

**WSR 14-17-009**  
**PERMANENT RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed August 7, 2014, 3:22 p.m., effective September 7, 2014]

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

Purpose: The rule revisions add the new special education infants and toddlers accounts 4122, 4322, 6125, 6225, and 6325 to the levy base. The rule revisions delete revenue accounts 310004, 4134, 4163, 4166, and 4175 from the levy base. The rule revisions include charter school allocations in the school district's levy base only if the charter school is eligible to receive levy moneys from that levy.

Citation of Existing Rules Affected by this Order: Amending WAC 392-139-310.

Statutory Authority for Adoption: RCW 28A.150.290 and 84.52.0531.

Adopted under notice filed as WSR 14-14-042 on June 24, 2014.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 6, 2014.

Randy Dorn  
State Superintendent  
of Public Instruction

AMENDATORY SECTION (Amending WSR 13-05-050, filed 2/13/13, effective 3/16/13)

**WAC 392-139-310 Determination of excess levy base.**

The superintendent of public instruction shall calculate each school district's excess levy base as provided in this section.

(1) Sum the following state and federal allocations from the prior school year(s) as determined in subsections (4) and (5) of this section:

(a) The basic education allocation as defined in WAC 392-139-115 and as reported on the August Report 1191;

(b) The state and federal categorical allocations for the following:

(i) Pupil transportation. Allocations for pupil transportation include allocations for the following accounts:

4199 Transportation - Operations;  
4399 Transportation - Operations;  
4499 Transportation - Depreciation;  
6199 Transportation - Operations;

6299 Transportation - Operations; and

6399 Transportation - Operations.

(ii) Special education. Allocations for special education include allocations for the following accounts:

4121 Special education;  
4122 Special education - Infants and toddlers - State;  
4321 Special education;  
4322 Special education - Infants and toddlers - State;  
6114 Federal Stimulus - IDEA;  
6124 Special education supplemental;  
6125 Special education - Infants and toddlers - Federal;  
6214 Federal Stimulus - IDEA;  
6224 Special education supplemental;  
6225 Special education - Infants and toddlers - Federal;  
6314 Federal Stimulus - IDEA; ~~((and))~~  
6324 Special education supplemental; and  
6325 Special education - Infants and toddlers - Federal.

(iii) Education of highly capable students. Allocations for education of highly capable students include allocations identified by account 4174 Highly capable.

(iv) Compensatory education. Allocations for compensatory education include allocations identified by the following accounts:

3100 Barrier reduction;  
4155 Learning assistance;  
4165 Transitional bilingual;  
~~((4163 Promoting academic success;~~  
~~4166 Student achievement;))~~  
4365 Transitional bilingual;  
6111 Federal Stimulus - Title 1;  
6151 Disadvantaged;  
6153 Migrant;  
6164 Limited English proficiency;  
6211 Federal Stimulus - Title 1;  
6251 Disadvantaged;  
6253 Migrant;  
6264 Limited English proficiency;  
6267 Indian education - JOB;  
6268 Indian education - ED;  
6311 Federal Stimulus - Title 1;  
6351 Disadvantaged;  
6353 Migrant;  
6364 Limited English proficiency;  
6367 Indian education - JOM; and  
6368 Indian education - ED.

(v) Food services. Allocations for food services include allocations identified by the following accounts:

4198 School food services (state);  
4398 School food services;  
6198 School food services (federal);  
6298 School food services;  
6398 School food services; and  
6998 USDA commodities.

(vi) Statewide block grant programs. Allocations for statewide block grant programs include allocations identified by the following accounts:

~~((310004 Full-day kindergarten;~~  
~~4134 Middle school vocational;~~  
~~4175 Professional development;))~~  
6113 Federal Stimulus - State Fiscal Stabilization Fund;

6176 Targeted assistance;  
 6213 Federal Stimulus - State Fiscal Stabilization Fund;  
 6276 Targeted assistance;  
 6313 Federal Stimulus - State Fiscal Stabilization Fund;  
 and

6376 Targeted assistance.

(c) General federal programs. Allocations for general federal programs identified by the following accounts:

5200 General purpose direct federal grants - Unassigned;

6100 Special purpose - OSPI - Unassigned;  
 6112 Federal Stimulus - School Improvement;  
 6118 Federal Stimulus - Competitive Grants;  
 6119 Federal Stimulus - Other;  
 6121 Special education - Medicaid reimbursement;  
 6138 Secondary vocational education;  
 6146 Skills center;  
 6152 School improvement;  
 6154 Reading first;  
 6162 Math and science - Professional development;  
 6200 Direct special purpose grants;  
 6212 Federal Stimulus - School Improvement;  
 6218 Federal Stimulus - Competitive Grants;  
 6219 Federal Stimulus - Other;  
 6221 Special education - Medicaid reimbursement;  
 6238 Secondary vocational education;  
 6246 Skills center;  
 6252 School improvement;  
 6254 Reading first;  
 6262 Math and science - Professional development;  
 6300 Federal grants through other agencies - Unassigned;

6310 Medicaid administrative match;  
 6312 Federal Stimulus - School Improvement;  
 6318 Federal Stimulus - Competitive Grants;  
 6319 Federal Stimulus - Other;  
 6321 Special education - Medicaid reimbursement;  
 6338 Secondary vocational education;  
 6346 Skills center;  
 6352 School improvement;  
 6354 Reading first; and  
 6362 Math and science - Professional development.

(2) Increase the result obtained in subsection (1) of this section by the percentage increase per full-time equivalent student in the state basic education appropriation between the prior school year and the current school year as stated in the state Operating Appropriations Act divided by 0.55.

(3) Revenue accounts referenced in this section are defined in the accounting manual for public school districts in the state of Washington.

(4) The dollar amount of revenues for state and federal categorical allocations identified in this section shall come from the following sources:

(a) The following state and federal categorical allocations are taken from the Report 1197 Column A (Annual Allotment Due):

3100 Barrier reduction;  
 ((310004 Full day kindergarten;))  
 4121 Special education;  
 ((4134 Middle school vocational;))

4122 Special education - Infants and toddlers - State;

4155 Learning assistance;  
 ((4163 Promoting academic success;))

4165 Transitional bilingual;  
 ((4166 Student achievement;))

4174 Highly capable;  
 ((4175 Professional development;))

4198 School food services (state);

4199 Transportation - Operations;  
 4499 Transportation - Depreciation;

6111 Federal Stimulus - Title 1;

6112 Federal Stimulus - School Improvement;

6113 Federal Stimulus - State Fiscal Stabilization Fund;

6114 Federal Stimulus - IDEA, one-half the August

2010 amount will be used in the 2011 calculation, and one-half in the 2012;

6118 Federal Stimulus - Competitive Grants;

6119 Federal Stimulus - Other;

6121 Special education - Medicaid reimbursements;

6124 Special education - Supplemental; however, for the federal safety net portion, the amount awarded rather than the amount included on report 1197 will be used;

6125 Special education - Infants and toddlers - Federal;

6138 Secondary vocational education;

6146 Skills center;

6151 Disadvantaged;

6152 School improvement;

6153 Migrant;

6154 Reading first;

6162 Math and science - Professional development;

6164 Limited English proficiency;

6176 Targeted assistance;

6198 School food services (federal); and

6199 Transportation - Operations.

(b) For the 2004 calendar year, the following state and federal allocations are taken from the F-195 budget including budget extensions.

For the 2005 calendar year and thereafter, the following federal allocations shall be taken from the school district's second prior year F-196 annual financial report:

4321 Special education;

4322 Special education - Infants and toddlers - State;

4365 Transitional bilingual;

4398 School food services;

4399 Transportation - Operations;

5200 General purpose direct federal grants - Unassigned;

6100 Special purpose - OSPI - Unassigned;

6200 Direct special purpose grants;

6211 Federal Stimulus - Title 1;

6212 Federal Stimulus - School Improvement;

6213 Federal Stimulus - State Fiscal Stabilization Fund;

6214 Federal Stimulus - IDEA;

6218 Federal Stimulus - Competitive Grants;

6219 Federal Stimulus - Other;

6221 Special education - Medicaid reimbursement;

6224 Special education supplemental;

6225 Special education - Infants and toddlers - Federal;

6238 Secondary vocational education;

6246 Skills center;

6251 Disadvantaged;  
 6252 School improvement;  
 6253 Migrant;  
 6254 Reading first;  
 6262 Math and science - Professional development;  
 6264 Limited English proficiency;  
 6267 Indian education - JOM;  
 6268 Indian education - ED;  
 6276 Targeted assistance;  
 6298 School food services;  
 6299 Transportation - Operations;  
 6300 Federal grants through other agencies - Unassigned;  
 6310 Medicaid administrative match;  
 6311 Federal Stimulus - Title 1;  
 6312 Federal Stimulus - School Improvement;  
 6313 Federal Stimulus - State Fiscal Stabilization Fund;  
 6314 Federal Stimulus - IDEA;  
 6318 Federal Stimulus - Competitive Grants;  
 6319 Federal Stimulus - Other;  
 6321 Special education - Medicaid reimbursement;  
 6324 Special education supplemental;  
6325 Special education - Infants and toddlers - Federal;  
 6338 Secondary vocational education;  
 6346 Skills center;  
 6351 Disadvantaged;  
 6352 School improvement;  
 6353 Migrant;  
 6354 Reading first;  
 6362 Math and science - Professional development;  
 6364 Limited English proficiency;  
 6367 Indian education - JOM;  
 6368 Indian education - ED;  
 6376 Targeted assistance;  
 6398 School food services;  
 6399 Transportation - Operations; and  
 6998 USDA commodities.

(5) Effective for levy authority and local effort assistance calculations for the 2005 calendar year and thereafter:

(a) District revenues determined in subsection (4) of this section shall be reduced for revenues received as a fiscal agent. School districts shall report fiscal agent revenues pursuant to instructions provided by the superintendent of public instruction.

(b) The amount determined in subsection (4)(b) of this section, after adjustment for fiscal agent moneys, shall be inflated for one year using the percentage change in the implicit price deflator for personal consumption expenditures for the United States as published for the most recent twelve-month period by the Bureau of Economic Analysis of the Federal Department of Commerce.

(6) State and federal moneys generated by a school district's students and redirected by the superintendent of public instruction to an educational service district at the request of the school district shall be included in the district's levy base.

(7) State basic education moneys generated by a school district's students and allocated directly to a technical college shall be included in the district's levy base.

(8) Funding which the district would have received calculated pursuant to RCW 84.52.0531 shall be included in the district's levy base.

(9) Allocations referenced above received by a charter school shall be included in the school district's levy base for the calendar year for which levy authority is being calculated only if the charter school is eligible to receive levy moneys from that levy.

## WSR 14-17-025

### PERMANENT RULES

### SECRETARY OF STATE

[Filed August 12, 2014, 3:32 p.m., effective September 12, 2014]

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

Purpose: The proposed rule changes streamline the WACs for charitable organizations, commercial fund-raisers, and charitable trusts.

Citation of Existing Rules Affected by this Order: Repealing WAC 434-120-046, 434-120-103, 434-120-145, 434-120-160, 434-120-165, 434-120-245, 434-120-250, 434-120-330 and 434-120-345; and amending WAC 434-120-010, 434-120-025, 434-120-040, 434-120-045, 434-120-100, 434-120-105, 434-120-107, 434-120-110, 434-120-115, 434-120-130, 434-120-135, 434-120-140, 434-120-175, 434-120-185, 434-120-200, 434-120-210, 434-120-215, 434-120-218, 434-120-225, 434-120-240, 434-120-255, 434-120-260, 434-120-270, 434-120-280, 434-120-300, 434-120-305, 434-120-307, 434-120-310, 434-120-355, and 434-120-360.

Statutory Authority for Adoption: Chapters 11.110, 19.09, and 43.07 RCW.

Adopted under notice filed as WSR 14-14-035 on June 24, 2014.

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 6, Amended 30, Repealed 9.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 6, Amended 30, Repealed 9.

Number of Sections Adopted Using Negotiated Rule Making: New 6, Amended 30, Repealed 9; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 12, 2014.

Ken Raske  
 Assistant  
 Secretary of State

AMENDATORY SECTION (Amending WSR 94-01-004, filed 12/1/93, effective 1/1/94)

**WAC 434-120-010 Authority and purpose.** (1) These rules are adopted under authority of chapter 19.09 RCW, the Charitable Solicitations Act, (~~hereafter referred to as "the solicitations act,"~~) chapter 11.110 RCW, the Charitable Trust Act, (~~hereafter referred to as "the trust act,"~~) and chapter 43.07 RCW to provide for the efficient administration of these acts.

(2) The filing or refusal to file a record does not:

(a) Affect the validity or invalidity of the record in whole or in part;

(b) Relate to the correctness or incorrectness of information contained in the record; or

(c) Create a presumption that the record is valid or that information contained in the record is correct or incorrect.

AMENDATORY SECTION (Amending WSR 12-14-114, filed 7/5/12, effective 8/5/12)

**WAC 434-120-025 Definitions.** (1) (~~"Charitable purpose" means any religious, charitable, scientific, testing for public safety, literary, or educational purpose or any other purpose that is beneficial to the community, including but not limited to recreational, environmental, humanitarian, patriotic, or civic purposes, the support of national or international amateur sports competition, the prevention of cruelty to children or animals, the advancement of social welfare, or the benefit of law enforcement personnel, firefighters, and other persons who protect public safety. The term "charitable" is used in its generally accepted legal sense and includes relief of the poor, the distressed, or the underprivileged; advancement of religion; advancement of education or science; erecting or maintaining public buildings, monuments, or works; lessening the burdens of government; lessening neighborhood tensions; eliminating prejudice and discrimination; defending human and civil rights secured by law; and combating community deterioration and juvenile delinquency.~~) "Accounting year" means a twelve-month period used by an entity to record and report financial activity for accounting and tax purposes.

(2) "Charitable trust" means any real or personal property right held by an entity or person that is intended to be used for a charitable purpose(s). The trust may be created by will, deed, articles of incorporation, or other governing instrument. It may be express or constructive.

(3) "Charities program" means the division of the office of the secretary of state responsible for administration of the Charitable Solicitations Act, chapter 19.09 RCW, and the Charitable Trust Act, chapter 11.110 RCW.

(4) "Compensation(;)" (~~means salaries, wages, fees, commissions, or any other remuneration or valuable consideration. Compensation~~) is defined in RCW 19.09.020 and shall not include reimbursement for documented expenses incurred (~~and documented~~), or noncash awards or prizes(;) valued at one hundred dollars or less(;) and given no more than annually to each volunteer.

(~~(4)~~) (5) "Entity" means an organization, individual or institution with its own existence for legal and/or federal tax purposes. It has the capacity to enter into agreements or con-

tracts, assume obligations, incur and pay debts, sue and be sued in its own right, and to be held responsible for its actions. Entity may include, but is not limited to, (~~an individual, organization,~~) a corporation, association, limited liability company, trust, group, partnership, proprietorship, company, estate, agency or unit of state government, person as defined in RCW 1.16.080, or any combination thereof.

For purposes of complying with registration requirements under Washington's Charitable Solicitations Act, "entity" does not include a branch, chapter, unit, affiliate or similar subordinate of another entity if said subordinate:

(a) Is under the direct supervision and control of the related entity;

(b) Does not have its own separate existence from the related entity for legal and/or federal tax purposes; and

(c) The related entity maintains registration under chapter 19.09 RCW.

Regardless of whether or not a subordinate is required to register under the act, it shall comply with the conditions set forth under RCW 19.09.100.

(~~(5)~~) (6) "Income-producing assets" means assets of any kind that are purchased with the (~~prospect~~) objective that the assets will generate income or appreciate and be sold at a higher price in the future (~~In finance, an investment is a monetary asset purchased with the idea that the asset will provide income in the future or appreciate and be sold at a higher price; these investments would include~~) including, but (~~are~~) not limited to stocks, bonds or real property.

(~~(6)~~) (7) "Investment real property" means real property either:

(a) Held exclusively with the objective that it will generate income or appreciate and be sold at a higher price in the future; or

(b) Used in whole or in part for any purpose other than to provide physical space for directly performing the charitable function for which it is held in trust.

(8) "Renewal date" (~~means:~~

(a) For charitable organizations, the last day of the eleventh month after the close of the organization's accounting year; and

(b) For commercial fund-raisers, the fifteenth day of the fifth month following the close of the organization's accounting year.

(7) "Secretary" means the secretary of state or the secretary's designee, or authorized representative) for charitable organizations, commercial fund-raisers, and charitable trusts means the last business day of the eleventh month after the close of the organization's accounting year.

(~~(8)~~) (9) "Solicitation" is defined in RCW 19.09.020 (~~(19)~~) and includes:

(a) A commercial fund-raiser soliciting or receiving contributions directly from the public (~~directly~~) if contributions are solicited or received by the fund-raiser or by any officer, employee, principal, or shareholder of the commercial fund-raiser, including immediate family members.

(b) A commercial fund-raiser soliciting or receiving contributions (~~are considered to be solicited or received~~) indirectly (~~if they~~) from the public if the contributions are solicited or received by:

(i) Any organization owned or controlled by the commercial fund-raiser or owned or controlled by any officer, employee, principal, or shareholder of the commercial fund-raiser, including immediate family members; or

(ii) Any person or organization, other than the charitable organization for which funds are solicited, with which the commercial fund-raiser ~~((as))~~ has a contractual relationship governing the solicitation or receipt of contributions.

(c) "Solicitation" as defined in RCW 19.09.020(19), does not include any of the following:

(i) An application or request for ~~((application for))~~ a grant, contract, or similar funding from any foundation, corporation, governmental agency or similar entity which has an established application and review procedure for reviewing such requests;

(ii) The attempt to sell ~~((a service or good which))~~ goods or services that constitute~~((s))~~ the basis of the charitable organization's activities under which the federal income tax exemption was granted, or is the primary purpose for the existence of the charitable organization. ~~((This includes, but is not limited to))~~ For example, admission to a theatrical or other performance presented by a charitable organization ((that is a) focused on drama, ((musical, dance, or similar group and fees for services such as a hospital provides or use of the charitable organization's facilities)) music, or dance.

(10) "Volunteer" means a person who is not paid or compensated to perform a service.

AMENDATORY SECTION (Amending WSR 12-14-114, filed 7/5/12, effective 8/5/12)

**WAC 434-120-040 Public information derived from registration.** (1) Registration forms~~((s))~~ and attachments, filed by charitable organizations and commercial fund-raisers pursuant to WAC 434-120-105 and 434-120-215, are available for public inspection or copying. However, Social Security numbers and financial account numbers are not public information. For purposes of public reports derived from ~~((that))~~ the registration information, the ~~((secretary))~~ charities program shall calculate~~((s))~~ and make available to the public, the following information:

~~((2))~~ (a) For charitable organizations, the percentage of total expenditures in a reporting year allocated to charitable program services. This shall be calculated by dividing the amount reported as expended for charitable purposes by the amount reported as total expenses, and multiplying by 100.

~~((3))~~ (b) For commercial fund-raisers the percentage of the proceeds of charitable solicitations which are paid to or retained by charitable organizations. This shall be calculated by dividing the amount reported as received or retained by the charitable organization(s) after all fund-raising expenses have been deducted, by the amount reported as raised, regardless of who has possession of funds and multiplying by 100.

~~((4))~~ (2) Registrations of charitable trusts with several or mixed purposes shall not be made public under RCW 11.110.040 and 11.110.075.

#### NEW SECTION

**WAC 434-120-042 Fees.** (1) Charitable organizations, commercial fund-raisers, and charitable trusts registering

under chapter 11.110 or 19.09 RCW are subject to the following fees:

- (a) Amendment of current registration: No fee.
- (b) Replacement of confirmation letter: \$5.00.
- (c) Service of process: \$50.00.
- (d) Late fee, failure to renew by due date: \$50.00.
- (e) Specialized reports (electronic or paper): \$20.00.
- (f) Expedited service fee (paper, per entity): \$50.00.
- (g) Expedited service fee (online, per entity): \$20.00.
- (h) Emergency services outside regular business hours: \$150 per hour.

(2) Charitable organizations registering under chapter 19.09 RCW are subject to the following fees:

- (a) Initial registration (RCW 19.09.062): \$60.00.
- (b) Annual renewal (RCW 19.09.062): \$40.00.
- (c) Reregistration: \$60.00.
- (d) Optional registration, initial or update: No fee.
- (e) Electronic or paper copy of a charitable organization file: \$5.00.

(f) Registration of a fund-raising service contract (RCW 19.09.062): \$20.00.

(g) Electronic or paper copy of a fund-raising service contract registration: \$10.00.

(3) Commercial fund-raisers registering under chapter 19.09 RCW are subject to the following fees:

- (a) Initial registration (RCW 19.09.062): \$300.00.
  - (b) Annual renewal (RCW 19.09.062): \$225.00.
- (4) Charitable trusts registering under chapter 11.110 RCW are subject to the following fees:

- (a) Initial registration: \$25.00.
- (b) Annual renewal: \$25.00.
- (c) Electronic or paper copy of a trust registration: \$5.00.
- (d) Electronic copy of IRS Form 990EZ (up to fifty pages): \$5.00.
- (e) Electronic or paper copy of IRS Form 990/990PF (up to one hundred pages): \$10.00.
- (f) Electronic or paper copy of IRS Form 990/990PF (more than one hundred pages): \$13.00 for each additional fifty pages.
- (g) Charitable trust directory: No fee.
- (5) Filing fees are nonrefundable.

#### NEW SECTION

**WAC 434-120-043 Mergers.** A charitable organization or commercial fund-raiser registered under chapter 19.09 RCW that acquires or merges with another entity shall notify the charities program in writing by completing the form available from the charities program. The form may be requested by phone or e-mail, or accessed online. There is no filing fee.

AMENDATORY SECTION (Amending WSR 12-14-114, filed 7/5/12, effective 8/5/12)

**WAC 434-120-045 Change in information or status, notification.** ~~((An))~~ (1) Any entity required to register under chapter 11.110 or 19.09 RCW shall notify the charities program ~~((in writing))~~, within thirty days of any changes to ~~((its))~~ previously submitted registration or financial informa-

tion reported under RCW 19.09.075, 19.09.079, or WAC 434-120-310.

(2) The ~~((organization may))~~ entity shall submit the changes in writing or by using the amendment form that is available from the charities program ~~((and request it))~~. The form may be requested by phone, e-mail, or ((access it)) accessed online. There is no ~~((filing))~~ fee to submit changes of information.

(3) Any registered charitable organization or commercial fund-raiser may voluntarily close its registration and shall report the closure to the charities program in writing. The notice shall include the organization's name on record, charities program registration number, and the reason and effective date of the closure. Following the voluntary closure of a registration, the charitable organization or commercial fund-raiser shall submit a final solicitation report for the current accounting year.

(a) The solicitation report for a charitable organization shall contain the information described in RCW 19.09.075.

(b) The solicitation report for a commercial fund-raiser shall contain the information described in RCW 19.09.079.

(4) A charitable trust that voluntarily closes its registration shall submit a copy of its most recently completed IRS Form 990, 990PF, 990EZ or final financial report, whichever applies, for the completed accounting year, and a written statement regarding the closure, including effective date.

#### NEW SECTION

**WAC 434-120-047 Failure to renew, involuntary closure.** (1) Any entity registered under RCW 11.110.060, 19.09.075, or 19.09.079 that fails to renew its registration by the renewal date specified by these rules is delinquent and subject to a late fee as provided in WAC 434-120-042.

(a) The charities program shall send by postal or electronic mail a delinquency notice within sixty days of the entity's delinquent status to the entity's address on record. The delinquency notice shall request the entity to provide the required items within thirty days of the date of the notice in order to renew its registration. The entity's failure to receive the notice does not alter its delinquent status or relieve it of the requirement to renew. If the notice is returned as undeliverable, the entity's status shall change to "failure to register/renew."

(b) An entity that fails to submit the required items within thirty days of the date of the notice shall be involuntarily closed, and the entity's status shall change to "failure to register/renew."

(2) If a registration or renewal is incomplete, the charities program shall contact the entity by postal or electronic mail and request the entity to submit the required items within thirty days of the date of the notice. If the requested items are not received within thirty days, the registration or renewal shall not be filed. If the entity's renewal date has lapsed, or if the notice is returned as undeliverable, the organization shall be involuntarily closed. Filing fees are nonrefundable.

#### NEW SECTION

**WAC 434-120-048 Fees for late registration or renewal.** (1) Any entity that fails to renew its registration by its renewal date shall pay the late fee identified in WAC 434-120-042 and an additional late fee for each year delinquent, including the current year it was not registered.

(2) The fees for late registration or renewal are in addition to any other filing fees and any other remedies that may be required or imposed by law, including penalties for not being registered or for soliciting without being registered.

(3) The fees for late registration or renewal of a charitable trust registered under chapter 11.110 RCW may be cumulative. If the trust registration status is closed, the entity must reregister as a new trust and pay any late fees, which are cumulative.

(4) Any entity registered in accordance with chapter 11.110 or 19.09 RCW may request the secretary to waive the late fees. The request shall include a description of the circumstances that justify a waiver of the late fees. Under special circumstances, the secretary may waive late fees that are required by these regulations.

#### NEW SECTION

**WAC 434-120-049 Reactivation.** A previously registered entity may reactivate its registration by submitting a registration form, the filing fee, and the late fee described in WAC 434-120-042, if applicable. An entity may retain its original registration number assigned by the charities program.

#### NEW SECTION

**WAC 434-120-090 Records retention.** (1) Record retention requirements for charitable organizations and commercial fund-raisers are established in RCW 19.09.200. Charitable trusts shall retain their annual financial information and the supporting documents including books, ledgers, prepared statements, compilations, reviews, or audit reports, or any other records on which they were based, for a three-year period.

(2) Any entity registered under chapter 11.110 or 19.09 RCW shall make solicitation reports, financial statements, supporting documentation upon which they were based, and any other records available to the secretary of state, attorney general, or county prosecutor upon request.

AMENDATORY SECTION (Amending WSR 12-14-114, filed 7/5/12, effective 8/5/12)

**WAC 434-120-100 ~~((Who shall register—Exemptions))~~ Entities exempt from registration.** (1) Any entity that conducts charitable solicitations or will solicit or collect contributions from the general public for charitable purposes shall register with the charities program under the Charitable Solicitations Act, chapter 19.09 RCW.

(2) Entities and solicitations exempt from registration include the following:

(a) Any political organization as defined in RCW 19.09.-020(15);

(b) Any entity (~~(which)~~) that raises less than fifty thousand dollars in revenue in any accounting year, if all its activities, including fund-raising, are conducted by volunteers, and no officers or members receive assets, or compensation from the organization;

(c) ~~((A bona fide officer or other employee of the charitable organization for which the funds are solicited)) Churches and their integrated auxiliaries; and~~

(d) Any request for a contribution on behalf of a specific individual or family unit named in the solicitation, but only if all of the proceeds are given to or expended for the direct benefit of that individual or family unit. This does not include organizations that conduct solicitations for one or more individuals on a repeated or ongoing basis.

