet other public assistance benefits requirements;

(iii) The applicants or consumers are married parents, or unmarried two-parent families with a child in common needing child care living in the same household;

(iv) The applicant or consumer is a single-parent family when the other parent is deceased;

(v) The applicant or consumer is a single-parent family when the other parent is incarcerated for one year or longer;

(vi) The applicants or consumers are both minor parents;

or
(vii) The DSHS division of child support does not have jurisdiction over the child support case, such as for tribal child support cases or cases outside of the United States.

(b) Child support ordered on behalf of a child who will receive child care subsidy benefits does not affect the other children in the family who are not receiving child support. All other family size rules in WAC 170-290-0015 apply.

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

WAC 170-290-0035 DSHS's responsibilities to consumers. DSHS's WCCC staff is responsible to:

(1) Treat consumers in accordance with all applicable federal and state nondiscrimination laws, regulations, and policies;

(2) Determine a consumer's eligibility within thirty days from the date the consumer applied (application date as described in WAC ~~((170-290-0100(2)))~~ 170-290-0095);

(3) Allow a consumer to choose his or her provider as long as the provider meets the requirements in WAC 170-290-0125;

(4) Review a consumer's chosen in-home/relative provider's background check results;

(5) Authorize payments only to child care providers who allow a consumer to access his or her children whenever they are in care;

(6) Only authorize payment when no adult in a consumer's family (under WAC 170-290-0015) is ~~((able))~~ or ~~((available))~~ (under WAC ~~((170-290-0020))~~ 170-290-0003) to care for the consumer's children;

(7) Inform a consumer of:

(a) His or her rights and responsibilities under the WCCC program at the time of application and reapplication;

(b) The types of child care providers DSHS can pay;

(c) The community resources that can help a consumer select child care when needed; and

(d) Any change in a consumer's copayment during the authorization period except under WAC 170-290-0120(5).

(8) Respond to a consumer within ten days if the consumer reports a change of circumstance that affects the consumer's:

(a) WCCC eligibility;

(b) Copayment; or

(c) Providers.

(9) Provide prompt child care payments to a consumer's child care provider; ~~and~~

(10) Provide an interpreter or translator service within a reasonable amount of time and at no cost to the consumer; and

(11) Ensure that Social Security cards, driver's licenses, or other government-issued identification for in-home/relative providers are valid and verified.

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

WAC 170-290-0040 Approved activities for TANF consumers. If a consumer receives a temporary assistance for needy families (TANF) grant, he or she may be eligible for WCCC benefits, for approved activities in his or her individual responsibility plan (IRP), for up to a maximum of sixteen hours per day ~~((for his or her hours of participation in the following))~~, including:

(1) An approved WorkFirst activity under WAC 388-310-0200, with the following exception: In-home/relative providers who are paid child care subsidies to care for children receiving WCCC benefits may not receive those benefits for their own children during the hours in which they provide subsidized child care. These consumers may be eligible for other approved activities in their IRPs;

(2) Employment ~~((or self-employment. "Employment" or "work" means:~~

~~(a) Engaging in any legal, income generating activity that is taxable under the United States Tax Code or that would be taxable with or without a treaty between an Indian Nation and the United States; or~~

~~(b) Working in a federal or state paid work study program. The consumer may receive WCCC for paid work study and transportation hours (not for the time the consumer is in an unapproved activity);))~~ as defined in WAC 170-290-0003;

(3) Self-employment as defined in WAC 170-290-0003 and as described in the consumer's current WorkFirst IRP;

(4) Transportation time between the location of child care and the consumer's place of employment or approved activity;

~~((4))~~ (5) Up to ten hours per week of study time ~~((before or after regularly scheduled classes or up to three hours of study time per day when needed to cover time between))~~ for approved classes; and

~~((5))~~ (6) Up to eight hours per day of sleep time when it is needed, such as if the consumer works nights and sleeps days.

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

WAC 170-290-0045 Approved activities for consumers not receiving TANF. If a consumer does not receive TANF, he or she may be eligible for WCCC benefits for:

(1) Up to a maximum of sixteen hours per day, including travel, study, and sleep time, for the hours of his or her participation in the following:

(a) ~~((Full or part time))~~ Employment ~~((or))~~ as defined in WAC 170-290-0003;

(b) Self-employment ~~((under WAC 170-290-0050. "Employment" or "work" means:~~

(i) ~~Legal, income generating activity taxable under the United States Tax Code or that would be taxable with or without a treaty between an Indian Nation and the United States; or~~

~~(ii) Federal or state paid work study.~~

(b) ~~VISTA volunteers, AmeriCorps, JobCorps, and Washington Service Corps (WSC) if the income is taxed))~~ as defined in WAC 170-290-0003;

(c) High school (HS) or general equivalency diploma (GED) program until the consumer reaches his or her twenty-second birthday (the consumer may be enrolled in a HS or GED program without a minimum number of employment hours);

(d) Approved WorkFirst activities according to WAC 388-310-0200 or 388-310-0700 if the consumer is a TANF applicant; or

(e) Food stamp employment and training program under chapter 388-444 WAC.

(2) If a consumer is participating in an activity listed in subsections (3) through (8) of this section, he or she may be eligible for WCCC benefits as described in subsection (1) of this section if the consumer is actually working either:

(a) Twenty or more hours per week; or

(b) Sixteen or more hours per week in a paid federal or state work study program.

(3) Adult basic education (ABE).

(4) English as a second language (ESL).

(5) High school or GED completion if the consumer is twenty-two years of age or older.

(6) Vocational education (Voc Ed). The Voc Ed program must:

(a) Lead to a degree or certificate in a specific occupation;

(b) Cannot include prerequisite classes or programs; and

(c) Be offered by the following accredited entities only:

(i) Public and private technical college or school;

(ii) Community college; or

(iii) Tribal college.

(7) Job skills training: For no more than fourteen consecutive days. Job skills training is not tied to a specific occupation but is training in specific skills directly related to employment, such as CPR/First Aid, keyboarding, computer programs, project management, and oral and written communication skills. Training offered or required by a current employer, at or off the consumer's job site, may extend past the fourteen consecutive day limit.

(8) Post-employment services under WAC 388-310-1800.

(9) Child care for participation in Voc Ed is limited to thirty-six months regardless of the length of the educational program. The thirty-six months includes the months in which the following occurred at the same time:

(a) WCCC benefits were paid to support the consumer's participation in a Voc Ed program; or

(b) The consumer or someone in his or her household received TANF benefits.

(10) WCCC may be approved for activities listed in WAC 170-290-0040 ~~((2)(b) through (d)))~~ (4), (5), and (6), when needed.

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

WAC 170-290-0050 Additional requirements for self-employed WCCC consumers. ~~((1) Consumers receiving TANF.~~ If a consumer receives TANF and is also self-employed:

(a) ~~The consumer must have an approved self-employment plan in the consumer's IRP under WAC 388-310-1700;~~

(b) ~~The amount of WCCC a consumer receives for self-employment is equal to the number of hours in his or her approved plan; and~~

(c) ~~Income from self-employment while the consumer is receiving TANF is determined by WAC 388-450-0085.~~

(2) **Consumers not receiving TANF.** If a consumer does not receive TANF at the time of application for WCCC and is establishing a new self-employment business (established less than six months):

(a) ~~The hours of care the consumer is eligible to receive for the first six months is based on his or her report of how many hours are needed, up to sixteen hours per day; and~~

(b) ~~The consumer's self-employment income is based on WAC 170-290-0060.~~

(c) ~~A consumer is eligible for the calculation discussed in (a) of this subsection one time only. If the consumer changes self-employment during the initial six-month period, any months left are covered by child care according to (a) of this subsection.~~

(d) ~~After the first six months of self-employment, the number of hours of WCCC a consumer can receive each month is based on the lesser of (c)(i) or (ii) of this subsection.~~

(e) ~~For an established self-employment business (established for six months or more) the number of hours of child~~

care the consumer is eligible to receive is based on whichever is greater:

(i) The consumer's work hours reported in his or her business records; or

(ii) The average number of monthly hours equal to dividing the consumer's monthly self-employment income by the federal or state minimum wage (whichever minimum wage is lower)-) (1) **Self-employment generally.** To be considered self-employed, a WCCC consumer must:

(a) Earn income directly from his or her trade or business, not from wages paid by an employer;

(b) Be responsible to pay his or her self-employment Social Security and federal withholding taxes;

(c) Not have work schedule, activities or services controlled in an employee-employer relationship;

(d) Participate directly in the production of goods or services that generate the consumer's income; and

(e) Work outside of the home during the hours he or she requests WCCC benefits. If a consumer's self-employment activities are split between the home and outside of the home, only self-employment and other approved activities outside of the home will be eligible for child care benefits.

(2) **Self-employed consumers receiving TANF.** If a consumer receives TANF and is also self-employed, he or she may be eligible for WCCC benefits for up to sixteen hours in a twenty-four-hour period for self-employment activities outside of the consumer's home.

(a) The consumer must have an approved self-employment plan in the consumer's IRP under WAC 388-310-1700;

(b) The amount of WCCC benefits a consumer receives for self-employment is equal to the number of hours in his or her approved plan; and

(c) Income from self-employment while the consumer is receiving TANF is determined by WAC 388-450-0085.

(3) **Self-employed consumers not receiving TANF.** If a consumer does not receive TANF and requests WCCC benefits for his or her self-employment, he or she may be eligible for WCCC benefits for up to sixteen hours in a twenty-four-hour period for self-employment activities outside of the consumer's home.

(a) Consumers who do not receive TANF cash assistance and request WCCC benefits for self-employment must provide DSHS with his or her:

(i) Washington state business license, or a tribal, county, or city business or occupation license, as applicable;

(ii) Uniform business identification (UBI) number;

(iii) Completed self-employment plan that is written, signed, dated and includes, but is not limited to, a description of the self-employment business, proposed days and hours of work activity including time needed for transportation, and the location of work activity;

(iv) Profit and loss statement (or projected profit and loss statement, if starting a new business); and

(v) Either:

(A) Federal self-employment tax reporting forms for the most current reporting year; or

(B) DSHS self-employment income and expense declaration form.

(b) During the first six consecutive months of starting a new self-employment business, the hours of care the con-

sumer is eligible to receive is based on his or her report of how many hours are needed, up to sixteen hours per day. A consumer is eligible to receive this provision only once during his or her lifetime. The consumer must use the benefit provided by this provision within the consumer's authorization period.

(c) A consumer's need for care after she or he has received WCCC benefits for self-employment for six consecutive months as provided in (b) of this subsection is determined by DSHS in the following manner:

(i) Dividing the consumer's gross monthly self-employment income by the federal or state minimum wage (whichever is lower) to determine the average monthly hours of care needed by the consumer; and

(ii) Adding the consumer's additional child care needs for other approved employment, education, training, or travel to the total approved self-employment hours.

(d) If both parents in a two-parent family are self-employed, at the same or a different business, each parent must report his or her own self-employment earnings and self-employment plan. If the requested verification is not provided, then WAC 170-290-0012(5) applies to determining eligibility.

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

WAC 170-290-0055 Receipt of benefits when not engaged in approved activities. When care is approved in the situations described in subsections (1) and (2) of this section, the child needs to attend for the provider to bill.

(1) **Fourteen-day wait period.** DSHS may authorize WCCC payments for a child's attendance in child care for up to fourteen consecutive days when a consumer is waiting to enter an approved activity under WAC 170-290-0040 or 170-290-0045.

(2) **Twenty-eight-day gap period.** DSHS may authorize WCCC payments to ensure a child's continuing attendance in child care for up to twenty-eight consecutive days when a consumer experiences a gap in his or her employment or approved activity. The consumer may be eligible for this twenty-eight-day gap period:

(a) Twice in a calendar year; and

(b) For the same number of units open while the consumer is in the approved activity, not to exceed two hundred thirty hours a month.

(3) The twenty-eight-day gap period must be used within the consumer's authorization period.

(4) In order for a consumer to qualify for the twenty-eight-day gap period:

(a) The consumer must be currently receiving WCCC benefits;

(b) The consumer must report to DSHS within ten days the loss of his or her employment or approved activity; and

(c) The consumer must:

(i) Be looking for another job; or

(ii) Have verbal or written assurance from the consumer's employer or approved activity that the employment or approved activity will resume within the twenty-eight-day gap period.

~~((4))~~ (5) A consumer is eligible for the minimum copayment during the fourteen-day wait period or twenty-eight-day gap period.

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

WAC 170-290-0060 Countable income. DSHS counts income as money ~~((a))~~ an applicant or consumer earns or receives from:

(1) A TANF grant, except when the grant is for the first three consecutive calendar months after the consumer starts a new job. The first calendar month is the month in which he or she starts working;

(2) The following child support payment~~((s))~~ amounts:

(a) For applicants or consumers who are not receiving DSHS division of child support services because they are exempt for good cause under WAC 170-290-0030 (13)(a)(i), the amount as shown on a current court order; or

(b) For applicants or consumers who are receiving DSHS division of child support services, the amount as verified by the DSHS division of child support;

(3) Supplemental Security Income (SSI);

(4) Other Social Security payments, such as SSA and SSDI;

(5) Refugee assistance payments;

(6) Payments from the Veterans' Administration, disability payments, or payments from labor and industries (L&I);

(7) Unemployment compensation;

(8) Other types of income not listed in WAC 170-290-0070;

(9) VISTA volunteers, AmeriCorps, and Washington Service Corps (WSC) if the income is taxed;

(10) Gross wages from employment or self-employment as defined in WAC 170-290-0003. Gross wages includes any wages that are taxable ~~((-"Self-employment income" means a consumer's gross income from self-employment minus allowable business expenses in WAC 388-450-0085));~~

(11) Corporate compensation received by or on behalf of the consumer, such as rent, living expenses, or transportation expenses;

(12) Lump sums as money a consumer receives from a one-time payment such as back child support, an inheritance, or gambling winnings; and

~~((12))~~ (13) Income for the sale of property as follows:

(a) If a consumer sold the property before application, DSHS considers the proceeds an asset and does not count as income;

(b) If a consumer sold the property in the month he or she applies or during his or her eligibility period, DSHS counts it as a lump sum payment as described in WAC 170-290-0065(2);

(c) Property does not include small personal items such as furniture, clothes, and jewelry.

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

WAC 170-290-0070 Excluded income and deductions. (1) The WCCC program does not count the following

income types when determining a consumer's income eligibility and copayment:

(a) Income types as defined in WAC 388-450-0035, 388-450-0040, and 388-450-0055;

(b) Compensatory awards, such as an insurance settlement or court-ordered payment for personal injury, damage, or loss of property;

(c) Adoption support assistance and foster care payments;

(d) Reimbursements, such as an income tax refund;

(e) Diversion cash assistance;

(f) ~~((Income in kind that is untaxed, such as working for rent;~~

~~((g))~~ Military housing and food allowance;

~~((h))~~ (g) The TANF grant for the first three consecutive calendar months after the consumer starts a new job. The first calendar month is the month in which he or she starts working;

~~((i))~~ (h) Payments to the consumer from his or her employer for benefits such as medical plans;

~~((j))~~ (i) Earned income of a WCCC family member defined under WAC 170-290-0015(2);

~~((k))~~ (j) Income of consumers described in WAC 170-290-0005 (1)(c) through (i);

~~((l))~~ (k) Earned income from a minor child who DSHS counts as part of the consumer's WCCC household; and

~~((m))~~ (l) Benefits received by children of Vietnam War veterans who are diagnosed with any forms of manifestations of spina bifida except spina bifida occulta.

(2) WCCC deducts the amount a consumer pays for child support under court order, division of child support administrative order, or tribal government order, from the consumer's other countable income when figuring his or her eligibility and copayment for the WCCC program.

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

WAC 170-290-0075 Determining income eligibility and copayment amounts. (1) DSHS takes the following steps to determine a consumer's eligibility and copayment:

(a) Determine the consumer's family size (under WAC 170-290-0015); and

(b) Determine the consumer's countable income (under WAC 170-290-0065).

(2) Before February 1, 2011, if the consumer's ~~((family's))~~ family countable monthly income falls within the range below, then his or her copayment is:

IF A CONSUMER'S INCOME IS:	THEN THE CONSUMER'S COPAYMENT IS:
(a) At or below 82% of the federal poverty guidelines (FPG).	\$15
(b) Above 82% of the FPG up to 137.5% of the FPG.	\$50
(c) Above 137.5% of the FPG through ((200)) 175% of the FPG.	The dollar amount equal to subtracting 137.5% of FPG from countable income, multiplying by 44%, then adding \$50

IF A CONSUMER'S INCOME IS:	THEN THE CONSUMER'S COPAYMENT IS:
(d) Above ((200)) 175% of the FPG, a consumer is not eligible for WCCC benefits.	

(3) Effective February 1, 2011, through February 28, 2011, if the consumer's family countable monthly income falls within the range below, then his or her copayment is:

IF A CONSUMER'S INCOME IS:	THEN THE CONSUMER'S COPAYMENT IS:
(a) At or below 82% of the federal poverty guidelines (FPG).	\$15
(b) Above 82% of the FPG up to 137.5% of the FPG.	\$60
(c) Above 137.5% of the FPG through 175% of the FPG.	The dollar amount equal to subtracting 137.5% of FPG from countable income, multiplying by 44%, then adding \$60
(d) Above 175% of the FPG, a consumer is not eligible for WCCC benefits.	

(4) On or after March 1, 2011, if the consumer's family countable monthly income falls within the range below, then his or her copayment is:

IF A CONSUMER'S INCOME IS:	THEN THE CONSUMER'S COPAYMENT IS:
(a) At or below 82% of the federal poverty guidelines (FPG).	\$15
(b) Above 82% of the FPG up to 137.5% of the FPG.	\$65
(c) Above 137.5% of the FPG through 175% of the FPG.	The dollar amount equal to subtracting 137.5% of FPG from countable income, multiplying by 50%, then adding \$65
(d) Above 175% of the FPG, a consumer is not eligible for WCCC benefits.	