~~((3))~~ Any entity that is exempt from registration by these regulations shall comply with the conditions for solicitations as described in RCW 19.09.100.

(4) Interpretive note: The secretary of state does not interpret RCW 19.09.065 as requiring a registration by an employee of an educational institution who, as part of his or her employment with the institution, solicits contributions on behalf of a nonprofit charitable foundation affiliated with that institution, if the foundation is registered and the educational institution is either:

(a) A public school, college, or university operated by the state of Washington, one of its school districts, or a comparable public institution of another state or nation; or

(b) A private entity that is nonprofit and charitable, having a program of primary, secondary, or collegiate instruction comparable in scope to that of any public school or college operated by the state of Washington or any of its school districts;)

AMENDATORY SECTION (Amending WSR 12-14-114, filed 7/5/12, effective 8/5/12)

**WAC 434-120-105 Charitable organization registration(~~Form and requirements~~).** (1) Charitable organizations registering under this act shall ~~((submit the registration form described in WAC 434-120-103))~~ comply with the registration requirements of this chapter by filing with the charities program, at the times and in the manner established by these rules, the state registration form described in RCW 19.09.075.

(2) The state registration form is available online at the charities program web page or by contacting the charities program. The ~~((secretary's))~~ charities program's failure to ~~((affirmatively reject or))~~ return an incomplete registration or other filing that does not fully comply with these rules or chapter 19.09 RCW shall not excuse the failure to comply.

~~((2))~~ (3) In addition to the requirements under RCW 19.09.075, a registration is not complete, and will not be accepted for filing, unless it includes(~~:~~

(a) ~~Both the mailing address and any physical address if different, federal taxpayer identification number, and any electronic mail or internet addresses used by the organization. Private mail boxes must be identified through use of the designation "PMB" followed by the box number;~~

(b) All of the names under which the organization will solicit contributions, including, but not limited to, acronyms,

abbreviations, DBAs and program names used in charitable solicitations reflected in the registration;

(c) ~~If the organization is registered in Washington, the unified business identifier, and if the organization is incorporated outside the state of Washington, the state of incorporation;~~

(d) ~~The beginning and ending dates of its most recently completed accounting year;~~

(e) ~~The court or other forum, case number and title of all legal actions, if any, in which a judgment or final order was entered, or for action currently pending, against any organization or individual required to be identified in the registration. "Actions" include any administrative or judicial proceeding alleging that the entity has failed to comply with these rules, chapter 19.09 RCW, or state or federal laws pertaining to taxation, revenue, charitable solicitation, or record-keeping, whether such action has been instituted by a public agency or a private person or entity;~~

(f) ~~A list of all states where the organization is registered for charitable solicitations;~~

(g) ~~The officers or persons required under RCW 19.09.075 (1)(c) may include:~~

(i) ~~Members of the board of directors or any committee or group serving the function of a board of directors, regardless of the name of the committee or group; and~~

(ii) ~~Officers of the charitable organization, or the persons serving the function of officers, regardless of the title of the position.~~

(h) ~~In addition to the financial information in RCW 19.09.075 (1)(h), a solicitation report of the charitable organization for the preceding accounting year includes, but is not limited to:~~

(i) ~~All addresses, physical or mailing, used to solicit or collect contributions;~~

(ii) ~~The total dollar value of contributions received from solicitations, special events, sale of inventory, and amounts collected on behalf of the charitable organization by a commercial fund-raiser;~~

(iii) ~~The total dollar value of revenue from all other sources;~~

(iv) ~~Gross receipts, including amounts collected on behalf of the charitable organization by a commercial fund-raiser or commercial coventurer regardless of custody of funds. "Gross receipts" include, but are not limited to, contributions, gross revenue from special events, sales of inventory, goods or services (including tickets to events), and all other revenue from solicitations;~~

(v) ~~The amount of total expenditures used directly for charitable program services, including payments to affiliates if costs involved are not connected with the administrative or fund-raising functions of the reporting organization;~~

(vi) ~~Total expenditures, including, but not limited to, amounts paid to or retained by a commercial fund-raiser, or fund-raising counsel, amounts expended for charitable program services, administrative expenses, fees for services, and fund-raising costs incurred by the charitable organization.~~

(vii) ~~Beginning assets; and~~

(viii) ~~Ending assets.~~

(ix) ~~The charitable organization may provide additional information which the organization believes would be of~~

~~assistance in understanding other reported information, or to provide context for reported information.~~

~~(3) The)) all information requested on the registration form.~~

~~(a) Charitable organizations shall report actual figures(;) and ((shall)) not use estimates(;) when completing ((a)) the solicitation report.~~

~~((4) All charitable organization registrations shall be signed and dated by the president, treasurer, or comparable officer of the organization or, in the absence of officers, person responsible for the organization.)) (b) A newly formed charitable organization that has not yet completed its first year of activity shall provide the end date of its first accounting year.~~

~~(c) A charitable organization may provide additional information that the organization believes would be of assistance in understanding other reported information, or to provide context for reported information.~~

AMENDATORY SECTION (Amending WSR 12-14-114, filed 7/5/12, effective 8/5/12)

**WAC 434-120-107 Audited financial report—Tiered reporting requirements.** (1) If ~~((an))~~ a charitable organization has been in existence for less than three years, the organization ~~((must))~~ shall calculate its average gross revenue based on the number of years the organization has been in existence to determine which tier, per RCW 19.09.541, is applicable.

(2) For purposes of these regulations, the ~~((secretary))~~ charities program may waive the requirement to obtain an audited financial statement prepared by an independent certified public accountant for organizations with more than three million dollars in gross revenue averaged over the last three accounting years that meet one of the following:

(a) Directly or indirectly receives five hundred thousand dollars or less in cash averaged over the last three accounting years. Organizations with five hundred thousand dollars or less in cash averaged over the last three accounting years must meet tier two reporting requirements in RCW 19.09.541

(2). For purposes of meeting the financial requirements in this section, "cash" includes currency, checks, credit card payments, donor advised funds, and electronic fund transfers received from all sources including, but not limited to, solicitations, investment income and tuition. "Cash" does not include gifts of tangible, real, or personal property or in-kind services; or

(b) Organizations ~~((who))~~ that can demonstrate that they have reached a three-year average of more than three million dollars in gross revenue through unusual or nonrecurring revenue received in a single year without which they would not have met the three-year annual gross average threshold.

AMENDATORY SECTION (Amending WSR 12-14-114, filed 7/5/12, effective 8/5/12)

**WAC 434-120-110 ~~((Organizations exempt from filing requirements—))~~Optional registration for exempt organizations.** (1) Charitable organizations exempt from the ~~((filing))~~ registration requirements ~~((of this chapter))~~ under

RCW 19.09.081 and WAC 434-120-100(2) may file an optional registration with the charities program.

(2) Charitable organizations choosing to file an optional registration under this section may register by completing the registration form specified by the ~~((secretary))~~ charities program.

(3) Charitable organizations registered under this section may ~~((change or update))~~ amend their registration by filing the updated information with the charities program.

(4) The charities program may periodically send by postal or electronic mail a request to update the optional registration. An organization's status may become unregistered if the charity program's request is returned as undeliverable.

(5) Expedited processing under WAC 434-112-080 is available for optional registrations and updates under this section.

AMENDATORY SECTION (Amending WSR 10-22-048, filed 10/28/10, effective 11/28/10)

**WAC 434-120-115 Treatment of appropriated funds.**

A government subdivision or publicly supported educational facility that is also a charitable organization ~~((must))~~ shall report government appropriated funds only to the extent such funds are directly expended to support fund raising efforts or to defray costs of administering the organization's fund-raising programs.

AMENDATORY SECTION (Amending WSR 10-22-048, filed 10/28/10, effective 11/28/10)

**WAC 434-120-130 Financial standards.** Upon the request of the attorney general, secretary or the county prosecutor, a charitable organization ~~((must))~~ shall submit a financial statement containing, but not limited to, the following information within thirty days from date of request(;-):

(1) The gross amount of the contributions pledged and the gross amount collected(;-);

(2) The amount thereof(;-) given or to be given to charitable purposes represented together with details as to the manner of distribution as may be required(;-);

(3) The aggregate amount paid and to be paid for the expenses of such solicitation(;-);

(4) The amounts paid ~~((to))~~ and to be paid to commercial fund-raisers or charitable organizations(;-); and

(5) Copies of any annual or periodic reports furnished by the charitable organization, of its activities during or for the same accounting period.

AMENDATORY SECTION (Amending WSR 12-14-114, filed 7/5/12, effective 8/5/12)

**WAC 434-120-135 Contributor lists.** (1) All charitable organizations registered under this act ~~((must))~~ shall keep records of all contributors to the organization for three years. If a commercial fund-raiser manages a campaign for a charitable organization, either the commercial fund-raiser or the charitable organization must be the entity responsible for maintaining the contributor records for that campaign. These records ~~((must))~~ shall include the names of the following contributors:



~~((1))~~ (a) Each contributing entity that collects individual donations from an employee or member group or a business, turning them over to the charitable organization as a single sum, such as the United Way;

~~((2))~~ (b) Each corporation that contributed; and

~~((3))~~ (c) Each individual who contributed more than twenty-five dollars.

(2) The records ~~((must))~~ shall be compiled and retrievable for a period of three years and ~~((must))~~ shall be turned over within ten working days upon written request of the attorney general or the county prosecutor, although the organization is not required to keep the names in a standard list format at all times.

AMENDATORY SECTION (Amending WSR 12-14-114, filed 7/5/12, effective 8/5/12)

**WAC 434-120-140 How and when to register.** (1) Initial registration: An entity required to register as a charitable organization ~~((must))~~ shall complete the form described in RCW 19.09.075 and WAC ~~((434-120-103))~~ 434-120-105 and submit it with the fee in RCW ~~((19.09.162))~~ 19.09.062(1) prior to conducting any solicitation.

(2) Annual renewal:

(a) ~~((An entity must))~~ A charitable organization shall renew its ~~((charitable))~~ registration by submitting a renewal form and ~~((the))~~ fee described in RCW 19.09.062(2) ~~((so they are))~~. The completed form and fee shall be received ~~((by))~~ no later than the last business day of the eleventh month after the end of ~~((its))~~ the organization's accounting year.

(b) The renewal ~~((must))~~ shall include the same information required for registration as described in RCW 19.09.075 and WAC 434-120-105 except that a determination letter from the Internal Revenue Service need not be attached if it was previously filed. The solicitation report ~~((will))~~ must be based on the most recent filing with the Internal Revenue Service or, if the organization does not file with the Internal Revenue Service, ~~((the solicitation report will be based on))~~ the most recently completed accounting year. No organization may submit the same financial information for two consecutive years.

(c) A change in an entity's accounting year ~~((will))~~ may not cause the due date of a renewal to be more than one year after the previous registration or renewal.

AMENDATORY SECTION (Amending WSR 12-14-114, filed 7/5/12, effective 8/5/12)

**WAC 434-120-175 Voluntary verification information.** Each ~~((organization))~~ entity registering with the ~~((secretary))~~ charities program may submit additional information, not required by law, if the information is intended to inform the public about its programs and activities and to verify its existence.

AMENDATORY SECTION (Amending WSR 12-14-114, filed 7/5/12, effective 8/5/12)

**WAC 434-120-185 Charitable advisory council.** ~~((The purpose of the charitable advisory council is to advise the secretary in the following areas:~~

~~(1) Training and education needs of charitable organizations within the state;~~

~~(2) Model policies related to governance and administration of charitable organizations in accordance with fiduciary principles;~~

~~(3) Emerging issues and trends affecting charitable organizations; and~~

~~(4) Other related issues at the request of the secretary.)~~

(1) The charitable advisory council ~~((will))~~ shall consist of ~~((thirteen))~~ at least eleven members ~~((chosen))~~ appointed by the secretary ~~((to represent a broad range of charities by size, purpose, geographic regions of the state, and general expertise in management and leadership of charitable organizations.))~~ of state and an ex officio member ~~((will be))~~ appointed by the attorney general.

~~((Members serve at the pleasure of the secretary.))~~ (2) Council members' terms are staggered, with the original board drawing lots for two-and three-year terms. All following terms are three years but all terms expire no later than when the appointing secretary leaves office. Vacancies may be filled by the secretary upon notice of a vacancy from the member.

~~((The council will elect a chairperson from its members annually. The frequency of))~~ (3) Meetings ~~((will))~~ shall be at least twice a year, ~~((but))~~ and additional meetings may be called by the secretary or the council. ~~((Council members are not compensated for their service, but may be reimbursed for expenses incurred in the conduct of their official duties.))~~ Reimbursement ~~((is))~~ for expenses shall be at current state rates for travel, and all reimbursement requests ~~((must))~~ shall be received within thirty days of incurring the expense.

AMENDATORY SECTION (Amending WSR 12-14-114, filed 7/5/12, effective 8/5/12)

**WAC 434-120-200 Required filings.** (1) A commercial fund-raiser complies with the registration requirements of this chapter by filing the following documents with the ~~((secretary of state))~~ charities program at the times, and in the manner, prescribed by these rules and RCW 19.09.079:

(a) The commercial fund-raiser registration form, which is available online at the charities program web page or by contacting the charities program. This form is used as an initial registration form, as well as ~~((an))~~ the annual renewal form. ~~((The purpose of this report is to provide basic information about the organization, as described in RCW 19.09.079;~~

~~(b) Solicitation report. These reports are filed annually by all commercial fund-raisers, except those exempted by these rules. The purpose of this report is to provide financial information during the reporting period, of an informational nature to the public; and~~

~~((e))~~ (b) All surety bonds required by WAC 434-120-260.

(2) ~~((The financial statement required by WAC 434-120-255 does not need to be filed with the office of the secretary of state. The purpose of this statement is to verify and support the information filed in the solicitation report. This statement must be available upon request as provided in this chapter.~~

(3)) This section is intended to be explanatory of other rules in this chapter, and not to modify or diminish the requirements of those rules.

AMENDATORY SECTION (Amending WSR 12-14-114, filed 7/5/12, effective 8/5/12)

**WAC 434-120-210 Who shall register.** (1) Every commercial fund-raiser, as described in RCW 19.09.020(5), shall register each year, ~~((pursuant to))~~ in accordance with WAC 434-120-200 by completing the form described in RCW 19.09.079 and WAC 434-120-215 and submitting it with the fee in RCW 19.09.062(3) prior to conducting any solicitation.

(2) Contract employees, independent contractors, and other individuals who are not bona fide officers or employees of a commercial fund-raiser that solicit or receive charitable contributions, if compensated, are required to register independently as commercial fund-raisers in accordance with RCW 19.09.079 and maintain a surety bond as required in RCW 19.09.191, unless exempt.

(3) Entities exempt from registration include the following:

(a) Fund-raising counsel as defined in RCW 19.09.020(10);

(b) Commercial coventurers as defined in 19.09.020(4); and

(c) Suppliers of goods and services to charitable organizations for fund-raising purposes ~~((are exempt from registration, if))~~ as long as they are not otherwise engaged in the business of charitable fund-raising.

~~((3) If a commercial fund-raiser does business under more than one name, each name used by that entity must be registered and bonded separately.))~~

AMENDATORY SECTION (Amending WSR 12-14-114, filed 7/5/12, effective 8/5/12)

**WAC 434-120-215 Commercial fund-raiser registration** ~~((Form and requirements))~~. (1) Commercial fund-raisers registering under this act shall use the commercial fund-raiser registration form described in WAC 434-120-200. The ~~((secretary's))~~ charities program's failure to affirmatively reject or return an incomplete registration or other filing that does not fully comply with these rules or chapter 19.09 RCW, shall not excuse the failure to comply. The ~~((secretary's))~~ charities program's acceptance of a registration or other filing which violates these rules or chapter 19.09 RCW shall not excuse the violation.

(2) In addition to the requirements ~~((under))~~ of RCW 19.09.079, a registration is not complete, and will not be accepted for filing, unless it includes~~((:~~

~~((a) Both the mailing address and physical address (if different), and any electronic mail or internet addresses, as well as any physical or mailing addresses, used by the commercial fund-raiser to solicit or receive contributions. Private mail boxes must be identified through use of the designation "PMB" followed by the box number;~~

~~((b) The type of organization, federal taxpayer identification number, the unified business identifier if the organization is registered in Washington and if the organization is incorporated, the state of incorporation;~~

~~((c) The beginning and ending dates of its preceding completed accounting year;~~

~~((d) The court or other forum, case number and title of all legal actions, if any, in which a judgment or final order was entered, or for action is currently pending, against any organization or individual required to be identified in the registration. "Actions" include any administrative or judicial proceeding alleging that the entity has failed to comply with these rules, chapter 19.09 RCW, or state or federal laws pertaining to taxation, revenue, charitable solicitation, or record-keeping, whether such action has been instituted by a public agency or a private person or entity;~~

~~((e) A list of all states where the organization is registered for charitable solicitations;~~

~~((f) In addition to the financial information in RCW 19.09.079(6), a solicitation report is required of the fund-raising activities of the entity for the preceding accounting year and includes, but is not limited to:~~

~~((i) Contributions received, either by the commercial fund-raiser or the charities with which the commercial fund-raiser contracts, as a result of services provided by the commercial fund-raiser during the year shown above. (This is the total amount of money raised, regardless of who has possession of funds.)~~

~~((ii) Funds either retained by, or paid to, the charities with whom the commercial fund-raiser contracts, after fees and any expenses have been subtracted. (This is the portion of money raised that the charities receive or keep after all fund-raising expenses have been deducted.)~~

~~((3))~~ all the information requested on the form.

~~((a))~~ The commercial fund-raiser may provide additional information which the commercial fund-raiser believes would be of assistance in understanding other reported information, or to provide context for reported information.

~~((4))~~ (b) The commercial fund-raiser ~~((must))~~ shall report actual figures and shall not use estimates when completing a solicitation report.

~~((5) All commercial fund-raiser registrations shall be signed by an officer or owner of the commercial fund-raiser.)~~ (c) A newly formed commercial fund-raiser that has not yet completed its first year shall provide the full projected beginning and ending dates of its first accounting year.

AMENDATORY SECTION (Amending WSR 95-11-135, filed 5/24/95, effective 6/24/95)

**WAC 434-120-218 Solicitation reports by commercial fund-raisers** ~~((who))~~ that subcontract. (1) A commercial fund-raiser ~~((who))~~ that engages another ~~((registered))~~ commercial fund-raiser to solicit funds or conduct a solicitation on behalf of a charitable organization is responsible for reporting and shall include the total contributions and the total expenses related to that campaign in its solicitations report and financial statement.

(2) If a reporting commercial fund-raiser's contributions and expenses for a campaign are also included in another commercial fund-raiser's solicitations report, the reporting fund-raiser shall list in its report the name of that fund-raiser, the name of the charitable organization, the dates of the cam-

paign, and the total contributions and expenses for which it was responsible.

(3) Regardless of whether a commercial fund-raiser which acts as a contractor reports the contributions and expenses of its subcontractor(s), each subcontracting commercial fund-raiser, ~~((must))~~ shall independently register, post bond, report its own contributions and expenses, and comply with all other provisions of these rules and chapter 19.09 RCW as they apply to commercial fund-raisers.

AMENDATORY SECTION (Amending WSR 12-14-114, filed 7/5/12, effective 8/5/12)

**WAC 434-120-225 Annual renewal.** (1) Each commercial fund-raiser shall renew annually by submitting a renewal form and the filing fee in RCW 19.09.062 so they are received by no later than the ~~((fifteenth))~~ last business day of the ~~((first))~~ eleventh month after the end of its accounting year.

The renewal ~~((must))~~ shall include the same information required for registration as described in RCW 19.09.079 and WAC 434-120-215. The solicitation report ~~((will))~~ must be based on the most recently completed accounting year. No organization may submit the same financial information for two consecutive years.

(2) No change in a fund-raiser's accounting year ~~((will))~~ may cause the due date of a renewal to be more than one year after the previous registration or renewal.

AMENDATORY SECTION (Amending WSR 12-14-114, filed 7/5/12, effective 8/5/12)

**WAC 434-120-240 Contract between a commercial fund-raiser and a charitable organization.** (1) A commercial fund-raiser and charitable organization entering into a contract shall register the contract by completing the contract registration form, attaching a signed copy of the written contract, and filing the form and contract with the ~~((secretary))~~ charities program. The contract shall be registered before the commencement of the campaign.

~~((2))~~ (a) The charitable organization is responsible for ~~((registering))~~ the registration of the signed contract ~~((and))~~ and contract registration form, and ~~((paying))~~ for the ~~((appropriate))~~ registration fee ~~((per))~~ described in RCW 19.09.062(5).

~~((3))~~ (b) In addition to the ~~((statutory))~~ requirements of RCW 19.09.097, the terms of the contract shall specify who will maintain the donor list.

(c) A contract registration may not be accepted for filing unless it includes all the information requested on the registration form. The charitable organization must be notified in accordance with 19.09.097(5) in the event the charities program determines that it is incomplete.

(2) The charitable organization shall notify the charities program in writing of any addenda, extensions, cancellations, or other changes to the contract within thirty days.

AMENDATORY SECTION (Amending WSR 97-16-035, filed 7/30/97, effective 8/30/97)

**WAC 434-120-255 Financial standards.** Upon the request of the attorney general, secretary of state, or ~~((the))~~

county prosecutor, a commercial fund-raiser shall submit a financial statement containing, but not limited to, the following information within thirty days from date of request~~((:))~~:

(1) The gross amount of the contributions pledged and the gross amount collected~~((:))~~;

(2) The amount thereof~~((:))~~ retained by the charitable organization, given or to be given to charitable organizations represented together with details as to the manner of distribution as may be required~~((:))~~;

(3) The aggregate amount paid and to be paid for the expenses of such solicitation~~((:))~~;

(4) The amounts paid to and to be paid to charitable organizations~~((:))~~; and

(5) Copies of any annual or periodic reports furnished by the fund-raising organization, of its activities during or for the same ~~((fiscal))~~ accounting period, to its parent organization, subsidiaries, or affiliates, if any.

AMENDATORY SECTION (Amending WSR 12-14-114, filed 7/5/12, effective 8/5/12)

**WAC 434-120-260 Surety bonds.** (1) A commercial fund-raiser ~~((s-must))~~ shall provide proof of bonding if the commercial fund-raiser engages, or plans to engage, in one or more of the practices identified in RCW 19.09.191 (1)(a) through (d).

(2) The registering commercial fund-raiser shall submit proof of execution of a surety bond with one or more sureties whose liability in the aggregate ~~((will))~~ equal at least twenty-five thousand dollars.

(3) A commercial fund-raiser must provide and maintain a bond without interruption so long as it engages in one or more practices in RCW 19.09.191 (1)(a) through (d). Upon notification that the bond is canceled, the charities program must require proof of a replacement bond, in full amount, within thirty days or by the effective date of bond cancellation, whichever is later.

(4) Failure to provide a replacement surety bond whose liability equals at least twenty-five thousand dollars shall result in the involuntary closure of the registration of the commercial fund-raiser.

AMENDATORY SECTION (Amending WSR 09-01-106, filed 12/17/08, effective 1/17/09)

**WAC 434-120-270 Impairment of surety bond.** In the event that a final judgment shall impair the liability of a surety bond and the full amount required is not in effect, the ~~((secretary))~~ charities program shall ~~((suspend))~~ close the registration of such commercial fund-raiser. The commercial fund-raiser may ~~((request reinstatement))~~ reregister when it has restored the full amount of the required bond liability and satisfied all judgment claims.

AMENDATORY SECTION (Amending WSR 94-01-004, filed 12/1/93, effective 1/1/94)

**WAC 434-120-280 Signing off on the surety bond.** A commercial fund-raiser bonded in accordance with chapter 19.09 RCW and these regulations~~((:))~~ shall retain the protection of the bond until all claims against it can be filed in

accordance with the statute of limitations (~~(as)~~) listed in chapter 4.16 RCW. The (~~(secretary of state has not been granted)~~) charities program does not have authority to sign off on a surety bond signifying that all outstanding claims have been filed prior to the expiration of the statute of limitations.

AMENDATORY SECTION (Amending WSR 98-18-034, filed 8/26/98, effective 9/26/98)

**WAC 434-120-300 Jurisdiction.** A trust is subject to Washington jurisdiction if:

(1) It is created pursuant to a trust instrument that specifies that it is subject to the jurisdiction of the state of Washington or that its terms are to be construed pursuant to the laws of the state of Washington;

(2) It is a testamentary trust, and the will was probated or recorded, or letters testamentary (~~(and)~~) or of administration were granted, in the state of Washington;

(3) The trust was created pursuant to order of a Washington court or by operation of Washington law;

(4) The trust was created by or pursuant to the articles of incorporation of a Washington corporation; or

(5) No state, territory, or nation may assert a superior claim of jurisdiction, and:

(a) The trust was created pursuant to (~~(an inter vivos)~~) a trust agreement or document executed or recorded within the state of Washington but which does not expressly vest jurisdiction in another state, territory, or nation; or

(b) The trust corpus consists predominantly of property located in or administered from Washington; or

(c) A basis exists upon which to assert or concede jurisdiction in the state of Washington.

AMENDATORY SECTION (Amending WSR 04-04-018, filed 1/23/04, effective 2/23/04)

**WAC 434-120-305 Who shall register.** The registration and reporting requirements of chapter 11.110 RCW apply to every trustee, as defined by RCW 11.110.020, who is required to register by RCW 11.110.051. The (~~(secretary of state)~~) charities program has determined, pursuant to RCW 11.110.051 (1)(a), that (~~(no)~~) a trustee shall be required to register or report (~~(unless)~~) if, as to a particular charitable trust, the trustee holds assets, invested for income-producing purposes, exceeding a value of two hundred fifty thousand dollars, and otherwise meets the description of RCW 11.110.051.

AMENDATORY SECTION (Amending WSR 12-14-114, filed 7/5/12, effective 8/5/12)

**WAC 434-120-307 Required filings.** (1) Initial registration: Every trustee required to register by RCW 11.110.051 shall do so(;) in the time and in the manner described (~~(by)~~) in RCW 11.110.060. Trustees shall use the registration form described (~~(by)~~) in WAC 434-120-310, and file all other documents required by RCW 11.110.060.

(2) Periodic reporting: Every trustee required to register by RCW 11.110.051 shall report annually as required by RCW 11.110.070. The annual reporting requirement is satis-

fied by filing the renewal form described (~~(by)~~) in WAC 434-120-310(3) and filing a complete copy of the trust's federal (~~(informational tax)~~) information return 990, 990PF, 990EZ or financial report, which ever applies, with the (~~(secretary of state)~~) charities program no later than the (~~(fifteenth)~~) last business day of the (~~(fifth)~~) eleventh month after the end of (~~(its fiscal or)~~) the organization's accounting year.

AMENDATORY SECTION (Amending WSR 12-14-114, filed 7/5/12, effective 8/5/12)

**WAC 434-120-310 Charitable trust registration(~~(— Form and requirements)~~).** (1) Trustees registering under chapter 11.110 RCW shall use the registration form available (~~(in)~~) from the (~~(office of the secretary of state)~~) charities program. The (~~(secretary's)~~) charities program's failure to affirmatively reject or return an incomplete registration or other filing that does not fully comply with these rules or chapter 11.110 RCW shall not excuse the failure to comply.

(2) (~~(An initial)~~) In addition to the requirements of chapter 11.110 RCW, a registration form is not complete, and will not be accepted for filing, unless it includes(:

(a) ~~The trustee's name;~~

(b) ~~The trustee's mailing address, and physical address if different;~~

(c) ~~The name of the trust, its Federal Employer Identification Number, if any, or other identifying information sufficient to distinguish the trust from other registered trusts;~~

(d) ~~A brief description of the charitable purposes of the trust, which may, at the trustee's option, include the names and addresses of any charitable organizations benefited by the trust;~~

(e) ~~The market value of all trust assets invested for income-producing purposes as of the date on which the trustee received possession or control of the trust corpus;~~

(f) ~~A copy of the governing instrument creating the trust;~~

(g) ~~A statement indicating whether the trust is exempt from federal income tax, and, if exempt, the section of the Internal Revenue Code under which the trust is exempt from federal income tax;~~

(h) ~~A copy of the letter by which the Internal Revenue Service granted the trust tax exempt status if the Internal Revenue Service has granted the trust such status;~~

(i) ~~The end date of its current fiscal or accounting year;~~

(j) ~~A financial report of the trust for the preceding fiscal or accounting year, including, but not limited to:~~

(i) ~~Beginning assets;~~

(ii) ~~Total revenue;~~

(iii) ~~Grants, contributions, and the amount of expenditures used directly for program services;~~

(iv) ~~Compensation of officers, directors, trustees, etc.;~~

(v) ~~Total expenses; and~~

(vi) ~~Ending assets.~~

(k) ~~A copy of the trust's federal informational tax return (Form 990, 990PF, 990T, or 990EZ) reflecting the fiscal or accounting year contained in this report;~~

(1) ~~The name and telephone number of the preparer of the trust registration, if different from trustee.~~

(3) ~~The renewal registration form required by this rule shall be the same as the form described in WAC 434-120-310~~

except that the information required by WAC 434-120-310 (2)(d), (e), (f), (g) and (h) is not required.

~~((4))~~ all the information requested on the registration form.

(3) The trust shall report actual figures, and shall not use estimates, when completing a financial report.

~~((5))~~ (4) All charitable trust registrations shall be signed and dated by:

(a) The trustee ~~((, person or entity legally responsible for the trust)); ((or))~~

(b) If the trustee is a corporation, the corporate officer or employee responsible for the ~~((trustee))~~ trust, or

(c) The legal entity or individual legally representing the trust.

~~((6))~~ (5) A copy of the governing instrument creating the trust ~~((shall))~~ or any federal form is not ((be deemed)) sufficient to meet the requirements of this section.

AMENDATORY SECTION (Amending WSR 10-15-036, filed 7/13/10, effective 8/13/10)

**WAC 434-120-355 Change in status, notification.** A charitable trust ~~((must))~~ shall notify the charities program in writing of a change in trust instrument, trustee, principal officer, federal tax status, fiscal year, or any other information filed under RCW 11.110.060 ~~((or WAC 434-120-310))~~ within four months after the change at no charge.

AMENDATORY SECTION (Amending WSR 04-04-018, filed 1/23/04, effective 2/23/04)

**WAC 434-120-360 Dissolution of trust, procedure and notification.** (1) A charitable trust shall submit written notification of its intent to dissolve to the charities program thirty days prior to dissolution.

(2) Upon dissolution, the trust shall provide written information regarding the disposition of its assets, including, but not limited to, the amount and type of assets, and the name and address of the entity in receipt of such assets~~((-~~

~~((3))~~ ~~Upon dissolution, the charitable trust shall provide the information specified in subsection (2) of this section)~~ to:

(a) The charities program ~~((in the office of the secretary of state))~~ if the dissolution is in accordance with the specific terms of the trust; or

(b) Both the charities program ~~((in the office of the secretary of state))~~ and the office of the attorney general if the dissolution is the result of:

(i) A merger;

(ii) A voluntary dissolution outside the specific terms of the trust;

(iii) A change in the state of domicile of the trust; or

(iv) Any other change in the trust giving rise to the obligation to notify the attorney general under RCW 11.110.120.

~~((4))~~ (3) Notice to the charities program under subsection ~~((3))~~ (2)(b) of this section is not required for those trusts that are not required to register with the charities program ~~((in the office of the secretary of state))~~.

## REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 434-120-046 Record retention.

WAC 434-120-103 Required forms and filings.

WAC 434-120-145 Fees.

WAC 434-120-160 Fees for late registration.

WAC 434-120-165 Failure to renew, registration closure and reactivating registration—Charitable organizations.

WAC 434-120-245 Failure to renew, registration closure and reactivating registration—Commercial fund-raisers.

WAC 434-120-250 Fees.

WAC 434-120-330 Annual fees.

WAC 434-120-345 Late registration fees.

## **WSR 14-17-026**

### **PERMANENT RULES**

### **OFFICE OF**

### **INSURANCE COMMISSIONER**

[Insurance Commissioner Matter No. R 2012-16—Filed August 12, 2014, 3:53 p.m., effective July 1, 2015]

Effective Date of Rule: July 1, 2015.

Purpose: The rule will provide guidance to licensed insurance producers as to what may or may not constitute sharing commissions with nonlicensed persons.

Statutory Authority for Adoption: RCW 48.02.060 and 48.17.005.

Other Authority: RCW 48.17.490.

Adopted under notice filed as WSR 14-10-080 on May 7, 2014.

Changes Other than Editing from Proposed to Adopted Version: The word "compensation" in the second line of WAC 284-17-800 was changed to "consideration" to use the same word as in the statute being implemented, RCW 48.17-490.

A final cost-benefit analysis is available by contacting Jim Tompkins, P.O. Box 40258, Olympia, WA 98504-0258, phone (360) 725-7036, fax (360) 586-3109, e-mail rules coordinator@oic.wa.gov.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 4, Amended 0, Repealed 0.

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 4, Amended 0, Repealed 0.

Date Adopted: August 12, 2014.

Mike Kreidler  
Insurance Commissioner

### SHARING COMMISSIONS

#### NEW SECTION

**WAC 284-17-800 Charitable contributions.** An insurance producer may donate all or a portion of a commission, fee, or other consideration received in connection with the sale, solicitation, or negotiation of insurance to a charity only if all of the following conditions are met:

- (1) The insured or prospective insured has no influence over which charity receives the donation;
- (2) The donation is not made in the insured's or prospective insured's name;
- (3) The insured or prospective insured is not entitled to a tax benefit for the donation; and
- (4) The insured or prospective insured does not select or influence the selection of the person or persons who benefit from the charity.

#### NEW SECTION

**WAC 284-17-810 Lead cards and mailing lists.** (1) For the purposes of this section, lead card means communications distributed to the public which, regardless of form, content, or stated purpose, are used to compile a list containing names or other personal information regarding individuals who have expressed an interest in receiving information about insurance.

(2) A licensed insurance producer may compensate a person for the purchase of lead cards or a mailing list of prospective insureds, provided:

- (a) The amount of the compensation is not based upon:
  - (i) The number of prospective insureds that apply for insurance or obtain insurance; or
  - (ii) The number of quotes issued to prospective insureds; and
- (b) The person is in the business of selling lead cards or mailing lists.
- (3) Lead cards may solicit interest in a particular line or type of insurance but must not:
  - (a) Seek information on behalf of or about a specific insurance company; or
  - (b) Seek information on behalf of or about a specific insurance producer.

#### NEW SECTION

**WAC 284-17-820 Referrals.** (1) A licensed insurance producer may give to an individual, prizes, goods, wares, or merchandise not exceeding twenty-five dollars in value in the aggregate in any consecutive twelve-month period for the referral of insurance business to the insurance producer; pro-

vided the giving of the prizes, goods, wares, or merchandise is not conditioned upon the person who is referred either applying for, or obtaining, or both, insurance through the insurance producer.

(2) The payment for the referral must not be in cash, currency, bills, coins, check, or by money order.

#### NEW SECTION

**WAC 284-17-830 Promotional games of chance.** An insurance producer may conduct a promotional game of chance provided that:

- (1) The promotional game of chance is undertaken solely for the purpose of advertising and promoting the insurance producer;
- (2) No person eligible to receive the prize is required to apply for insurance, purchase insurance, refer a person to the insurance producer, or pay any other consideration to enter the promotional game of chance;
- (3) The promotional game of chance is open to the general public;
- (4) The value of the prize is limited to twenty-five dollars in value;
- (5) No person receives a total of prizes exceeding twenty-five dollars in value in the aggregate in any consecutive twelve-month period from the insurance producer; and
- (6) The promotional game of chance complies with chapter 9.46 RCW and any and all other applicable Washington state statutes and rules.

**WSR 14-17-031**  
**PERMANENT RULES**  
**HEALTH CARE AUTHORITY**  
(Washington Apple Health)

[Filed August 13, 2014, 10:13 a.m., effective September 13, 2014]

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

Purpose: Housekeeping change. Correcting outdated administrative hearings Spokane office address.

Citation of Existing Rules Affected by this Order: Amending WAC 182-526-0025.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Adopted under notice filed as WSR 14-11-072 on May 19, 2014.

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

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

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

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

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

New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.  
Date Adopted: August 13, 2014.

Kevin M. Sullivan  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 13-02-007, filed 12/19/12, effective 2/1/13)

**WAC 182-526-0025 Use and location of the office of administrative hearings.** (1) HCA may utilize administrative law judges employed by the office of administrative hearings (OAH) to conduct administrative hearings and issue initial orders in accordance with RCW 34.05.425 (1)(c). In some situations, HCA may use presiding officers employed by HCA to conduct administrative hearings and issue final orders in accordance with RCW 34.05.425 (1)(a) and (b). When HCA uses HCA-employed presiding officers to conduct administrative hearings, the HCA presiding officer shall have all the duties and responsibilities set forth in this chapter relating to administrative law judges and the office of administrative hearings. The notice of hearing will identify whether the case is to be heard by OAH or an HCA-employed presiding officer.

(2)(a) The office of administrative hearings (OAH) headquarters location is:

Office of Administrative Hearings  
2420 Bristol Court S.W.  
P.O. Box 42488  
Olympia, WA 98504-2488  
360-664-8717  
fax: 360-664-8721

(b) The headquarters office is open from 8:00 a.m. to 5:00 p.m. Monday through Friday, except legal holidays.

(3) OAH field offices are at the following locations:

**Olympia**

Office of Administrative Hearings  
2420 Bristol Court S.W.  
P.O. Box 42489  
Olympia, WA 98504-2489  
360-407-2700  
1-800-583-8271  
fax: 360-586-6563

**Seattle**

Office of Administrative Hearings  
One Union Square  
600 University Street, Suite 1500  
Mailstop: TS-07  
Seattle, WA 98101-1129  
206-389-3400  
1-800-845-8830  
fax: 206-587-5135

**Vancouver**

Office of Administrative Hearings  
5300 MacArthur Blvd., Suite 100  
Vancouver, WA 98661  
360-690-7189

1-800-243-3451  
fax: 360-696-6255

**Spokane**

Office of Administrative Hearings  
~~((Old City Hall Building, 5th Floor  
221 N. Wall Street, Suite 540))~~  
16201 E. Indiana Avenue, Suite 5600  
Spokane Valley, WA (~~(99204)~~) 99216  
509-456-3975  
1-800-366-0955  
fax: 509-456-3997

**Yakima**

Office of Administrative Hearings  
32 N. 3rd Street, Suite 320  
Yakima, WA 98901-2730  
509-249-6090  
1-800-843-3491  
fax: 509-454-7281

(4) Contact the Olympia field office, under subsection (2) of this section, if unable to identify the correct field office.

(5) Further hearing information can be obtained at the OAH web site: [www.oah.wa.gov](http://www.oah.wa.gov).

**WSR 14-17-035  
PERMANENT RULES  
COUNTY ROAD  
ADMINISTRATION BOARD**

[Filed August 13, 2014, 2:02 p.m., effective September 13, 2014]

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

Purpose: Housekeeping changes to WAC 136-12-020, 136-16-035, 136-20-020, 136-20-030, 136-20-040, 136-20-050, 136-20-060, 136-60-050, 136-60-060, 136-70-010, 136-70-030, 136-70-040, 136-70-080, 136-70-090, 136-210-020, 136-210-030, 136-210-040, 136-210-050, 136-300-020, 136-300-040, 136-300-050, 136-300-060, 136-300-070, 136-300-090, 136-16-030, and 136-50-055.

Citation of Existing Rules Affected by this Order: Amending WAC 136-12-020, 136-16-035, 136-20-020, 136-20-030, 136-20-040, 136-20-050, 136-20-060, 136-60-050, 136-60-060, 136-70-010, 136-70-030, 136-70-040, 136-70-080, 136-70-090, 136-210-020, 136-210-030, 136-210-040, 136-210-050, 136-300-020, 136-300-040, 136-300-050, 136-300-060, 136-300-070, 136-300-090, 136-16-030, and 136-50-055.

Statutory Authority for Adoption: Chapter 36.78 RCW.

Adopted under notice filed as WSR 14-10-068 on May 6, 2014.

Changes Other than Editing from Proposed to Adopted Version: Because the Washington state department of transportation local programs recently changed their name, WAC 136-20-020, 136-20-030, 136-20-040, 136-210-030, 136-210-040 and 136-210-050, removed "highways and local."

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 25, Repealed 0.

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

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

Date Adopted: July 31, 2014.

Jay P. Weber  
Executive Director

AMENDATORY SECTION (Amending WSR 02-18-018, filed 8/22/02, effective 9/22/02)

**WAC 136-12-020 Procedure during vacancy.** It is unavoidable that vacancies will occur from time to time in the position of county engineer. When a vacancy occurs in the office of county engineer due to resignation, retirement, death or for any other reason, the county legislative authority shall take immediate steps to find a replacement, either by promotion from within the organization if a competent and eligible person is available, or by advertisement for, and interview of, qualified applicants. The county legislative authority or county executive shall, in writing, by electronic e-mail or official letter, within five working days, notify the county road administration board of the vacancy, and of the procedure to be followed during the period of vacancy. The notice to the county road administration board shall state that the legislative authority or county executive has reviewed the requirements within this chapter.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

**WAC 136-16-030 Requirements of listing equipment.** In accordance with RCW 36.81.130. The annual program shall also include a list of all major road equipment purchases and repairs contemplated for the year, together with the estimated costs thereof. The total estimated cost of all equipment listed shall be approximately equal to the amount budgeted for equipment purchase in the annual equipment rental and revolving fund budget. The equipment list may include an item for miscellaneous minor equipment in any amount up to ten percent of the estimated total cost. The list may also include a list of alternate or additional items of equipment totaling up to fifteen percent of the basic list cost to allow for unforeseen conditions.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

**WAC 136-16-035 Requirements of listing maintenance ~~((and special maintenance))~~.** In accordance with RCW 36.81.130, the annual program shall also include the

amounts to be expended for maintenance ~~((and special maintenance))~~ but details of ~~((these))~~ the proposed expenditures shall not be made. This requirement shall be deemed satisfied by submission of a maintenance management work plan and budget per WAC 136-11-040.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

**WAC 136-20-020 Inventory.** Each county engineer shall have available in his or her office a complete inventory of all National Bridge Inventory (NBI) bridges on the county road system. The inventory shall list the location of each bridge by the state road log number and appropriate ~~((milepoint))~~ milepost, and shall include such other information as the engineer deems necessary. In addition, all data required for the ~~((state of))~~ Washington state bridge inventory ~~((of bridges and structures (SWIBS)))~~ system (WSBIS) data base system as maintained by the Washington state department of transportation (WSDOT) shall be submitted to the WSDOT ~~((TransAid Service Center))~~ local programs bridge engineer on appropriate media furnished or otherwise approved by the WSDOT. It is highly recommended that each county engineer maintain a similar inventory of the short span bridges, drainage structures, and large culverts on the county road system.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

**WAC 136-20-030 Inspection.** Each county engineer shall be responsible for all routine and special inspections of all NBI bridges on the county road system in accordance with the National Bridge Inspection Standards (NBIS) as promulgated and periodically revised by the WSDOT ~~((TransAid Service Center))~~ local programs office. The county engineer shall note the date of all inspections and any changes since the previous inspection on the ~~((SWIBS))~~ bridge inspection report and the WSBIS form and submit all such forms to the WSDOT ~~((TransAid Service Center))~~ local programs bridge engineer within ninety days of each inspection. It is highly recommended that each county engineer perform routine inspections of the short span bridges, drainage structures, and large culverts on the county road system.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

**WAC 136-20-040 Certification.** Prior to April 1st of each calendar year, the WSDOT ~~((assistant secretary for the TransAid Service Center))~~ director of local programs will provide the following to the county road administration board:

(1) A listing on a county-by-county basis of all county NBI bridges which have not had a regular ~~((SWIBS))~~ WSBIS and bridge inspection report submitted within the previous thirty months; and

(2) A listing on a county-by-county basis of all county NBI bridges which have not had a required special inspection report submitted within six months after the required inspection date; and



(3) A listing of all counties which are not in compliance with the requirements of the National Bridge Inspection Standards and the status of efforts toward achieving such compliance.

Any county which is not in compliance with the NBIS or has a bridge or bridges on any of the above listings shall be assumed to be not in compliance with bridge inspection procedures.

AMENDATORY SECTION (Amending WSR 96-17-013, filed 8/12/96, effective 9/12/96)

**WAC 136-20-050 Failure to comply.** Failure of a county to be shown in compliance with required NBIS bridge inspection procedures may be cause for the county road administration board to withhold a certificate of good practice on behalf of that county in accordance with the procedures of chapter 136-04 WAC.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

**WAC 136-20-060 Engineer's report.** Each county engineer shall furnish the county legislative authority with a written ~~((resume))~~ report of the findings of the bridge inspection effort. This ~~((resume))~~ report shall be made available to said authority and shall be consulted during the preparation of the proposed six-year transportation program revision. The ~~((resume))~~ report shall include the county engineer's recommendations as to replacement, repair or load restriction for each deficient bridge. The resolution of adoption of the six-year transportation program shall include assurances to the effect that the county engineer's report with respect to deficient bridges was available to said authority during the preparation of the program. It is highly recommended that deficient short span bridges, drainage structures, and large culverts be included in said report.

AMENDATORY SECTION (Amending WSR 03-05-009, filed 2/7/03, effective 3/10/03)

**WAC 136-60-050 Validation requirements for control fields.** Each update of a road log segment that involves a change in a control field (including additions or deletions of road segments) will be validated by the county road administration board. Documentation necessary to support control field changes is as follows:

**Function class** - Notice of FHWA approval from WSDOT.

**Pavement type** - Statement signed by county engineer with list of pavement type changes.

**Responsible agency** - The responsible agency is the legislative authority of the appropriate governmental agency with the authority to make the decision required for the action, or the state or federal government person authorized to approve changes.

**Addition of mileage** - Official document signed by responsible agency authorizing and describing the circumstances of the addition. For example, additions can occur through county legislative approval of new plat, construction/reconstruction on new alignment, or a change in jurisdiction.

**Deletion of mileage** - Official document signed by responsible agency authorizing and describing the circumstances of the deletion. For example, deletions can occur through legislative approval of vacations or a change in jurisdiction.

**Traffic volume** - Statement signed by county engineer with list of segments affected by change in traffic volume.

All changes to a control field will be located on appropriate map(s) with sufficient detail to identify the location of each change. All map(s) furnished in support of control field changes will be forwarded by the county road administration board to WSDOT for future ~~((map base updates))~~ reference and use.

AMENDATORY SECTION (Amending WSR 03-05-009, filed 2/7/03, effective 3/10/03)

**WAC 136-60-060 (~~Utilization~~) Use of common computer data base.** Each county shall ~~((utilize))~~ use the computer data base application software for the maintenance and updating of its county road log ~~((This data base application software shall be))~~ prescribed by the county road administration board ~~((and))~~. Each county shall be responsible for the purchase and installation of the requisite software on its own Windows compatible computer. To assist each county to meet its eligibility requirements, the county road administration board shall provide technical support and training.

AMENDATORY SECTION (Amending WSR 02-18-020, filed 8/22/02, effective 9/22/02)

**WAC 136-50-055 Policy regarding accommodation of utilities on county road rights of way.** The county legislative authority shall adopt a written policy in conformance with chapter 136-40 WAC outlining the county's administrative, procedural, and technical requirements regarding the installation, replacement, adjustment, relocation, and maintenance of all utilities in, on, or above the county road right of way.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

**WAC 136-70-010 Purpose and authority.** RCW ~~((46.68.095))~~ 46.68.090 authorizes the county road administration board to adopt rules for administering the county arterial preservation account, including the requirement that each county implement a pavement management system. This chapter outlines the method by which the use of a pavement management system will be assured.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

**WAC 136-70-030 Application.** A pavement management system shall be used by all counties to guide the pavement preservation and rehabilitation activities on all county paved collector and arterial roads. Beginning January 1, 1996, each county shall utilize a computer-based PMS meeting the requirements of WAC 136-70-040 on all county paved collector and arterial roads in order to retain eligibility

for CAPP funds. Application of the PMS to the local access system will not be required to retain eligibility for CAPP funds.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

**WAC 136-70-040 Pavement management system requirements.** Each county's PMS shall meet the following minimum standards:

(1) All county jurisdiction paved collectors and arterials, as defined by the most recently approved county road log as described in chapter 136-60 WAC, shall be surveyed for visual pavement distress at least biennially. Distress rating information must be keyed to the county road log by both road number and mileposts.

(2) All visual distresses (or defects) for both flexible and rigid pavements, both in severity and extent, shall be as defined within the "*Pavement Surface Condition Rating Manual*" (March 1992, produced by the Washington state transportation center in cooperation with the northwest pavement management systems users group and the Washington state department of transportation). Only those distresses noted as "core program defect" are required to be surveyed. Measurement may be at the project, segment, or sample unit level. Measurement for each distress will be by one of the following:

(a) Selection of the most predominant severity and extent combination; or

(b) Determination of the extent percent of each level of severity.

Measurement may be by a manual or automated visual condition rating process. The distress information will be converted to a pavement condition rating in accordance with a standard deduct matrix or continuous deduct value curves as provided by the county road administration board. Alternate deduct matrices may be used by a county for internal management analyses. Alternate distress determination and evaluation methodologies may be used if approved by the county road administration board in accordance with WAC 136-70-050. The PMS shall provide for the recording and storage of pavement resurfacing, rehabilitation and reconstruction history data, including surfacing and base layer types and thicknesses, and year of application. Counties will not be required to determine such information for any work done prior to the county's implementation date.

(3) The PMS shall include a future pavement condition prediction model that uses the periodic pavement condition distress data to forecast future pavement condition and to determine an estimate of service life.

(4) The PMS shall provide for annual downloading to the county road administration board of one of the following for all paved collectors and arterials surveyed for pavement condition in the previous twelve months:

(a) The individual pavement distresses;

(b) The resultant pavement condition rating based on the standard deduct matrix provided by the county road administration board; or

(c) The resultant pavement condition rating for an approved alternative PMS as described in WAC 136-70-050.

Such downloading shall be called the pavement condition data file. It shall be keyed to the county road log, and shall be transmitted in the electronic medium and format specified by the county road administration board, along with the annual road log update required by chapter 136-60 WAC.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

**WAC 136-70-080 County road administration board assistance.** To ~~((enable))~~ assist each county to meet its eligibility requirements, the county road administration board shall provide ~~((@))~~ PMS software, application and training ~~((as part of its agency supported county road information system. The county road administration board shall also provide to counties, upon request, administrative and technical assistance related to defining, developing, operating, managing and utilizing pavement management technology)).~~

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

**WAC 136-70-090 Use of pavement management system data for distribution of county arterial preservation account funds.** The results and/or data from the individual or collective county pavement management systems will not be used to distribute CAPA funds nor to establish priorities for specific projects or otherwise alter the statutory fund distribution. Said results and/or data will be used to evaluate regional or statewide collector and arterial preservation and rehabilitation needs and to demonstrate compliance with the enabling legislation.

AMENDATORY SECTION (Amending WSR 01-17-104, filed 8/21/01, effective 9/21/01)

**WAC 136-210-020 Applicable design standards.** Geometric design of all RAP projects including all bridges shall, unless otherwise approved by the CRABoard, be in accordance with the city and county design standards for the construction of urban and rural arterials and collectors as currently adopted ~~((November 30, 1994, or as they may be revised from time to time thereafter in accordance with RCW 35.78.030 and 43.32.020)).~~

AMENDATORY SECTION (Amending WSR 01-05-009, filed 2/8/01, effective 3/11/01)

**WAC 136-210-030 Deviations from design standards.** Deviation from the specified design standards may be requested by the county engineer in responsible charge of the project when circumstances exist which would make application of adopted standards exceedingly difficult. Whenever a deviation request is to be made on a project, it shall be so noted on the project application submitted in accordance with WAC 136-161-050. Request for deviation shall be made to the WSDOT ~~((assistant secretary for highways and))~~ director of local programs.

AMENDATORY SECTION (Amending WSR 01-05-009, filed 2/8/01, effective 3/11/01)

**WAC 136-210-040 Report of ~~((assistant secretary for highways and))~~ director of local programs.** Whenever the CRABoard meets to approve RAP projects the ~~((assistant secretary for highways and))~~ director of local programs shall provide a written report on his or her action in response to deviation requests, if any, made on individual projects. Failure of the ~~((assistant secretary for highways and))~~ director of local programs to report in response to a deviation request within thirty days of receipt of such request shall be considered as approval.

AMENDATORY SECTION (Amending WSR 01-05-009, filed 2/8/01, effective 3/11/01)

**WAC 136-210-050 Project approval with deviation.** After having received the report of the ~~((assistant secretary for highways and))~~ director of local programs in response to deviation requests, the CRABoard shall proceed with RAP project approval in accordance with WAC 136-161-050. Proposed projects for which the deviation request has been denied shall not be approved.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

**WAC 136-300-020 Adoption of rules.** The county road administration board shall adopt rules in accordance with the provisions of the statute for purposes of administering the CAPP regarding the following:

- (1) Distribution of ~~((C))~~CAPA~~((S))~~ funds.
- (2) Pavement management systems.
- (3) Preparation of annual county arterial preservation programs.
- (4) Allowable activities for CAPA funding.
- (5) Accounting and audit provisions.
- (6) Annual CAPP accomplishments report.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

**WAC 136-300-040 Staff services and facilities.** The county road administration board shall arrange for all necessary staff services and facilities necessary for the efficient administration of the county arterial preservation program. The costs of such services and facilities as well as all other lawful expenses of the county road administration board that are attributable to CAPP shall be paid from funds in the county arterial preservation account (CAPA) in the motor vehicle fund.