(5) DSHS does not prorate the copayment when a consumer uses care for part of a month.

((4)) (6) The FPG is updated every year on April 1. The WCCC eligibility level is updated at the same time every year to remain current with the FPG.

AMENDATORY SECTION (Amending WSR 10-15-063 and 10-16-128, filed 7/15/10 and 8/3/10, effective 9/1/10)

WAC 170-290-0082 Eligibility period. (1) Six-month eligibility.

(a) A consumer who meets all of the requirements of part II of this chapter is eligible ~~((for))~~ to receive WCCC subsidies for six months before having to redetermine his or her income eligibility, except as provided in subsection (2) of this section. The six-month eligibility period in this subsection applies only if enrollments in the WCCC program are capped as provided in WAC 170-290-0001(1). Regardless of the length of eligibility, consumers are still required to report changes of circumstances to DSHS as provided in WAC 170-290-0031.

(b) A consumer's eligibility may be for less than six months if:

- (i) Requested by the consumer; or
- (ii) A TANF consumer's individual responsibility plan indicates child care is needed for less than six months.

(c) A consumer's eligibility may end sooner than six months if:

- (i) The consumer no longer wishes to participate in WCCC; or
- (ii) DSHS terminates the consumer's eligibility as stated in WAC 170-290-0110.

(2) Twelve-month eligibility.

(a) A consumer who meets all of the requirements of part II of this chapter, and has a child receiving services from head start (HS), early head start (EHS), or an early childhood education and assistance program (ECEAP), is eligible for WCCC subsidies for twelve months.

(b) A consumer's eligibility may be for less than twelve months if:

- (i) Requested by the consumer; or
- (ii) A TANF consumer's individual responsibility plan indicates child care is needed for less than twelve months.

(c) The consumer's eligibility may end sooner than twelve months if:

- (i) The consumer no longer wishes to participate in WCCC; or
- (ii) DSHS terminates the consumer's eligibility as stated in WAC 170-290-0110.

(d) All children in the consumer's household under WAC 170-290-0015 are eligible for the twelve-month eligibility period.

(e) The twelve-month eligibility period begins:

(i)(A) When benefits begin under WAC 170-290-0095 ~~((for TANF consumers or WAC 170-290-0100 for consumers not receiving TANF))~~; or

(B) Upon reapplication under WAC 170-290-0109(4) ~~((for TANF consumers or WAC 170-290-0109(5) for consumers not receiving TANF))~~; and

(ii) When DSHS verifies that the child is receiving services from HS, EHS, or ECEAP.

(f) The twelve-month eligibility continues regardless of whether the child continues to receive services from HS, EHS, or ECEAP.

(g) During a consumer's twelve-month eligibility period, parent education and family development classes offered by HS, EHS, or ECEAP are approved activities. As funds are available, other DEL-approved parent education and family development classes may be authorized.

(h) Each child who is receiving services from HS, EHS, or ECEAP and is receiving WCCC subsidies will be assigned a unique early learning student identifier. Student information may be merged with information from the office of superintendent of public instruction, the education research and data center, or both, to measure the child's educational progress from preschool through grade twelve.

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

WAC 170-290-0085 Change in copayment. (1) Once DSHS determines that a consumer is eligible for WCCC benefits, his or her copayment may change when:

- (a) The consumer's monthly income decreases;
- (b) The consumer's family size increases;
- (c) DSHS makes an error in the consumer's copayment computation;
- (d) The consumer did not report all income, activity and household information at the time of eligibility determination or application/reapplication;
- (e) The consumer is no longer eligible for the minimum copayment under WAC 170-290-0090;
- (f) DEL makes a mass change in benefits due to a change in law or program funding;
- (g) The consumer is approved for a new eligibility period; or
- (h) The consumer is approved for the fourteen-day wait period or twenty-eight-day gap period as provided in WAC 170-290-0055.

(2) If a consumer's copayment changes during his or her eligibility period, the change is effective on the first day of the month following DSHS becoming aware of the change.

(3) DSHS does not increase a consumer's copayment during his or her current eligibility period when his or her countable income remains at or below ~~((two hundred percent of the FPG))~~ the maximum eligibility limit as provided in WAC 170-290-0005, and:

- (a) The consumer's monthly countable income increases; or
- (b) The consumer's family size decreases.

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

WAC 170-290-0095 When WCCC benefits start ~~((for TANF consumers))~~. ~~((When a consumer receives TANF and is eligible for WCCC, his or her benefits begin when:~~

- ~~(1) The consumer's eligible provider (under WAC 170-290-0125) is caring for his or her children; and~~
- ~~(2) The consumer is participating in an approved activity under WAC 170-290-0040 or 170-290-0055.)~~ (1) WCCC benefits for an eligible consumer may begin when the following conditions are met:

(a) The consumer has completed the required WCCC application and verification process as described under WAC 170-290-0012 within thirty days of the date DSHS received the consumer's application or reapplication for WCCC benefits;

(b) The consumer is working or participating in an approved activity under WAC 170-290-0040, 170-290-0045, 170-290-0050 or 170-290-0055;

(c) The consumer needs child care for work or approved activities within at least thirty days of the date of application for WCCC benefits; and

(d) The consumer's eligible provider (under WAC 170-290-0125) is caring for his or her children.

(2) If a consumer fails to turn in all information within thirty days from his or her application date, the consumer must restart the application process.

(3) The consumer's application date is whichever is earlier:

(a) The date the consumer's application is entered into DSHS's automated system; or

(b) The date the consumer's application is date stamped as received.

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

WAC 170-290-0107 Denial of benefits—Date of re-determining eligibility. DSHS sends a consumer a denial letter when the consumer has applied for child care and the consumer:

- (1) Withdraws his or her request;
- (2) Is not eligible due to the consumer's:
 - (a) Family composition;
 - (b) Income; or
 - (c) Activity.
- (3) Did not provide information required to determine the consumer's eligibility according to WAC 170-290-0012;
- (4) If a consumer turns in information or otherwise meets eligibility requirements after DSHS sends the consumer a denial letter, DSHS determines the consumer's benefit begin date ~~((by:~~
 - ~~(a) WAC 170-290-0095 if the consumer is a TANF consumer; or~~
 - ~~(b) WAC 170-290-0100 if the consumer is not receiving TANF))~~ as provided in WAC 170-290-0095(3).

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

WAC 170-290-0109 New eligibility period. (1) If a consumer wants to receive child care benefits for another eligibility period, he or she must reapply for WCCC benefits before the end of the current eligibility period. To determine if a consumer is eligible, DSHS:

- (a) Requests ~~((application))~~ reapplication information before the end date of the consumer's current WCCC eligibility period; and
- (b) Verifies the requested information for completeness and accuracy.

(2) A consumer may be eligible for WCCC benefits for a new eligibility period if:

(a) DSHS receives the consumer's ~~((application))~~ reapplication information no later than the last day of the current eligibility period;

(b) The consumer's provider is eligible for payment under WAC 170-290-0125; and

(c) The consumer meets all WCCC eligibility requirements.

(3) If DSHS determines that a consumer is eligible for WCCC benefits based on his or her ~~((application))~~ reapplication information, DSHS notifies the consumer of the new eligibility period and copayment.

(4) When a ~~((TANF))~~ consumer submits ~~((an applica-
tion))~~ a reapplication after the last day of his or her current eligibility period, the consumer's benefits begin ~~((when))~~:

~~((a) The consumer is participating in an approved TANF/WorkFirst activity; and~~

~~(b) The consumer's child is being cared for by his or her eligible WCCC provider.~~

~~(5) When a consumer who is not receiving TANF submits an application after the last day of his or her current eligibility period, his or her benefits begin:))~~

(a) On the date that the consumer's ~~((application))~~ reap-
plication is date-stamped as received in DSHS's community service office ~~((CSO))~~ or entered into the ~~((CSO))~~ DSHS automated system, whichever date is earlier;

(b) When the consumer is working or participating in an approved WorkFirst activity; and

(c) The consumer's child is being cared for by his or her eligible WCCC provider.

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

WAC 170-290-0120 When notice of payment changes is not required. DSHS does not give a consumer written notice ~~((in the following circumstances))~~ of changes to WCCC eligibility or provider payments when:

(1) The consumer tells DSHS that he or she no longer wants WCCC; or

(2) The ~~((consumer's whereabouts are unknown to DSHS;~~

~~(3) The consumer is receiving duplicate child care benefits;~~

~~(4) The consumer's current eligibility period is scheduled to end;~~

~~(5) The consumer's new eligibility period results in a change in child care benefits;~~

~~(6) The location where child care occurs does not meet requirements under WAC 170-290-0130; or~~

~~(7) DSHS determines that a consumer's in-home/relative provider:~~

~~(a) Is not of suitable character and competence;~~

~~(b) May cause a risk of harm to the consumer's children based on the provider's physical or mental health; or~~

~~(c) Has been convicted of, or has charges pending for crimes on the DEL director's list in WAC 170-06-0120)) consumer has not informed DSHS of his or her new mailing address.~~

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

WAC 170-290-0130 In-home/relative providers—Eligibility. (1) To be eligible as an in-home/relative provider to care for children under WCCC, the applicant must be:

(a) Eighteen years of age or older;

(b) A citizen or legal resident of the U.S.; and

(c) Meet all of the requirements listed in WAC 170-290-0135.

(2) Additionally, eligible in-home/relative providers must:

(a) Meet all applicable background check requirements in part II of this chapter;

(b) Agree to provide care, supervision, and daily activities based on the child's developmental needs, including environmental, physical, nutritional, emotional, cognitive, safety, and social needs; and

(c) Bill only for actual hours of care provided. Those hours must be authorized by DSHS, and used by the parent for his or her DSHS approved activities or work hours.

(3) The following eligible in-home/relative providers, except those providers residing with a disqualified person, may provide care in either their home or the child's home:

(a) Adult siblings that live outside the child's home;

(b) Extended tribal family members;

(c) Grandparent or great-grandparent; or

(d) Aunt or uncle, or great-aunt or great-uncle.

(4) All other eligible providers, including other family members, friends, neighbors, or nannies must provide care in the child's home only.

(5) The following persons are not eligible to provide in-home/relative care under part II of this chapter:

(a) The child's biological, adoptive, or step-parent;

(b) The child's legal guardian or the guardian's spouse or live-in partner; or

(c) Another adult acting in loco parentis or that adult's spouse or live-in partner.

(6) WCCC consumers may have up to two in-home/relative providers authorized for payment during the consumer's eligibility period, plus one back-up provider, either licensed or in-home/relative also authorized to care for the consumer's children.

(7) WCCC consumers who choose in-home/relative care are responsible to monitor the environment and child care services they receive from their provider. WCCC consumers must ensure that their children who receive subsidized child care outside of their own home are current on all Washington state immunizations, except in cases based on religious preference or medical conditions.

(8) In-home/relative providers who are paid child care subsidies to care for children receiving WCCC benefits may not receive those benefits for their own children during the hours in which they provide subsidized child care.

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

WAC 170-290-0190 WCCC authorized and additional payments—Determining units of care. (1) DSHS may authorize and pay for the following child care hours:

~~((a) Half-day care, which is less than one hundred ten hours per calendar month; and~~

~~(b) Full-day care, which is one hundred ten or more hours per calendar month.~~

~~(2) DSHS authorizes:))~~

(a) Full-day child care to licensed or certified facilities and DEL contracted seasonal day camps when a consumer's children need care ~~((for))~~ between five ~~((or more))~~ and ten hours per day;

(b) Half-day child care to licensed or certified facilities and DEL contracted seasonal day camps when a consumer's children need care for less than five hours per day;

(c) Hourly child care for in-home/relative child care;

(d) A registration fee (under WAC 170-290-0245);

(e) A field trip fee (under WAC 170-290-0247);

(f) Special needs care when the child has a documented need for a higher level of care (under WAC 170-290-0220, 170-290-0225, 170-290-0230, and 170-290-0235); and

(g) A nonstandard hours bonus under WAC 170-290-0249.

~~((3))~~ (2) DSHS may authorize up to the provider's private pay rate if:

(a) The parent is a WorkFirst participant; and

(b) Appropriate child care, at the state rate, is not available within a reasonable distance from the home or work (activity) site.

"Appropriate" means licensed or certified child care under WAC 170-290-0125, or an approved in-home/relative provider under WAC 170-290-0130.

"Reasonable distance" is determined by comparing what other local families must travel to access appropriate child care.

~~((4))~~ (3) DSHS authorizes an additional amount of care if:

(a) More than ten hours of care is provided per day (up to a maximum of sixteen hours a day); and

(b) The provider's written policy is to charge all families for these ~~(extra)~~ hours of care in excess of ten hours per day.

AMENDATORY SECTION (Amending WSR 09-22-043, filed 10/28/09, effective 12/1/09)

WAC 170-290-0247 Field trip fees. ~~((+))~~ DSHS pays licensed or certified family home child care providers ~~((and DEL contracted seasonal day camps))~~ a monthly field trip fee up to twenty dollars per child or the provider's actual cost for the field trip, whichever is less, only if the fees are required of all parents whose children are in the provider's care. DEL-licensed or certified child care centers and school-age centers are not eligible to receive field trip fees. The field trip fee is to cover the provider's actual expenses for:

~~((a))~~ (1) Admission;

~~((b))~~ (2) Transportation (not to include the provider's gas and insurance); and

~~((c))~~ (3) The cost of hiring a nonemployee to provide an in-house field trip activity.

~~((2) The field trip fee can only be reimbursed for children three years of age and older.)~~

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 170-290-0100	When WCCC benefits start for consumers not receiving TANF.
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WSR 11-18-012 PERMANENT RULES DEPARTMENT OF

SOCIAL AND HEALTH SERVICES (Economic Services Administration)

[Filed August 26, 2011, 7:49 a.m., effective October 16, 2011]

Effective Date of Rule: October 16, 2011.

Purpose: The department is extending the effective date of the amendments made to WAC 388-416-0005 How long can I get Basic Food?, filed July 27, 2011, as WSR 11-16-030.

Extending the effective date is necessary to extend the effective date to coincide the rule change with system changes used to determine eligibility. System changes will ensure recipients receive proper notification of their certification period.

Citation of Existing Rules Affected by this Order: Amending WAC 388-416-0005.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, and 74.08.090.

Adopted under notice filed as WSR 11-11-090 on May 18, 2011.

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

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

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 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: August 26, 2011.

Katherine I. Vasquez
Rules Coordinator

WSR 11-18-017 PERMANENT RULES DEPARTMENT OF RETIREMENT SYSTEMS

[Filed August 26, 2011, 10:32 a.m., effective September 26, 2011]

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

Purpose: The purpose of this proposal is to create a departmental WAC for recent legislation enacted by the Washington state legislature which provides for the payment of medical benefits for retirees of the law enforcement officers and fire fighters' (LEOFF) Plan 2 who are totally disabled in the line of duty and survivors of LEOFF Plan 2 and the Washington state patrol retirement system plans 1 and 2 who are killed in the line of duty. The department is creating a rule to implement, and ensure compliance with, retiree

medical accounts established under Internal Revenue Code section 401(h).

Statutory Authority for Adoption: RCW 41.50.050(5) and chapter 43.43 RCW.

Adopted under notice filed as WSR 11-15-011 on July 7, 2011.

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

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

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

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

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

Date Adopted: August 26, 2011.

Steve Hill
Director

NEW SECTION

WAC 415-02-250 Retiree medical accounts established under Internal Revenue Code (IRC) section 401(h). RCW 41.26.470(10), 41.26.510(5), and 43.43.285 (2)(b) authorizes LEOFF Plan 2 and WSPRS Plan 1/2 to provide reimbursement to eligible retirees and/or to their eligible survivors for certain medical insurance premiums. These reimbursements are authorized by IRC section 401(h), subject to the IRC and federal regulations.

(1) **How is the money to fund these benefits held by the state?** Pursuant to IRC section 401(h), there is established a retiree medical account within the trust fund of each of the respective plans. The money to fund the foregoing reimbursements for medical insurance premiums is held in these "retiree medical accounts." The assets in each of these retiree medical accounts shall be accounted for separately from other trust funds. There are no individual member accounts within a retiree medical account.

(2) **How are the assets in the retiree medical accounts invested?** The assets in the retiree medical accounts are commingled with other trust fund accounts for investment purposes. Portions of the investment expenses and investment earnings for the commingled investments are allocated to the retiree medical accounts on a reasonable basis.

(3) **How are assets in the retiree medical accounts used?**

(a) Assets in the retiree medical accounts are held in trust for the exclusive benefit of eligible retirees and their eligible survivors.

(b) The assets of the respective retiree medical accounts shall be used only for the payment of the benefits provided in RCW 41.26.470(10), 41.26.510(5), and 43.43.285 (2)(b), and the expenses of administering these sections. Assets in the

retiree medical accounts may not be used for any other retirement benefit provided by chapters 41.26 and 43.43 RCW or any other purpose.

(c) If any individual forfeits an interest in the benefits provided in RCW 41.26.470(10), 41.26.510(5), and 43.43-485 (2)(b), the money in the retiree medical account shall be used to provide benefits to those who remain eligible.

(d) Upon satisfaction of all liabilities under RCW 41.26.470(10), 41.26.510(5), and 43.43.285 (2)(b), any assets in a retiree medical account that are not used as provided in (b) of this subsection shall be transferred to the department of retirement systems' (DRS) expense fund for the benefit of employers, as required by IRC section 401 (h)(5).

(e) These benefits are subordinate to the retirement benefits provided by the plan.

(4) **How are the retiree medical accounts funded?**

(a) The retiree medical accounts are funded by designated retirement contributions, appropriations, and any other sources. The funding structure and the process for determining the contributions for the accounts are set out in chapter 41.45 RCW, in particular RCW 41.45.050, 41.45.060, 41.45.0604, 41.45.0631, and 41.45.070.

(b) At no time shall the contributions to a retiree medical account plus the contributions to its respective plan for the one-time duty-related death benefit be in excess of twenty-five percent of the total contributions to its respective plan (not including contributions to fund past service credits). This comparison is made by comparing the cumulative contributions that have been made after the effective date of the retiree medical account.