AMENDATORY SECTION (Amending WSR 06-11-067, filed 5/12/06, effective 6/12/06)

**WAC 136-300-050 Distribution of CAPA funds.** (1) Certification of county arterial mileage.

(a) Classification. The statute specifies that expenditure of CAPA funds is restricted to paved arterials in the unincor-

porated area of each county. Arterials are defined as being those county roads:

(i) In urban areas, classified within the federal functional classification system as arterials or collectors;

(ii) In rural areas, classified within the federal functional classification system as arterials, major collectors, or minor collectors.

(b) Paved roads are defined as those roads which, at the time of CAPA allocation determination, are hard-surfaced through the application of a bituminous surface treatment (BST), asphaltic concrete pavement (ACP), or portland cement concrete (PCC). Brick or block surfaces shall also be considered as paved.

(c) Source of information. The master county road log as maintained by the county road administration board in accordance with chapter 136-60 WAC shall be the source of official paved road mileage to be used for CAPA distribution.

(2) Establishment of allocation percentages. At its first regular meeting after July 1 of each year, the county road administration board shall establish the next calendar year's allocation percentages for the individual counties based on information contained in the most recently certified master county road log. Each county's allocation percentage shall be computed by the county road administration board as its percentage of paved arterial lane miles of the total statewide paved county arterial lane miles.

(3) Notice to counties. Upon their establishment, the county road administration board shall notify the county legislative authority and the county engineer of each county of the respective county's CAPA allocation percentage and the latest estimate of the amount of CAPA funds to be allocated during the next calendar year.

(4) Distribution to counties. Distribution of allocated CAPA funds shall be done monthly by the state treasurer. The state treasurer shall use the allocation percentages provided by the county road administration board as computed under the provisions of subsection (2) of this section.

(5) Eligibility. All arterial preservation work and related activities, and maintenance management done by each county shall be eligible for CAPA funding provided that:

(a) The county is determined to be in compliance with the pavement management system requirements as set forth in chapter 136-70 WAC; and

(b) The county engineer submits the annual ~~((CAPA))~~ county arterial preservation program (CAPP) to CRAB as required in WAC 136-300-060; and

(c) The work is in conformance with the allowable activities as specified in WAC 136-300-070.

AMENDATORY SECTION (Amending WSR 06-11-067, filed 5/12/06, effective 6/12/06)

**WAC 136-300-060 Annual county arterial preservation programs.** Each county engineer shall, in conjunction with the county's annual road construction program as required by RCW 36.81.130 and chapter 136-16 WAC, prepare an annual county arterial preservation program. Appropriate forms will be provided by the county road administration board.

The county's annual arterial preservation program shall consist of a list of all proposed county arterial preservation projects and activities as well as total planned expenditure of CAPA and non-CAPA funds for maintenance management and pavement management for the ensuing year. In order to evaluate the relative ability of CAPA funds to meet the county's total arterial pavement preservation needs, the annual county arterial preservation program shall identify those projects for which CAPA funding is available.

The county engineer shall submit the proposed county arterial preservation program to the county road administration board along with the county's annual road program and budget in accordance with chapter 136-16 WAC.

**AMENDATORY SECTION** (Amending WSR 06-11-067, filed 5/12/06, effective 6/12/06)

**WAC 136-300-070 Allowable activities within CAPP.**

For all CAPA-funded projects that involve structural resurfacing, the existing road must meet the following minimum width standards:

Shouldered roadway sections:

Current ADT	Lane width	Shoulder width
0 to 100	9 feet	2 feet
101 to 400	10 feet	2 feet
401 to 4000	10 feet	2 feet
Over 4000	11 feet	4 feet

Curbed roadway sections (minimum lane width):

Current ADT	Two-way undivided	One-way & two-way divided
All	10 feet	9 feet

All roadways built to less than the above standards for which a county proposes to perform structural resurfacing must be widened with other than CAPA funds.

Use of county arterial preservation account funds shall be limited to the following three groups of activities:

(1) Implementation of computerized systems to include:

(a) Acquisition of computer hardware and software that may be necessary to operate a computer-based pavement management and maintenance management systems.

(b) Pavement management system training not otherwise provided by the county road administration board. This can include software usage, pavement condition surveying, and other specialized training directly related to the operation and maintenance of a computer-based pavement management system.

(c) Payment for related services such as data entry, pavement condition surveys, and rental of specialized PMS-related equipment such as road rater.

Acquisition of equipment other than computer hardware as described in (a) of this subsection is not eligible.

(2) Direct and attributable indirect costs associated with paved surface preservation and rehabilitation activities on existing roadways, and maintenance management activities related to all county arterials, including the following:

(a) Nonstructural resurfacing projects. These include thin asphalt concrete overlays (one-inch or less); bituminous seal coats (single and double); slurry seals, sand seals, and fog seals; associated tack coats, paving fabrics, and preleveling; and associated surface grinding and planing.

(b) Structural resurfacing projects. These include thick asphalt concrete overlays (greater than one inch); portland cement concrete overlays; associated tack coats, paving fabrics, and preleveling; associated surface grinding and planing; and hot/cold bituminous road mixes.

(c) Associated activities. These include crack sealing (bituminous and portland cement pavements); full-depth, structural patching done in preparation for structural or non-structural overlays or seals; portland cement pavement joint reconstruction, undersealing, panel jacking and panel replacement; and other related activities as are directly attributable to nonstructural and structural resurfacing projects.

(d) Maintenance management activities. These include creating maintenance management reports and training in maintenance management per the requirements listed in chapter 136-11 WAC.

(3) Resurfacing work associated with the reconstruction and/or widening of existing paved arterials. This participation is limited as follows:

(a) The present roadway is a paved county arterial as defined by WAC 136-300-050;

(b) The county's approved pavement management system has identified the existing pavement as requiring resurfacing within two years of the expected reconstruction/widening project completion date;

(c) The reconstruction/widening project will bring the roadway to at least the lane and shoulder width standards and non-CAPA funding requirements of this section;

(d) The CAPA participation will be limited to the resurfacing portion of the project as described in this section.

**AMENDATORY SECTION** (Amending WSR 06-11-067, filed 5/12/06, effective 6/12/06)

**WAC 136-300-090 Submittal of annual report.** The county road administration board shall prepare and distribute to all counties standard reporting forms for use by the county engineer to annually summarize the pavement preservation and maintenance management activities, both CAPA and non-CAPA funded, in his or her county. For all CAPA-funded work, the report will require a specific listing of roads improved including a definition of scope of work and the amount of CAPA funds expended, as well as a listing of the county's share of CAPA funds used for maintenance management and pavement management.

At any time prior to April 1st of the year following, the county engineer shall, in conjunction with the annual construction report required by WAC 136-16-050 submit an annual summary of pavement preservation activities on the entire paved collector and arterial road system. This report shall be on the approved forms or in an equivalent format.

**WSR 14-17-053**  
**PERMANENT RULES**  
**GAMBLING COMMISSION**

[Order 702—Filed August 15, 2014, 8:21 a.m., effective September 15, 2014]

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

Purpose: The commission received a petition for rule change from a licensed distributor. The petitioner's requested rule change was adopted at the August 2014 commission meeting. The amendment allows nonhouse-banked card games to be approved by the director or the director's designee. The intent is to give staff the ability to approve variations of the card game poker.

Citation of Existing Rules Affected by this Order: Amending WAC 230-15-030.

Statutory Authority for Adoption: RCW 9.46.070, 9.46.0282.

Adopted under notice filed as WSR 14-11-052 on May 16, 2014.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 1, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 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 15, 2014.

Susan Newer  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 07-09-033, filed 4/10/07, effective 1/1/08)

**WAC 230-15-030 Authorized nonhouse-banked card games.** (1) ~~((Only))~~ The following nonhouse-banked card games are authorized:

- (a) Poker;
- (b) Hearts;
- (c) Pinochle;
- (d) Cribbage;
- (e) Rummy;
- (f) Panguingue (Pan);
- (g) Pitch; ~~((and))~~
- (h) Bid Whist; and
- (i) Other games approved by the director or the director's designee.

(2) Card game licensees must operate these games in the manner explained in the most current version of *The New Complete Hoyle, Revised* or *Hoyle's Modern Encyclopedia of Card Games*, or similar authoritative book on card games we have approved, or when operated as described in the commis-

sion approved game rules on our web site. Card game licensees may make immaterial modifications to the games.

**WSR 14-17-056**  
**PERMANENT RULES**  
**GAMBLING COMMISSION**

[Order 703—Filed August 15, 2014, 8:27 a.m., effective September 15, 2014]

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

Purpose: The commission received a petition for rule change from a raffle licensee. The petitioner's requested rule change was adopted at the August 2014 commission meeting. The amendment allows raffle licensees to offer progressive raffles as part of their members-only raffles.

Citation of Existing Rules Affected by this Order: Amending WAC 230-06-030 and 230-11-070.

Statutory Authority for Adoption: RCW 9.46.070, 9.46.0277.

Adopted under notice filed as WSR 14-11-051 on May 16, 2014.

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 1, Amended 2, Repealed 0.

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

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 2, Repealed 0.

Date Adopted: August 15, 2014.

Susan Newer  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 08-17-066, filed 8/18/08, effective 9/18/08)

**WAC 230-06-030 Restrictions and conditions for gambling promotions.** Licensees may conduct gambling promotions to encourage players to participate in a gambling activity, but you must follow these restrictions and conditions:

(1) You must give all players an equal opportunity to participate; and

(2) You must establish standards to determine how you will give promotional items to players. You must not give the items based on an element of chance, such as a drawing or spinning wheel, unless you are doing so as part of a bingo game; and

(3) Except for members-only progressive raffles conducted as authorized in WAC 230-11-091, you must not give

another chance to participate in a gambling activity as a promotional item; and

(4) You must display all rules or restrictions clearly in the gambling area and include them on promotional materials or advertisements; and

(5) You must not combine gambling activities and related gambling promotions in any way with a promotional contest of chance as defined in RCW 9.46.0356.

AMENDATORY SECTION (Amending WSR 13-19-056, filed 9/16/13, effective 10/17/13)

**WAC 230-11-070 Defining "members-only" raffles.**

A "members-only raffle" means a raffle where the organization sells tickets only to full and regular members and a limited number of guests and does not include enhanced raffles. Except for members-only progressive raffles, all aspects of the raffle must take place during the same event at the same location. Winners must be determined from among those members and guests that have purchased tickets.

NEW SECTION

**WAC 230-11-091 Members-only progressive raffle.**

A "members-only progressive raffle" is a raffle in which winner(s) of one or more members-only raffles may, without further purchase, receive an entry into another members-only raffle.

**WSR 14-17-076**

**PERMANENT RULES  
DEPARTMENT OF**

**NATURAL RESOURCES**

[Filed August 18, 2014, 12:19 p.m., effective September 18, 2014]

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

Purpose: Amend rules in WAC 332-18-05005 and 332-18-05006 and repeal WAC 332-18-05007 to incorporate provisions of the 2010 natural resources reform (chapter 210, Laws of 2010) pertaining to adjudicative proceedings and changing proceedings related to mitigation of surface mining penalties.

Citation of Existing Rules Affected by this Order: Repealing WAC 332-18-05007; and amending WAC 332-18-05005 and 332-18-05006.

Statutory Authority for Adoption: RCW 78.44.404, 34.05.220, 43.21C.135, 78.44.250.

Adopted under notice filed as WSR 14-04-130 on February 5, 2014.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 2, Repealed 1; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

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

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

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

Date Adopted: August 11, 2014.

Peter Goldmark  
Commissioner of  
Public Lands

AMENDATORY SECTION (Amending WSR 94-14-051, filed 6/30/94, effective 8/2/94)

**WAC 332-18-05005 Calculation of penalty.** Fines shall be calculated using the following steps:

(1) The base penalty shall be the minimum fine in each category as set forth in WAC 332-18-05004(~~(, unless mitigated pursuant to WAC 332-18-05007)~~).

(2) The department may adjust the fine by multiplying the Category II and III base penalties by factors specific to the incident, miner or permit holder, and/or site. The following factors shall not be imposed unless the department explains in writing how each factor was determined:

(a) Severity: The department shall adjust the penalty to reflect the extent or magnitude and difficulty of repairing the damage to lands, waters, and neighboring properties. This factor shall increase the base penalty by not more than 5.0 times the base penalty.

(b) Previous violation(s): The department shall consider whether the violator has had previous significant violations of the act, rules, permit, or reclamation plan as documented by an enforcement action. This factor shall increase the base penalty by not more than 3.0 times the base penalty.

AMENDATORY SECTION (Amending WSR 94-14-051, filed 6/30/94, effective 8/2/94)

**WAC 332-18-05006 Penalties due.** (1) Penalties imposed under this section shall become due and payable thirty days after receipt of a notice imposing the fine unless the miner or permit holder (~~(applies for mitigation or)~~) files an appeal.

(2) Thirty days after the miner or permit holder is notified that administrative review of penalties is complete, the penalty shall become due and payable.

(3) Thirty days after a penalty becomes due and payable, interest shall accrue at the maximum rate allowed by RCW 19.52.020 until the penalty is paid to the department.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 332-18-05007 Civil penalties—Mitigation, appeals.

**WSR 14-17-077**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**

[Filed August 18, 2014, 12:19 p.m., effective September 18, 2014]

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

Purpose: Repeal WAC 332-18-140 pertaining to assignment of interest in real property within the state of Washington as an approved performance security. Repeal of the WAC will achieve consistency with legislative changes approved by the Laws of 2006 deleting RCW 78.44.087(6).

Repeal WAC 332-18-01005 pertaining to variances and schedules required for county government annual surface mining reclamation permit fees. Repeal of WAC 332-18-01005 will achieve consistency with legislative changes approved by the Laws of 2006, RCW 78.44.085.

Citation of Existing Rules Affected by this Order: Repealing WAC 332-18-140 and 332-18-01005.

Statutory Authority for Adoption: RCW 34.05.220.

Adopted under notice filed as WSR 14-04-118 on February 4, 2014.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 2; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

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

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

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

Date Adopted: August 11, 2014.

Peter Goldmark  
 Commissioner of  
 Public Lands

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 332-18-01005 Annual permit fees for county governments.
- WAC 332-18-140 Interest in real property in lieu of other performance security.

**WSR 14-17-078**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**

[Filed August 18, 2014, 12:19 p.m., effective September 18, 2014]

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

Purpose: This rule change is to update the description of the organization of Washington department of natural resources (DNR). This section has not been updated since 2003, and does not reflect changes made to DNR region office locations. This rule needs to be updated to provide accurate locations for the two DNR region offices that were merged in July 2004.

Citation of Existing Rules Affected by this Order: Amending WAC 332-10-030.

Statutory Authority for Adoption: RCW 43.30.215.

Adopted under notice filed as WSR 14-04-119 on February 4, 2014.

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

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

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

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

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

Date Adopted: August 11, 2014.

Peter Goldmark  
 Commissioner of  
 Public Lands

**AMENDATORY SECTION** (Amending WSR 91-14-014, filed 6/24/91, effective 7/25/91)

**WAC 332-10-030 Description of organization of department of natural resources.** (1) The department of natural resources consists of a board of natural resources, an administrator, and a supervisor. The administrative office of the department and its staff are located in Olympia, Washington 98504. Field offices of the department are located at:

Region Office	Address
Olympic	<del>((Rt. 1, Box 1375,))</del> 411 Tillicum Lane, Forks, WA 98331
Northwest	919 North Township Street, Sedro Woolley, WA 98284
South Puget Sound	<del>((28329 SE 448th St.))</del> 950 Farman Ave. N., Enumclaw, WA 98022

Region Office	Address
<del>((Central</del>	<del>1405 Rush Road, Chehalis, WA 98532))</del>
<del>((Southwest))</del> <u>Pacific Cascade</u>	601 Bond Road, Castle Rock, WA 98611
Southeast	713 East Bowers Road, Box 280, Ellensburg, WA 98926
Northeast	225 South Silke Road, Colville, WA 99114
<del>((2) Map))</del>	
<u>(2) Map.</u>	

- o Daily bag limit reduced from two to one per day.
- o Possession limit reduced from four to two during the youth hunt.
- o Possession limit reduced from six to three during the regular season.

These changes are required by USFWS based on the results of recent breeding population survey information and the canvasback harvest strategy.

• Goose Management Area 4 Season Dates:

The New Year's Day holiday (January 1) was inadvertently excluded from the list of season dates for Goose Management Area 4. The holiday was added to the list of season dates because it is a traditional goose hunting day for this management area.

• Falconry Duck Season—Scaup:

There was no restricted season length for scaup proposed in the original CR-102 filing. The recommended adjustments reduce the falconry season length by three weeks, from one hundred seven to eighty-six days.

These changes are required by USFWS based on the results of recent breeding population survey information and the scaup harvest strategy.

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

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

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

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

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

Date Adopted: August 15, 2014.

Miranda Wecker, Chair  
Fish and Wildlife Commission

**WSR 14-17-081  
PERMANENT RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 14-213—Filed August 18, 2014, 2:27 p.m., effective September 18, 2014]

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

Purpose: The amendments to migratory waterfowl seasons and regulations are to provide recreational activity and resource conservation.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-436.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.055, 77.12.047, and 77.32.070.

Adopted under notice filed as WSR 14-14-111 on July 1, 2014.

Changes Other than Editing from Proposed to Adopted Version: **Changes, if any, from the text of the proposed rule and reasons for difference:**

• Duck Season—Scaup:

There were no restricted bag limits or restricted season length for scaup proposed in the original CR-102 filing. The recommended adjustments reduce the scaup limits and season length as follows:

- o Daily bag limit reduced from seven to three per day.
- o Possession limit reduced from fourteen to six during the youth hunt.
- o Possession limit reduced from twenty-one to nine during the regular season.
- o Season length reduced by three weeks, from one hundred seven to eighty-six days.

These changes are required by United States Fish and Wildlife Service (USFWS) based on the results of recent breeding population survey information and the scaup harvest strategy.

• Duck Season—Canvasback:

The canvasback limit was proposed for two per day in the original CR-102 filing. The recommended adjustments reduce the canvasback limits as follows:

AMENDATORY SECTION (Amending WSR 13-17-083, filed 8/19/13, effective 9/19/13)

**WAC 232-28-436 ~~((2013-))~~2014-2015 Migratory waterfowl seasons and regulations.**

**DUCKS**

**Statewide:** ~~((Oct. 12-16, 2013 and Oct. 19, 2013 – Jan. 26, 2014; except scaup season closed Oct. 12 – Nov. 1, 2013.))~~ Oct. 11-15, 2014 and Oct. 18, 2014 – Jan. 25, 2015; except scaup season closed Oct. 11-31, 2014.

Special youth hunting weekend open only to hunters 15 years of age or under (must be accompanied by an adult at least 18 years old who is not hunting): ~~((Sept. 21-22, 2013))~~ Sept. 20-21, 2014.



Daily Bag Limit: 7 ducks, to include not more than 2 hen mallard, 2 pintail, 3 scaup, 1 canvasback, and 2 redhead statewide; and to include not more than 1 harlequin, 2 scoter, 2 long-tailed duck, and 2 goldeneye in Western Washington.

Possession Limit for Regular Season: 21 ducks, to include not more than 6 hen mallard, 6 pintail, 9 scaup, 3 canvasback, and 6 redhead statewide; and to include not more than 1 harlequin, 6 scoter, 6 long-tailed duck, and 6 goldeneye in Western Washington.

Possession Limit for Youth Hunting Weekend: 14 ducks, to include not more than 4 hen mallard, 4 pintail, 6 scaup, 2 canvasback, and 4 redhead statewide; and to include not more than 1 harlequin, 4 scoter, 4 long-tailed duck, and 4 goldeneye in Western Washington.

Season Limit: 1 harlequin in Western Washington.

#### AUTHORIZATION AND HARVEST RECORD CARD REQUIRED TO HUNT SEA DUCKS

Hunters must possess a special (~~(2013-2014)~~) 2014-15 hunting authorization and harvest record card for sea ducks when hunting harlequin, scoter, long-tailed duck, and goldeneye in Western Washington. (~~(Hunters who did not possess a 2012-13 sea duck harvest record)~~) A hunter who has not previously possessed a sea duck harvest report card must submit an application form to Washington state department of fish and wildlife (WDFW). Immediately after taking a sea duck into possession, hunters must record in ink the information required on the harvest record card.

#### COOT (Mudhen)

Same areas, dates (including youth hunting weekend), and shooting hours as the general duck season.

Daily Bag Limit: 25 coots.

Possession Limit: 75 coots.

#### SNIFE

Same areas, dates (except youth hunting weekend), and shooting hours as the general duck season.

Daily Bag Limit: 8 snipe.

Possession Limit: 24 snipe.

#### GEESE (except Brant)

Special youth hunting weekend open only to hunters 15 years of age or under (must be accompanied by an adult at least 18 years old who is not hunting): (~~(Sept. 21-22, 2013)~~) Sept. 20-21, 2014, statewide except Western Washington Goose Management Areas 2A and 2B.

Daily Bag Limit: 4 Canada geese.

Possession Limit: 8 Canada geese.

#### Western Washington Goose Seasons

Goose Management Area 1: Island, Skagit, Snohomish counties. (~~(Oct. 12, 2013 – Jan. 26, 2014)~~) Oct. 11, 2014 – Jan. 25, 2015 for snow, Ross', and blue geese. (~~(Oct. 12-24, 2013 and~~

~~Nov. 2, 2013 – Jan. 26, 2014)~~) Oct. 11-23, 2014 and Nov. 1, 2014 – Jan. 25, 2015 for other geese (except brant).

Daily Bag Limit: 4 geese.

Possession Limit: 12 geese.

#### AUTHORIZATION AND HARVEST RECORD CARD REQUIRED TO HUNT SNOW GEESE

Hunters must possess a special (~~(2013-14)~~) 2014-15 migratory bird hunting authorization and harvest record card for snow geese when hunting snow, Ross', and blue geese in Goose Management Area 1. (~~(Hunters who did not possess a 2012-13 snow goose harvest record card must submit an application form to WDFW.)~~) A hunter who has not previously possessed a snow goose harvest report card must submit an application form to Washington state department of fish and wildlife (WDFW). Immediately after taking a snow, Ross', or blue goose into possession, hunters must record in ink the information required on the harvest record card.

#### ~~((SNOW GOOSE QUALITY HUNTING PROGRAM IN GOOSE MANAGEMENT AREA 1~~

~~All hunters must obey posted signs regarding access restrictions. Quality hunt units are not available for commercial uses.))~~

#### SKAGIT COUNTY SPECIAL RESTRICTIONS

It is unlawful to discharge a firearm for the purpose of hunting waterfowl within 100 feet of any paved public road on Fir Island in Skagit County or to discharge a firearm for the purpose of hunting snow geese within 100 feet of any paved public road in other areas of Skagit County.

While hunting snow geese, if a hunter is convicted of (a) trespass; (b) shooting from, across, or along the maintained part of any public highway; (c) discharging a firearm for the purpose of hunting waterfowl within 100 feet of any paved public road on Fir Island in Skagit County or discharging a firearm within 100 feet of any paved public road for the purpose of hunting snow geese in other areas of Skagit County; or (d) exceeding the daily bag limit for geese, authorization will be invalidated for the remainder of the current snow goose season and an authorization will not be issued for the subsequent snow goose season.

#### Goose Management Area 2A

Cowlitz and Wahkiakum counties, and that part of Clark County north of the Washougal River: Open in all areas except Ridgefield NWR from 8:00 a.m. to 4:00 p.m., Saturdays, Sundays, and Wednesdays only, (~~(Nov. 9 – Dec. 1, 2013 and Dec. 11, 2013 – Jan. 26, 2014, except closed Dec. 25, 2013 and Jan. 1, 2014.)~~) Nov. 8-30, 2014 and Dec. 10, 2014 – Jan. 25, 2015. Ridgefield NWR open from 8:00 a.m. to 4:00 p.m., Tuesdays, Thursdays, and Saturdays only, (~~(Nov. 9-30, 2013 and Dec. 12, 2013 – Jan. 25, 2014, except closed Nov. 28, 2013)~~) Nov. 8-29, 2014 and Dec. 11, 2014 – Jan. 24, 2015; except closed Nov. 11, Nov. 27, and Dec. 25, 2014; and Jan. 1, 2015.

Bag Limits for Goose Management Area 2A:

Daily Bag Limit: 4 geese, to include not more than 1 dusky Canada goose (~~(and 3 cackling geese)~~).

Possession Limit: 12 geese, to include not more than 1 dusky Canada goose (~~(and 9 cackling geese)~~).

Season Limit: 1 dusky Canada goose.

### Goose Management Area 2B

Pacific County: Open from 8:00 a.m. to 4:00 p.m., Saturdays and Wednesdays only, (~~Oct. 12-23, 2013 and Nov. 2, 2013 – Jan. 18, 2014~~) Oct. 11-25, 2014 and Nov. 1, 2014 – Jan. 17, 2015.

Bag Limits for Goose Management Area 2B:

Daily Bag Limit: 4 geese, to include not more than 1 dusky Canada goose, (~~(3 cackling geese)~~) and 1 Aleutian goose.

Possession Limit: 12 geese, to include not more than 1 dusky Canada goose, (~~(9 cackling geese)~~) and 3 Aleutian geese.

Season Limit: 1 dusky Canada goose.

### Special Provisions for Goose Management Areas 2A and 2B:

A dusky Canada goose is defined as a dark-breasted (as shown in the Munsell color chart 10 YR, 5 or less) Canada goose with a culmen (bill) length of 40-50 mm. A cackling goose is defined as a goose with a culmen (bill) length of 32 mm or less.

The goose season for Goose Management Areas 2A and 2B will be closed early if dusky Canada goose harvests exceed area quotas which collectively total (~~(40)~~) 80 geese. The fish and wildlife commission has authorized the director to implement emergency area closures in accordance with the following quotas: A total of (~~(40)~~) 80 dusks, to be distributed (~~(5)~~) 15 for Zone 1 (Ridgefield NWR); (~~(5)~~) 25 for Zone 2 (Cowlitz County south of the Kalama River); (~~(15)~~) 20 for Zone 3 (Clark County except Ridgefield NWR); (~~(7)~~) 10 for Zone 4 (Cowlitz County north of the Kalama River and Wahkiakum County); and (~~(8)~~) 10 for Zone 5 (Pacific County). Quotas may be shifted to other zones during the season to optimize use of the statewide quota and minimize depredation.

Hunters must possess a valid special (~~(2013-14)~~) 2014-15 migratory bird hunting authorization and harvest record card for Goose Management Area 2A/2B (~~(and daily goose harvest record card)~~) when hunting geese in Goose Management Areas 2A and 2B. New hunters and those who did not maintain a valid (~~(2012-13)~~) 2013-14 authorization must review goose identification training materials and score a minimum of 80% on a goose identification test to receive authorization. Hunters who fail a test must wait 28 days before retesting, and will not be issued a reciprocal authorization until that time.

Immediately after taking any goose into possession, hunters must record in ink the information required on the harvest record card. Hunters must go directly to the nearest check station and have geese tagged when leaving a hunt site, before

6:00 p.m. All geese shall be presented intact and fully feathered at the check station. If a hunter takes the season bag limit of 1 dusky Canada goose or does not comply with requirements listed above regarding checking of birds and recording harvest on the harvest record card, authorization will be invalidated and the hunter will not be able to hunt geese in Goose Management Areas 2A and 2B for the remainder of the season and the special late goose season. It is unlawful to fail to comply with all provisions listed above for Goose Management Areas 2A and 2B.

### Special Late Goose Season for Goose Management Area 2A:

Open to WDFW master hunter program graduates and youth hunters (15 years of age or under, who are accompanied by a master hunter) possessing a valid special (~~(2013-14)~~) 2014-15 migratory bird hunting authorization for Goose Management Area 2A/2B and daily goose harvest record card, in areas with goose damage in Goose Management Area 2A on the following days, from 7:00 a.m. to 4:00 p.m.: Saturdays and Wednesdays only, (~~(Feb. 1 – Mar. 5, 2014)~~) Feb. 4 – Mar. 8, 2015.

Daily Bag Limit: 4 geese, to include not more than 1 dusky Canada goose (~~(and 3 cackling geese)~~).

Possession Limit: 12 geese, to include not more than 1 dusky Canada goose (~~(and 9 cackling geese)~~).

Season Limit: 1 dusky Canada goose.

A dusky Canada goose is defined as a dark-breasted Canada goose (as shown in the Munsell color chart 10 YR, 5 or less) with a culmen (bill) length of 40-50 mm. A cackling goose is defined as a goose with a culmen (bill) length of 32 mm or less.

Hunters qualifying for the season will be placed on a list for participation in this hunt. WDFW will assist landowners with contacting qualified hunters to participate in damage control hunts on specific lands incurring goose damage. Participation in this hunt will depend on the level of damage experienced by landowners. The special late goose season will be closed by emergency action if the harvest of dusky Canada geese exceeds (~~(45)~~) 85 for the regular and late seasons. All provisions listed above for Goose Management Area 2A regarding authorization, harvest reporting, and checking requirements also apply to the special late season; except hunters must confirm their participation at least 24 hours in advance by calling the goose hunting hotline (listed on hunting authorization), and hunters must check out by 5:00 p.m. on each hunt day regardless of success. It is unlawful to fail to comply with all provisions listed above for the special late season in Goose Management Area 2A.

### Goose Management Area 3

Includes all parts of Western Washington not included in Goose Management Areas 1, 2A, and 2B: (~~Oct. 12-24, 2013 and Nov. 2, 2013 – Jan. 26, 2014~~) Oct. 11-23, 2014 and Nov. 1, 2014 – Jan. 25, 2015.

Daily Bag Limit: 4 geese.

Possession Limit: 12 geese.

### Eastern Washington Goose Seasons

#### Goose Management Area 4

Adams, Benton, Chelan, Douglas, Franklin, Grant, Kittitas, Lincoln, Okanogan, Spokane, and Walla Walla counties: Saturdays, Sundays, and Wednesdays only during (~~Oct. 12, 2013 – Jan. 19, 2014; Nov. 11, 28 and 29, 2013; Dec. 26, 27, 30, and 31, 2013; and every day Jan. 20–26, 2014~~) Oct. 11, 2014 – Jan. 18, 2015; Nov. 11, 27, and 28, 2014; Dec. 25, 26, 29, and 30, 2014; Jan. 1, 2015; and every day Jan. 19–25, 2015.

#### Goose Management Area 5

Includes all parts of Eastern Washington not included in Goose Management Area 4: (~~Oct. 12–14, 2013, every day from Oct. 19, 2013 – Jan. 26, 2014~~) Oct. 11–13, 2014 and every day from Oct. 18, 2014 – Jan. 25, 2015.

Bag Limits for all Eastern Washington Goose Management Areas:

Daily Bag Limit: 4 geese.

Possession Limit: 12 geese.

#### BRANT

Open in Skagit County only on the following dates: Jan. (~~11, 12, 15, 18, 19, 22, 25, and 26, 2014~~) 10, 11, 14, 17, 18, 21, 24, and 25, 2015.

If the (~~2013–14~~) 2014–15 pre-season brant population in Skagit County is below 6,000 (as determined by the midwinter waterfowl survey), the brant season in Skagit County will be canceled.

Open in Pacific County only on the following dates: (~~Jan. 4, 5, 7, 9, 11, 12, 14, 16, 18, and 19, 2014~~) Jan. 3, 4, 6, 8, 10, 11, 13, 15, 17, and 18, 2015.

#### AUTHORIZATION AND HARVEST RECORD CARD REQUIRED TO HUNT BRANT

Hunters must possess a special (~~2013–14~~) 2014–15 migratory bird hunting authorization and harvest record card for brant when hunting brant. (~~Hunters who did not possess a 2012–13 brant harvest record card must submit an application form to WDFW.~~) A hunter who has not previously possessed a brant harvest report card must submit an application form to Washington state department of fish and wildlife (WDFW). Immediately after taking a brant into possession, hunters must record in ink the information required on the harvest record card.

Bag Limits for Skagit and Pacific counties:

Daily Bag Limit: 2 brant.

Possession Limit: 6 brant.

#### SWANS

Season closed statewide.

#### MANDATORY REPORTING FOR MIGRATORY BIRD HARVEST RECORD CARDS

Hunters must report (~~2013–14~~) 2014–15 harvest information from band-tailed pigeon harvest record cards to WDFW by Sept. 30, (~~2013~~) 2014, and harvest information from brant, sea duck, and snow goose harvest record cards to WDFW by Feb. 15, (~~2014~~) 2015. Every person issued a migratory bird hunting authorization and harvest record card must return the entire card to WDFW or report the card information at the designated internet site listed on the harvest record card. Any hunter failing to report by the deadline will be in noncompliance of reporting requirements. Hunters who have not reported hunting activity by the reporting deadline for any harvest record card acquired in (~~2013–14~~) 2014–15 will be required to pay a \$10 administrative fee before any new (~~2014–15~~) 2015–16 migratory bird authorization and harvest record card will be issued. A hunter may only be penalized a maximum of \$10 during a license year.

#### FALCONRY SEASONS

##### DUCKS, COOTS, AND SNIPE (Falconry)

(Bag limits include geese and mourning doves.)

(~~Oct. 12–16, 2013 and Oct. 19, 2013 – Jan. 26, 2014~~) Oct. 11–15, 2014 and Oct. 18, 2014 – Jan. 25, 2015 statewide; except scaup season closed Oct. 11–31, 2014.

Daily Bag Limit: 3, straight or mixed bag with geese and mourning doves during established seasons.

Possession Limit: 9, straight or mixed bag with geese and mourning doves during established seasons.

##### GEESE (Falconry)

(Bag limits include ducks, coot, snipe, and mourning doves.)

Goose Management Area 1: (~~Oct. 12, 2013 – Jan. 26, 2014~~) Oct. 11, 2014 – Jan. 25, 2015 for snow, Ross', or blue geese. (~~Oct. 12–24, 2013 and Nov. 2, 2013 – Jan. 26, 2014~~) Oct. 11–23, 2014 and Nov. 1, 2014 – Jan. 25, 2015 for other geese.

Goose Management Area 2A: Saturdays, Sundays, and Wednesdays only, (~~Nov. 9–24, 2013 and Dec. 4, 2013 – Jan. 26, 2014~~) Nov. 8–23, 2014 and Dec. 3, 2014 – Jan. 25, 2015.

Goose Management Area 2B: Saturdays and Wednesdays only, (~~Oct. 12–23, 2013 and Nov. 2, 2013 – Jan. 18, 2014~~) Oct. 11–25, 2014 and Nov. 1, 2014 – Jan. 17, 2015.

Goose Management Areas 3, 4, and 5: (~~Oct. 12–13, 2013 and Nov. 2, 2013 – Jan. 26, 2014~~) Oct. 11–12, 2014 and Nov. 1, 2014 – Jan. 25, 2015.

Daily Bag Limit for All Areas: 3 geese (except brant), straight or mixed bag with ducks, coots, snipe, and mourning doves during established seasons.

Possession Limit for All Areas: 9 geese (except brant), straight or mixed bag with ducks, coots, snipe, and mourning doves during established seasons.

**WSR 14-17-085**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed August 19, 2014, 7:34 a.m., effective September 19, 2014]

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

Purpose:

	<b>WAC Numbers</b>	<b>WAC Description</b>	<b>What is Changing</b>	<b>Reason for Change</b>
1.	296-17-31018	Exception classifications.	Update language to plain talk and reformat. Move scopes descriptions to the classifications in chapter 296-17A WAC.	The standard exception classification restrictions are presently addressed specifically in the general reporting rules. Customers must look in two places in the rules to learn what the restrictions are. We propose to rewrite each standard exception classification to incorporate the parameters of the reporting requirements into the language of the classification. This change will ease administrative burden and make it easier to do business with L&I.
2.	296-17A-0107 -00 -01	<ul style="list-style-type: none"> <li>• Utility line construction: Underground, N.O.C.</li> <li>• Pipelaying, N.O.C.</li> </ul>	Reformat language and remove language referring to depth, which causes confusion when applying the WAC.	Staff have indicated that the word "depth" is causing confusion for them and for employers when assigning 0107. Depth has no bearing on what the correct classification is. The classification is assigned based only on the work activity performed.
3.	296-17A-0108-01	Sewer construction; septic tank installation.	Reformat language and remove language referring to depth, which causes confusion when applying the WAC.	Staff have indicated that the word "depth" is causing confusion for them and for employers when assigning 0108-01. Depth has no bearing on what the correct classification is. The classification is assigned based only on the work activity performed.
4.	296-17A-0112-02	Pit, crusher and bunker operations in connection with road, street and highway construction.	Update language to clarify application of WAC, using "for" rather than "in connection with" and clarifying that the classification is not assigned to contactors [contractors] making materials for their own road construction project. Language as written has been confusing to those applying classification.	Staff requested clarification due to the difficulty understanding the intent of the language.
5.	296-17A-0301-08	Landscape construction operations, N.O.C.	Add a reference to landscape roofing being reported in 0507-05 Roofing.	Landscape roofing is a relatively new type of business operation. The worker exposure is comparable to roofing. Staff have applied the roofing classification since this activity started. We are documenting an existing work practice. Landscape roofing is to be reported in 0507-05 Roofing instead of 0301-08 Landscaping or 0308-01 Lawn care maintenance.
6.	296-17A-0308-01	Lawn care maintenance.	Add a reference to landscape roofing being reported in 0507-05 Roofing.	Landscape roofing is a relatively new type of business operation. The worker exposure is comparable to roofing. Staff have applied the roofing classification since this activity started. We are documenting an existing work practice. Landscape roofing is to be reported in 0507-05 Roofing instead of 0301-08 Landscaping or 0308-01 Lawn care maintenance.
7.	296-17A-0507-05	Roof work construction and repair.	Add landscape roofing activities to WAC as this is where we have been classifying this new industry.	Landscape roofing is a relatively new type of business operation. The worker exposure is comparable to roofing. Staff have applied the roofing classification since this activity started. We are documenting an existing work practice. Landscape roofing is to be reported in 0507-05 Roofing instead of 0301-08 Landscaping or 0308-01 Lawn care maintenance.

	WAC Numbers	WAC Description	What is Changing	Reason for Change
8.	296-17A-0510	Wood frame building: Construction or alterations, N.O.C.	Clarify an existing distinction between 0516, Building repair, and 0510 for non-metal siding.	Staff requested this clarification in the rule to increase efficiency and consistency when applying classifications 0516 and 0510: <ul style="list-style-type: none"> <li>Changing "wood or vinyl" to "nonmetal" reflects evolution of industry without changing scope of classification.</li> <li>Clarification added so employers and staff can distinguish between applying 0510 and 0516 without having to also look in two additional WACs.</li> </ul>
9.	296-17A-0514-01	Nonstructural additions to buildings or structures: Installation, removal, alteration, and/or repair.	Add "metal" to the title to read "Nonstructural metal additions to buildings or structures: Installation, removal, alteration, and/or repair."	Staff requested we include "metal" additions in the title of the rule so that it is more obvious that metal additions are included in 0514-01.
10.	296-17A-0516-00-02	<ul style="list-style-type: none"> <li>Building repair, remodeling and carpentry.</li> <li>Building repair, remodeling and carpentry, N.O.C.</li> </ul> This subclassification applies to a firm that chooses to report all construction phases into separate construction classifications.	<ul style="list-style-type: none"> <li>Clarify that repairing or installing <u>all</u> types of siding on an existing structure is included in this classification.</li> <li>Correct formatting of language for wood framing/sheathing/windows/nonmetal siding on the list of classes to be reported separately.</li> </ul>	<ul style="list-style-type: none"> <li>Staff requested clarification to eliminate questions regarding what types of siding should be included in 0516-00 Building repair, remodeling and carpentry.</li> <li>A spacing error in the formatting caused confusion for staff.</li> </ul>
11.	296-17A-0803-00	Cities and towns – all other employees.	Clarify exclusionary language regarding waterworks operations in cities that has caused confusion among staff.	Various staff reported confusion in determining whether waterworks duties performed by employees of cities/towns are included in 0803 Cities/towns or are reported separately in 1507-02 Waterworks operations. We are clarifying that businesses providing waterworks operations are classified as 1507-02 Waterworks, but duties performed by city/town employees are reported in 0803-00 Cities/towns.
12.	296-17A-1501-01	Housing authorities, N.O.C. – all other employees.	Remove "disabled" and replace with "people with disabilities."	Terminology has changed.
13.	296-17A-3105-06-07	<ul style="list-style-type: none"> <li>Concrete blocks, bricks, poles, tiles and beams manufacturing.</li> <li>Concrete sewer and irrigation pipes, concrete septic tanks and concrete products, N.O.C. manufacturing.</li> </ul>	Remove "at a construction site" from language to clarify application of classifications.	This is a manufacturing classification. Reference to a construction site was unnecessary and confusing. Staff requested this clarification in the rule to increase efficiency and consistency when applying classification 3105.
14.	296-17A-3309-02-03	<ul style="list-style-type: none"> <li>Golf cart sales/rental agencies.</li> <li>Motorcycle, moped, motor scooter, snowmobile, jet ski, all-terrain vehicles sales/rental agencies.</li> </ul>	Update language to plain-talk and reformat. Update language to plain-talk and reformat. Add a reference to the appropriate classification for Durable Medical Equipment (DME) businesses, and 6306-01 Stores: Furniture - rental.	Improve the flow of the text using plain talk principles to make it easier to understand and apply the rules. There was language describing DME businesses in two different classifications (3309-03 and 6306-01) which created confusion for staff when classifying these DME businesses. Emphasizing the correct classification for DME.
15.	296-17A-3406-04	Automobile or truck – detailing by contractor; glass tinting; windshield repair.	Add a reference to clarify that boat detailing is to be reported in 3414-00 Boat dealers or 3414-01 Marinas and boat house operations: Boat storage facilities (whichever classification applies).	Staff applying this classification requested the reference be added to provide direction to the appropriate classification for boat detailing.
16.	296-17A-3411-01-02	<ul style="list-style-type: none"> <li>Automobile: Service centers, repair shops or garages.</li> <li>Automobile: Service specialty shops.</li> </ul>	Add to list of exclusions "Dealers or service/repair centers for semi-trucks, diesel tractor-trailers, buses, and other heavy equipment or machinery which are to be reported separately in classification 6409 Dealers: Machinery/equipment, N.O.C."	Staff requested this reference be added to all subclassifications to help guide to the correct classification and ensure consistency. The same exclusion is already in 3411-00 Automobile: Dealers, rental or leasing agencies, including service repair garages; recreational vehicle; dealers, rental/leasing agencies, or service/repair garages.

	WAC Numbers	WAC Description	What is Changing	Reason for Change
17.	296-17A-3701-09	Drug, medicine, or pharmaceutical preparation: Manufacturing.	Add an exclusion that retail compounding pharmacy stores are to be reported in 6406-16 Stores: Drug - retail.	Staff requested clarification when classifying compounding. Adding this reference to the exclusions will help guide to the correct classification and ensure consistency.
18.	296-17A-3702-05	Wine making or wineries. Spirituous liquor: Manufacturing.	Add "off premises" to the exclusion to read: This classification excludes off-premises wine/liquor stores which are to be reported in classification 6403, Stores: Wine, liquor, or soft drinks - retail.	Document current practice of separately rating a retail store when it is not located on the premises of a winery.
19.	296-17A-3901-00 -01	<ul style="list-style-type: none"> <li>• Bakeries – retail.</li> <li>• Bakeries – retail – specialty shops.</li> </ul>	Clarify that some wholesale activity is included in 3901 as long as the principal business remains retail.	Classification 3901 excluded all wholesale activities. This does not conform to either the practice of most small retail bakeries or how we currently apply these classifications. Most retail bakeries and retail specialty bakeries sell wholesale to a limited number of local stores, restaurants, or coffee shops.
20.	296-17A-4900	Construction: Superintendent or project manager.	Update language to plain-talk and reformat. Add qualifying language from WAC 296-17-31018 and clarify that a division of hours is permitted by contract.	A division of hours by project was introduced in rule changes in 2010. Because at the time we did not know if exposure would be measured in hours or payroll, the wording was very general, and not very clear.
21.	296-17A-4904-00 -13 -17 -20	<ul style="list-style-type: none"> <li>• Clerical office, N.O.C.</li> <li>• Clerical office: Insurance companies, agents or brokers.</li> <li>• Clerical office: Employee leasing companies.</li> <li>• Community action organizations – clerical office employees.</li> </ul>	Update language to plain-talk and reformat. Add qualifying language from WAC 296-17-31018.	See changes described in item #1, WAC 296-17-31018.
22.	296-17A-4910-02	Mini-storage warehouse.	Change title from mini-storage warehouse to mini-storage facilities.	A representative of the Washington Self Storage Association asked department staff to remove the word "warehouse" from the title of this classification. The title has caused confusion for their members who are assigned 4910-02 since storage unit facilities are not actually warehouses and the scopes language of this classification otherwise doesn't mention warehouses.
23.	296-17A-5003-01 -02	<ul style="list-style-type: none"> <li>• Log hauling by contractor.</li> <li>• Log truck drivers, N.O.C.</li> </ul>	Update language to plain-talk and reformat. Add qualifying language from WAC 296-17-31018 and language regarding division of hours.	See changes described in item #1, WAC 296-17-31018.
24.	296-17A-5301-19	Travel agencies.	Remove "disabled" and replace with "people with disabilities."	Terminology has changed.
25.	296-17A-6207-02	Carnivals - traveling.	Correct reference from WAC 296-17-675 to 296-17A-5206.	Classification WAC numbers changed in the past. This correction ensures the reference in 6207 is correct.
26.	296-17A-6208-11	Carnival operations, N.O.C.	Correct reference from WAC 296-17-675 to 296-17A-5206.	Classification WAC numbers changed in the past. This correction ensures the reference in 6208 is correct.
27.	296-17A-6301-00 -06 -07	<ul style="list-style-type: none"> <li>• Sales personnel: Vehicles and marine pleasure craft.</li> <li>• Instructors of driving schools.</li> <li>• Limousine drivers.</li> </ul>	Update language to plain-talk and reformat. Add qualifying language from WAC 296-17-31018.	See changes described in item #1, WAC 296-17-31018.
28.	296-17A-6303-00 -03 -21	<ul style="list-style-type: none"> <li>• Outside sales personnel, N.O.C.; messengers.</li> <li>• Insurance sales personnel and claims adjusters.</li> <li>• Home health care services: Social workers and dietitians.</li> </ul>	Update language to plain-talk and reformat. Add qualifying language from WAC 296-17-31018.	See changes described in item #1, WAC 296-17-31018.

	WAC Numbers	WAC Description	What is Changing	Reason for Change
29.	296-17A-6305-05	Stores: Wig or hat – retail.	Correct spelling of "brooches."	Correct misspelling.
30.	296-17A-6306-00 -01 -02 -06	<ul style="list-style-type: none"> <li>Stores: Furniture – wholesale or retail; Stores: Billiard or pool table – wholesale or retail.</li> <li>Stores: Furniture – rental.</li> <li>Stores: Appliance – wholesale or retail.</li> <li>Stores: Office furniture – wholesale or retail.</li> </ul>	<p>Correct apostrophe placement in the word "store's." Add DME to title.</p>	<p>Correct use of apostrophe. There was language describing DME businesses in two different classifications (3309-03 Motorcycle, moped, motor scooter, snowmobile, jet ski, all-terrain vehicles sales/rental agencies and 6306-01 Stores: Furniture – rental) which created confusion for staff when classifying these DME businesses. Emphasizing the correct classification for DME.</p>
31.	296-17A-6403-07	Stores: Wine, liquor, or soft drinks - retail.	<p>Clarify that when a store or tasting room is operated off winery premises they are separately reported. Remove language regarding state-operated liquor stores.</p>	<p>Document current practice of separately rating a retail store when it is not located on the premises of a winery. Change in language regarding state-operated liquor stores is needed due to new laws eliminating state-operated liquor stores.</p>
32.	296-17A-6409-00	Dealers: Machinery/equipment, N.O.C.; service/repair garages; machinery/equipment, N.O.C.	Update classification title to read: Dealers: Service/repair garages, machinery, equipment, N.O.C.	Staff requested the classification title be improved to emphasize the service and repair of machinery in a better way.
33.	296-17A-6509-04	Boarding homes and centers, N.O.C., adult family homes, rooming houses, foster homes, and orphanages.	Remove "disabled" and replace with "people with disabilities."	Terminology has changed.
34.	296-17A-6510-00	Domestic servants/home care assistants employed in or about the private residence of a home owner.	Remove "handicapped" and replace with "people with disabilities."	Terminology has changed.
35.	296-17A-6511-00 -20	<ul style="list-style-type: none"> <li>Chore services/home care assistants.</li> <li>Community action organizations – Chore services/home care assistants.</li> </ul>	<p>Correct reference from Home Care Quality Authority (HCQA) to Home Care Referral Registry (HCRR). Update language to plain-talk and reformat. Indicate examples of activities included in 6511, such as:</p> <ul style="list-style-type: none"> <li>Supervised visits between children and parents, including transporting of the child.</li> <li>Packing up senior homes.</li> <li>Organizing homes prior to customers putting a home on the market.</li> <li>Organizing homes prior to customers having an estate auction.</li> <li>Pet sitting.</li> <li>House sitting.</li> </ul>	<p>DSHS changed the programs responsible for the chore service activities. Staff and customers have requested clarification as to some work activities included in this classification. Documenting current practice of classifying.</p>
36.	296-17A-6512-00	Home care services/HCRR.	Remove "disabled" and replace with "people with disabilities."	Terminology has changed.
37.	296-17A-6602-05	Janitorial, N.O.C.	Correct typo principle to principal.	Correct misspelling.
38.	296-17A-6709-00	Sheltered workshops.	Remove "disabled" and replace with "people with disabilities."	Terminology has changed.
39.	296-17A-6902-02	Logging road: Construction or maintenance.	Correct reference from WAC 296-17-675 to 296-17A-5206.	Classification WAC numbers changed in the past. This correction ensures the reference in 6902 is correct.
40.	296-17A-6905-01	Salaried law enforcement officers of counties and taxing districts; volunteer law enforcement officers, N.O.C.: Full coverage.	Clarify that detention and correctional officers are included in this classification.	Staff often question whether these types of personnel are included in 6905 Salaried law enforcement officers of counties and taxing districts. This change is needed to assist staff in assigning the appropriate classification for claims. Documenting current practice.

	WAC Numbers	WAC Description	What is Changing	Reason for Change
41.	296-17A-7101-00	Corporate officers, N.O.C.	Update language to plain-talk and reformat. Add qualifying language from WAC 296-17-31018 and language regarding division of hours.	See changes described in item #1, WAC 296-17-31018.
42.	296-17A-7309-00	Work activity centers.	Remove "disabled" and replace with "people with disabilities."	Terminology has changed.

After review of these chapters, the department intends to adopt the proposed changes that make revisions to:

- Correct typographical and other errors (such as invalid telephone numbers and out-of-date references),
- Revise wording and formatting to make the rules easier to understand and apply, and
- Incorporate and formalize existing agency practices (such as expressly including in a risk classification employment that the department currently includes by interpretation or analogy).

The purpose of this rule making is not to make substantive changes to how the department classifies employment, but to review and revise our classification plan to ensure it is clear and understandable. These changes will not change the way we calculate employer rates, our reporting requirements, or how we classify businesses.

As part of this rule making, the department also intends to review these chapters as required by SSB 5679 (chapter 30, Laws of 2013 2nd sp. sess.) to make changes where possible to reduce the regulatory burden on employers insured with the state fund.

Citation of Existing Rules Affected by this Order: See Purpose above.

Statutory Authority for Adoption: RCW 51.04.020 and 51.16.035.

Adopted under notice filed as WSR 14-13-088 on June 17, 2014.

Changes Other than Editing from Proposed to Adopted Version: WAC 296-17A-5201 Classification 5201, which includes electric power or transmission equipment; manufacturing or assembly, is removed from the list of amended classifications. Staff determined that further time and attention is required to improve the reformatted proposed amended version due to inconsistencies in their interpretation of the update.

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 42, Repealed 0.

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

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

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

Date Adopted: August 19, 2014.

Joel Sacks  
Director

AMENDATORY SECTION (Amending WSR 13-08-063, filed 4/1/13, effective 1/1/14)

**WAC 296-17-31018 Exception classifications. (1) What are exception classifications?**

~~((In WAC 296-17-31012 we discussed our classification policy. We described the process used to classify risk and stated that we assign the basic classification or basic classifications that best describe the nature of your company's business. While this policy is modeled after the policy used by private insurance carriers and is geared to administrative ease for you, we recognize that there are some duties or operations where your employees do not share the same general workplace hazards that your other employees are exposed to. To provide for those operations that are outside the scope of a basic classification, we have created three types of exception classifications listed below:))~~ Exception classifications describe employees who are not exposed to the normal hazards associated with a basic classification. Exception classifications may also have special reporting rules concerning a division of worker hours.

There are three types of exception classifications:

- Standard exception classifications;
- Special exception classifications; and
- General exclusion classifications.