(c) DRS will review the total contributions annually to ensure that the twenty-five percent limit has not been exceeded.

(5) In adopting this section, DRS intends to comply in all respects with IRC sections 401(a) and 401(h) and to preserve the status of LEOFF Plan 2 and WSPRS Plan 1/2 as tax-qualified governmental plans under section 401(a) and 414(d) of the Internal Revenue Code.

WSR 11-18-018 PERMANENT RULES DEPARTMENT OF RETIREMENT SYSTEMS

[Filed August 26, 2011, 10:33 a.m., effective September 26, 2011]

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

Purpose: The purpose of this proposal is to amend department WACs to ensure compliance with recent legislation enacted by the Washington state legislature which changes the default investment option for new members of the defined contribution portion of the Plan 3 retirement systems.

Citation of Existing Rules Affected by this Order:
Amending WAC 415-111-210 and 415-111-230.

Statutory Authority for Adoption: Chapters 41.32, 41.34, 41.35, and 41.50 RCW.

Other Authority: RCW 41.34.130, 41.34.060, and 41.34.140.

Adopted under notice filed as WSR 11-15-039 on July 13, 2011.

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 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 26, 2011.

Steve Hill
Director

AMENDATORY SECTION (Amending WSR 01-01-059, filed 12/12/00, effective 1/12/01)

WAC 415-111-210 Investment program election. (1) You must choose between two investment programs:

(a) The total allocation portfolio, managed by the Washington state investment board ~~((-and-a))~~; and

(b) The self-directed investment program. You may contribute to only one of these programs at a time. However, you may maintain accounts in both investment programs and transfer money between investment programs.

~~((Pursuant to))~~ Under WAC 415-111-110, you bear the responsibility for completing the correct form for making an investment program election and submitting it to your employer as directed on the form.

~~((+))~~ (2) **Where do I get the form to make my election?** Your employer must provide the appropriate form to elect an investment program if you are enrolling into Plan 3, transferring from Plan 2 to Plan 3, or changing your investment program.

~~((+))~~ (3) **When do I have to choose an investment program?** If you are a new member or are reenrolling, you must select one of the investment programs (the total allocation portfolio or the self-directed investment program) within ninety calendar days from your date of hire in an eligible position. However, if you are transferring from Plan 2 to Plan 3, you must select an investment program when you transfer. The ninety-day period does not apply to a member transferring from Plan 2 to Plan 3.

If ~~((it is determined))~~ we discover and determine you should be reported into Plan 3 membership retroactively, the ninety-day period starts from the date ~~((it is discovered, as determined by the department,))~~ you are notified that you should have been reported.

~~((+))~~ (4) **What happens if I do not make an investment program election?** You will be assigned to the default investment program described in subsection ~~((+))~~ (5) of this section, if:

(a) You are a new ~~((employee))~~ member or changing your employer and do not make an investment program election within the ninety-day election period described in subsection ~~((+))~~ (3) of this section; or

(b) You are transferring from Plan 2 to Plan 3 and do not make an investment program election at the time of transfer.

~~((+))~~ (5) **What is the default investment program?** The default investment program is the ~~((total allocation portfolio of the Washington state investment board))~~ self-directed investment program. See WAC 415-111-230.

~~((+))~~ (6) **Can I change my investment program?** Once you have made an initial investment election or been directed into the default program, you may change your investment program at any time by submitting the appropriate form to your employer.

AMENDATORY SECTION (Amending WSR 08-18-058, filed 9/2/08, effective 10/3/08)

WAC 415-111-230 Self-directed investment program allocation. This section applies ~~((only))~~ to members who ~~((elect))~~ invest in the self-directed investment program ~~((pursuant to WAC 415-111-210))~~.

(1) **What is an allocation?** An allocation is a set of instructions identifying your choice of investment program funds and the percentage of your money you want to invest in each fund. The amount you allocate to each fund must be designated as a whole percentage, and the total must equal one-hundred percent.

Example: Martha has elected the self-directed investment program and is contributing \$150 per month. Martha decides to invest in three different funds with the following amounts: \$30 invested in fund #1, \$45 invested in fund #2 and \$75 invested in fund #3. To accomplish this she must establish the following allocation:

Allocation to fund #1	20%
Allocation to fund #2	30%
Allocation to fund #3	50%
Total Allocation	100%

(2) **How do I establish an allocation?** You must establish your allocation by contacting the department's designated recordkeeper. Once established, you may change your allocation according to the provisions in subsection (5) of this section.

(3) **What happens if I do not establish an allocation?** If you do not provide an allocation before the department's designated recordkeeper begins receiving your ~~((investment money, or if you provide an allocation but the sum of the allocated portions does not equal one hundred percent))~~ contributions, your ~~((investment))~~ money will be invested as follows:

(a) ~~((If the total of the percentages you have allocated is less than one hundred percent, the department will determine the percentage that is unallocated, and invest the unallocated percentage in the default fund.~~

Example: Ralph designates the following allocation: 33% fund #1, 33% fund #2, and 33% fund #3. Since

~~the total allocation equals 99%, the unallocated 1% will be invested in the default fund.~~

~~(b) If the total of the percentages you have allocated is greater than one hundred percent, all of your investment money will be invested in the default fund.~~

~~Example: Chris designates the following allocations: 38% into fund #1, 40% into fund #2, 10% into fund #3, and 15% into fund #4. Since the total allocation equals 103%, all of Chris' investment money will be invested in the default fund.~~

~~(c) If you do not provide an allocation, your money will be invested as follows:~~

~~(i) If you previously participated in the self-directed investment program,) Your most recent allocation will be used if you previously participated in the self-directed investment program. However, if your allocation includes a fund or funds that are no longer available, the portion of your ((investment)) money allocated to the unavailable fund(s) will be invested in the default fund.~~

~~((ii) If you do not meet the conditions in (c)(i) of this subsection,))~~

~~Example: After participating in the self-directed program, Linda terminates employment. Subsequently, she is reemployed and elects to participate in the self-directed investment program again. She does not provide an allocation. Linda's previous allocation was:~~

<u>Allocation to fund #1</u>	<u>10%</u>
<u>Allocation to fund #2</u>	<u>40%</u>
<u>Allocation to fund #3</u>	<u>50%</u>
<u>Total Allocation</u>	<u>100%</u>

~~Fund #2 is no longer available. Linda's future contributions will be allocated as follows:~~

<u>Allocation to fund #1</u>	<u>10%</u>
<u>Allocation to Default Fund</u>	<u>40%</u>
<u>Allocation to fund #3</u>	<u>50%</u>
<u>Total Allocation</u>	<u>100%</u>

~~(b) All of your ((investment)) money will be invested in the default fund if you do not meet the conditions in (a) of this subsection.~~

~~Example: Lew is a new member and elects the self-directed investment program, but does not establish an allocation. All of Lew's ((investment)) money will be invested in the default fund.~~

~~((Example: Linda becomes reemployed in an eligible position and elects to participate in the self-directed investment program again, but does not provide an allocation.~~

~~Linda previously participated in the self-directed investment program and had the following allocation:~~

- ~~10% in Fund #1~~
- ~~10% in Fund #2~~

- ~~30% in Fund #3~~
- ~~25% in Fund #4~~
- ~~25% in Fund #5~~

~~Because she did not establish a new allocation, her previous allocation will be used. However, fund #2 is no longer available, so that portion of her money will be invested in the default fund. A new allocation will be established for Linda as follows:~~

- ~~10% in Fund #1~~
- ~~10% in Default Fund~~
- ~~30% in Fund #3~~
- ~~25% in Fund #4~~
- ~~25% in Fund #5))~~

~~(4) What is the default fund? The default fund for the self-directed investment program is the ((Target Date)) Retirement Strategy Fund that assumes ((your current age is)) you will retire at age 65.~~

~~Example: Samantha was born in 1983. She will turn age 65 in 2048. The Retirement Strategy Fund closest to her age-65 retirement target date is the 2050 Retirement Strategy Fund. If Samantha does not establish an allocation per subsection (3) of this section, her money will be invested in the 2050 Retirement Strategy Fund.~~

~~(5) ((May)) Can I change my allocation? ((Once you have established an allocation or been directed into the default fund,)) You may change your allocation by contacting the department's designated recordkeeper. However, changes must be consistent with any restrictions on trading imposed by the funds involved((, and,)). If necessary to protect the performance results of the investment program funds, the department may:~~

- ~~(a) Limit the number of times you change allocations;~~
- ~~(b) Limit the frequency of the changes;~~
- ~~(c) Limit the manner of making changes; or~~
- ~~(d) Impose other restrictions.~~

WSR 11-18-034

PERMANENT RULES

TRANSPORTATION COMMISSION

[Filed August 30, 2011, 1:38 p.m., effective October 1, 2011, and May 1, 2012]

Effective Date of Rule: October 1, 2011, and May 1, 2012.

Purpose: The purpose of this rule is to (i) increase ferry tolls and ferry charter rates, (ii) modify certain fare categories, and (iii) establish a capital surcharge and a ferry fuel surcharge methodology, all within the specified WACs. The revisions follow the annual review of Washington state ferries' fares and policies.

Citation of Existing Rules Affected by this Order: Amending WAC 468-300-010, 468-300-020, 468-300-040 and 468-300-220; and new section WAC 468-300-080.

Statutory Authority for Adoption: RCW 47.56.030, 47.60.315.

Adopted under notice filed as WSR 11-15-087 on July 20, 2011.

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

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

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

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

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

Date Adopted: August 24, 2011.

Reema Griffith
Executive Director

AMENDATORY SECTION (Amending WSR 10-24-028, filed 11/19/10, effective 1/1/11)

WAC 468-300-010 Ferry passenger tolls.

EFFECTIVE 03:00 A.M. (~~January~~) October 1, 2011

ROUTES	Full Fare ¹⁰	Senior/ Disabled ¹⁰	Youth Fare 18 and under ¹⁰	Multiride Media 20 Rides ¹⁻¹⁰	Monthly Pass ⁵⁻	Bicycle Surcharge ²⁽⁽⁶⁾⁾
Via Auto Ferry	((5.50))	((2.75))	((4.40))	((44.00))	((70.40))	
*Fautleroy-Southworth	<u>5.60</u>	<u>2.65</u>	<u>4.50</u>	<u>44.80</u>	<u>71.70</u>	1.00
*Seattle-Bremerton						
*Seattle-Bainbridge Island	((7.10))	((3.55))	((5.70))	((56.80))	((90.90))	
*Edmonds-Kingston	<u>7.25</u>	<u>3.50</u>	<u>5.80</u>	<u>58.00</u>	<u>92.80</u>	1.00
Port Townsend-((Keystone)) Coupeville	((2.75))	((1.35))	((2.20))	((44.00))	((70.40))	
	<u>2.80</u>	<u>1.25</u>	<u>2.25</u>	<u>44.80</u>	<u>71.70</u>	0.50
*Fautleroy-Vashon						
*Southworth-Vashon	((4.55))	((2.25))	((3.65))	((36.40))	((58.25))	
*Pt. Defiance-Tahlequah	<u>4.65</u>	<u>2.20</u>	<u>3.70</u>	<u>37.20</u>	<u>59.55</u>	1.00
	((4.20))	((2.10))		((33.60))	((53.80))	
*Mukilteo-Clinton	<u>4.25</u>	<u>2.00</u>	3.40	<u>34.00</u>	<u>54.40</u>	1.00
*Anacortes to Lopez, Shaw, Orcas or Friday Harbor	((11.50))		((9.20))	((74.75))		
	<u>11.80</u>	5.75	<u>9.45</u>	<u>76.70</u>	N/A	2.00 ⁽⁷⁾ 6
Between Lopez, Shaw, Orcas and Friday Harbor ⁴	N/C	N/C	N/C	N/C	N/A	N/C
Anacortes to Sidney and Sidney to all destinations	((16.85))	((8.40))	((13.50))			
	<u>17.25</u>	<u>8.50</u>	<u>13.80</u>	N/A	N/A	4.00 ⁽⁸⁾ 7
From Lopez, Shaw, Orcas and Fri- day Harbor to Sidney	((6.30))	((3.15))	((5.05))			
	<u>6.45</u>	<u>3.10</u>	<u>5.15</u>	N/A	N/A	1.00 ⁽⁹⁾ 8
Lopez, Shaw, Orcas and Friday Harbor to Sidney (round trip) ³	((23.15))	((11.55))	((18.55))			
	<u>23.70</u>	<u>11.60</u>	<u>18.95</u>	N/A	N/A	5.00 ⁽¹⁰⁾ 9

All fares rounded to the next multiple of \$0.05.
* These routes operate as a one-point toll collection system.

¹MULTIRIDE MEDIA - Shall be valid only for 90 days from date of purchase after which time the tickets shall not be accepted for passage. Remaining value will not be eligible for refund or exchange. For mail order deliveries, WSF may add additional days to allow for delivery times.

²BICYCLE SURCHARGE - Is an addition to the appropriate passenger fare. Customers using multiride media and monthly passes are exempt from the bicycle surcharge. On all routes except Anacortes/San Juan Island/Sidney, B.C., customers paying with the ePurse or the ORCA card are exempt from the bicycle surcharge.

³ROUND TRIP - Round trip passage for international travel available for trips beginning or ending on one of the Islands served.

⁴INTER-ISLAND FARES - Passenger fares included in Anacortes tolls.

⁵PASSES - Passenger passes are available for all routes except Anacortes/San Juan Island/Sidney. Passes are valid for the period printed on the pass and will be presented to Washington state ferries staff or scanned through an automated turnstile whenever a passenger fare is collected. This pass is based on 16 days of passenger travel with a 20% discount. A \$1.00 retail/shipping and handling fee will be added to the price of the pass.

A combination ferry-transit pass may be available for a particular route when determined by Washington state ferries and a local public transit agency to be a viable fare instrument. The WSF portion of the fare is based on 16 days of passenger travel per month at a 20% discount.

The monthly pass is valid for a maximum of 31 round trips per month, is nontransferable, is nonreproducible, and is intended for a sin-

gle user. Monthly passes purchased through the regional Smart-Card program are also nontransferable and intended for a single user, but allow for unlimited usage.

~~(⁶BICYCLE PERMIT - A bicycle pass is available on all routes except: Anacortes/San Juan Island/Sidney for a \$20.00 annual fee subject to meeting WSF specified conditions. The pass is valid for one year. A cyclist with a valid pass shall have the bicycle surcharge waived.)~~

~~(⁷)⁶BICYCLE SURCHARGE - This becomes \$4.00 during peak season (May 1 through September 30).~~

~~(⁸)⁷BICYCLE SURCHARGE - This becomes \$6.00 during peak season.~~

~~(⁹)⁸BICYCLE SURCHARGE - This becomes \$2.00 during peak season.~~

~~(¹⁰)⁹BICYCLE SURCHARGE - This becomes \$8.00 during peak season.~~

¹⁰CAPITAL SURCHARGE - There will be an additional \$0.25 capital surcharge on each single passenger fare collected. On all multiride cards except for Port Townsend/Coupeville, there will be an additional capital surcharge of \$2.50. For Port Townsend/Coupeville, the additional capital surcharge will be \$5.00 on multiride cards. On all monthly passes except Port Townsend/Coupeville, there will be an additional \$4.00 capital surcharge. For Port Townsend/Coupeville, the additional capital surcharge will be \$8.00 on monthly passes.

CHILDREN/YOUTH - Children under six years of age will be carried free when accompanied by parent or guardian. Children/youths six through eighteen years of age will be charged the youth fare, which will be 80% of full fare rounded to the next multiple of \$ 0.05.

SENIOR CITIZENS - Passengers age 65 and over, with proper identification establishing proof of age, may travel at half-fare passenger tolls on any route where passenger fares are collected.

PERSONS OF DISABILITY - Any individual who, by reason of illness, injury, congenital malfunction, or other incapacity or disability is unable without special facilities or special planning or design to utilize ferry system services, upon presentation of a WSF Disability Travel Permit, Regional Reduced Fare Permit, or other identification which establishes a disability may travel at half-fare passenger tolls on any route. In addition, those persons with disabilities who require attendant care while traveling on the ferries, and are so certified by their physician, may obtain an endorsement on their WSF Disability Travel Permit and such endorsement shall allow the attendant to travel free as a passenger.

BUS PASSENGERS - Passengers traveling on public transit buses pay the applicable fare. Passengers traveling in private or commercial buses will be charged the half-fare rate.

MEDICARE CARD HOLDERS - Any person holding a medicare card duly issued to that person pursuant to Title II or Title XVIII of the Social Security Act may travel at half-fare passenger tolls on any route upon presentation of a WSF Disability Travel Permit or a Regional Reduced Fare Permit at time of travel.

IN-NEED ORGANIZATIONS - For qualified organizations serving in-need clients by providing tickets for transportation on WSF at no cost to clients, program would offer a monthly discount to approximate appropriate multiride media discount rates. Appointing bodies (those that appoint Ferry Advisory Committees) will nominate to the Washington State Transportation Commission those organizations that meet the criteria of the program. The Commission will review such nominations and certify those organizations that qualify. The following criteria will be used for nominating and certifying in-need organizations: Nongovernmental and not-for-profit organizations whose primary purpose is one or more of the following: Help clients with medical issues; provide clients with low-income social services; help clients suffering from domestic violence; provide clients with employment-

seeking services; and/or help clients with Social Security. Travel will be initially charged based on full fare and billed monthly. The credits will be approximately based on the discount rates offered to multiride media users applicable on the date of travel.

PROMOTIONAL TOLLS - A promotional rate may be established at the discretion of the WSF Assistant Secretary, Executive Director for a specific discount in order to enhance total revenue and effective only at designated times on designated routes.

Special passenger fare rate(s) may be established for a pilot program in conjunction with the Central Puget Sound Regional Fare Integration project on ferry route(s) serving King, Pierce, Snohomish and Kitsap counties. The rate(s) may be established at the discretion of the WSF Assistant Secretary, Executive Director for a specific discount not to exceed fifty percent of full fare.