**(2) What are the standard exception classifications?**

~~((Standard exception classifications cover those employments that are administrative in nature and common to many industries. Employees covered by a standard exception classification cannot be exposed to any operative hazard of the business. If the language of the basic classification assigned to your business does not include these employments, you may be able to report them separately. You cannot divide the work hours of an employee between a standard exception classification and a basic classification unless it is permitted by another rule. If an employee works part of their time in a standard exception classification and part of their time in your basic classification, then all exposure (hours) must be reported in the highest rated basic classification applicable to the work being performed. The standard exception classifications are:~~

- ~~Classification 4904 (WAC 296-17A-4904) "clerical office employment." This classification includes clerical, administrative, and drafting employees.~~
- ~~Sales personnel classifications 6301 (WAC 296-17A-6301), and 6303 (WAC 296-17A-6303) includes outside sales personnel and messengers.~~



- ~~Classification 7101 (WAC 296-17A-7101) applies to corporate officers who have elected optional coverage. A corporate officer as used in these rules is a person who is an officer in the corporation, such as the president, who also serves on the corporation's board of directors and owns stock in the corporation.~~
- ~~Classification 7100 (WAC 296-17A-7100) applies to members of a limited liability company who have elected optional coverage.~~

~~Clerical office employees are defined as employees whose duties are limited to: Answering telephones; handling correspondence; creating or maintaining financial, employment, personnel, or payroll records; composing informational material on a computer; creating or maintaining computer software; and technical drafting. Their work must be performed in a clerical office which is restricted to:~~

- ~~A work area which is physically separated by walls, partitions, or other physical barriers, from all other work areas of the employer; and~~
- ~~Where only clerical office work as described in this rule is performed.~~

~~A clerical office does not include any work area where inventory is located, where products are displayed for sale, or area where the customer brings products for payment. Clerical office employees can perform cashiering and telephone sales work if they do not provide any retail or wholesale customer service that involves handling, showing, demonstrating, or delivering any product sold by the employer. Clerical office employees can make bank deposits, pick up and deliver mail at the post office, or purchase office supplies, if their primary work duties are clerical office duties as defined in this rule.~~

~~**Sales personnel** are defined as employees whose duties are limited to: Soliciting new customers by telephone or in person; servicing existing customer accounts; showing, selling, or explaining products or services; completing correspondence; placing orders; performing public relations duties; and estimating. Although some of sales person's duties may be performed in a clerical office, most of their work is conducted away from the employer's physical business location or in showrooms. We refer to work that takes place away from the employer's premises as "outside sales." Sales personnel whose duties include customer service activities such as, but not limited to, the delivery of product, stocking shelves, handling inventory, or otherwise merchandising products sold to retail or wholesale customers are excluded from all standard exception classifications. Sales personnel with duties such as delivery and stocking of shelves are to be reported in the basic classification applicable to the business unless the basic classification assigned to the business requires another treatment.~~

~~**Messengers** are defined as employees whose duties are delivering interoffice mail, making deposits, and similar duties that are exclusively for the administration of the employer's business. Classification 6303 "messengers" does not include delivering mail or packages to the employer's customer or as a service to the public. If a messenger is engaged in delivering mail or packages as a service to the~~

~~public they are to be assigned to the basic classification of the business or classification 1101 as applicable.~~

~~**Corporate officers'** duties in classification 7101 must be limited to: Clerical duties; outside sales duties as described above; administrative duties such as hiring staff, attending meetings, negotiating contracts, and performing public relations work. To qualify for this classification, a corporate officer must:~~

- ~~Be a shareholder in the corporation;~~
- ~~Be elected as a corporate officer and empowered in accordance with the articles of incorporation or bylaws of the corporation;~~
- ~~Serve on the corporation's board of directors;~~
- ~~Not have any exposure to any operative hazard of the business; and~~
- ~~Not directly supervise employees who have any exposure to any operative hazard of the business.~~

~~**Members of a limited liability company (LLC)** duties in classification 7100 must be limited to: Clerical duties; outside sales duties as described above; administrative duties such as hiring staff, attending meetings, negotiating contracts, and performing public relations work. This includes only those members who have duties and authority similar to the exemption criteria of corporate officers in RCW 51.12.020.~~

~~Classification 6303 may apply to a corporate officer or member of a limited liability company whose duties are limited to outside sales activities as described in the sales personnel section of this rule. Under no circumstance is classification 4904 to be assigned to any corporate officer or member of a limited liability company.) Standard exception classifications are administrative in nature. Employees covered by a standard exception classification are not exposed to the general hazards described in a basic classification description. If the language of the basic classification does not specifically include clerical office and sales workers, you are allowed to report in standard exception classifications when applicable.~~

~~A worker's hours cannot be divided between a standard exception classification and any other classification. If some work is included in a standard exception classification, but other duties are not, then all the worker's hours must be reported in the higher rated classification that applies to those duties. **Exception to the rule: A division of hours is permitted between a standard exception classification and racing operations, flight crews, or diving operations. See subsection (4) of this section.**~~

~~The standard exception classifications are:~~

- ~~**Classification 4904**, clerical office workers as described in WAC 296-17A-4904;~~
- ~~**Classification 6301**, sales personnel, driving instructors, and limousine drivers as described in WAC 296-17A-6301;~~
- ~~**Classification 6303**, outside sales personnel as described in WAC 296-17A-6303;~~
- ~~**Classification 7100**, members of limited liabilities electing coverage as described in WAC 296-17A-7100; and~~
- ~~**Classification 7101**, corporate officers electing coverage as described in WAC 296-17A-7101.~~

**(3) What are the special exception classifications?**

(Special exception classifications represent operations found within an employer's business that are allowed to be reported separately when certain conditions are met. Assuming the conditions noted under each exception below have been met, the following classifications may be used even if your basic classification includes the phrases "all operations" or "all employees." These special exceptions are subject to a division of worker hours in connection with all other basic classifications unless specifically prohibited in an individual classification WAC rule.

**Farms: Hand harvesting crops**—Classification 4806 (*WAC 296-17A-4806*) will apply if the employee:

- Is hand harvesting crops such as nuts, berries, prunes, field flowers, or bulbs; and
- Is harvesting by picking from trees while standing on the ground or harvesting from the ground while sitting, kneeling, bending, or stooping.

**Security guards**—Classification 6601 (*WAC 296-17A-6601*) will apply if the security guard:

- Is an employee of an employer engaged in logging or construction;
- Is for the purpose of guarding the employer's logging or construction sites;
- Is employed at the site only during the hours the employer is not conducting any other operations at the site;
- Has no other duties during their work shift as a security guard.

If all of the above conditions are not met, the security guard is to be reported in the basic classification applicable to the construction or logging operation being conducted.

**Janitors**—Classification 6602 (*WAC 296-17A-6602*) will apply if:

- The janitorial/cleaning activities being performed are limited to the employer's clerical office;
- The clerical office meets the criteria described earlier in this rule; and
- The employer's office employment is assigned to be reported in classification 4904.

**Construction: Superintendent or project manager**—Classification 4900 (*WAC 296-17A-4900*) will apply if the superintendent or project manager:

- Is an employee of a licensed contractor engaged in construction;
- Has no direct control over work crews;
- Performs no construction labor at the construction site or project location.

If all of the conditions are not met, the superintendent or project manager is to be reported in the basic classification applicable to the construction project.

**Construction: Estimator**—Classification 4911 (*WAC 296-17A-4911*) will apply if the estimator:

- Is the employee of a licensed contractor engaged in construction; and

- Has no duties other than estimating during their work shift.

If these conditions are not met, the estimator is to be reported in the basic classification applicable to their employer's business or the construction project.

**Permanent yard or shop operations**—Classification 5206 (*WAC 296-17A-5206*) will apply if:

- The permanent yard or shop is maintained exclusively for the storage and maintenance of materials or equipment used in the business of logging, log hauling, construction, or trucking.

**Log truck drivers**—Classification 5003 (*WAC 296-17A-5003*) will apply if the log truck driver has no other duties during their work shift that are subject to the logging classification 5001 (*WAC 296-17A-5001*).

**Retail product demonstrators**—Classification 6406 (*WAC 296-17A-6406*) will apply if the product demonstrator:

- Has no other duties during the work shift, other than minor set up and preparation, demonstrating, or providing sample products free of charge to the public;
- Does not demonstrate equipment or machinery;
- Does no delivery, selling, stocking of shelves, or assembly requiring the use of power tools;
- Does not set up product displays that remain after the demonstration;
- Is employed by a manufacturer, wholesaler, or business specializing in providing product demonstrators and their services to others.

If all of these conditions are not met, product demonstrators are to be reported in the basic classifications applicable to their employers.

**(4) What are the general exclusion classifications?**

General exclusion classifications represent operations that are so exceptional or unusual that they are excluded from the scope of all basic classifications. If you have these operations, we will assign a separate classification to cover them. You must keep accurate records of the work hours your employees work in these classifications. If you do not keep accurate time records for each employee performing work covered by a general exclusion classification, we will assign the work hours in question to the highest rated classification applicable to those hours. The general exclusion classifications are:

- Aircraft operations: All operations of the flying crew;
- Racing operations: All operations of the drivers and pit crews;
- Diving operations: All operations of diving personnel and ship tenders who assist in diving operations;
- New construction or alterations of the business premises;
- Musicians and entertainers.

A division of work time is permitted between a standard exception classification and flight crew operations, racing operations, or diving operations. If you fail to keep original time records that clearly show the time spent in the office or in sales work, we will assign all work hours in question to the

highest rated classification applicable to the work hours in question:

**Example:** Assume a corporate officer performs duties which are described in classification 7101. Occasionally, the officer flies a plane to attend a meeting. You would report the flying exposure (hours) of the corporate officer in classification 6803. The remainder of the corporate officer's time would continue to be reported in classification 7101.) Special exception classifications represent operations found within an employer's business that are allowed to be reported separately from the basic classification under certain conditions. Assuming the conditions described in each classification's description are met, the following classifications may be used even if your basic classification includes the phrases "all operations" or "all employees."

Whenever a division of hours is not permitted for a special exception classification, all of the hours must be reported in the higher rated classification applicable to the work not included in the special exception classification.

The special exception classifications and their division of hour requirements are:

- **Farms: Hand harvesting crops - WAC 296-17A-4806.** A division of hours between classification 4806 and a basic farm classification is permitted.
- **Security guards at construction or logging sites - WAC 296-17A-6601.** There can be no division of hours for a worker between classification 6601 and the basic classification during a work shift.
- **Cleaning employer's business offices - WAC 296-17A-6602.** A division of hours is not permitted between this special exception classification and the basic classification for the business.
- **Construction: Superintendent or project manager - WAC 296-17A-4900.** A division of hours is permitted between classification 4900 and a basic construction classification for work performed under separate building permits and at separate locations.
- **Construction: Estimator - WAC 296-17A-4911.** No division of hours is permitted between classification 4911 and another basic or special exception classification during a work shift.
- **Permanent yard or shop operations - WAC 296-17A-5206.** No division of hours is permitted between classification 5206 and another basic or special exception classification during a work shift.
- **Log truck drivers - WAC 296-17A-5003.** There can be no division of hours for a worker between classification 5003 and the basic logging classification 5001 during a work shift.
- **Retail store demonstrators - WAC 296-17A-6406.** There can be no division of hours between classification 6406 and a basic classification during a work shift.

#### (4) What are the general exclusion classifications?

General exclusions are activities excluded from all basic classifications that do not specifically describe that type of work. You must report work described by a general exclusion in the basic classification that applies to those operations.

The general exclusion classifications are:

- **Aircraft operations:** Applies to duties performed by flight crews. A division of hours is permitted between flight crew classifications and **all** other classifications.

**Example:** Assume a corporate officer performs duties which are described in classification 7101. Occasionally, the officer flies a plane to attend a meeting. You would report the flying exposure (hours) of the corporate officer in classification 6803. The remainder of the corporate officer's time would continue to be reported in classification 7101.

- **Racing operations:** Applies to duties performed by race car or boat drivers and their pit crews. A division of hours is permitted between racing drivers/pit crew classifications and **all** other classifications. See example for aircraft operations.
- **Diving operations:** Applies to duties performed by underwater divers and any boat tenders who assist in diving operations. A division of hours is permitted between divers and tenders and **all** other classifications. See example for aircraft operations.
- **New construction or alterations of the business premises:** Applies to construction duties by employees of the business, other than those considered normal maintenance and repair. No special division of hours rules apply to this general exclusion classification.
- **Musicians and entertainers:** Applies to covered employees performing as musicians and entertainers. No special division of hours rules apply to this general exclusion classification.

**Special note:** Whenever you have multiple classifications assigned to your business, if you fail to keep original time records as specified in WAC 296-17-35201, which clearly show the time worked in each classification, we will assign any hours in question to the highest rated classification that may apply to the work performed.

**AMENDATORY SECTION** (Amending WSR 12-11-109, filed 5/22/12, effective 7/1/12)

#### WAC 296-17A-0107 Classification 0107.

**((0107-00 Utility line construction: Underground, N.O.C.**

Applies to contractors engaged in underground utility line or cable construction that is not covered by another classification (N.O.C.). Work contemplated by this classification includes the installation and maintenance of underground television cable, power, and telephone line including main, extension, and outside service connection lines by utility contractors. Installation of these types of utilities usually occurs at a depth of three feet or less. This classification includes digging narrow trenches, laying pipe or conduit, laying line or cable, and filling or backfilling trenches. In some instances automatic equipment is used which in one operation opens the trench, lays the line and backfills. Equipment used by contractors subject to this classification includes backhoes, mechanical or manual trench diggers, automatic equipment and dump trucks.

This classification excludes land or road clearing and excavation which is to be reported separately in classification 0101; overhead television, power, or telephone lines including poles or towers which are to be reported separately in classification 0509 or the applicable utility company classification; asphalt surfacing/resurfacing which is to be reported separately in classification 0210 or 0212; concrete construction which is to be reported separately in the applicable concrete construction classification(s); construction specialty services including the installation of guardrails, lighting standards and striping which is to be reported separately in classification 0219; and the installation and the hookup of electrical wiring from where the utility company's lines end to the structure's power meter by the contractor wiring a building.

#### **0107-01 Pipelaying, N.O.C.**

Applies to contractors engaged in underground pipelaying or pipeline construction not covered by another classification (N.O.C.). Work contemplated by this classification includes the installation and maintenance of underground gas, oil or water main construction, and other pipelines such as those extending cross country. Installation of these types of pipes usually occurs at a depth of approximately three feet. This classification includes digging narrow trenches, laying pipe, making connections, and filling or backfilling trenches. This classification includes machinery and equipment such as backhoes, mechanical or manual trench diggers, and dump trucks.

This classification excludes land or road clearing and excavation which is to be reported separately in classification 0101; construction of sewer lines, drainage systems, canals, ditches, or underground tanks generally occurring at a depth greater than three feet which is to be reported separately in classification 0108; asphalt surfacing/resurfacing which is to be reported separately in classification 0210 or 0212 as applicable; concrete construction which is to be reported separately in the applicable concrete construction classification(s); and construction specialty services such as the installation of guardrails, lighting standards and striping which is to be reported separately in classification 0219.)

#### **Utility line and pipelaying construction, underground, N.O.C.**

**Applies to:** Contractors engaged in underground utility line, cable, and pipelaying or pipeline construction.

**Construction services performed by utility line construction and pipelaying contractors include,** but are not limited to:

- Installation and maintenance of underground communication and power lines, including main, extension and outside service connection lines by utility contractors;
- Installation and maintenance of underground gas, oil or water mains;
- Pipelines such as those extending cross country.

**Typical activities include,** but are not limited to:

- Digging narrow trenches;
- Laying pipe or conduit;
- Making connections;
- Laying line or cable;

- Filling or backfilling trenches.

**Typical machinery includes,** but is not limited to:

- Backhoes;
- Mechanical or manual trench diggers;
- Dump trucks;
- Automatic equipment which in one operation opens the trench, lays the line and backfills.

**Excluded activities in this classification:**

- Land or road clearing and excavation (report in 0101);
- Overhead television, power, or telephone lines including poles or towers (report in 0509 or the applicable utility company classification);
- Asphalt surfacing/resurfacing (report in 0210 or 0212);
- Concrete construction (report in applicable concrete construction classification(s));
- Construction specialty services including the installation of guardrails, lighting standards and striping (report in 0219);
- Installation and hookup of electrical wiring from where the utility company's lines end to the structure's power meter by the contractor wiring a building (report in 0601);
- Construction of sewer lines, drainage systems, canals, ditches, or underground tanks (report in 0108);
- Installation of cable in buildings (report in 0601).

For administrative purposes, classification **0107** is divided into the following subclassification(s): **0107-00;** and **0107-01.**

#### **0107-00 Utility line construction: Underground, N.O.C.** **0107-01 Pipelaying, N.O.C.**

**AMENDATORY SECTION** (Amending WSR 10-18-024, filed 8/24/10, effective 10/1/10)

#### **WAC 296-17A-0108 Classification 0108.**

#### **0108-00 Ditches and canals, N.O.C.**

Applies to contractors engaged in the construction of ditches and canals not covered by another classification (N.O.C.). A ditch or canal consists of a long trench dug in the ground that will remain uncovered to serve as an artificial waterway or artificially improved river such as for irrigation, drainage, or a boundary line. Work contemplated by this classification includes digging of main irrigation canals or drainage ditches and all laterals extending from the canal or ditch, installation of pipe, making connections as needed, and filling or backfilling as needed. Equipment used by contractors subject to this classification includes a variety of machinery and equipment such as power shovels, backhoes, bulldozers, dump trucks, and mechanical or hand tool trench diggers.

This classification excludes asphalt surfacing/resurfacing which is to be reported separately in classification 0210 or 0212, and concrete construction which is to be reported separately in the applicable concrete construction classification(s).

#### **0108-01 Sewer construction; septic tank installation**

((Applies to contractors engaged in the construction or repair of new or existing sewer lines and systems. This

includes, but is not limited to, sewers, cesspools, drainpools, storm drains, and septic tanks including the drainfield construction. Work contemplated by this classification includes the installation and maintenance of all types of storm, sanitary or sewage lines and systems. Installation of these types of pipelines and systems occur entirely, or in part, at a depth greater than 3'. This classification includes such activities as excavation, trench digging, leveling trench with fill material such as sand or gravel, filling or backfilling, installation of force main type sewage work, the installation of storm sewer lines including the outfall construction of drain concrete boxes, catch basins, manholes, handling and laying of pipe (regardless of the size of pipe or depth below the ground), making connections, etc. Equipment used by contractors subject to this classification includes a variety of machinery and equipment such as power shovels, backhoes, bulldozers, dump trucks, trenchless or directional boring equipment, and manual digging.

This classification excludes side sewer hookups (street to house) when performed by a plumbing contractor as part of a plumbing contract which is to be reported separately in classification 0306; and sewer pipe cleaning including services engaged in line cleaning and unplugging of waste lines which is to be reported separately in classification 0306.)

**Applies to:** Contractors engaged in the construction or repair of new or existing sewer lines and systems. This includes, but is not limited to, sewers, cesspools, drainpools, storm drains, and septic tanks including the drainfield construction.

**Construction services include, but are not limited to:**

- Installation and maintenance of all types of storm, sanitary or sewage lines and systems;
- Excavation and trench digging;
- Leveling trenches with fill material such as sand or gravel, including filling or backfilling;
- Installation of force main type sewage work;
- Installation of storm sewer lines including the outfall construction of drain concrete boxes, catch basins, manholes, and handling and laying of pipe (regardless of the size of pipe or depth below the ground);
- Making connections.

**Typical machinery includes, but is not limited to:**

- Power shovels;
- Backhoes;
- Bulldozers;
- Dump trucks;
- Trenchless or directional boring equipment;
- Manual digging.

**Excluded activities in this classification:**

- Side sewer hookups (street to house) when performed by a plumbing contractor as part of a plumbing contract (report in 0306);
- Sewer pipe cleaning including services engaged in line cleaning and unplugging of waste lines (report in 0306).

**0108-02 Tanks, N.O.C. - Underground: Installation, repair, or removal**

Applies to contractors engaged in the installation, repair or removal of underground tanks not covered by another classification (N.O.C.) such as those used to store gas or oil. Activities include excavating or digging of holes, placement or removal of tank, and filling or backfilling. This classification makes no distinction as to the size of tank being placed or removed. Usually, the actual lifting into or out of the ground occurs with the use of a power shovel, front end loader or backhoe. Equipment used by contractors subject to this classification includes a variety of earth moving equipment such as power shovels, front end loaders, backhoes, bulldozers, and dump trucks.

**AMENDATORY SECTION** (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

**WAC 296-17A-0112 Classification 0112.**

**0112-00 Commercial production of sand, gravel, clay and stone products**

Applies to establishments engaged in the production of sand, gravel, clay and stone products. Material may be excavated in an open or surface type pit at the production site, or from a mine or quarry operation. Sand, gravel and stone is washed, crushed, sorted, graded and screened. Sand or gravel in its natural state usually requires only screening with the larger stones being removed. The larger stones are crushed and rescreened. Clay is screened and graded. Refined products are stored in bins, hoppers, piles or yards prior to delivery by truck or rail to customers. This classification includes dealers who stockpile or store products in a yard type of environment prior to delivery to the customers when done in connection with the production of such products. Equipment includes, but is not limited to, scrapers, shovels, front end loaders, trucks, conveyors, jaw crushers, gyrators, roll crushers, and shaking tables.

This classification excludes establishments engaged in selling custom soil mixes, bark, decorative rock, sand, or gravel purchased from others which are to be reported separately in classification 1103.

***Special note:*** Classifications 0112 and 1103 are not to be assigned to the same business unless all the conditions of the general reporting rule covering the operation of a secondary business have been met.

**0112-01 Humus or peat digging**

Applies to establishments engaged in the digging or stripping of humus or peat. Humus is a brown or black organic substance consisting of decayed vegetable matter that provides nutrients for plants and increases the water retention of soil. Peat is a partially carbonized vegetable matter found in bogs and used as fertilizer and fuel. Work contemplated by this classification involves stripping material from the surface or bogs with mechanical equipment such as, but not limited to, power shovels, scrapers, drag lines, clamshell diggers or cranes, and hydraulic dredges. The material is conveyed from the pit or bog to hoppers by trucks or belt conveyors. At times it is necessary to grade, screen and dry the material prior to storage or delivery to customers. This classification

includes dealers who stockpile or store material in a yard type of environment prior to delivery to customers when done in connection with the digging or stripping of such products.

**Special note:** Classifications 0112 and 1103 are not to be assigned to the same business unless all of the conditions of the general reporting rule covering the operation of a secondary business have been met.

**0112-02 Pit, crusher and bunker operations ((~~in connection with~~) for road, street and highway construction**

Applies to establishments engaged in pit, crusher and bunker operations in connection with highway, street or roadway construction projects. Generally, this type of operation is located in close proximity to the project site and is only set up for the duration of the project. Work contemplated by this classification includes excavating open or surface pits, scraping or stripping the surface, crushing, and bunker (storage) of material. Products extracted from the pit or surface include boulders, stone, rock, gravel, aggregate, sand, dirt or clay. These products can be used directly without any further refinements or could be washed, sorted, crushed and/or screened. Products are stored in bunkers or piles until needed. These products are used in a variety of ways as part of the roadway project such as, but not limited to, making preliminary roads into an area, filling in low or uneven areas, use as natural barriers, and bringing the roadbed and surrounding areas to grade. Equipment includes, but is not limited to, power shovels, scrapers, bulldozers, front end loaders and other earth moving equipment, trucks, conveyors, jaw crushers, gyrators, roll crushers, shaking tables, etc.

**Special note:** This classification (~~excludes contractors that maintain a temporary pit, crusher or bunker operation when performed by a contractor engaged in additional phases of the same road, street or highway construction project which is to be reported separately in classification 0101~~) is not assigned to contractors making the materials for their own road construction project.

**0112-03 Sand, gravel, or shale: Digging, N.O.C.**

Applies to establishments engaged in the digging or dredging of sand, gravel or shale that is not covered by another classification (N.O.C.). The material is excavated from surface pits with mechanical equipment such as power shovels, drag lines, clamshell diggers or cranes, or obtained from nonnavigable waters by means of hydraulic dredges, clamshell dredges, etc. The material is conveyed from the bank, pit or dredge to hoppers by trucks, belt conveyors, narrow gauge railroads or pipelines. It is then washed, graded, screened and stored in bins, hoppers, or piles prior to delivery by truck or rail to customers. Sand or gravel in its natural state usually requires only screening with the larger stones being removed. In some instances, the larger stones may be crushed and rescreened which is included in this classification. This classification includes dealers who stockpile or store material in a yard type of environment prior to delivery to customers when done in connection with the digging or stripping of such products.

This classification excludes underground mining operations which are to be reported separately in classification 1702.

**Special note:** Classifications 0112 and 1103 are not to be assigned to the same account unless all the conditions of the general reporting rule covering the operation of a secondary business have been met.

AMENDATORY SECTION (Amending WSR 12-11-109, filed 5/22/12, effective 7/1/12)

**WAC 296-17A-0301 Classification 0301.**

**0301-04 Lawn type sprinkler systems: Installation, service or repair**

Applies to contractors engaged in the installation, service or repair of lawn type sprinkler systems. This type of activity is performed by landscaping contractors, plumbing contractors, and irrigation specialist contractors. Generally, lawn type sprinkler systems are installed at private residences or commercial businesses. The process involves identifying the area of land to be covered to determine the size and amount of pipe and sprinkler heads needed for the job. The installation involves cutting a trench in the ground (twelve to eighteen inches deep and wide enough to accommodate the pipe) with a vibrating plow or pipe pulling machine. Next, pipe is laid in the trench, glued, or otherwise joined, heads and canisters are installed, and the timer is hooked up. The system is checked for leaks, needed adjustments are made, and the pipe and heads are buried.

This classification excludes open canal type irrigation systems which are to be reported separately in classification 0108; the installation, service or repair of above or below ground agricultural/irrigation systems which is to be reported separately in classification 0301-06; and maintenance and cleaning of lawn sprinkler system pipes and heads done in connection with a landscape maintenance contract which is to be reported separately in classification 0308.

**0301-06 Agricultural sprinkler/irrigation systems, N.O.C.: Installation, service or repair**

Applies to contractors engaged in the installation, service or repair of above or below ground agricultural sprinkler and irrigation systems not covered by another classification (N.O.C.). The more common types of systems include below ground, fixed or movable, and wheel or impulse. Generally, these types differ from lawn sprinkler systems in that the size of pipes and pumps installed are much larger to produce the water pressure needed to irrigate large areas of land. Installation of below ground systems involves the use of trenching equipment to dig trenches, which are usually more than two feet deep to lay pipe. The above ground systems are laid out and assembled based on the need of the land area.

This classification excludes open canal type irrigation systems which are to be reported separately in classification 0108, and the installation, service or repair of lawn type sprinkler systems which is to be reported separately in classification 0301-04.

**0301-08 Landscape construction operations, N.O.C.**

Applies to landscape contractors engaged in new landscape construction or renovation projects not covered by another classification (N.O.C.). This classification also applies to specialist contractors engaged in the installation of invisible fences which are usually used to confine animals

within a given area. Landscape construction work contemplated by this classification includes producing a preliminary drawing of the landscape or renovation project, preparing the ground (which may include tilling and spreading top soils or custom mix soils), installing sprinkler systems, planting trees, plants or shrubs, planting or replanting grass from seed or sod, installing ground cover material or plastic to retard weeds, placing concrete borders, the incidental construction of rockery, extruded concrete curbing, fences, ponds, paths, walkways, arbors, trellis and gazebos when performed by employees of a landscape contractor as part of a landscape contract. If these activities are conducted separately from a landscape contract and not part of the landscape project, they must be reported separately in the classification applicable to the work being performed. Equipment used by contractors subject to this classification includes, but is not limited to, tractors with till attachments, small front end loaders, trenchers, mowers, fertilizer spreaders, wheelbarrows, and electric power tools.

Invisible fence construction work contemplated by this classification includes identifying the land area to be fenced, sketching a preliminary drawing, burying the wire in a narrow trench (about one inch wide by two to six inches deep) that has been dug along the field perimeter (or just securing the wire onto the ground around the perimeter), and connecting the low voltage transmitter box (usually about the size of a hand-held calculator) that plugs into a 110 volt electrical outlet. This classification includes training sessions for the animal and related maintenance and repair at the customer's location. Equipment used to install invisible fences includes, but is not limited to, rakes or other hand tools, and small trench diggers.

This classification excludes all grading, clearing, or contouring of land which is to be reported separately in classification 0101; bulkheads not adjacent to water, or similar structures built of rock, which are to be reported separately in classification 0302; the installation or on-site maintenance of roofing materials composed of impermeable barriers, sod, soil, and plants, sometimes termed landscape roofing, living roofing, garden roofing, green/environmentally beneficial roofing, brown/biodiverse roofing, or vegetative roofing, which is to be reported in classification 0507; any installation or maintenance of a landscape roofing irrigation system, which is reported in classification 0507; and lawn care maintenance or chemical spraying or fumigating which is to be reported separately in classification 0308.

**AMENDATORY SECTION** (Amending WSR 09-16-110, filed 8/4/09, effective 10/1/09)

**WAC 296-17A-0308 Classification 0308.**

**0308-00 Chemical spraying and fumigating**

Applies to establishments engaged in providing chemical spraying and fumigating services only to established residential landscaping and commercial properties. Work contemplated by this classification includes, but is not limited to, the application of various liquid and granular chemicals (fertilizers, herbicides, pesticides, insecticides, iron, nitrogen, slow release food stakes) for use on grass, plants, shrubs, flowers, trees, moss, ivy or weeds. Employees of establish-

ments subject to this classification arrive at the location site in a tank truck equipped with a premixed solution that is dispensed with a spray hose, or by fertilizer spreaders, injection guns, and back pack dispensers.

This classification excludes chemical spraying of roadway median strips by nonmunicipal employees adjacent to state, city or town roadways which is to be reported separately in classification 0101; chemical spraying done in connection with forest roads or reforestation projects which is to be reported in the applicable forestry classification; pest and termite control which is to be reported separately in classification 6602; chemical spraying and fumigating by employees of cities, counties, state agencies, or other municipalities which is to be reported in the classification applicable to the type of municipality performing the work; chemical spraying of agricultural farms or orchards which *may* be reported separately in classification 4808 or in the agricultural classification applicable to the employer's operation; and crop dusting by aircraft which is to be reported separately in classification 6903.

**0308-01 Lawn care maintenance**

Applies to contractors engaged in maintenance of established lawns and gardens. Work contemplated by this classification includes, but is not limited to, mowing and thatching lawns, edging, weeding flower beds, raking, rototilling gardens, application of fertilizers, and spraying and trimming of shrubs. Also included is minor landscape renovation and/or restoration activities incidental to, and performed as part of, the lawn care maintenance contract for an existing lawn or landscape such as the removal and replacement of plants, turf repair or reseeding of grass, and the spreading of decorative rock, topsoil, or bark. This classification includes replacement of sprinkler heads and cleaning of lawn type sprinkler systems only when performed in connection with and incidental to the lawn care maintenance contract. Contractors who provide snow blowing and snow removal services using hand-held or push-propelled equipment are included in this classification. Equipment used by contractors subject to this classification includes, but is not limited to, riding or power lawn mowers, power sweepers, edgers, thatchers, weed eaters, grass blowers, fertilizer spreaders, sprayers, gas or electric power tools, and hand tools.

This classification excludes new landscape construction which is to be reported separately in classification 0301; tree care and pruning services which are to be reported separately in classification 0101; grading, clearing, or contouring of land which is to be reported separately in classification 0101; installation, service or repair of lawn type sprinkler systems which is to be reported separately in classification 0301; ~~(and)~~ the installation, service or repair of above or below ground agricultural irrigation systems which is to be reported separately in classification 0301; the installation or on-site maintenance of roofing materials composed of impermeable barriers, sod, soil, and plants, sometimes termed landscape roofing, living roofing, garden roofing, green/environmentally beneficial roofing, brown/biodiverse roofing, or vegetative roofing, which is to be reported in classification 0507; any installation or maintenance of a landscape roofing irrigation system, which is reported in classification 0507.

**Special notes:** Classifications 0308 and 0301 may be assigned to the same business provided that the conditions of the general reporting rule covering the operation of a secondary business have been met.

Care should be exercised in the assignment of this classification when tree services are included. Tree care service contracts generally call for the radical topping, pruning or cutting of tree limbs to remove or eliminate a hazard to buildings, property, or power lines. Tree trimming as part of this classification is only for the purpose of shaping and maintaining healthy trees and to control size for the visual relationship to other landscape material.

**AMENDATORY SECTION** (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

**WAC 296-17A-0507 Classification 0507.**

**0507-05 Roofwork construction and repair**

Applies to contractors engaged in the installation or repair of roofing material on all types of new or existing buildings or structures. Roofing materials include, but are not limited to, felt roofing paper, rolled composition, wood, fiberglass or composition shingles or shakes, aluminum or sheet metal, masonry or ceramic tile, tar, and polyurethane foam. Installation of roofing materials varies with the product. Wood, fiberglass and composition shingles are nailed; masonry, slate or ceramic tiles require drilling, nailing or cementing; polyurethane foam is applied by spray then coated with a protective layer of paint-like material; hot tar requires melting in tanks, usually at ground level, then it is pumped or raised by bucket to the roof top and applied by spray or mop; cold apply uses an adhesive to bond roofing membranes to form a roofing system; cold tar is applied by brush, spray or mop; single ply involves large sheets of roofing material which are unrolled on the roof with edges overlapping and seamed; and metal roofing is seam welded or nailed. For purposes of this classification the term "roofwork" includes repairs to the subroof such as the replacement of trusses, rafters, supports, and sheathing, but excludes the placement of trusses, rafters, supports or sheathing on new building construction. Essentially, when removing the existing roof material from an existing building or structure it is not uncommon to find dry rot or deterioration to parts of the subroof. The repair of the subroof is part of the roof repair or replacement project and is included in this classification. By contrast, when a subroof is constructed on new buildings or structures, this activity is to be reported separately in the classification applicable to the work being performed such as 0510 for wood frame construction or 0518 for nonwood frame construction. This classification includes the installation or on-site maintenance of roofing materials composed of impermeable barriers, sod, soil, and plants, sometimes termed landscape roofing, living roofing, garden roofing, green/environmentally beneficial roofing, brown/biodiverse roofing, or vegetative roofing; and any installation or maintenance of a landscape roofing irrigation system.

This classification excludes roof cleaning, moss or snow removal on single story buildings not incidental to, or part of, a roofing contract which is to be reported separately in classification 6602; roof cleaning or moss removal of multiple

story buildings not incidental to, or part of, a roofing contract which is to be reported separately in classification 0504; the installation of gutters and downspouts which is to be reported separately in classification 0519; waterproofing parts of buildings other than roofs which is to be reported separately in classification 0504 and/or 0101; placing roof trusses, rafters, supports and sheathing on new wood frame buildings which is to be reported separately in classification 0510; the application of polystyrene strips used as insulation on mobile homes which is to be reported separately in classification 0512; and placing roof trusses, rafters, supports and sheathing on new buildings, N.O.C. which is to be reported separately in classification 0518.

**0507-99 Roofwork construction and repair (only to be assigned by the roofing specialist)**

Applies to roofing contractors who consider themselves to be independent contractors, have no employees, and have not elected owner coverage for themselves.

The purpose of assigning this classification is to allow the independent contractor the opportunity to be checked for "account in good standing" for prime contractor liability.

**Special note:** Any contractor who hires employees or elects owner coverage is required to report in the applicable construction classification.

**AMENDATORY SECTION** (Amending WSR 13-11-128, filed 5/21/13, effective 7/1/13)

**WAC 296-17A-0510 Classification 0510.**

**0510-00 Wood frame building: Construction or alterations, N.O.C.**

Applies to contractors engaged in wood frame building construction or alterations not covered by another classification (N.O.C.). For the purposes of this classification, wood frame building construction means buildings erected exclusively of wood or wood products. This classification includes all building framing activities done in connection with wood frame building construction including:

- Placement of roof trusses;
- Sheathing roofs;
- Installation of exterior building siding;
- Installation of exterior doors and door frames;
- Installation of windows, window frames, and skylights when performed by framing workers as part of the framing contract on a wood frame building;
- Erection of log home shells at customer's location.

The manufacturing of log homes in a permanent yard which includes peeling the logs, notching the logs with chainsaws, and assembly is to be reported in classification 1003-06.

This classification excludes all other phases of wood frame building construction not listed as part of the framing activities above such as, but not limited to:

- Site preparation and excavation (0101);
- Overhead or underground utilities, asphalt work, or concrete work which is to be reported separately in the applicable classification;
- New landscape work (0301);
- Brick work (0302);



- Stucco work (0303);
- Plumbing work (0306);
- HVAC work (0307);
- Carpet and tile work (0502);
- Exterior painting (0504);
- Roof work (0507);
- Insulation work (0512);
- Interior finish carpentry - Interior doors, cabinets, fixtures or molding (0513);
- Installation of garage doors (0514);
- Installation of sheet metal siding, gutters, and nonstructural sheet metal patio covers/carports (0519);
- Interior painting (0521);
- Electrical work (0601); and
- Wallboard installation, taping or texturing which are to be reported separately in the applicable classifications. For a more thorough description of the activities included and excluded from wood frame building construction, review the Construction Industry Guide.

**Special note:** Classification 0510 also includes wood frame building alterations or remodel work when the activity involves building new additions. The term "new additions" is defined as adding on to an existing wood frame building (upwards or outwards) in which the use of structural supports and main bearing beams is required. This is distinguishable from classification 0516 - Building repair or carpentry work that typically does not require the placement of structural supports or main bearing beams. The purpose of classification 0516 is to build or rebuild with nonstructural or bearing beams, or to replace an existing portion (including existing structural and bearing beams) of a wood frame building for appearances or as a result of deterioration to make it appear new again. Care should be exercised as the terminology to build, rebuild, remodel, construct or reconstruct is irrelevant to assignment of classification which should recognize what the project actually involves.

**Guidelines:**

- Altering all or part of an existing wood frame building by adding on new additions - 0510;
- Constructing a new wood frame building that never existed - 0510;
- Remodeling all or part of an existing wood frame building *without* adding on new additions - 0516;
- Altering all or part of an existing wood garage by adding on new additions - 0510;
- Altering the existing interior of a wood frame building by adding exterior additions - 0510;
- Constructing a new wood garage that never existed - 0510;
- Constructing, altering, or remodeling the interiors of nonwood frame buildings - 0516;
- Constructing a new wood carport or wood shed that never existed - 0510;
- Constructing or replacing a wood deck for any type of nonwood building - 0516;
- Constructing or replacing a wood deck on an existing wood house - 0516;
- Construction of a new wood deck by the framing contractor when a new wood house is being built - 0510;

- Installation of windows, window frames, and skylights when performed by framing workers as part of the framing contract of a wood frame building - 0510;

- Installation of ~~((wood or vinyl))~~ nonmetal siding on a new ~~((or existing))~~ wood frame building or a new addition - 0510;

~~((Installation of wood or vinyl siding on a new addition by the remodeling contractor - 0510-00))~~

- Installation of ~~((wood or vinyl))~~ nonmetal siding on an existing structure by ~~((a remodeling contractor - 0516-00 or 0510-00))~~;

- A siding contractor - 0510;

- A remodeling contractor with subclassification 0516-02 - 0510;

- A remodeling contractor with subclassification 0516-00 - 0516-00;

- Rebuilding an existing wood carport or wood shed (all or part) with or without new additions - 0516;

- Remodeling all or part of an existing wood garage without adding on new additions - 0516;

- Remodeling the existing interior of a wood frame building without adding exterior additions - 0516.

**0510-99 Wood frame building: Construction or alteration, N.O.C. (only to be assigned by the wood framing specialist)**

Applies to framing contractors who consider themselves to be independent contractors, have no employees, and have not elected owner coverage for themselves.

The purpose of assigning this classification is to allow the independent contractor the opportunity to be checked for "account in good standing" status for prime contractor liability.

**Special note:** Any contractor who hires employees or elects owner coverage is required to report in the applicable construction classification.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

**WAC 296-17A-0514 Classification 0514.**

**0514-00 Garage or overhead door: Installation, service or repair**

Applies to contractors engaged in the installation, service or repair of garage or overhead doors made of wood or metal. As part of a new construction project, the installation usually occurs before the building or structure is painted. Garage or overhead door installation can also occur as a replacement to an existing door or as an alteration or addition to a building or structure. The process involves installing door tracks on both sides of the doorway, inserting the door, which usually consists of panels or sections, into the tracks, and attaching panels or sections to one another. This classification also includes the installation of automatic door openers when performed as a part of the garage or overhead door installation contract, and by the same contractor installing the doors.

This classification excludes the installation, service or repair of commercial automatic door openers when it is not performed as a part of the garage or overhead door installa-

tion contract which is to be reported separately in classification 0603; the installation, service or repair of residential automatic door openers when it is not performed as a part of the garage or overhead door installation contract which is to be reported separately in classification 0607; the installation of exterior glass doors and door frames such as nonautomatic and automatic opening doors at retail establishments or commercial buildings which are to be reported separately in classification 0511; the installation of interior or exterior doors and door frames when performed by a framing contractor as part of framing a wood frame building which is to be reported separately in classification 0510; the installation of interior doors and door frames which is to be reported separately in classification 0513; the installation of wood, fiberglass or metal exterior doors as part of a nonwood frame building when performed by employees of the general contractor which is to be reported separately in classification 0518; and the repair or replacement of wood, fiberglass or metal doors on an existing building which is to be reported separately in classification 0516.

**0514-01 Nonstructural metal additions to buildings or structures: Installation, removal, alteration, and/or repair**

Applies to contractors engaged in the installation, removal, alteration, and/or repair of nonstructural additions to buildings or structures. Nonstructural metal additions include, but are not limited to, fire escapes, staircases, balconies, railings, roll down shutters, window or door lintels, protective window or door gratings, bank cages, decorative elevator entrances or doors, permanent stadium seating, and wall facades and facings. Generally, the process involves bolting, screwing, riveting, or welding these additions to the interior or exterior of buildings or structures. Contractors who operate a shop to prefabricate the additions are to be assigned the classification applicable for the shop manufacturing work being performed. When a contractor's business is assigned a manufacturing classification for shop operations, classification 5206, "Permanent yard or shop," is no longer applicable to the contractor's business for the storage of materials or repair of equipment.

This classification excludes sheet metal installation such as siding, gutters and downspouts, and nonstructural sheet metal patio covers/carports which are to be reported separately in classification 0519; the installation, repair or dismantling of portable bleachers or stages which is to be reported separately in classification 0603; and the erection of commercial metal carports, service station canopies, and structural iron or steel work as part of a building or structure which is to be reported separately in classification 0518.

AMENDATORY SECTION (Amending WSR 13-11-128, filed 5/21/13, effective 7/1/13)

**WAC 296-17A-0516 Classification 0516.**

**0516-00 Building repair, remodeling and carpentry**

**This subcode applies to a firm that chooses to report all construction phases in one classification. This is to simplify recordkeeping.**

Applies to contractors engaged in building repair, remodeling and carpentry work.

This classification applies to:

- Remodeling and carpentry-related framing work on concrete, brick and steel buildings.
- Wood framed building renovation and remodeling projects when the skeleton framework is not being modified or altered.

Typical projects include, but are not limited to:

- Interior building demolition ("strip outs") involving only the removal of interior walls, partitions, interior trim, cabinetry, doors, flooring and related construction materials;
- Converting a room from one use to another, such as a bedroom to a study, or a garage to a family room;
- Enlarging or reconfiguring a room by removing or adding an interior wall;
- Upgrading a kitchen or bathroom;
- Repairing or installing all types of siding on an existing structure;
- Adding structures such as a wooden deck to an existing building, screening a porch, installing a wood patio cover, or assembling sheet metal tool or garden sheds.

Contractors subject to this classification use a variety of dimensional lumber and wood products, light weight metal studs and plastic and fiber reinforced boards, metal fasteners (nails, screws and bolts), and metal reinforcing or support straps such as joist hangers and post brackets.

This classification includes:

- Framing of wood structures with light weight metal studs.
- Installation of earthquake tie downs on residential buildings.
- Specialty service providers or contractors engaged in providing general repair services or performing remodeling projects on buildings and structures.

**Contractors who alter, remodel or repair existing structures and have opted to report their construction activities under this single subclassification 0516-00 are not to be assigned any other construction classification with the exception of roof work or roofing which is to be reported separately in classification 0507-05.**

*Special note:* Businesses assigned to this classification are distinguishable from those assigned to classification 0516-02, in that 0516-02 requires each phase of construction to be reported separately in the appropriate construction classification(s).

Contractors that build **new wood structural additions** as part of a remodeling contract must also report each phase separately. They must use classification 0510-00 to report the new framing. All other phases of the construction must be reported separately in the appropriate classification(s) as noted in the text of classification 0516-02.

Contractors that build new structural additions and also repair and remodel existing structures will be assigned both 0510-00 and 0516-02 in addition to any other appropriate classification. 0516-00 will not be assigned to these employers.

Subclassifications 0516-00 and 0516-02 cannot be active on an account at the same time.

**0516-01 Wood playground equipment: Installation and/or repair**

Applies to contractors engaged in the installation and/or repair of wood playground equipment. Work contemplated by this classification begins after the area of land has been excavated and/or cleared and includes installing wood playground equipment at private residences and in public settings such as, but not limited to, schools, parks, day care centers, churches, and hotels. This classification usually includes a variety of playground equipment comprised of treated wood beams, poles, posts, and a variety of dimensional lumber used in building swings, forts, stationary and swinging bridges, balance beams, climbing towers, slides, and rope and tire walks. Generally, the process involves setting poles or posts with use of a post hole digger, backhoe or tractor equipped with an auger. The poles or posts may be set in concrete. Depending on the piece of equipment being built, use of beams, planks, dimensional lumber, rope, chains, tires, and metal bars or rings, are securely attached with nails, screws, bolts or eye hooks. This classification includes the building of borders surrounding the playground equipment area with beams or railroad ties and the spreading of pea gravel, sand or wood chips underneath the equipment.

This classification excludes the installation of metal playground equipment which is to be reported separately in classification 0603, and the excavation or clearing of land which is to be reported separately in classification 0101.

**0516-02 Building repair, remodeling and carpentry, N.O.C.**

**This subcode applies to a firm that chooses to report all construction phases into separate construction classifications.**

Applies to contractors engaged in building repair, remodeling and carpentry work, not covered by another classification (N.O.C.).

This classification applies to:

- Remodeling and carpentry-related framing work on the interior of concrete, brick and steel buildings.
- Wood framed building renovation and remodeling projects when the skeleton framework is not being modified or altered.

Typical projects include, but are not limited to:

- Interior building demolition ("strip outs") involving only the removal of interior walls, partitions, interior trim, cabinetry, doors, flooring and related construction materials.
- Converting a room from one use to another, such as a bedroom to a study, or a garage to a family room.
- Enlarging or reconfiguring a room by removing or adding an interior wall.
- Upgrading a kitchen or bathroom.
- Adding structures such as a wooden deck to an existing building, screening a porch, installing a wood patio cover, or assembling sheet metal tool or garden sheds.

Contractors subject to this classification use a variety of dimensional lumber and wood products, light weight metal studs and plastic and fiber reinforced boards, metal fasteners (nails, screws and bolts), and metal reinforcing or support straps such as joist hangers and post brackets.

This classification includes:

- Framing of wood structures with light weight metal studs.
- Installation of earthquake tie downs on residential buildings.
- Specialty service providers or contractors engaged in providing general repair services or performing remodeling projects on buildings and structures.

**Except for interior demolition, framing and drywall which are to be reported in classification 0516-02, each phase must be reported separately in the appropriate classification noted below, but not limited to:**

Concrete foundations/slabs	0217
Interior painting	0521
Counter tops	0302/0502
Metal siding/gutters	0519
Drywall	0550/0551
Plumbing	0306
Electrical	0601
Roofing new construction	0507
Roof work includes repairs to trusses, rafters, supports and sheathing	0507
Exterior painting	0504
Wood framing/sheathing/windows/non-metal siding	0510
Floor coverings	0502
Interior finish carpentry	0513
Window installation (not part of a framing contract)	0511
Insulation	0512
Masonry	0302
Brick	0302

**Reference:** WAC 296-17-31013 and 296-17-31017.

Contractors performing remodeling or alteration projects which involve **new structural additions** must report that activity in classification 0510-00 and any other applicable classification(s) noted above.

**Contractors who alter, remodel or repair existing structures can choose to report all hours in classification 0516-00. This classification excludes roofing or roof work which is to be reported in 0507-05. This method can simplify recordkeeping.**

**Special note:** Proper reporting in multiple construction classifications requires special care in maintaining required records. If these records have not been maintained as required, all worker hours for which the records were not maintained will be reassigned to the highest rated classification applicable to the work that was performed.

**Reference:** WAC 296-17-31013.

Averages, estimates or percentages are not allowed.

**Reference:** WAC 296-17-31017.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

**WAC 296-17A-0803 Classification 0803.**

**0803-00 Cities and towns - All other employees**

Applies to employees of cities or towns who:

- Perform manual labor (~~(- or who)~~);
- Supervise a work crew performing manual labor such as custodial or maintenance (~~(-)~~); and
- Operate machinery or equipment (~~(operators)~~), including (~~(transit bus drivers)~~) buses. This classification includes:
  - Administrative personnel with field exposure, such as engineers, safety inspectors, and biologists (~~(- who have field exposure, and also includes store and stock clerks)~~). For purposes of this classification, field exposure is defined as any exposure other than the normal travel to a work assignment, such as an auditor or social worker would encounter.

This classification excludes:

- Municipal power districts which are to be reported separately in classification 1301;
- Privately owned and operated bus or transit systems which are to be reported separately in classification 1407; (~~(irrigation and waterworks operations)~~)
- Public utility water districts, co-ops, or privately operated water distribution systems, which are to be reported separately in classification 1507;
- Law enforcement officers who are to be reported separately in classifications 6905 and 6906, as appropriate;
- Firefighters who are to be reported separately in classification 6904;
- Volunteers who are to be reported separately in classification 6901; and
- Clerical office and administrative employees who are to be reported separately in classification 5305.

AMENDATORY SECTION (Amending WSR 12-11-109, filed 5/22/12, effective 7/1/12)

**WAC 296-17A-1501 Classification 1501.**

**1501-00 Counties and taxing districts, N.O.C. - All other employees**

Applies to employees of counties and taxing districts, not covered by another classification (N.O.C.), who:

- Operate machinery or equipment, including transit bus drivers;
- Perform manual labor;
- Supervise a work crew performing manual labor such as custodial or maintenance.

This classification includes administrative personnel such as:

- Engineers, safety inspectors, and biologists who have field exposure;
- Internal inventory and supply clerks.

For purposes of this classification, field exposure is defined as any exposure other than the normal travel to or from a work assignment.

This classification excludes:

- Clerical office and administrative employees who are to be reported separately in classification 5306;

- Electric light and power public utility districts which are to be reported separately in classification 1301;
- Firefighters who are to be reported separately in classification 6904;
- Hospital districts which are to be reported separately in classification 6105;
- Irrigation system public utility districts which are to be reported separately in classification 1507;
- Law enforcement officers who are to be reported separately in classifications 6905 and 6906, as appropriate;
- Port districts which are to be reported separately in classification 4201;
- Privately owned and operated bus or transit systems which are to be reported separately in classification 1407;
- School districts, library districts or museum districts which are to be reported separately in classification 6103 or 6104;
- Water distribution or purification system public utility districts which are to be reported separately in classification 1507;
- Volunteers who are to be reported separately in classification 6901 or 6906, as appropriate.

**1501-01 Housing authorities, N.O.C. - All other employees**

Applies to employees of housing authorities, not covered by another classification, who:

- Perform manual labor;
- Supervise a work crew performing manual labor such as custodial or maintenance, and machinery or equipment operators.

This classification includes all functional operations of a housing authority such as:

- Building and grounds maintenance;
- Inspection, maintenance and repairs, including minor structural repairs;
- Janitorial service.

Also included in this classification are:

- Administrative personnel such as engineers and safety inspectors who have field exposure;
- Internal inventory and supply clerks;
- Meter readers;
- Security personnel, other than those with law enforcement powers.

For purposes of this classification, housing authorities are defined as nonprofit, public and political entities which serve the needs of a specific city, county or Indian tribe. The nature and objectives of some of the projects undertaken by housing authorities include providing decent, safe and sanitary living accommodations for low income persons, or providing group homes or halfway houses to serve (~~(developmentally or otherwise disabled persons)~~) people with disabilities or juveniles released from correctional facilities. A housing authority has the power to:

- Prepare, carry out, lease and operate housing facilities;
- Provide for the construction, reconstruction, improvement, alteration or repair of any housing project;
- Sell or rent dwellings forming part of the project to or for persons of low income;

- Acquire, lease, rent or sell or otherwise dispose of any commercial space located in buildings or structures containing a housing project;

- Arrange or contract for the furnishing of the units;
- Investigate into the means and methods of improving such conditions where there is a shortage of suitable, safe and sanitary dwelling accommodations for persons of low income.

This classification excludes:

- Clerical office and administrative employees who are to be reported separately in classification 5306;
- New construction or major alteration activities which are to be reported separately in the appropriate construction classifications;
- Security personnel with law enforcement powers who are to be reported separately in classification 6905;
- Volunteers who are to be reported separately in classifications 6901 or 6906, as appropriate.

#### **1501-08 Native American tribal councils - All other employees**

Applies to employees of Native American tribal councils who perform manual labor, or who supervise a work crew performing manual labor such as custodial or maintenance, and machinery or equipment operators. This classification includes:

- Administrative personnel such as engineers, safety inspectors, and biologists who have field exposure;
- Internal inventory and supply clerks of the tribal council.

For purposes of this classification, field exposure is defined as any exposure other than the normal travel to and from a work assignment.