SCHOOL GROUPS - Passengers traveling in authorized school groups for institution-sponsored activities will be charged a flat rate of \$1 per walk-on group or per vehicle of students and/or advisors and staff. All school groups require a letter of authorization. Vehicles and drivers will be charged the fare applicable to vehicle size. The special school rate is \$2 on routes where one-point toll systems are in effect.

BUNDLED SINGLE FARE BOOKS - WSF may bundle single fare types into multiride media as a customer convenience. Remaining value will not be eligible for refund or exchange. For mail order deliveries, WSF may add additional days for delivery times.

FIRE DEPARTMENT AND FIRE DISTRICT FARE CONSIDERATION - At the discretion of the WSF Assistant Secretary, WSF may authorize no-fare or discounted fare passage on scheduled and/or special ferry sailings for fire departments and fire districts that provide contracted fire protection services for WSF ferry terminals and/or other WSF facilities within their jurisdiction. Such passage shall be considered full and complete consideration for such fire protection services, in lieu of annual payments for such services, to be so noted in such fire protection agreements. The scope of such authorization includes designated fire department and fire district vehicles (see below), drivers and passengers en route to and from an emergency call, on ferry routes with a WSF terminal and/or other WSF facility served by a fire department or fire district pursuant to a WSF fire protection service agreement. Authorized vehicles may include public fire department and fire district medical aid units, fire trucks, incident command and/or other vehicles dispatched to and returning from an emergency call. WSF may implement such ferry passage on a pilot project basis to assess the operational, financial and administrative impact on WSF. By June 30, 2011, WSF shall submit a written report to the Transportation Commission identifying such impacts with a recommendation whether to make such passage authorization a permanent component of the WSF ferry toll schedule.

GROUP OR VOLUME SALES - In order to increase total revenues, WSF may develop full fare or discounted customer packages or bundle single fare types into multiride media or offer passes for high volume or group users. In pricing these packages, WSF will have discretion to set appropriate volume discounts based on a case-by-case basis.

SPECIAL EVENTS - In order to increase total revenues, WSF may develop, create or participate in special events that may include, but not be limited to, contributing or packaging discounted fares in exchange for the opportunity to participate in the income generated by the event.

EFFECTIVE 03:00 A.M. May 1, 2012

ROUTES	Full Fare ¹⁰	Senior/ Disabled ¹⁰	Youth Fare 18 and under ¹⁰	Multiride Media 20 Rides ^{1,10}	Monthly Pass ^{5,10}	Bicycle Surcharge ²
<u>Via Auto Ferry</u>						
* <u>Fauntleroy-Southworth</u>	5.70	2.70	4.55	45.60	73.00	1.00
* <u>Seattle-Bremerton</u>						
* <u>Seattle-Bainbridge Island</u>						
* <u>Edmonds-Kingston</u>	7.45	3.60	5.95	59.60	95.40	1.00
<u>Port Townsend-Coupeville</u>	2.85	1.30	2.30	45.60	73.00	0.50
* <u>Fauntleroy-Vashon</u>						
* <u>Southworth-Vashon</u>						
* <u>Pt. Defiance-Tahlequah</u>	4.75	2.25	3.80	38.00	60.80	1.00
* <u>Mukilteo-Clinton</u>	4.40	2.05	3.50	35.20	56.35	1.00
* <u>Anacortes to Lopez, Shaw, Orcas or Friday Harbor</u>	12.20	5.95	9.75	79.30	N/A	2.00 ⁶
<u>Between Lopez, Shaw, Orcas and Friday Harbor⁴</u>	N/C	N/C	N/C	N/C	N/A	N/C
<u>Anacortes to Sidney and Sidney to all destinations</u>	17.75	8.75	14.20	N/A	N/A	4.00 ⁷
<u>From Lopez, Shaw, Orcas and Fri- day Harbor to Sidney</u>	6.65	3.20	5.30	N/A	N/A	1.00 ⁸
<u>Lopez, Shaw, Orcas and Friday Harbor to Sidney (round trip)²</u>	24.40	11.95	19.50	N/A	N/A	5.00 ⁹

All fares rounded to the next multiple of \$0.05.

* These routes operate as a one-point toll collection system.

¹MULTIRIDE MEDIA - Shall be valid only for 90 days from date of purchase after which time the tickets shall not be accepted for passage. Remaining value will not be eligible for refund or exchange. For mail order deliveries, WSF may add additional days to allow for delivery times.

²BICYCLE SURCHARGE - Is an addition to the appropriate passenger fare. Customers using multiride media and monthly passes are exempt from the bicycle surcharge. On all routes except Anacortes/San Juan Islands/Sidney, B.C., customers paying with the ePurse on the ORCA card are exempt from the bicycle surcharge.

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AMENDATORY SECTION (Amending WSR 10-24-028, filed 11/19/10, effective 1/1/11)

WAC 468-300-020 Vehicle under ((20)) 22', motorcycle, and stowage ferry tolls.

EFFECTIVE 03:00 A.M. ((January)) October 1, 2011

ROUTES	Vehicle Under ((20)) 14'	Vehicle Under ((20)) 14'	Vehicle Under ((20)) 14'	Vehicle under 14' Multiride
	Incl. Driver One Way ²	w/Sr Citizen or Disabled Driver ^{4,7}	Over Height Charge ¹	Media 20 Rides ^{2,7}
Fauntleroy-Southworth Port	((9.35))	((7.95))	((9.35))	((149.60))
Townsend/((Keystone)) Coupeville	8.65	7.15	8.65	138.25
Seattle-Bainbridge Island Seattle-Bremerton	((12.15))	((10.35))	((12.15))	((194.40))
Edmonds-Kingston	11.25	9.35	11.25	180.00
*Fauntleroy-Vashon				
*Southworth-Vashon	((15.55))	((13.25))	((15.55))	((124.40))
*Pt. Defiance-Tahlequah	14.40	11.95	14.40	115.20
Mukilteo-Clinton	((7.20))	((6.15))	((7.20))	((115.20))
	6.60	5.45	6.60	105.85
10 Rides - 5 Round Trips				
*Anacortes to Lopez	((27.95))	((22.20))	((27.95))	((104.85))
	25.90	19.85	25.90	97.00
*Shaw, Orcas	((33.55))	((27.80))	((33.55))	((125.85))
	31.05	25.00	31.05	116.45
*Friday Harbor	((39.85))	((34.10))	((39.85))	((149.45))
	36.90	30.85	36.90	138.40
Between Lopez, Shaw, Orcas and Friday Harbor ³	((48.75))	((48.75))	((48.75))	((75.00))
	17.30	17.30	17.30	69.30
<i>International Travel</i>				
Anacortes to Sidney and Sidney to all destinations	((45.15))	((36.70))	((45.15))	N/A
	41.65	32.90	41.65	
Lopez, Shaw, Orcas and Friday Harbor to Sidney	((43.50))	((40.35))	((43.50))	N/A
	12.45	9.10	12.45	

ROUTES	Vehicle Under ((20)) 14' Incl. Driver One Way ²	Vehicle Under ((20)) 14' w/Sr Citizen or Disabled Driver ^{4,7}	Vehicle Under ((20)) 14' Over Height Charge ¹	Vehicle under 14' Multiride Media 20 Rides ^{2,7}
Lopez, Shaw, Orcas and Friday Harbor to Sidney (round trip) ⁵	((58.65)) 54.10	((47.05)) 42.00	((58.65)) 54.10	N/A

ROUTES	Vehicle 14' to Under 22' Incl. Driver One Way ²	Vehicle 14' to Under 22' w/Sr Citizen or Disabled Driver ^{4,7}	Vehicle 14' to Under 22' Over Height Charge ¹	Vehicle 14' to Under 22' Multiride Media 20 Rides ^{2,7}
Fauntleroy-Southworth Port Townsend/Coupeville	9.60	8.10	9.60	153.60
Seattle-Bainbridge Island Seattle-Bremerton Edmonds-Kingston	12.50	10.60	12.50	200.00
*Fauntleroy-Vashon *Southworth-Vashon *Pt. Defiance-Tahlequah	16.00	13.55	16.00	128.00
Mukilteo-Clinton	7.35	6.20	7.35	117.60
10 Rides - 5 Round Trips				
*Anacortes to Lopez	28.75	22.70	28.75	107.85
*Shaw, Orcas	34.50	28.45	34.50	129.40
*Friday Harbor	41.00	34.95	41.00	153.75
Between Lopez, Shaw, Orcas and Friday Harbor ³	19.25	19.25	19.25	77.00
<i>International Travel</i>				
Anacortes to Sidney and Sidney to all destinations	46.25	37.50	46.25	N/A
Lopez, Shaw, Orcas and Friday Harbor to Sidney	13.85	10.50	13.85	N/A
Lopez, Shaw, Orcas and Friday Harbor to Sidney (round trip) ⁵	60.10	48.00	60.10	N/A

EFFECTIVE 03:00 A.M. ((January)) October 1, 2011

ROUTES	Motorcycle ⁵ Incl. Driver Stowage ^{1,7} One Way	Motorcycle w/Sr Citizen or Disabled Driver Stowage ^{1,7} One Way	Motorcycle Oversize Charge ¹	Motorcycle Frequent User Commuter 20 Rides ^{2,7}
Fauntleroy-Southworth Port Townsend/((Keystone)) Coupeville	((4.10)) 4.20	2.70	((1.35)) 1.80	((65.60)) 67.20
Seattle-Bainbridge Island Seattle-Bremerton Edmonds-Kingston	((5.30)) 5.40	3.50	((1.75)) 2.30	((84.80)) 86.40
*Fauntleroy-Vashon *Southworth-Vashon *Pt. Defiance-Tahlequah	((6.75)) 6.95	((4.45)) 4.50	((2.20)) 2.95	((54.00)) 55.60
Mukilteo-Clinton	((3.15)) 3.20	((2.10)) 2.05	((1.05)) 1.40	((50.40)) 51.20
*Anacortes to Lopez	((14.80)) 15.20	((9.05)) 9.15	((3.30)) 4.55	((111.00)) 114.00
*Shaw, Orcas	((15.95)) 16.35	((10.20)) 10.30	((4.45)) 5.95	((119.65)) 122.65
*Friday Harbor	((17.20)) 17.65	((11.45)) 11.60	((5.70)) 7.50	((129.00)) 132.40
Between Lopez, Shaw, Orcas and Friday Harbor ³	((5.35)) 5.45	((5.35)) 5.45	((5.35)) 6.25	N/A
Anacortes to Sidney and Sidney to all destinations	((22.55)) 23.05	((14.10)) 14.30	((5.70)) 7.65	N/A
Travelers with advanced reservations (\$15 fee) Anacortes to Sidney and Sidney to all destinations ⁶	N/A	N/A	N/A	N/A

ROUTES	Motorcycle ⁵ Incl. Driver Stowage ^{1,7}	Motorcycle w/Sr Citizen or Disabled Driver Stowage ^{1,7}	Motorcycle Oversize Charge ¹	Motorcycle Frequent User Commuter 20 Rides ^{2,7}
	One Way	One Way		
Lopez, Shaw, Orcas and Friday Harbor to Sidney	((7.75)) 7.95	4.60	((1.45)) 2.05	N/A
Travelers with advanced reservations (\$7 fee) from Lopez, Shaw, Orcas and Friday Harbor to Sidney ⁶	N/A	N/A	N/A	N/A
Lopez, Shaw, Orcas and Friday Harbor to Sidney (round trip) ⁵	((30.30)) 31.00	((18.70)) 18.90	((7.15)) 9.70	N/A

All fares rounded to the next multiple of \$0.05.
 * These routes operate as a one-point toll collection system.

¹SIZE - ~~((AH))~~ Vehicles up to ~~((20))~~ 14' in length and under 7'6" in height shall pay the vehicle under ~~((20))~~ 14' toll. All vehicles from 14' to under 22' in length and under 7'6" in height shall pay the 14' to 22' toll. All vehicles up to ((20)) 22' but over 7'6" in height shall pay an overheight charge of 100% of the vehicle full fare. Motorcycles with trailers, sidecars, or any vehicle licensed as a motorcycle with three or more wheels will pay an oversize motorcycle charge ((of 100% of the motorcycle full fare)). Upon presentation by either the driver or passenger of a WSF Disability Travel Permit, Regional Reduced Fare Permit, or other identification which establishes disability, the height charge will be waived for vehicles equipped with wheel chair lift or other mechanism designed to accommodate the person with disability.

²MULTIRIDE MEDIA - Shall be valid only for 90 days from date of purchase after which time the media shall not be accepted for passage. Remaining value will not be eligible for refund. For mail order deliveries, WSF may add additional days to allow for delivery time.

³INTER-ISLAND FARES - Tolls collected westbound only. Vehicles traveling between islands may request a single transfer ticket good for one transfer at an intermediate island. The transfer may only be obtained when purchasing the appropriate vehicle fare for inter-island travel (westbound at Lopez, Shaw, or Orcas) and is free of charge. Transfers shall be valid for 24 hours from time of purchase.

⁴SENIOR CITIZEN, DISABLED DRIVER OR DISABLED ATTENDANT DRIVER - Half fare discount applies to driver portion of the vehicle-driver fare and only when the driver is eligible. Those persons with disabilities who require attendant care while traveling on the ferries, and are so certified by their physician, may obtain an endorsement on their WSF Disability Travel Permit and such endorsement shall allow the attendant, when driving, to have the driver portion of the vehicle fare waived.

⁵ROUND TRIP - Round trip passage for international travel available for trips beginning or ending on one of the islands served.

⁶VEHICLE RESERVATION DEPOSIT - Nonrefundable deposits for advance vehicle reservations may be established at a level of from 25 to 100 percent of the applicable fare. This is a deposit toward the fare and not an additional fee, and applies only to those routes where the legislature has approved the use of a reservation system. Refunds may be available under certain circumstances.

⁷CAPITAL SURCHARGE - There will be an additional \$0.25 capital surcharge on each single vehicle/driver fare collected. On all multiride cards except for routes serving Vashon Island and the San Juan Islands, there will be an additional capital surcharge of \$5.00. For Vashon Island routes, the additional capital surcharge will be \$2.50 on multiride cards. For motorcycles in the San Juan Islands, the capital surcharge on multiride cards will be \$2.50. For vehicles under 22' in the San Juan Islands, the capital surcharge on multiride cards will be \$1.25.

RIDE SHARE VEHICLES - A commuter ride share vehicle which carries five or more persons on a regular and expense-sharing basis for the purpose of travel to and from work or school and which is

certified as such by a local organization approved by the Washington state ferry system, may purchase for a \$20 fee, a permit valid for one year valid only during the hours shown on the permit. The \$20.00 fee shall include the driver. Remaining passengers shall pay the applicable passenger fare. Except that the minimum total paid for all passengers in the van shall not be less than four times the applicable passenger fare. Carpools of three or more registered in WSF's preferential loading program must also pay a \$20.00 yearly permit fee.

STOWAGE - Stowage carry-on items including kayaks, canoes and other items of comparable size which are typically stowed on the vehicle deck of the vessel shall be charged at the motorcycle rate. This rate includes the walk-on passenger carrying on the item to be stowed.

PEAK SEASON SURCHARGE - A 25% surcharge shall be applied to vehicles from May 1 through September 30 except those using multiride media. A 35% surcharge shall be applied on vehicle fares from Anacortes to Lopez, Shaw, Orcas and Friday Harbor, except those using multiride media. A 114% surcharge shall be applied to the San Juan Islands to Sidney route. The resulting fare is rounded up to the next \$0.05 if required.

FIRE DEPARTMENT AND FIRE DISTRICT FARE CONSIDERATION - At the discretion of the WSF Assistant Secretary, WSF may authorize no-fare or discounted fare passage on scheduled and/or special ferry sailings for fire departments and fire districts that provide contracted fire protection services for WSF ferry terminals and/or other WSF facilities within their jurisdiction. Such passage shall be considered full and complete consideration for such fire protection services, in lieu of annual payments for such services, to be so noted in such fire protection agreements. The scope of such authorization includes designated fire department and fire district vehicles (see below), drivers and passengers en route to and from an emergency call, on ferry routes with a WSF terminal and/or other WSF facility served by a fire department or fire district pursuant to a WSF fire protection service agreement. Authorized vehicles may include public fire department and fire district medical aid units, fire trucks, incident command and/or other vehicles dispatched to and returning from an emergency call. WSF may implement such ferry passage on a pilot project basis to assess the operational, financial and administrative impact on WSF. By June 30, 2011, WSF shall submit a written report to the Transportation Commission identifying such impacts with a recommendation whether to make such passage authorization a permanent component of the WSF ferry toll schedule.

IN-NEED ORGANIZATIONS - For qualified organizations serving in-need clients by providing tickets for transportation on WSF at no cost to clients, program would offer a monthly discount to approximate appropriate multiride media discount rates (20% off base season rates, except for Anacortes to San Juan Islands where it is 35% off base season end of week rates). Appointing bodies (those that appoint Ferry Advisory Committees) will nominate to the Washington State Transportation Commission those organizations that meet the criteria of the program. The Commission will review such nominations and certify those organizations that qualify. The following criteria will be used for nominating and certifying in-need organizations: Nongovernmental and not-for-profit organizations whose primary purpose is one or more of the following: Help clients with medical issues; provide clients with

low-income social services; help clients suffering from domestic violence; provide clients with employment-seeking services; and/or help clients with Social Security. Travel will be initially charged based on full fare and billed monthly. The credits will be approximate based on the discount rates offered to multiride media users applicable on the date of travel.

PENALTY CHARGES - Owner of vehicle without driver will be assessed a \$100.00 penalty charge.

PROMOTIONAL TOLLS - A promotional rate may be established at the discretion of the WSF Assistant Secretary, Executive Director for a specified discount in order to enhance total revenue and effective only at designated times on designated routes.

GROUP OR VOLUME SALES - In order to increase total revenues, WSF may develop full fare or discounted customer packages or

bundle single fare types into multiride media or offer passes for high volume or group users. In pricing these packages, WSF will have discretion to set appropriate volume discounts based on a case-by-case basis.

SPECIAL EVENTS - In order to increase total revenues, WSF may develop, create or participate in special events that may include, but not be limited to, contributing or packaging discounted fares in exchange for the opportunity to participate in the income generated by the event.

BUNDLED SINGLE FARE MEDIA - WSF may bundle single fare types into multiple trip books as a customer convenience. Remaining value will not be eligible for refund or exchange. For mail order deliveries, WSF may add additional days to allow for delivery time. ~~((Anacortes to San Juan Islands senior/disabled fares will be bundled at the applicable early week price.))~~

EFFECTIVE 03:00 A.M. May 1, 2012

ROUTES	Vehicle Under 14' Incl. Driver One Way ⁷	Vehicle Under 14' w/Sr Citizen or Disabled Driver ^{4,7}	Vehicle Under 14' Over Height Charge ^{1,7}	Vehicle Under 14' Multiride Media 20 Rides ^{2,7}
<u>Fauntleroy-Southworth Port</u>				
<u>Townsend/Coupeville</u>	7.95	6.45	7.95	127.35
<u>Seattle-Bainbridge Island Seattle-Bremerton</u>				
<u>Edmonds-Kingston</u>	10.30	8.35	10.30	165.10
<u>*Fauntleroy-Vashon</u>				
<u>*Southworth-Vashon</u>				
<u>*Pt. Defiance-Tahlequah</u>	13.20	10.70	13.20	105.60
<u>Mukilteo-Clinton</u>	6.10	4.90	6.10	97.30
	10 Rides - 5 Round Trips			
<u>*Anacortes to Lopez</u>	23.70	17.45	23.70	88.95
<u>*Shaw, Orcas</u>	28.50	22.25	28.50	106.80
<u>*Friday Harbor</u>	33.85	27.60	33.85	126.90
<u>Between Lopez, Shaw, Orcas and Friday Harbor³</u>	15.90	15.90	15.90	63.50
<u>International Travel</u>				
<u>Anacortes to Sidney and Sidney to all destinations</u>	38.10	29.10	38.10	N/A
<u>Lopez, Shaw, Orcas and Friday Harbor to Sidney</u>	11.40	7.95	11.40	N/A
<u>Lopez, Shaw, Orcas and Friday Harbor to Sidney (round trip)⁵</u>	49.50	37.05	49.50	N/A

EFFECTIVE 03:00 A.M. May 1, 2012

ROUTES	Vehicle 14' to Under 22' Incl. Driver One Way ⁷	Vehicle 14' to Under 22' w/Sr Citizen or Disabled Driver ^{4,7}	Vehicle 14' to Under 22' Over Height Charge ^{1,7}	Vehicle 14' to Under 22' Multiride Media 20 Rides ^{2,7}
<u>Fauntleroy-Southworth Port</u>				
<u>Townsend/Coupeville</u>	9.95	8.45	9.95	159.20
<u>Seattle-Bainbridge Island Seattle-Bremerton</u>				
<u>Edmonds-Kingston</u>	12.90	10.95	12.90	206.40
<u>*Fauntleroy-Vashon</u>				
<u>*Southworth-Vashon</u>				
<u>*Pt. Defiance-Tahlequah</u>	16.50	14.00	16.50	132.00
<u>Mukilteo-Clinton</u>	7.60	6.40	7.60	121.60
	10 Rides - 5 Round Trips			
<u>*Anacortes to Lopez</u>	29.65	23.40	29.65	111.20
<u>*Shaw, Orcas</u>	35.60	29.35	35.60	133.50
<u>*Friday Harbor</u>	42.30	36.05	42.30	158.65
<u>Between Lopez, Shaw, Orcas and Friday Harbor³</u>	19.85	19.85	19.85	79.40

ROUTES	Vehicle 14' to Under 22'	Vehicle 14' to Under 22'	Vehicle 14' to Under 22'	Vehicle 14' to Under 22' Mul-
	Incl. Driver One Way ²	w/Sr Citizen or Disabled Driver ^{4,7}	Over Height Charge ^{1,7}	tiride Media 20 Rides ^{2,7}
<i>International Travel</i>				
Anacortes to Sidney and Sidney to all destinations	47.65	38.65	47.65	N/A
Lopez, Shaw, Orcas and Friday Harbor to Sidney	14.25	10.80	14.25	N/A
Lopez, Shaw, Orcas and Friday Harbor to Sidney (round trip) ⁵	61.90	49.45	61.90	N/A

EFFECTIVE 03:00 A.M. May 1, 2012

ROUTES	Motorcycle ⁵ Incl. Driver Stowage ^{1,7}	Motorcycle w/Sr Citizen or Disabled Driver Stowage ^{1,7}	Motorcycle Oversize Charge ¹	Motorcycle Frequent User Commuter 20 Rides ^{2,7}
	One Way	One Way		
Fauntleroy-Southworth Port Townsend/Coupeville	4.30	2.80	2.20	68.80
Seattle-Bainbridge Island Seattle-Bremerton Edmonds-Kingston	5.60	3.65	2.90	89.60
*Fauntleroy-Vashon				
*Southworth-Vashon				
*Pt. Defiance-Tahlequah	7.10	4.60	3.65	56.80
Mukilteo-Clinton	3.30	2.10	1.70	52.80
*Anacortes to Lopez	15.70	9.45	5.80	117.75
*Shaw, Orcas	16.90	10.65	7.45	126.75
*Friday Harbor	18.25	12.00	9.35	136.90
Between Lopez, Shaw, Orcas and Friday Harbor ³	5.65	5.65	7.20	N/A
Anacortes to Sidney and Sidney to all destinations	23.75	14.75	9.70	N/A
Travelers with advanced reservations (\$15 fee) Anacortes to Sidney and Sidney to all destinations ⁶	N/A	N/A	N/A	N/A
Lopez, Shaw, Orcas and Friday Harbor to Sidney	8.20	4.75	2.65	N/A
Travelers with advanced reservations (\$7 fee) from Lopez, Shaw, Orcas and Friday Harbor to Sidney ⁶	N/A	N/A	N/A	N/A
Lopez, Shaw, Orcas and Friday Harbor to Sidney (round trip) ⁵	31.95	19.50	12.35	N/A

All fares rounded to the next multiple of \$0.05.

* These routes operate as a one-point toll collection system.

¹SIZE - Vehicles up to 14' in length and under 7'6" in height shall pay the vehicle under 14' toll. Vehicles from 14' to under 22' and under 7'6" in height shall pay the 14' to 22' toll. All vehicles up to 22' but over 7'6" in height shall pay an overweight charge of 100% of the vehicle full fare. Motorcycles with trailers, sidecars, or any vehicle licensed as a motorcycle with three or more wheels will pay an oversize motorcycle charge. Upon presentation by either the driver or passenger of a WSF Disability Travel Permit, Regional Reduced Fare Permit, or other identification which establishes disability, the height charge will be waived for vehicles equipped with wheel chair lift or other mechanism designed to accommodate the person with disability.

²MULTIRIDE MEDIA - Shall be valid only for 90 days from date of purchase after which time the media shall not be accepted for passage. Remaining value will not be eligible for refund. For mail order deliveries, WSF may add additional days to allow for delivery time.

³INTER-ISLAND FARES - Tolls collected westbound only. Vehicles traveling between islands may request a single transfer ticket good for one transfer at an intermediate island. The transfer may only be obtained when purchasing the appropriate vehicle fare for

inter-island travel (westbound at Lopez, Shaw, or Orcas) and is free of charge. Transfers shall be valid for 24 hours from time of purchase.

⁴SENIOR CITIZEN, DISABLED DRIVER OR DISABLED ATTENDANT DRIVER - Half fare discount applies to driver portion of the vehicle-driver fare and only when the driver is eligible. Those persons with disabilities who require attendant care while traveling on the ferries, and are so certified by their physician, may obtain an endorsement on their WSF Disability Travel Permit and such endorsement shall allow the attendant, when driving, to have the driver portion of the vehicle fare waived.

⁵ROUND TRIP - Round trip passage for international travel available for trips beginning or ending on one of the islands served.

⁶VEHICLE RESERVATION DEPOSIT - Nonrefundable deposits for advance vehicle reservations may be established at a level of from 25 to 100 percent of the applicable fare. This is a deposit toward the fare and not an additional fee, and applies only to those routes where the legislature has approved the use of a reservation system. Refunds may be available under certain circumstances.

⁷CAPITAL SURCHARGE - There will be an additional \$0.25 capital surcharge on each single vehicle/driver fare collected. On all multiride cards except for routes serving Vashon Island and the

San Juan Islands, there will be an additional capital surcharge of \$5.00. For Vashon Island routes, the additional capital surcharge will be \$2.50 on multiride cards. For motorcycles in the San Juan Islands, the capital surcharge on multiride cards will be \$2.50. For vehicles under 22' in the San Juan Islands, the capital surcharge on multiride cards will be \$1.25.

RIDE SHARE VEHICLES - A commuter ride share vehicle which carries five or more persons on a regular and expense-sharing basis for the purpose of travel to and from work or school and which is certified as such by a local organization approved by the Washington state ferry system, may purchase for a \$20 fee, a permit valid for one year valid only during the hours shown on the permit. The \$20.00 fee shall include the driver. Remaining passengers shall pay the applicable passenger fare. Except that the minimum total paid for all passengers in the van shall not be less than four times the applicable passenger fare. Carpools of three or more registered in WSF's preferential loading program must also pay a \$20.00 yearly permit fee.

STOWAGE - Stowage carry-on items including kayaks, canoes and other items of comparable size which are typically stowed on the vehicle deck of the vessel shall be charged at the motorcycle rate. This rate includes the walk-on passenger carrying on the item to be stowed.

PEAK SEASON SURCHARGE - A 25% surcharge shall be applied to vehicles from May 1 through September 30 except those using multiride media. A 35% surcharge shall be applied on vehicle fares from Anacortes to Lopez, Shaw, Orcas and Friday Harbor, except those using multiride media. A 114% surcharge shall be applied to the San Juan Islands to Sidney route. The resulting fare is rounded up to the next \$0.05 if required.

FIRE DEPARTMENT AND FIRE DISTRICT FARE CONSIDERATION - At the discretion of the WSF Assistant Secretary, WSF may authorize no-fare or discounted fare passage on scheduled and/or special ferry sailings for fire departments and fire districts that provide contracted fire protection services for WSF ferry terminals and/or other WSF facilities within their jurisdiction. Such passage shall be considered full and complete consideration for such fire protection services, in lieu of annual payments for such services, to be so noted in such fire protection agreements. The scope of such authorization includes designated fire department and fire district vehicles (see below), drivers and passengers en route to and from an emergency call, on ferry routes with a WSF terminal and/or other WSF facility served by a fire department or fire district pursuant to a WSF fire protection service agreement. Authorized vehicles may include public fire department and fire district medical aid units, fire trucks, incident command and/or other vehicles dispatched to and returning from an emergency call. WSF may implement such ferry passage on a pilot project basis to assess the operational, financial and administrative

impact on WSF. By June 30, 2011, WSF shall submit a written report to the Transportation Commission identifying such impacts with a recommendation whether to make such passage authorization a permanent component of the WSF ferry toll schedule.

IN-NEED ORGANIZATIONS - For qualified organizations serving in-need clients by providing tickets for transportation on WSF at no cost to clients, program would offer a monthly discount to approximate appropriate multiride media discount rates (20% off base season rates, except for Anacortes to San Juan Islands where it is 35% off base season end of week rates). Appointing bodies (those that appoint Ferry Advisory Committees) will nominate to the Washington State Transportation Commission those organizations that meet the criteria of the program. The Commission will review such nominations and certify those organizations that qualify. The following criteria will be used for nominating and certifying in-need organizations: Nongovernmental and not-for-profit organizations whose primary purpose is one or more of the following: Help clients with medical issues; provide clients with low-income social services; help clients suffering from domestic violence; provide clients with employment-seeking services; and/or help clients with Social Security. Travel will be initially charged based on full fare and billed monthly. The credits will be approximate based on the discount rates offered to multiride media users applicable on the date of travel.

PENALTY CHARGES - Owner of vehicle without driver will be assessed a \$100.00 penalty charge.

PROMOTIONAL TOLLS - A promotional rate may be established at the discretion of the WSF Assistant Secretary, Executive Director for a specified discount in order to enhance total revenue and effective only at designated times on designated routes.

GROUP OR VOLUME SALES - In order to increase total revenues, WSF may develop full fare or discounted customer packages or bundle single fare types into multiride media or offer passes for high volume or group users. In pricing these packages, WSF will have discretion to set appropriate volume discounts based on a case-by-case basis.

SPECIAL EVENTS - In order to increase total revenues, WSF may develop, create or participate in special events that may include, but not be limited to, contributing or packaging discounted fares in exchange for the opportunity to participate in the income generated by the event.

BUNDLED SINGLE FARE MEDIA - WSF may bundle single fare types into multiple trip books as a customer convenience. Remaining value will not be eligible for refund or exchange. For mail order deliveries, WSF may add additional days to allow for delivery time.

AMENDATORY SECTION (Amending WSR 10-24-028, filed 11/19/10, effective 1/1/11)

WAC 468-300-040 Oversize vehicle ferry tolls.

EFFECTIVE 03:00 A.M. (~~January~~) October 1, 2011

ROUTES	Oversize Vehicle Ferry Tolls ¹								
	Overall Unit Length - Including Driver								
	((20)) 22' To Under 30' Under 7'6" High ⁵	((20)) 22' To Under 30' Over 7'6" High ⁵	30' To Under 40' ⁵	40' To Under 50' ⁵	50' To Under 60' ⁵	60' To under 70' ⁵	70' To and include 80' ⁵	80' To and include 90' ⁵	Cost Per Ft. Over 80' @
Fauntleroy-Southworth									
Port Townsend/((Keystone)) Coupeville	((14.05)) 14.65	((28.05)) 29.30	((37.40)) 39.35	((46.75)) 49.45	((56.10)) 59.50	((65.45)) 69.60	((74.80)) 79.70	((84.15)) 88.25	((0.95)) 1.00
Seattle-Bainbridge Island									
Seattle/Bremerton	((18.25))	((36.45))	((48.60))	((60.75))	((72.90))	((85.05))	((97.20))	((109.35))	((1.20))
Edmonds-Kingston	19.05	38.15	51.25	64.40	77.50	90.65	103.75	116.90	1.30
*Fauntleroy-Vashon									
*Southworth-Vashon	((23.35))	((46.65))	((62.20))	((77.75))	((93.30))	((108.85))	((124.40))	((139.95))	((1.55))
*Pt. Defiance-Tahlequah	24.40	48.80	65.60	82.40	99.20	116.00	132.80	149.60	1.70
	((40.80))	((21.60))	((28.80))	((36.00))	((43.20))	((50.40))	((57.60))	((64.80))	((0.70))
Mukilteo-Clinton	11.20	22.40	30.15	37.85	45.55	53.30	61.00	68.75	0.75

Oversize Vehicle Ferry Tolls¹
Overall Unit Length - Including Driver

ROUTES	((20)) 22' To Under 30' Under 7'6" High ⁵	((20)) 22' To Over 7'6" High ⁵	30' To Under 40' ⁵	40' To Under 50' ⁵	50' To Under 60' ⁵	60' To under 70' ⁵	70' To and include 80' ⁵	Cost Per Ft. Over 80' @
*Anacortes to Lopez ²	<u>43.85</u>	<u>87.70</u>	<u>117.85</u>	<u>148.05</u>	<u>178.25</u>	<u>208.45</u>	<u>238.65</u>	<u>3.00</u>
*Anacortes to Shaw, Orcas ²	<u>52.60</u>	<u>105.20</u>	<u>141.45</u>	<u>177.70</u>	<u>213.90</u>	<u>250.15</u>	<u>286.35</u>	<u>3.60</u>
*Anacortes to Friday Harbor	<u>62.55</u>	<u>125.05</u>	<u>168.10</u>	<u>211.15</u>	<u>254.20</u>	<u>297.25</u>	<u>340.30</u>	<u>4.30</u>
Between Lopez, Shaw, Orcas and Friday Harbor ³	<u>29.35</u>	<u>58.70</u>	<u>78.90</u>	<u>99.15</u>	<u>119.35</u>	<u>139.55</u>	<u>159.80</u>	N/A
<i>International Travel</i>								
Anacortes to Sidney to all destinations - Recreational Vehicles and Buses	<u>70.55</u>	<u>70.55</u>	<u>94.80</u>	<u>119.10</u>	<u>143.40</u>	<u>167.65</u>	<u>191.95</u>	<u>2.45</u>
Anacortes to Sidney and Sidney to all destinations - Commercial Vehicles	<u>70.55</u>	<u>141.05</u>	<u>189.60</u>	<u>238.20</u>	<u>286.75</u>	<u>335.30</u>	<u>383.90</u>	<u>4.85</u>
Lopez, Shaw, Orcas and Friday Harbor to Sidney - Recreational Vehicles and Buses	<u>21.15</u>	<u>21.15</u>	<u>28.40</u>	<u>35.70</u>	<u>42.95</u>	<u>50.20</u>	<u>57.50</u>	<u>0.75</u>
- Commercial Vehicles	<u>21.15</u>	<u>42.25</u>	<u>56.80</u>	<u>71.35</u>	<u>85.85</u>	<u>100.40</u>	<u>114.95</u>	<u>1.45</u>
Lopez, Shaw, Orcas and Friday Harbor to Sidney (round trip) ⁴ - Recreational Vehicles and Buses	<u>91.70</u>	<u>91.70</u>	<u>123.20</u>	<u>154.80</u>	<u>186.35</u>	<u>217.85</u>	<u>249.45</u>	<u>3.20</u>
- Commercial Vehicles	<u>91.70</u>	<u>183.30</u>	<u>246.40</u>	<u>309.55</u>	<u>372.60</u>	<u>435.70</u>	<u>498.85</u>	<u>6.30</u>

¹OVERSIZE VEHICLES - Includes all vehicles ((20)) 22 feet in length and longer regardless of type: Commercial trucks, recreational vehicles, vehicles under ((20)) 22' pulling trailers, etc. Length shall include vehicle and load to its furthest extension. Overheight charge is included in oversize vehicle toll. Vehicles wider than 8'6" pay double the fare applicable to their length. Private and commercial passenger buses or other passenger vehicles pay the applicable oversize vehicle tolls. Public transit buses and drivers shall travel free upon display of an annual permit which may be purchased for \$10. Upon presentation by either the driver or passenger of a WSF Disability Travel Permit, Regional Reduced Fare Permit, or other identification which establishes disability, vehicles ((20)) 22-30 feet in length and over 7'6" in height shall be charged the ((20)) 22-30 foot length and under 7'6" in height fare for vehicles equipped with wheelchair lift or other mechanism designed to accommodate the person with the disability.

²TRANSFERS - Tolls collected westbound only. Oversize vehicles traveling westbound from Anacortes may purchase a single intermediate transfer when first purchasing the appropriate fare. The transfer is valid for a 24-hour period and is priced as follows: \$((59.50)) 61.00 base season, \$((80.25)) 82.25 peak season.

³INTER-ISLAND - Tolls collected westbound only. Vehicles traveling between islands may request a single transfer ticket good for one transfer at an intermediate island. The transfer may only be obtained when purchasing the appropriate vehicle fare for inter-island travel (westbound at Lopez, Shaw, or Orcas) and is free of charge. Transfers shall be valid for 24 hours from time of purchase.

⁴ROUND TRIP - Round trip passage for international travel available for trips beginning or ending on one of the islands served.

⁵CAPITAL SURCHARGE - There will be an additional \$0.25 capital surcharge on each single vehicle/driver fare collected.

VEHICLE RESERVATION DEPOSIT - Nonrefundable deposits for advanced reservations may be established at a level of from 25 to 100 percent of the applicable fare. This is a deposit toward the

fare and not an additional fee, and applies only to those routes where the legislature has approved the use of a reservation system. Refunds may be available under certain special circumstances.

COMMERCIAL VEHICLE RESERVATION FEES - For commercial vehicles traveling with reservations a participation fee (\$200 for summer schedule season, \$100 for each of the other schedule seasons) will be charged. Fees will be collected when reservations are confirmed.

PEAK SEASON SURCHARGE - A peak season surcharge shall apply to all oversize vehicles from May 1 through September 30. The oversize fare shall be determined based on the peak-season car-and-driver fare and the analogous oversize vehicle fare, calculated with the same factor as the oversize base seasons fares are to the base season under 20 foot fare. The senior citizen discount shall apply to the driver of an oversize vehicle. The resulting fare is rounded up to the next \$0.05 if required.

SENIOR CITIZEN DISCOUNTS - Discounts of 50% for the driver of the above vehicles shall apply. Senior citizen discount is determined by subtracting full-fare passenger rate and adding half-fare passenger rate. The senior citizen discount shall apply to the driver of an oversize vehicle.

PENALTY CHARGES - Owner of vehicle without driver will be assessed a \$100.00 penalty charge.

DISCOUNT FROM REGULAR TOLL - Effective June 1, 2005, through fall of 2005, oversize vehicles making 12 or more, one-way crossings per week (Sunday through Saturday) will qualify for a 10% discount from the regular ferry tolls. With the implementation of EFS in spring 2006, WSF will provide a commercial account program that will be prepaid and offer access to volume discounts based on travel, revenue or other criteria in accordance with WSF business rules. On an annual basis, commercial accounts will pay a \$50 nonrefundable account maintenance fee.

GROUP OR VOLUME SALES - In order to increase total revenues, WSF may develop full fare or discounted customer packages or bundle single fare types into multiple trip books or offer passes

for high volume or group users. In pricing these packages, WSF will have discretion to set appropriate volume discounts based on a case-by-case basis.

SPECIAL EVENTS - In order to increase total revenues, WSF may develop, create or participate in special events that may include, but not be limited to, contributing or packaging discounted fares in exchange for the opportunity to participate in the income generated by the event.

FIRE DEPARTMENT AND FIRE DISTRICT FARE CONSIDERATION - At the discretion of the WSF Assistant Secretary, WSF may authorize no-fare or discounted fare passage on scheduled and/or special ferry sailings for fire departments and fire districts that provide contracted fire protection services for WSF ferry terminals and/or other WSF facilities within their jurisdiction. Such passage shall be considered full and complete consideration for such fire protection services, in lieu of annual payments for such services, to be so noted in such fire protection agreements. The scope of such authorization includes designated fire department and fire district vehicles (see below), drivers and passengers en route to and from an emergency call, on ferry routes with a WSF terminal and/or other WSF facility served by a fire department or

fire district pursuant to a WSF fire protection service agreement. Authorized vehicles may include public fire department and fire district medical aid units, fire trucks, incident command and/or other vehicles dispatched to and returning from an emergency call. WSF may implement such ferry passage on a pilot project basis to assess the operational, financial and administrative impact on WSF. By June 30, 2011, WSF shall submit a written report to the Transportation Commission identifying such impacts with a recommendation whether to make such passage authorization a permanent component of the WSF ferry toll schedule.

EMERGENCY TRIPS DURING NONSERVICE HOURS - While at locations where crew is on duty charge shall be equal to the cost of fuel consumed to make emergency trip. Such trips shall only be offered as a result of official requests from an emergency services agency and only in the case of no reasonable alternative.

DISCLAIMER - Under no circumstances does Washington state ferries warrant the availability of ferry service at a given date or time; nor does it warrant the availability of space on board a vessel on a given sailing.

EFFECTIVE 03:00 A.M. May 1, 2012

ROUTES	Oversize Vehicle Ferry Tolls ¹							Cost Per Ft. Over 80' @
	Overall Unit Length - Including Driver							
	22' To Under 30' Under 7'6" High ²	22' To Under 30' Over 7'6" High ²	30' To Under 40' ²	40' To Under 50' ²	50' To Under 60' ²	60' To under 70' ²	70' To and include 80' ²	
<u>Fauntleroy-Southworth</u>								
<u>Port Townsend/Coupeville</u>	15.45	30.85	41.30	51.75	62.20	72.65	83.10	1.05
<u>Seattle-Bainbridge Island</u>								
<u>Seattle/Bremerton</u>								
<u>Edmonds-Kingston</u>	20.00	40.00	53.55	67.10	80.65	94.15	107.70	1.35
<u>*Fauntleroy-Vashon</u>								
<u>*Southworth-Vashon</u>								
<u>*Pt. Defiance-Tahlequah</u>	25.60	51.15	68.50	85.80	103.15	120.45	137.80	1.75
<u>Mukilteo-Clinton</u>	11.80	23.55	31.55	39.50	47.50	55.50	63.45	0.80
<u>*Anacortes to Lopez²</u>	45.95	91.90	123.05	154.20	185.30	216.45	247.60	3.10
<u>*Anacortes to Shaw, Orcas²</u>	55.20	110.35	147.75	185.10	222.50	259.90	297.25	3.75
<u>*Anacortes to Friday Harbor</u>	65.60	131.15	175.55	219.95	264.40	308.80	353.20	4.45
<u>Between Lopez, Shaw, Orcas and Friday Harbor³</u>	30.80	61.55	82.40	103.20	124.05	144.90	165.75	N/A
<u>International Travel</u>								
<u>Anacortes to Sidney to all destinations - Recreational Vehicles and Buses</u>	73.85	73.85	98.90	123.90	148.90	173.95	198.95	2.50
<u>Anacortes to Sidney and Sidney to all destinations - Commercial Vehicles</u>	73.85	147.70	197.75	247.80	297.80	347.85	397.90	5.00
<u>Lopez, Shaw, Orcas and Friday Harbor to Sidney - Recreational Vehicles and Buses</u>	22.10	22.10	29.60	37.05	44.55	52.00	59.50	0.75
<u>- Commercial Vehicles</u>	22.10	44.20	59.15	74.10	89.05	104.00	119.00	1.50
<u>Lopez, Shaw, Orcas and Friday Harbor to Sidney (round trip)⁴ - Recreational Vehicles and Buses</u>	95.95	95.95	128.50	160.95	193.45	225.95	258.45	3.25
<u>- Commercial Vehicles</u>	95.95	191.90	256.90	321.90	386.85	451.85	516.90	6.50

¹OVERSIZE VEHICLES - Includes all vehicles 22 feet in length and longer regardless of type: Commercial trucks, recreational vehicles, vehicles under 22' pulling trailers, etc. Length shall include vehicle and load to its furthest extension. Overheight charge is included in oversize vehicle toll. Vehicles wider than 8'6" pay double the fare applicable to their length. Private and commercial passenger buses or other passenger vehicles pay the applicable oversize vehicle tolls. Public transit buses and drivers shall travel free upon display of an annual permit which may be purchased for \$10. Upon presentation by either the driver or passenger of a

WSF Disability Travel Permit, Regional Reduced Fare Permit, or other identification which establishes disability, vehicles 22-30 feet in length and over 7'6" in height shall be charged the 22-30 foot length and under 7'6" in height fare for vehicles equipped with wheelchair lift or other mechanism designed to accommodate the person with the disability.

²TRANSFERS - Tolls collected westbound only. Oversize vehicles traveling westbound from Anacortes may purchase a single intermediate transfer when first purchasing the appropriate fare. The

transfer is valid for a 24-hour period and is priced as follows: \$62.85 base season, \$84.70 peak season.

³INTER-ISLAND - Tolls collected westbound only. Vehicles traveling between islands may request a single transfer ticket good for one transfer at an intermediate island. The transfer may only be obtained when purchasing the appropriate vehicle fare for inter-island travel (westbound at Lopez, Shaw, or Orcas) and is free of charge. Transfers shall be valid for 24 hours from time of purchase.

⁴ROUND TRIP - Round trip passage for international travel available for trips beginning or ending on one of the islands served.

⁵CAPITAL SURCHARGE - There will be an additional \$0.25 capital surcharge on each single vehicle/driver fare collected.
VEHICLE RESERVATION DEPOSIT - Nonrefundable deposits for advanced reservations may be established at a level of from 25 to 100 percent of the applicable fare. This is a deposit toward the fare and not an additional fee, and applies only to those routes where the legislature has approved the use of a reservation system. Refunds may be available under certain special circumstances.

COMMERCIAL VEHICLE RESERVATION FEES - For commercial vehicles traveling with reservations a participation fee (\$200 for summer schedule season, \$100 for each of the other schedule seasons) will be charged. Fees will be collected when reservations are confirmed.

PEAK SEASON SURCHARGE - A peak season surcharge shall apply to all oversize vehicles from May 1 through September 30. The oversize fare shall be determined based on the peak-season car-and-driver fare and the analogous oversize vehicle fare, calculated with the same factor as the oversize base seasons fares are to the base season under 20 foot fare. The senior citizen discount shall apply to the driver of an oversize vehicle. The resulting fare is rounded up to the next \$0.05 if required.

SENIOR CITIZEN DISCOUNTS - Discounts of 50% for the driver of the above vehicles shall apply. Senior citizen discount is determined by subtracting full-fare passenger rate and adding half-fare passenger rate. The senior citizen discount shall apply to the driver of an oversize vehicle.

PENALTY CHARGES - Owner of vehicle without driver will be assessed a \$100.00 penalty charge.

DISCOUNT FROM REGULAR TOLL - Effective June 1, 2005, through fall of 2005, oversize vehicles making 12 or more, one-way crossings per week (Sunday through Saturday) will qualify for a 10% discount from the regular ferry tolls. With the implementation of EFS in spring 2006, WSF will provide a commercial account program that will be prepaid and offer access to volume discounts based on travel, revenue or other criteria in accordance with WSF business rules. On an annual basis, commercial accounts will pay a \$50 nonrefundable account maintenance fee.

GROUP OR VOLUME SALES - In order to increase total revenues, WSF may develop full fare or discounted customer packages or bundle single fare types into multiple trip books or offer passes for high volume or group users. In pricing these packages, WSF will have discretion to set appropriate volume discounts based on a case-by-case basis.

SPECIAL EVENTS - In order to increase total revenues, WSF may develop, create or participate in special events that may include, but not be limited to, contributing or packaging discounted fares in exchange for the opportunity to participate in the income generated by the event.

FIRE DEPARTMENT AND FIRE DISTRICT FARE CONSIDERATION - At the discretion of the WSF Assistant Secretary, WSF may authorize no-fare or discounted fare passage on scheduled and/or special ferry sailings for fire departments and fire districts that provide contracted fire protection services for WSF ferry terminals and/or other WSF facilities within their jurisdiction. Such passage shall be considered full and complete consideration for such fire protection services, in lieu of annual payments for such services, to be so noted in such fire protection agreements. The scope of such authorization includes designated fire department and fire district vehicles (see below), drivers and passengers en route to and from an emergency call, on ferry routes with a WSF terminal and/or other WSF facility served by a fire department or fire district pursuant to a WSF fire protection service agreement. Authorized vehicles may include public fire department and fire district medical aid units, fire trucks, incident command and/or other vehicles dispatched to and returning from an emergency

call. WSF may implement such ferry passage on a pilot project basis to assess the operational, financial and administrative impact on WSF. By June 30, 2011, WSF shall submit a written report to the Transportation Commission identifying such impacts with a recommendation whether to make such passage authorization a permanent component of the WSF ferry toll schedule.

EMERGENCY TRIPS DURING NONSERVICE HOURS - While at locations where crew is on duty charge shall be equal to the cost of fuel consumed to make emergency trip. Such trips shall only be offered as a result of official requests from an emergency services agency and only in the case of no reasonable alternative.

DISCLAIMER - Under no circumstances does Washington state ferries warrant the availability of ferry service at a given date or time; nor does it warrant the availability of space on board a vessel on a given sailing.

NEW SECTION

WAC 468-300-080 Fuel surcharge. (1) In order to manage the financial risk associated with fuel price volatility, it is hereby declared to be the policy of the Washington state transportation commission to implement a fuel surcharge as an added component to the regular posted fares for passage on vessels operated by Washington state ferries (WSF) to mitigate the financial impacts associated with unexpected increases in fuel prices which exceed those incorporated in WSF's fuel budget. The total ferry fare charged will consist of the base fare plus an automatic, incremental, additional surcharge as calculated according to the formula set forth in this rule.

(2) The method for calculating the fuel surcharge amount shall be as follows:

(a) Determine excess fuel costs for current quarter by subtracting budgeted fuel costs from actual fuel costs for the quarter. For the purposes of this rule, quarters shall be consistent with the state fiscal year definition of quarters.

(b) To minimize lags in the application of this rule, the quarter will be closed one week prior to the actual end of the quarter, and an estimate of actual costs will be prepared to account for the missing consumption days and any lags in accounting for actual purchases.

(c) The estimate of actual costs for missing consumption days shall be developed as follows:

(i) Estimated actual fuel costs will be based on the Oil Price Information Service (OPIS) daily contract average rack prices for ultra low-sulfur dyed diesel fuel as reported by the Washington state department of general administration's office of state procurement for Tacoma and Anacortes fuel price data as of the cutoff date.

(ii) Applicable taxes and fees are added to the Anacortes and Tacoma rack prices to derive total estimated cost per gallon for purchases at Anacortes and Tacoma on the missing days.

(iii) Total price per gallon is multiplied by budgeted gallons of fuel for the missing days in the quarter, where gallons are split into estimated purchases at Anacortes and Tacoma prices based on the year-to-date shares of gallons purchased at Tacoma and Anacortes rack prices.

(d) Net excess fuel costs for the quarter shall be determined on the basis of the current estimate of the excess fuel costs for the quarter plus an accounting for the following:

(i) Any necessary reconciliation from the previous quarter's estimate of actual costs once full accounting of actual costs is complete.

(ii) Any necessary adjustments to ensure actual costs reflect budget assumptions regarding the appropriate share of biodiesel fuel or total diesel gallons to be purchased. Where actual gallons purchased or share of biodiesel vary from the assumptions used to develop the budget, the actual costs shall be reduced by the amount that these variations may have increased costs beyond the amounts assumed in the budget appropriation.

(iii) Subtracting any fuel surcharge revenues collected in the current quarter.

(iv) Adding net excess fuel costs from the previous quarter.

(e) Calculate an excess fuel cost percentage by dividing adjusted excess fuel costs by the current quarter's budgeted fuel costs.

(f) A fuel surcharge amount is then calculated as follows:

(i) Multiply the excess fuel cost percentage by the share of budgeted fuel costs to total operating costs for the current biennium (defined as the specific fuel appropriation divided by the total appropriation made to "Program X - Marine" as provided in the current transportation budget and supporting financial plan); then

(ii) Divide the result by the farebox recovery rate for the current biennium (defined as the fare revenue target divided by total appropriation to "Program X - Marine" as provided in the current transportation budget and supporting financial plan).

(3) A fuel surcharge shall be determined based on the calculation of the surcharge amount (as defined in subsection (2)(f) of this section) and applied to applicable fares as follows:

(a) If the surcharge amount is less than 2.5%, then a fuel surcharge shall not be applied.

(b) If the surcharge amount is equal to or greater than 2.5%, then the surcharge shall be determined as follows:

(i) Surcharge amount is equal to or greater than 2.5% and less than 5% then the surcharge shall be 2.5% of the applicable fare.

(ii) Surcharge amount is equal to or greater than 5% and less than 7.5% then the surcharge shall be 5% of the applicable fare.

(iii) Surcharge amount is equal to or greater than 7.5% and less than 10% then the surcharge shall be 7.5% of the applicable fare.

(iv) Surcharge amount is 10% or greater, the surcharge shall be 10% of the applicable fare.

(c) The surcharge shall be applied to all fares, with resulting fares rounded to the nearest nickel.

(4) WSF shall estimate the need for a fuel surcharge on a quarterly basis, based upon the formula prescribed in this rule, and if a surcharge is to be added or modified, then the department shall:

(a) Notify ORCA partners and customers of the pending surcharge changes at least thirty days prior to implementation of said changes.

(b) Make all surcharge changes effective on the first of the month.

(5) Excess fuel costs shall be reset to zero at the beginning of the biennium.

(6) The amount of any fuel surcharge shall be shown separately on customer receipts.

(7) WSF shall provide an annual report to the legislature, OFM, and the Washington state transportation commission summarizing its fuel cost mitigation activities, including how the department has managed its costs as well as the application, performance and impact of fuel surcharges pursuant to this authority.

(8) To facilitate understanding on the part of WSF customers and to ensure a transparent process, an explanation of how the surcharge is applied, including a summary of the actual calculation of the surcharge percentage, shall be described on the WSF web site.

(9) This rule goes into effect on October 1, 2011.

AMENDATORY SECTION (Amending WSR 10-24-028, filed 11/19/10, effective 1/1/11)

WAC 468-300-220 Calculation of charter rates for vessels owned by the Washington state ferry system. Pursuant to chapter 323, Laws of 1997, vessels owned by the Washington state ferry system may be made available for charter subject to operational availability. Execution of a charter agreement as set forth in the statute must precede a commitment to charter. The following actual hourly vessel operating costs have been calculated for establishing the rates to be charged for vessel charters from July 1, ~~((2010))~~ 2011, through June 30, ~~((2011))~~ 2012:

Vessel Class	Deck Crew On Overtime	Deck Crew On Straight Time
Jumbo Mark II	\$(1,911.00) <u>1,851.00</u>	\$(1,615.00) <u>1,877.00</u>
Jumbo	((1,862.00)) <u>1,739.00</u>	((1,580.00)) <u>1,762.00</u>
Super	((1,755.00)) <u>1,664.00</u>	((1,483.00)) <u>1,690.00</u>
Evergreen	((1,189.00)) <u>1,057.00</u>	((972.00)) <u>1,075.00</u>
Issaquah	((1,313.00)) <u>1,204.00</u>	((1,086.00)) <u>1,222.00</u>
Rhododendron	((885.00)) <u>760.00</u>	((713.00)) <u>771.00</u>
Hiyu	((657.00)) <u>626.00</u>	((541.00)) <u>629.00</u>

The rate for an individual charter will be calculated by:

(1) Multiplying the actual operating cost set forth above for the vessel that is chartered by the number of hours, or fraction thereof, for which the vessel is chartered;

(2) Adding labor costs, mileage and per diem expenses to determine the total actual costs if the particular charter requires a crew callout; and

(3) Increasing the total actual costs calculated pursuant to subsections (1) and (2) of this section by an appropriate profit margin based on market conditions, and rounding to the nearest fifty dollars.

In the case of charters for the transport of hazardous materials, the transporter is required to pay for all legs necessary to complete the charter, even if the vessel is simultaneously engaged in an operational voyage on behalf of the Washington state ferry system.

WSR 11-18-039
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed August 31, 2011, 9:11 a.m., effective October 1, 2011]

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

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: RCW 34.05.380 (3)(c), the earlier effective date is necessary because of imminent peril to the public health, safety, or welfare.

Purpose: The community services division is amending WAC 388-444-0030 Do I have to work to be eligible for Basic Food benefits if I am an able-bodied adult without dependents (ABAWD)?, to extend the current ABAWD time limit for benefits from September 30, 2011, to September 30, 2012.

USDA Food and Nutrition Service (FNS) notified Washington state that it is one of forty-six states that met criteria for extended unemployment benefits as determined by the United States Department of Labor's Unemployment Insurance Service. As a result, FNS has approved a statewide waiver of the supplemental nutrition assistance program (SNAP) ABAWD time limits and work requirements through at least September 30, 2012. This rule filing is needed to reflect the new expiration date in state code. The current ABAWD waiver is due to expire September 30, 2011.

The department is updating its rules to extend the suspension of eligibility time limits and work requirements for ABAWD individuals applying for or receiving food assistance under Basic Food or the state-funded food assistance program (FAP).

Citation of Existing Rules Affected by this Order: Amending WAC 388-444-0030.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 74.08.090.

Other Authority: 7 C.F.R. § 273.24.

Adopted under notice filed as WSR 11-15-101 on July 20, 2011.

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

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

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

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

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

Date Adopted: August 30, 2011.

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 10-23-112, filed 11/17/10, effective 12/18/10)

WAC 388-444-0030 Do I have to work to be eligible for Basic Food benefits if I am an able-bodied adult without dependents (ABAWD)? (1) An able-bodied adult without dependents (ABAWD) is a person who:

- (a) Is physically and mentally able to work;
- (b) Is age eighteen through forty-nine; and
- (c) Has no child in the household.

(2) If you are an ABAWD, you must participate in employment and training activities under subsection (4) unless you are exempt from ABAWD requirements under WAC 388-444-0035.

(3) Nonexempt ABAWDs who fail to participate may continue to receive food assistance until September 30, ~~(2011)~~ 2012.

(4) Beginning October 1, ~~(2011)~~ 2012, an ABAWD is not eligible to receive food assistance for more than three full months in a thirty-six month period, except as provided in WAC 388-444-0035, unless that person:

(a) Is exempt from ABAWD requirements under WAC 388-444-0035;

(b) Works at least twenty hours a week averaged monthly;

(c) Participates in on the job training (OJT), which may include paid work and classroom training time, for at least twenty hours a week;

(d) Participates in an unpaid work program as provided in WAC 388-444-0040; or

(e) Participates in and meets the requirements of one of the following work programs:

- (i) The Job Training Partnership Act (JTPA);
- (ii) Section 236 of the Trade Act of 1974; or
- (iii) A state-approved employment and training program.

WSR 11-18-047
PERMANENT RULES
DEPARTMENT OF LICENSING

[Filed August 31, 2011, 12:24 p.m., effective October 1, 2011]

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

Purpose: To make the rules clearer and to clarify the process for electronically filing dealer temporary permits.

Citation of Existing Rules Affected by this Order: Amending WAC 308-56A-420 Delivery of vehicle on dealer temporary permit and 308-94-105 Delivery of snowmobile on dealer temporary permit; and new sections WAC 308-

56A-425 Obtaining dealer temporary permits and 308-94A-035 Delivery of off-road vehicle on dealer temporary permit.

Statutory Authority for Adoption: RCW 46.01.110.

Adopted under notice filed as WSR 11-15-030 on July 12, 2011.

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 4, 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 31, 2011.

Ben T. Shomshor
Rules Coordinator

AMENDATORY SECTION (Amending WSR 09-16-017, filed 7/24/09, effective 8/24/09)

WAC 308-56A-420 Delivery of vehicle on dealer temporary permit. (~~How do I deliver a vehicle using a dealer temporary permit?~~)

(1) ~~A vehicle dealer properly licensed pursuant to chapter 46.70 RCW may deliver a vehicle not currently registered or that does not bear valid Washington state license plates or tabs by utilizing an electronic dealer temporary permit or a hard copy dealer temporary permit.~~

Note: Effective July 1, 2011, an electronic dealer permit (e-permit) will replace a hard copy dealer permit. A hard copy dealer temporary permit will only be issued after July 1, 2011, in the instance of "system unavailability" (for example: An issue with auctions that go on-site and cannot access the internet) and an electronic permit cannot be issued.

~~(2) The application for title portion of the permit form must be properly and completely filled out by the selling/leasing dealer, including the dealer's report of sale and the date on which the vehicle is physically delivered to the purchaser/lessee. If license based on gross weight is required, the amount of gross weight purchased must be clearly shown. The application must be signed by the registered owner(s) or lessee.~~

~~(3) The dealer must collect all fees required for titling and registration of a vehicle.~~

~~(4)(a) For e permit, the permit printed by the system must display the expiration date and e-permit number. The date of expiration is forty five calendar days from the date the vehicle is physically delivered to the purchaser/lessee.~~

~~(b) For hard copy permits, the dealer must detach the hard copy of the dealer permit and must record the date of expiration in dark, bold letters and numbers on the permit side of that copy. Date of expiration is forty five calendar~~

~~days from the date the vehicle is physically delivered to the purchaser/lessee.~~

~~(5) The application copies must be used by the dealer to apply for title and to complete licensing of the vehicle. Except as provided in RCW 46.70.180(8), when a second temporary permit is authorized, the selling dealer must submit the application and all title/licensing fees to the department of licensing or an authorized licensing agent within forty five calendar days from the date the vehicle is physically delivered to the purchaser/lessee. The date that the selling or leasing dealer physically delivers the vehicle to the purchaser/lessee will start the forty five day interval of an application for a certificate of title in the purchaser's or lessee's name. Additionally, the director may excuse late applications only in situations where applications are delayed, for reasons beyond the control of the dealer.~~

~~(6) The electronic or hard copy dealer temporary permit, temporary vehicle registration, and a purchase order identifying the vehicle and the date that the vehicle was physically delivered to the purchaser/lessee must be carried in the vehicle or the towing vehicle at all times the vehicle is operated on the temporary permit.~~

~~(7) The electronic or hard copy dealer temporary permit must be displayed on the inside of the rear window in the lower left corner, or enclosed in a moisture proof protective case securely attached in the rear license plate holder, with the expiration date visible to one standing behind the vehicle.~~

~~(8) The electronic or hard copy dealer temporary permit is valid for not more than forty five calendar days starting with the date that the vehicle is physically delivered to the purchaser/lessee.~~

~~(9) The electronic or hard copy dealer temporary permit will not be issued:~~

~~(a) For a dealer inventoried vehicle that has not been sold or a dealer or dealer employee operated vehicle;~~

~~(b) As a demonstration permit;~~

~~(c) For a vehicle processed as a courtesy delivery.~~

~~(10) Fees paid for an electronic or hard copy dealer temporary permit application forms are not refundable unless the dealer ceases doing business as a vehicle dealer.~~

~~(11) The dealer must maintain a record of each dealer temporary permit acquisition and distribution including the following:~~

~~(a) Date and location of purchase of each permit and the permit number;~~

~~(b) Identification of vehicles delivered on temporary permits;~~

~~(c) Dates of vehicle sales, leases and deliveries.)~~

How does a Washington licensed vehicle dealer deliver a vehicle using a dealer temporary permit?

(a) Washington licensed vehicle dealers may deliver a vehicle that is not currently registered, or that does not have valid Washington license plates, tabs, decals, or gross weight, or the current tabs will expire within forty-five days of the date of delivery, by using an e-permit or a hard copy (paper/card stock) dealer temporary permit.

(b) The application for title part of the dealer temporary permit form must be properly and completely filled out by the selling or leasing dealer, including the dealer's report of sale and the date on which the vehicle is physically delivered to

the purchaser or lessee. If license based on gross weight is required, the amount of gross weight purchased must be clearly shown. The application must be signed by the registered owner(s) or lessee.

(c) The Washington licensed vehicle dealer must collect all fees required for titling and registration of a vehicle.

(d) For e-permits, the permit printed by the e-permitting system must display the expiration date and e-permit number. The date of expiration is forty-five calendar days from the date the vehicle is physically delivered to the purchaser or lessee.

(e) For hard copy (paper/card stock) permits, the Washington licensed vehicle dealer must detach the card stock portion of the dealer temporary permit and record the date of expiration in dark, bold letters and numbers on the permit side of that copy. The date of expiration is forty-five calendar days from the date the vehicle is physically delivered to the purchaser or lessee.

(f) The application copies must be used by the Washington licensed dealer to apply for title and to complete licensing of the vehicle. Except as provided in RCW 46.70.180(8), when a second temporary permit is authorized; the selling dealer must submit the application and all titling and licensing fees to the department of licensing or an authorized licensing agent within forty-five calendar days from the date the vehicle is physically delivered to the purchaser or lessee. The date that the selling or leasing dealer physically delivers the vehicle to the purchaser or lessee will start the forty-five day interval of an application for a certificate of title in the purchaser's or lessee's name. Additionally, the director may excuse late applications only in situations where applications are delayed, for reasons beyond the control of the dealer.

(g) The e-permit or hard copy (paper/card stock) dealer temporary permit, temporary vehicle registration, and a purchase order identifying the vehicle and the date that the vehicle was physically delivered to the purchaser or lessee must be carried in the vehicle or the towing vehicle at all times the vehicle is operated on the dealer temporary permit.

(h) The e-permit or hard copy (paper/card stock) dealer temporary permit must be displayed on the inside of the rear window in the lower left corner, or enclosed in a moisture proof protective case securely attached in the rear license plate holder, with the expiration date visible to one standing behind the vehicle.

(i) The e-permit or hard copy (paper/card stock) dealer temporary permit is valid for not more than forty-five calendar days starting with the date that the vehicle is physically delivered to the purchaser or lessee.

(j) The e-permit or hard copy (paper/card stock) dealer temporary permit will not be issued:

(i) For a dealer inventoried vehicle that has not been sold or a dealer or dealer-employee operated vehicle;

(ii) As a demonstration permit;

(iii) For a vehicle processed as a courtesy delivery;

(iv) For out-of-state residents unless Washington registration is intentionally being obtained.

(k) Fees paid for e-permit or hard copy (paper/card stock) dealer temporary permit application forms are not refundable unless the dealer ceases doing business as a vehicle dealer.

(l) Washington licensed dealers must maintain a record of each dealer temporary permit acquisition and distribution including the following:

(i) Date and location of purchase of each permit and the permit number;

(ii) Identification of vehicles delivered on temporary permits;

(iii) Dates of vehicle sales, leases and deliveries.

(2) Customer's complete name.

NEW SECTION

WAC 308-56A-425 Obtaining dealer temporary permits. (1) What is a dealer temporary permit? For the purposes of vehicles, a dealer temporary permit is a combination title application and temporary registration used by Washington licensed vehicle dealers when delivering a vehicle that is not currently registered, or does not have valid Washington license plates, tabs, decals, or gross weight, or the current tabs will expire within forty-five days of the date of delivery.

(2) How does a Washington licensed vehicle dealer obtain dealer temporary permits? Washington licensed vehicle dealers may purchase dealer temporary permits at any Washington vehicle licensing office for the fee required in RCW 46.17.400.

(3) What will Washington licensed vehicle dealers receive when purchasing dealer temporary permits? Washington licensed vehicle dealers will receive either:

(a) Hard copy (paper/card stock) dealer temporary permits; or

(b) Electronic dealer temporary permits (e-permits).

(4) What are e-permits, and when are Washington licensed vehicle dealers required to use them? E-permits are dealer temporary permits issued through an on-line e-permitting system required by RCW 46.16A.300. All Washington licensed vehicle dealers must use the e-permitting system by July 1, 2011.

(5) Will Washington licensed vehicle dealers be able to use and issue hard copy (paper/card stock) dealer temporary permits after July 1, 2011? Washington licensed vehicle dealers will be able to use and issue hard copy (paper/card stock) dealer temporary permits after July 1, 2011, only if signed up for the e-permitting system.

(6) What are Washington licensed vehicle dealers required to do beginning July 1, 2011, when using and issuing hard copy (paper/card stock) dealer temporary permits? In addition to the requirements in WAC 308-56A-420, Washington licensed vehicle dealers who issue hard copy (paper/card stock) dealer temporary permits must enter the hard copy (paper/card stock) dealer temporary permit information into the department's e-permitting system within twenty-four hours of issuance or hardware/software resolution or within twenty-four hours of returning to the office if the hard copy was issued off-site.

AMENDATORY SECTION (Amending WSR 05-01-090, filed 12/13/04, effective 1/13/05)

WAC 308-94-105 Delivery of snowmobile on dealer temporary permit. (((1) How are snowmobile dealer tem-

temporary permits used? By licensed snowmobile dealers as a dealer temporary permit.

(2) How is the dealer temporary permit application issued and completed?

(a) The dealer temporary permit application is issued by and must be completed by the selling dealer.

(b) The application must be signed by the registered owner(s).

(c) The dealer must collect all fees required for registration of a snowmobile.

(d) The dealer must detach the hard copy of the dealer permit and record the date of expiration in dark, bold letters and numbers on the permit side of that copy. Date of expiration will be forty five calendar days after date on which the snowmobile is physically delivered to the customer/purchaser.

(e) The application copies must be used by the dealer to apply for registration of the snowmobile. Except as provided in chapter 46.10 RCW the selling dealer must submit the application and all registration fees to the department of licensing or an authorized licensing agent within forty five calendar days from the date of sale.

(f) The hard copy of the permit and a purchase order identifying the snowmobile and the date on which the snowmobile is delivered to the customer must be carried on the snowmobile or on the person operating the snowmobile at all times the snowmobile is operated on the temporary permit.

(3) How long is the dealer temporary permit valid? The dealer temporary permit is valid for not more than forty-five calendar days commencing with the date on which the vehicle is delivered to the customer.

(4) What restrictions apply to the dealer temporary permit?

(a) The dealer temporary permit must not:

(b) Be issued for a dealer inventoried or a dealer or dealer employee operated snowmobile;

(c) Be issued as a demonstration permit;

(d) Be issued for a snowmobile processed as a courtesy delivery.

(5) Are fees paid for the dealer temporary permit application forms refundable? Fees paid for dealer temporary permit application forms are not refundable unless the dealer ceases doing business as a snowmobile dealer.

(6) Is the dealer reimbursed for the cost of the dealer temporary permit when used? Yes, a credit in the amount of the permit form fee will be credited when the permit is used by the snowmobile dealer to make application for a snowmobile registration.

(7) Is the dealer required to keep a record of the permits? Yes, the dealer must maintain a record of each dealer temporary permit form acquisition and distribution including the following:

(a) Snowmobile purchaser's names;

(b) Vehicle identification number;

(c) Dates of snowmobile sales and deliveries; and

(d) Date and location of purchase of each permit form and the permit number.

(8) Is the dealer required to submit the application for registration within a certain period of time? Yes, the dealer must submit the application for registration in accor-

dance with WAC 308-94-030 within forty five days from the date of delivery of the snowmobile to the customer.

The director may excuse late applications only in situations where applications are delayed for reasons beyond the control of the dealer.)) **What are the requirements for Washington-licensed snowmobile dealers when purchasing and issuing dealer temporary permits?** Washington-licensed snowmobile dealers must follow the same requirements as provided in WAC 308-56A-420 and 308-56A-425.

NEW SECTION

WAC 308-94A-035 Delivery of off-road vehicle on dealer temporary permit. What are the requirements for Washington licensed off-road vehicle dealers when purchasing and issuing dealer temporary permits? Washington licensed off-road vehicle dealers must follow the same requirements as provided in WAC 308-56A-420 and 308-56A-425, with the exception that the off-road vehicle dealer must apply for title in the purchaser's name within fifteen days following the sale as defined in RCW 46.09.330.

WSR 11-18-051

PERMANENT RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 11-216—Filed August 31, 2011, 3:40 p.m., effective October 1, 2011]

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

Purpose: Amend WAC 232-16-700 Swinomish Spit Game Reserve to clarify the boundary description.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-16-130 and 232-16-360; and amending WAC 232-16-700.

Statutory Authority for Adoption: RCW 77.12.047, 77.15.440.

Adopted under notice filed as WSR 11-09-082 on April 20, 2011.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 2.

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

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

Date Adopted: August 6, 2011.

Miranda Wecker, Chair
Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 00-50, filed 5/23/00, effective 6/23/00)

WAC 232-16-700 Swinomish Spit Game Reserve. It shall be unlawful to hunt wild animals and wild birds within the following described boundary November 15 through March 31, and it shall be unlawful to hunt brant at any time within the following described boundary: Beginning at the Burlington Northern railroad tracks on the west shoreline of the Swinomish Channel; thence in a northwesterly direction along the west side of the Swinomish Channel to the ~~((red channel mark buoy N "20" (as indicated on Navigation Map #18427, 13th Ed., July 16, 1983)))~~ reserve boundary sign on the northernmost sand island (48.474801N, 122.530770W (all coordinates NAD83/WGS84)); thence ((6,000)) 10,500 feet ENE (east-northeast) to the reserve boundary sign (48.480630N, 122.488388W); thence ((3,300)) 1,800 feet ((SSE)) SW ((south-southeast)) southwest to the reserve boundary sign (48.476983N, 122.493716W); thence ((4,200)) 7,000 feet SSW (south-southwest) to the reserve boundary sign on the dike at the south end of Padilla Bay (48.459498N, 122.504967W); thence continue westerly along said dike to the intersection of the Burlington Northern railroad tracks and the east shoreline of the Swinomish Channel; thence continue along said railroad tracks (across swing bridge) to the west shoreline of the Swinomish Channel and the point of beginning.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 232-16-130	Ellensburg Game Farm Reserve.
WAC 232-16-360	South Tacoma Game Farm Reserve.

WSR 11-18-064
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed September 2, 2011, 8:43 a.m., effective October 3, 2011]

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

Purpose: This permanent rule is being adopted to be consistent with the Washington horse racing commission's permanent rule adopted as proposed on August 12, 2011, to permit discounted short-duration license fees at Class A, B, and C racing associations. Class A and B associations' short-duration licenses will be for three thirty-day periods while Class C associations' licenses will allow three seven-day periods. The industrial insurance premiums for Classes A and B will be 33.3 percent of the full annual license fee; the premiums for Class C will be twenty percent of the annual license fee. This rule making follows an emergency rule filed by the department on June 21, 2011, (WSR 11-13-101).

Citation of Existing Rules Affected by this Order: Amending WAC 296-17A-6614, 296-17A-6615, 296-17A-6616, 296-17A-6617, 296-17A-6622, and 296-17A-6623.

Statutory Authority for Adoption: RCW 51.04.020, 51.16.035, and 51.16.100.

Adopted under notice filed as WSR 11-14-099 on July 5, 2011.

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 6, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 6, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 6, Repealed 0.

Date Adopted: September 2, 2011.

Judy Schurke
Director

AMENDATORY SECTION (Amending WSR 07-24-045, filed 12/1/07, effective 1/1/08)

WAC 296-17A-6614 Classification 6614.

6614-00 Parimutuel horse racing: All employees, except grooms and exercise riders N.O.C. - major tracks (to be assigned only by the horse racing underwriter)

Applies to licensed employees of licensed horse trainers at a major parimutuel horse racing track such as Emerald Downs in Auburn. This classification applies to on and off track employees such as assistant trainers and pony riders. Coverage provided in this classification is funded by premiums collected at the time of licensing and is valid from the time of licensing through the end of the calendar year. Trainers premiums are collected on a per license basis.

This classification excludes the following employees:

- (1) Licensed grooms working at major tracks are reported separately in classification 6615;
- (2) Licensed assistant trainers and pony riders working at a nonprofit track are reported separately in classification 6616;
- (3) Licensed exercise riders working at a major track are reported separately in classification 6622;
- (4) Licensed exercise riders at a nonprofit track are reported separately in classification 6623; and
- (5) Unlicensed employees who work on a farm or ranch are reported in classification 7302.

Special note: All employees whether working at a major track or employed off track must be licensed by the Washington state horse racing commission to be covered under this section.

6614-30 Temporary parimutuel horse racing: All employees, except grooms and exercise riders N.O.C. - major tracks: Temporary thirty-day license.

(to be assigned only by the horse racing underwriter)

Applies to licensed employees of licensed horse trainers at a major parimutuel horse racing track such as Emerald Downs in Auburn. This classification applies to on and off track employees such as assistant trainers and pony riders. Coverage provided in this classification is funded by premiums collected at the time of licensing and is valid from the time of licensing for thirty days. Temporary trainers premiums are collected on a per license basis for thirty days.

This classification excludes the following employees:

(1) Temporary licensed grooms working at major tracks are reported separately in classification 6615-30;

(2) Temporary licensed exercise riders at a major track are reported separately in classification 6622-30; and

(3) Unlicensed employees who work on a farm or ranch are reported in classification 7302.

Special note: All employees whether working at a major track or employed off track must be licensed by the Washington state horse racing commission to be covered under this section.

AMENDATORY SECTION (Amending WSR 07-24-045, filed 12/1/07, effective 1/1/08)

WAC 296-17A-6615 Classification 6615.

6615-00 Parimutuel horse racing: Grooms - major tracks (to be assigned only by the horse racing underwriter)

Applies to licensed grooms performing services for licensed horse trainers at a major parimutuel horse racing track such as Emerald Downs in Auburn. This classification includes all on or off track duties of a licensed groom such as, but not limited to, cleaning or mucking horses stalls, feeding, and bathing the horses. For workers' compensation purposes, a groom is considered to be an employee of the trainer when the groom is hired by the trainer or when the trainer notifies the commission of the trainer's intent to hire the groom. Coverage provided in this classification is funded by the premiums collected from the trainer at the time of licensing and is valid from the time of licensing through the end of the calendar year.

This classification excludes the following:

(1) Licensed grooms working at a nonprofit track are reported separately in classification 6617;

(2) Licensed assistant trainers and pony riders working at major tracks are to be reported separately in classification 6614;

(3) Licensed assistant trainers and pony riders working at nonprofit tracks are reported separately in classification 6616;

(4) Licensed exercise riders working at a major track are reported separately in classification 6622;

(5) Licensed exercise riders working at a nonprofit track are reported separately in classification 6623;

(6) Unlicensed employees who work on a farm or ranch are reported separately in classification 7302.

Special note: All grooms whether working at a major track or employed off track must be licensed by the Washing-

ton state horse racing commission to be covered under this section.

6615-30 Temporary parimutuel horse racing: Grooms - major tracks: Temporary thirty-day license.

(to be assigned only by the horse racing underwriter)

Applies to licensed grooms performing services for licensed horse trainers at a major parimutuel horse racing track such as Emerald Downs in Auburn. This classification includes all on or off track duties of a licensed groom such as, but not limited to, cleaning or mucking horse stalls, feeding, and bathing the horses. For workers' compensation purposes, a groom is considered to be an employee of the trainer when the groom is hired by the trainer or when the trainer notifies the commission of the trainer's intent to hire the groom. Coverage provided in this classification is funded by the premiums collected from the trainer at the time of licensing and is valid from the time of licensing for thirty days.

This classification excludes the following:

(1) Licensed assistant trainers and pony riders working at major tracks are to be reported separately in classification 6614-30;

(2) Licensed exercise riders working at a major track are reported separately in classification 6622-30;

(3) Unlicensed employees who work on a farm or ranch are reported separately in classification 7302.

Special note: All grooms whether working at a major track or employed off track must be licensed by the Washington state horse racing commission to be covered under this section.

AMENDATORY SECTION (Amending WSR 07-24-045, filed 12/1/07, effective 1/1/08)

WAC 296-17A-6616 Classification 6616.

6616-00 Parimutuel horse racing: All employees except grooms and exercise riders, N.O.C. - nonprofit tracks

(to be assigned only by the horse racing underwriter)

Applies to licensed employees of licensed horse trainers at a nonprofit track. This classification applies to on or off track employees such as assistant trainers and pony riders. Coverage provided in this classification is funded by premiums collected at the time of licensing and is valid from the time of licensing through the end of the calendar year. Trainer's premiums are collected on a per license basis.

This classification excludes the following:

((+)) (1) Licensed assistant trainers and pony riders working at a major track are reported separately in classification 6614;

((2-)) (2) Licensed grooms working at a major track are reported separately in classification 6615;

((3-)) (3) Licensed grooms working at a nonprofit track are reported separately in classification 6617;

((4-)) (4) Licensed exercise riders working at a major track are reported in classification 6622;

((5-)) (5) Licensed exercise riders at a nonprofit track are reported in classification 6623;

((6-)) (6) Unlicensed employees who work on a farm or ranch are reported separately in classification 7302.

Special note: All employees whether working at a non-profit track or employed off track must be licensed by the Washington state horse racing commission to be covered under this section.

6616-07 Temporary parimutuel horse racing: All employees except grooms and exercise riders, N.O.C. - nonprofit tracks: Temporary seven-day license.

(to be assigned only by the horse racing underwriter)

Applies to licensed employees of licensed horse trainers at a nonprofit track. This classification applies to on or off track employees such as assistant trainers and pony riders. Coverage provided in this classification is funded by premiums collected at the time of licensing and is valid from the time of licensing for seven days. Temporary trainer's premiums are collected on a per license basis for seven days.

This classification excludes the following:

(1) Licensed grooms working at a nonprofit track are reported separately in classification 6617-07;

(2) Temporary licensed exercise riders at a nonprofit track are reported in classification 6623-07;

(3) Unlicensed employees who work on a farm or ranch are reported separately in classification 7302.

Special note: All employees whether working at a non-profit track or employed off track must be licensed by the Washington state horse racing commission to be covered under this section.

AMENDATORY SECTION (Amending WSR 07-24-045, filed 12/1/07, effective 1/1/08)

WAC 296-17A-6617 Classification 6617.

6617-00 Parimutuel horse racing: Grooms - nonprofit tracks

(to be assigned only by the horse racing underwriter)

Applies to licensed grooms performing services for licensed horse trainers at a nonprofit track. This classification includes all on or off track duties of a licensed groom such as, but not limited to, cleaning or mucking horse stalls, feeding, and bathing the horses. For workers' compensation purposes, a groom is considered to be an employee of the trainer when the groom is hired by the trainer or when the trainer notifies the commission of the trainer's intent to hire the groom. Coverage provided in this classification is funded by the premiums collected from the trainer at the time of licensing and is valid from the time of licensing through the end of the calendar year.

This classification excludes the following:

(1) Licensed grooms working at a major track are reported separately in classification 6615;

(2) Licensed assistant trainers and pony riders working at major tracks are reported separately in classification 6614;

(3) Licensed assistant trainers and pony riders working at nonprofit tracks are reported separately in classification 6616;

(4) Licensed exercise riders working at a major track are reported separately in classification 6622;

(5) Licensed exercise riders working at a nonprofit track are reported separately in classification 6623; and

(6) Unlicensed employees who work on a farm or ranch are reported separately in classification 7302.

Special note: All grooms whether working at a non-profit track or employed off track must be licensed by the Washington state horse racing commission to be covered by this section.

6617-07 Temporary parimutuel horse racing: Grooms - nonprofit tracks: Temporary seven-day license.

(to be assigned only by the horse racing underwriter)

Applies to licensed grooms performing services for licensed horse trainers at a nonprofit track. This classification includes all on or off track duties of a licensed groom such as, but not limited to, cleaning or mucking horse stalls, feeding, and bathing the horses. For workers' compensation purposes, a groom is considered to be an employee of the trainer when the groom is hired by the trainer or when the trainer notifies the commission of the trainer's intent to hire the groom. Coverage provided in this classification is funded by the premiums collected from the trainer at the time of licensing and is valid from the time of licensing for seven days.

This classification excludes the following:

(1) Temporary licensed assistant trainers and pony riders working at nonprofit tracks are reported separately in classification 6616-07;

(2) Temporary licensed exercise riders working at a nonprofit track are reported separately in classification 6623-07; and

(3) Unlicensed employees who work on a farm or ranch are reported separately in classification 7302.

Special note: All grooms whether working at a non-profit track or employed off track must be licensed by the Washington state horse racing commission to be covered by this section.

AMENDATORY SECTION (Amending WSR 07-24-045, filed 12/1/07, effective 1/1/08)

WAC 296-17A-6622 Classification 6622.

6622-00 Parimutuel horse racing: Exercise riders - major tracks

(to be assigned only by the horse racing underwriter)

Applies to licensed exercise riders of licensed horse trainers at a major parimutuel horse racing track such as Emerald Downs. This classification applies to on and off track employment of licensed exercise riders. Jockeys are considered exercise riders when validly licensed as exercise riders and performing exercise rider duties while employed by a licensed trainer. Coverage provided in this classification is funded by premiums collected at the time of licensing and is valid from the time of licensing through the end of the calendar year. Trainers' premiums are collected on a per license basis.

This classification excludes the following:

(1) Licensed grooms at major tracks are reported separately in classification 6615;

(2) Licensed grooms working at nonprofit tracks are reported separately in 6617;

(3) Licensed assistant trainers and pony riders working at a major track are reported separately in classification 6614;

(4) Licensed assistant trainers and pony riders working at a nonprofit track are reported separately in 6616;

(5) Licensed exercise riders at a nonprofit track are reported separately in 6623; and

(6) Unlicensed employees who work on a farm or ranch are reported separately in classification 7302.

Special note: All exercise riders whether working at a major track or employed off track must be licensed by the Washington state horse racing commission to be covered by this section.

6622-30 Temporary parimutuel horse racing: Exercise riders - major tracks: Temporary thirty-day license.

(to be assigned only by the horse racing underwriter)

Applies to licensed exercise riders of licensed horse trainers at a major parimutuel horse racing track such as Emerald Downs. This classification applies to on and off track employment of licensed exercise riders. Jockeys are considered exercise riders when validly licensed as exercise riders and performing exercise rider duties while employed by a licensed trainer. Coverage provided in this classification is funded by premiums collected at the time of licensing and is valid from the time of licensing for thirty days. Temporary trainers' premiums are collected on a per license basis for thirty days.

This classification excludes the following:

(1) Temporary licensed grooms at major tracks are reported separately in classification 6615-30;

(2) Temporary licensed assistant trainers and pony riders working at a major track are reported separately in classification 6614-30;

(3) Unlicensed employees who work on a farm or ranch are reported separately in classification 7302.

Special note: All exercise riders whether working at a major track or employed off track must be licensed by the Washington state horse racing commission to be covered by this section.

AMENDATORY SECTION (Amending WSR 07-24-045, filed 12/1/07, effective 1/1/08)

WAC 296-17A-6623 Classification 6623.

6623-00 Parimutuel horse racing: Exercise riders - nonprofit tracks

(to be assigned only by the horse racing underwriter)

Applies to licensed exercise riders of licensed horse trainers at a nonprofit track. This classification applies to on or off track employment of exercise riders. Jockeys will be considered exercise riders when validly licensed as exercise riders and performing exercise rider duties while employed by a licensed trainer. Coverage provided in this classification is funded by premiums collected at the time of licensing and is valid from the time of licensing through the end of the calendar year. Trainer premiums are collected on a per license basis.

This classification excludes the following:

(1) Licensed assistant trainers and pony riders working at a major track are reported separately in classification 6614;

(2) Licensed assistant trainers and pony riders working at a nonprofit track are reported separately in 6616;

(3) Licensed grooms working at a major track are reported separately in classification 6615;

(4) Licensed grooms working at a nonprofit track are reported separately in classification 6617;

(5) Licensed exercise riders working at a major track are reported separately in 6622; and

(6) Unlicensed employees who work on a farm or ranch are reported separately in classification 7302.

Special note: All exercise riders whether working at a nonprofit track or employed off track must be licensed by the Washington state horse racing commission to be covered by this section.

6623-07 Temporary parimutuel horse racing: Exercise riders - nonprofit tracks: Temporary seven-day license.

(to be assigned only by the horse racing underwriter)

Applies to licensed exercise riders of licensed horse trainers at a nonprofit track. This classification applies to on or off track employment of exercise riders. Jockeys will be considered exercise riders when validly licensed as exercise riders and performing exercise rider duties while employed by a licensed trainer. Coverage provided in this classification is funded by premiums collected at the time of licensing and is valid from the time of licensing for seven days. Temporary trainer premiums are collected on a per license basis for seven days.

This classification excludes the following:

(1) Licensed assistant trainers and pony riders working at a nonprofit track are reported separately in 6616-07;

(2) Temporary licensed grooms working at a nonprofit track are reported separately in classification 6617-07;

(3) Unlicensed employees who work on a farm or ranch are reported separately in classification 7302.

Special note: All exercise riders whether working at a nonprofit track or employed off track must be licensed by the Washington state horse racing commission to be covered by this section.