This classification excludes:

- Clerical office and administrative employees who are to be reported separately in classification 5306;
- Electric light and power public utility districts which are to be reported separately in classification 1301;
- Firefighters who are to be reported separately in classification 6904;
- Hospital districts which are to be reported separately in classification 6105;
- Irrigation system public utility districts which are to be reported separately in classification 1507;
- Law enforcement officers who are to be reported separately in classifications 6905 and 6906;
- New construction or reconstruction activities which are to be reported separately in the appropriate construction classification;
- School districts, library districts or museum districts which are to be reported separately in classification 6103 or 6104;
- Water distribution or purification system public utility districts which are to be reported separately in classification 1507.

**Special notes:** Housing authorities operating under the name of, and for the benefit of, a particular tribe are not exempt from mandatory coverage. These housing authorities are federally funded and are not owned or controlled by a tribe.

Only those tribal operations which are also provided by county governments are subject to classification 1501. Some activities are considered to be normal operations to be included in this classification. These include, but are not limited to:

- Building maintenance;
- Garbage and sewer works;
- Grounds keepers;
- Park maintenance;
- Road maintenance;
- Visiting nurses and home health care.

All other tribal council operations which are not normally performed by a county government shall be assigned the appropriate classification for the activities being performed.

Some operations are outside the scope of classification 1501 and are to be reported separately in the applicable classifications. These include, but are not limited to:

- Bingo parlors;
- Casinos;
- Fish/shellfish hatcheries;
- Food banks;
- Gift shops;
- Grocery stores;
- Head Start programs;
- Liquor stores;
- Logging;
- Meals on wheels;
- Motels/hotels;
- Restaurants;
- Tobacco stores;
- Tree planting/reforestation.

#### **1501-09 Military base maintenance, N.O.C.**

Applies to establishments not covered by another classification (N.O.C.), engaged in providing all support operations and services on a military base on a contract basis. Such services include, but are not limited to:

- Data processing;
- Photography;
- Mail delivery (on post and to other military facilities);
- Hotel/motel services;
- Mess halls;
- Recreational facilities;
- Grounds and building maintenance;
- Vehicle maintenance;
- Maintenance of such facilities as water works, sewer treatment plants and roads.

This classification excludes:

- New construction or construction repair projects which are to be reported separately in the applicable construction classification for the work being performed;
- Contracts for specific activities on a military base such as, but not limited to, building maintenance, club or mess hall operations, or vehicle maintenance, which are to be reported separately in the applicable classification for the work being performed;
- Firefighters who are to be reported separately in classification 6904;
- Law enforcement officers who are to be reported separately in classification 6905;

• Clerical office and administrative employees who are to be reported separately in classification 5306.

**Special note:** Classification 1501-09 is to be assigned to an establishment only when *all* support services on a military base are being provided by the contractor. Care should be taken when assigning classification 1501-09 to firms whose military support services include loading, unloading, repair or construction of vessels, or the repair of buildings or structures used for such activities as that firm may be subject to federal maritime law.

### **1501-20 Community action organizations - All other employees N.O.C.**

Applies to organizations performing an array of services to support the local community and citizens in need. The services provided by community action organizations may include, but are not limited to:

- Child care; after school care;
- Alternative schools; in home chore services;
- Employment or independence training;
- Counseling and assistance;
- Drug and alcohol recovery programs;
- Decent, safe and sanitary living accommodations for low-income or needy citizens;
- Transitional or emergency housing; weatherization;
- Food and clothing banks;
- Meals;
- Medical services.

This classification applies to employees of community action organizations N.O.C. (not otherwise classified) who perform manual-type labor, or who supervise a work crew performing manual labor. Work in this classification includes, but is not limited to:

- Cooks;
- Food banks;
- Drivers;
- Janitorial or maintenance and repair work weatherization services.

**Note:** Businesses providing only one service described in this class may be assigned the classification applicable to the service provided. If all conditions of the general reporting rules have been met, standard exception classifications may apply.

Excluded from this risk classification are:

- New construction or major alteration activities which are to be reported separately in the appropriate construction classifications;
- Office employees who work exclusively in an administrative office environment who are to be reported in classification 4904-20;
- Professional or administrative employees who may also have duties outside of the office who are to be reported in classification 5308-20;
- Chore workers/home service workers who are to be reported in classification 6511-20;
- Housing authorities which are to be reported in 1501-01 and 5306-26;
- Welfare special works programs which are to be reported in 6505;
- Work activity centers which are to be reported in 7309;

• Volunteers who are to be reported in classification 6901.

See classifications 5308-20 and 4904-20 for other community action operations.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

### **WAC 296-17A-3105 Classification 3105.**

#### **3105-06 Concrete blocks, bricks, poles, piles, tiles and beams manufacturing**

Applies to establishments engaged in the manufacture of concrete blocks, bricks, poles, tiles, and beams. Sand, gravel, cement, cinders, aggregates, mesh wire, rods, and, in some cases, plastics are received from others. Raw materials are mixed with water and fed into molds or forming machines. Heavy mesh wire or rods may be inserted into the molds for strength. The formed products are usually steam dried and placed in the yard for curing prior to shipping. This classification does not apply to the manufacture of these products when done by construction contractors (~~(at a construction site)~~) for use in the construction project.

This classification excludes the production of raw materials which is to be reported separately in the applicable mining, quarrying, or excavation classification; the installation or erection of products manufactured under this classification which is to be reported separately in the classification applicable to the work being performed; the manufacture of concrete sewer and irrigation pipes, septic tanks and concrete products not classified elsewhere which is to be reported separately in classification 3105-07; the manufacture of statuary and ornamental items from plaster or concrete which is to be reported separately in classification 3509; and the manufacture of brick or clay products which is to be reported separately in classification 3501.

**Special note:** This classification differs from classification 3509 "statuary or ornament manufacturing" in that products manufactured in classification 3105 are rough, do not require perfect finishes, and are generally for construction use; products manufactured in classification 3509 are for decorative purposes, are usually lighter weight, and have smoother or more perfect finishes than the concrete products manufactured in classification 3105.

#### **3105-07 Concrete sewer and irrigation pipes, concrete septic tanks and concrete products, N.O.C. manufacturing**

Applies to establishments engaged in the manufacture of concrete sewer and irrigation pipes, septic tanks and other concrete products not covered by another classification (N.O.C.), such as, but not limited to, panels, tubs, catch basin covers, chimney caps, columns, incinerators, manhole covers, pier footings, monuments, coffins, caskets, and burial vaults. Sand, gravel, cement, cinders, aggregates, mesh wire, rods, and, in some cases, plastics are received from others. Raw materials are mixed with water and fed into molds or forming machines. Heavy mesh wire or rods may be inserted into the molds for strength. The formed products are usually steam dried and placed in the yard for curing prior to shipping. The manufacture of concrete panels generally involves

the cutting and welding of metal to form a frame to which concrete fiberboard is attached. Additional steps may involve the application of an adhesive to the frame and the attachment of decorative material such as crushed rock, gravel, ceramic tile or brick. The fabrication of the metal framing is included within the scope of this classification when performed by employees of an employer engaged in manufacturing concrete panels. This classification does not apply to the manufacture of these products when done by construction contractors ((at a construction site)) for use in the construction project.

This classification excludes the production of raw materials which is to be reported separately in the applicable mining, quarrying, or excavation classification; the installation or erection of products manufactured under this classification which is to be reported separately in the applicable classification; the manufacture of concrete blocks, bricks, poles, piles, tiles and beams which is to be reported separately in classification 3105-06; the manufacture of statuary and ornamental items from plaster or concrete which is to be reported separately in classification 3509; and the manufacture of brick or clay products which is to be reported separately in classification 3501.

**Special note:** This classification differs from classification 3509 "statuary and ornament manufacturing" in that products manufactured in classification 3105 are rough, do not require perfect finishes, and are generally for construction use; products manufactured in classification 3509 are for decorative purposes, are usually lighter weight, and have smoother or more perfect finishes than the concrete products manufactured in classification 3105.

AMENDATORY SECTION (Amending WSR 07-24-045, filed 12/1/07, effective 1/1/08)

**WAC 296-17A-3309 Classification 3309.**

~~(3309-02 Golf cart sales/rental agencies~~

~~Applies to establishments engaged in the sale and/or rental of new, used golf carts and go carts, and related items such as, but not limited to, golf cart trailers, canopies, protective outerwear, helmets, and replacement parts for the above products. The sale of boats and canoes can be included in this classification if they are incidental to the sale of golf carts and go carts. This classification includes outside lots, and full product line parts and service departments. Regional service representatives who provide factory training to local dealer shop mechanics are included in this classification.~~

~~This classification excludes establishments primarily engaged in the sale of boats, boat trailers and motors, which are to be reported separately in classification 3414, and the repair of lawn and garden equipment and small engines which is to be reported separately in classification 3402.~~

~~**3309-03 Motorcycle, moped, motor scooter, snowmobile, jet ski, all terrain vehicles sales/rental agencies**~~

~~Applies to establishments engaged in the sale of new and used motorcycles, mopeds, motor scooters, snowmobiles, jet skis, three wheel and four wheel all-terrain vehicles. These establishments may also sell related items such as, but not limited to, portable generators, lawn and garden equipment,~~

~~chain saws, water pumps, snow blowers, small gasoline engines, boat motors, protective outerwear, helmets, and replacement parts for the above products. The sale of boats and canoes can be included in this classification if they are incidental to the sale of motorcycles, mopeds, or other primary merchandise. This classification includes service managers and service personnel, parts department personnel who have shop exposure, and lot personnel. Also included are motorcycle service and repair shops, motorcycle dismantlers (wrecking yards), regional service representatives who provide factory training to local dealer shop mechanics, and establishments engaged in the sale/rental and service (repair) of motorized mobility aids, such as motorized wheelchairs and 3-wheel scooters.~~

~~This classification excludes establishments primarily engaged in the sale of boats, boat trailers and motors, which are to be reported separately in classification 3414; establishments primarily engaged in the sale of lawn and garden equipment which is reported separately in classification 6309; and the repair of lawn and garden equipment and small engines which is to be reported separately in classification 3402.~~

~~**Special note:** While most businesses assigned to this classification have an inventory of parts which they use in the service and repair of customer vehicles, some employers have full line parts stores. Care should be taken when considering assignment of classification 6309 for part sales. Only those businesses that have a full line parts store which is physically separated from the repair shop and whose sales of parts are primarily for off-premises repair (do it yourself repair) should be considered for classification 6309.)~~

~~**Golf cart, motorcycle, and motorized sport vehicle dealers**~~

~~Classification 3309 applies to dealers that sell, rent, or repair:~~

- ~~• Golf carts and trailers;~~
- ~~• Go carts;~~
- ~~• All-terrain vehicles (ATV);~~
- ~~• Jet skis;~~
- ~~• Motorcycles;~~
- ~~• Motor scooters;~~
- ~~• Snowmobiles.~~

~~These establishments may also sell other incidental items such as:~~

- ~~• Boat motors;~~
- ~~• Canoes;~~
- ~~• Chain saws;~~
- ~~• Helmets;~~
- ~~• Lawn and garden equipment;~~
- ~~• Portable generators;~~
- ~~• Protective outerwear;~~
- ~~• Replacement parts;~~
- ~~• Small gasoline engines;~~
- ~~• Snow blowers;~~
- ~~• Water pumps.~~

~~Occupations included in this classification are:~~

- ~~• Service and repair personnel;~~

- Service managers;
- Parts department employees who also provide service and repair;
- Lot attendants who wash, fuel and prep vehicles, and keep service area organized;
- Motorcycle dismantlers (motorcycle wrecking yards);
- Regional service reps who provide factory training to local dealer shop mechanics.

***Special note:*** If all conditions of the general reporting rules covering standard exception employees have been met, businesses in this classification with sales staff may qualify for classification 6301-00. See WAC 296-17-31018(2).

***Special note:*** While most businesses in this classification have an inventory of parts which they use to service and repair customer vehicles, some employers have a full line of parts, accessories, and clothing store. Businesses with a full line of parts, accessories and clothing store which is physically separated from the repair shop, and sales of parts are primarily for off-premises (do it yourself) repair with no interchange of labor between the service department and the store, may also be assigned classification 6309.

Excluded from this classification are establishments primarily engaged in:

- Sales or rental of automobiles, motor homes, or travel trailers that are reported in classification 3411;
- Sales of boats, boat trailers and motors that are reported in classification 3414;
- Sales or rental of durable medical equipment or mobility aids that are reported in classification 6306;
- Sales or rental of heavy commercial or industrial equipment that are reported in classification 6409;
- Sales of lawn and garden equipment, and sales or rental of bicycles that are reported in classification 6309; and
- Repair of lawn and garden equipment and small engines that are reported in classification 3402.

For administrative purposes, Classification 3309 is divided into the following subclassifications:

#### **3309-02 Golf cart sales/rental dealers**

#### **3309-03 Motorized cycles and recreational vehicle dealers**

**AMENDATORY SECTION** (Amending WSR 12-11-109, filed 5/22/12, effective 7/1/12)

### **WAC 296-17A-3406 Classification 3406.**

#### **3406-00 Automotive or truck gas service stations, N.O.C.: Lube and oil change specialists, and mobile lube and oil services**

Applies to establishments operating full service gasoline or diesel service stations not covered by another classification (N.O.C.). This classification includes cashiers. Full service includes, but is not limited to:

- Pumping gas for customers;
- Replacing wiper blades;
- Checking and/or filling the fluid levels (oil, transmission, wiper wash and antifreeze);
- Adding air to the tires.

The repairs included in this classification are:

- Oil and filter changes;

- Tune-ups;
- Replacement of brakes;
- Front end alignments;
- The repair or replacement of tires.

This also applies to establishments engaged exclusively in preventive automotive maintenance, such as, but not limited to:

- Adding air to tires;
- Changing oil and filters;
- Checking and/or filling fluid levels;
- Checking and/or replacing belts, hoses;
- Lubing chassis;
- Replacing wiper blades.

This classification excludes:

- Portable automobile or truck car washes which are to be reported separately in classification 6602;
- Establishments engaged in automobile or truck repair services and tune up specialists which are to be reported separately in classification 3411;
- Establishments engaged in the service or repair of machinery or equipment N.O.C. which are to be reported separately in classification 6409;
- Self-service gas stations which are to be reported separately in classification 3409; and
- Convenience grocery stores or mini-markets with self-service gasoline operations which are to be reported separately in classification 3410.

#### **3406-01 Automobile or truck storage garages**

Applies to establishments operating automobile or truck storage garages. Generally, these types of storage garages consist of an enclosed structure and usually with more than one level of parking. Storage garages may provide additional incidental services such as, but not limited to:

- Gasoline;
- Tune-ups;
- Washing and waxing services;
- Cashiers;
- Full-time attendants or security personnel.

This classification excludes:

- Portable automobile or truck car washes which are to be reported separately in classification 6602;
- Establishments providing parking lot services which are to be reported separately in classification 6704;
- Automobile or truck repair services which are to be reported separately in classification 3411;
- Establishments engaged in the service or repair of machinery or equipment N.O.C. which are to be reported separately in classification 6409;
- Self-service gas stations which are to be reported separately in classification 3409; and
- Full service gas station services which are to be reported separately in classification 3406-00.

***Special note:*** Storage garages applicable to this classification are distinguishable from parking lots in classification 6704 in that parking lots usually are not an enclosed structure, and they do not provide service to automobiles.

#### **3406-04 Automobile or truck - Detailing by contractor; glass tinting; windshield repair**



Applies to establishments engaged in providing automobile or truck detailing services, and to establishments engaged solely in tinting glass in automobiles, or repairing cracks, chips or bull's-eyes in windshields. This classification includes cashiers. Detailing services involve complete, in-depth cleaning of exteriors and interiors such as, but not limited to:

- Washing;
- Waxing;
- Polishing;
- Buffing;
- May also involve tinting glass;
- Vacuuming or otherwise cleaning the autos':
  - Chrome work;
  - Tires;
  - Hub caps;
  - Windows;
  - Mirrors;
  - Carpets;
  - Seats.

This classification excludes:

- Portable automobile or truck car washes which are to be reported separately in classification 6602;
- Tinting or installation of automobile or truck window glass performed by a glass dealer which is to be reported separately in classification 1108;
- Glass tinting or the application of tinted plastic film to glass windows and doors in buildings which are to be reported separately in classification 0511;
- Detailing performed in connection with automobile or truck dealers, service centers or repair garages which are to be reported separately in classification 3411;
- Detailing performed in connection with automobile or truck body and fender repair shops which is to be reported separately in classification 3412;
- Detailing performed in connection with establishments engaged in the service or repair of machinery or equipment, N.O.C. which is to be reported separately in classification 6409; (~~and~~)
- Detailing performed in connection with full service gas stations which is to be reported separately in classification 3406-00; and
- Detailing performed in connection with boat dealers or marinas which is to be reported in classification 3414.

### 3406-05 Automobile or truck car washes

Applies to establishments providing automobile or truck washing services. This classification includes the exterior washing, waxing, polishing or buffing, cleaning of chrome and tires, and the interior cleaning of windows, carpets, dash and seats. These services may be performed at a coin operated self-service unit, or at a full service automatic unit where the vehicle is conveyed through the line assisted by attendants. This classification includes cashiers and the sale of accessory items such as, but not limited to:

- Air fresheners;
- Beverages;
- Bottled car care products;
- Floor mats;
- Snack foods.

This classification excludes:

- Portable automobile or truck car washes which are to be reported separately in classification 6602;
- Washing services performed in connection with automobile or truck dealers, service centers or repair garages which are to be reported separately in classification 3411;
- Washing services performed in connection with automobile or truck body and fender repair shops which are to be reported separately in classification 3412;
- Washing services performed in connection with establishments engaged in the service or repair of machinery or equipment, N.O.C. which are to be reported separately in classification 6409;
- Washing services performed in connection with full service gas stations which are to be reported separately in classification 3406;
- Washing services performed in connection with self-service gasoline operations which are to be reported separately in classification 3409; and
- Washing services performed in connection with convenience stores that have self-service gasoline operations which are to be reported separately in classification 3410.

AMENDATORY SECTION (Amending WSR 12-11-109, filed 5/22/12, effective 7/1/12)

### WAC 296-17A-3411 Classification 3411.

**3411-00 Automobile: Dealers, rental or leasing agencies, including service repair garages;  
Recreational vehicle: Dealers, rental/leasing agencies, or service/repair garages**

Applies to establishments engaged in selling, renting, or leasing automobiles, including service/repair centers operated by dealers. This classification also applies to establishments engaged in selling, renting, leasing *or* servicing/repairing recreational vehicles. For purposes of this classification, the term "automobile" includes standard sized passenger cars, pickup trucks, and sport utility vehicles. The term "recreational vehicle" includes motor homes, travel trailers, campers, and also includes sport and utility trailers. Work contemplated by this classification includes, but is not limited to, all phases of automotive mechanical service and repair work, washing, vacuuming, and waxing vehicles, and detailing such as striping, window tinting, vinyl repair, installing molding and electronic accessories when performed by employees of an employer subject to this classification. This classification includes service managers, parts department employees who have shop exposure, towing service for in-shop repairs, lot personnel, and customer courtesy van or car drivers.

This classification excludes: Dealers or service/repair centers for semi-trucks, diesel tractor-trailers, buses, and other heavy equipment or machinery which are to be reported separately in classification 6409; recreational vehicle dealers who also sell factory built housing units such as modular and mobile homes who are to be reported separately in classification 3415; parts department employees who are not exposed to any hazards of the service/repair shop who may be reported separately in classification 6309; auto body shop employees or auto body specialty shops who are to be reported separately in classification 3412; dealers who sell

truck canopies and related accessories, but do not sell the other vehicles/trailers included in this classification who are to be reported separately in classification 1106; establishments engaged in welding or cutting repairs and/or hydraulic installation which are to be reported separately in classification 3402; and sales employees who may be reported separately in classification 6301 provided all the conditions of the general reporting rule covering standard exception employees have been met.

**Special notes:** Used automobile dealers will not normally have service/repair garages or parts departments but will have lot personnel and detailers. Automobile rental and leasing agencies will normally have all the operations described above with the exception of parts department employees. New automobile dealers will routinely have all of the operations described above.

Establishments engaged in providing towing service for hire are to be reported separately in classification 1109. For purposes of this classification "towing for hire" means a towing service not performed in connection with repairs to be done by the service/repair shop.

#### **3411-01 Automobile: Service centers, repair shops or garages**

Applies to establishments engaged in servicing and repairing automobiles for others. For purposes of this classification, the term "automobile" includes standard sized passenger cars, pickup trucks, and sport utility vehicles. Work contemplated by this classification includes, but is not limited to, all phases of automotive mechanical service when performed by employees of an employer subject to this classification, such as engine overhauls and rebuilding, resurfacing heads, valve grinding, transmission overhauls or rebuilding, electrical repairs, brake service, engine tune ups, fuel injection service, carburetor repair, and engine diagnostic service. This classification includes service managers, parts department employees who have shop exposure, incidental sales of reconditioned cars, towing service for in-shop repairs, customer courtesy van or car drivers, roadside assistance, and tire chain installation. Parts department employees who are not exposed to any hazards of the repair shop may be reported separately in classification 6309.

This classification excludes: Dealers or service/repair centers for semi-trucks, diesel tractor-trailers, buses, and other heavy equipment or machinery which are to be reported separately in classification 6409; auto body shop employees who are to be reported separately in classification 3412.

**Special note:** While most businesses assigned to this classification have an inventory of parts which they use in the service and repair of customer vehicles, some employers have full line auto parts stores. Care needs to be taken when considering assignment of classification 6309 for auto part sales. Only those businesses that have a full line auto parts store which is physically separated from the repair shop and whose sales of auto parts are primarily for off-premises repair (do it yourself repair) should be considered for classification 6309. *This classification does not apply to auto repair shops that also sell and install tires on customer vehicles. See classification 6405 for auto repair shops that also sell and install tires.* Establishments engaged in providing towing service for hire are to be reported separately in classification 1109. For

purposes of this classification "towing for hire" means a towing service not performed in connection with repairs to be done by the repair shop.

#### **3411-02 Automobile: Service specialty shops**

Applies to establishments engaged in providing specialized automobile repair services such as air conditioning systems, muffler repair, cruise controls and electrical systems. For purposes of this classification, the term "automobile" includes standard sized passenger cars, pickup trucks, and sport utility vehicles. Work contemplated by this classification includes, but is not limited to, inspection of vehicle components for wear, diagnostic analysis, and repair of various components such as brakes and cooling systems, after-market installation of components such as cruise control, air conditioning systems, and sun roofs; and specialized repair services such as mufflers and transmissions. This classification includes service managers, part sales, towing service for in-shop repairs, and customer courtesy van or car drivers.

This classification excludes: Dealers or service/repair centers for semi-trucks, diesel tractor-trailers, buses, and other heavy equipment or machinery which are to be reported separately in classification 6409.

**Special note:** Businesses assigned to this classification will generally have an inventory of supplies and parts which they use in the service and repair of customer vehicles although some sales of parts and components may occur. *This classification does not apply to any shop that sells and installs tires on customer vehicles. See classification 6405 for auto repair shops that also sell and install tires.* Establishment engaged in providing towing service for hire are to be reported separately in classification 1109. For purposes of this classification "towing for hire" means a towing service not performed in connection with repairs to be done by the repair shop.

AMENDATORY SECTION (Amending WSR 10-24-118, filed 12/1/10, effective 1/1/11)

#### **WAC 296-17A-3701 Classification 3701.**

#### **3701-03 Ammonia, nitrogen and ammonium nitrate: Manufacturing**

Applies to establishments engaged in the manufacture of ammonia, nitrogen and ammonium nitrate. Ammonia is a colorless gas used as a component in fertilizer, medicines and cleaning compounds manufacturing. The manufacturing process involves combining hydrogen and nitrogen gases with a catalyst which causes a reaction between the two gases when heated in a generator. Ammonium nitrate is a crystalline compound used mainly in fertilizers, explosives and propellants. The manufacturing process involves combining ammonia and nitric acid in a reactor. Nitrogen is a colorless gas that is obtained from the air and processed by compressing air in a pressurized tank, removing impurities, and separating nitrogen and oxygen through heating.

#### **3701-04 Nitrate recovery from X-ray and photo films**

Applies to establishments engaged in recovering nitrate or silver from X-ray and photo films. The recovery process involves placing the films in developing solutions, ionizing the solution and separating the elements.

**3701-05 Dye and chemicals: Manufacturing**

Applies to establishments engaged in the manufacture of all types of dyes and in the manufacture of dyes and chemicals that are used exclusively for tinting candles. Organic and inorganic compounds such as, but not limited to, phenols, alcohols, caustics, acids, salts and gases are used in the manufacturing process. Manufacturing methods include, but are not limited to, weighing raw materials to specifications and pumping them into vats where they are heated, agitated and cooled. They are then filtered through presses, dried in ovens, ground into a powder, and then packaged. Liquid or paste forms of dye go through the same process with the exception of the drying and grinding operations.

**3701-06 Chemicals, N.O.C.: Manufacturing by nitration, alkylation and oxidation processes**

Applies to establishments engaged in the manufacture of chemicals not covered by another classification (N.O.C.) using a nitration, alkylation or oxidation process. Nitration involves the combining of nitrate with an organic compound to produce nitrobenzenes used in solvents, fertilizers and acids. Alkylation involves combining alkyls with other substances to form products used in the production of paper pulp, hard soap and petroleum products. Oxidation involves the combining of oxygen with other substances to produce products such as, but not limited to, hydrogen peroxide, protective metal coatings, and pharmaceutical preparations.

This classification excludes the manufacture of ammonia or nitrogen which is to be reported separately in classification 3701-03 and the manufacture of oxygen, hydrogen, acetylene gas, carbonic acid gas, or acids which is to be reported separately in classification 3701-10.

**3701-07 Chemical mixing, blending and repackaging only: Fireworks manufacturing**

Applies to establishments engaged exclusively in mixing, blending or repackaging chemicals; it does *not* apply to the manufacture of ingredients for the mixing operation. The product may be mixed by hand or through a mechanical process. The equipment used by establishments covered by this classification is limited to storage tanks, mixing or blending screens and vats, filling and packaging machines and miscellaneous equipment such as fork lifts and trucks. Fireworks are assembled by hand and using hand operated tools.

This classification excludes establishments involved in more than a mixing, blending or repackaging operation which are to be reported separately in the appropriate chemical manufacturing classification, and technicians who set up and carry out fireworks displays who are to be reported separately in classification 6207.

**3701-08 Cosmetics: Manufacturing**

Applies to establishments engaged in the manufacture of cosmetics such as, but not limited to, soap, shampoo, hair conditioners, skin moisturizers, baby powder, lipstick, nail polish, bath oil, bath salts, and various personal care creams, gels or lotions. The process involves the mixing of premanufactured ingredients, using equipment such as storage tanks, mixers, heating devices, bottling/packaging/labeling equipment, and laboratory equipment for product development and quality control.

This classification excludes the manufacturing of the ingredients used in the mixing of the cosmetics.

**3701-09 Drug, medicine, or pharmaceutical preparation: Manufacturing**

Applies to establishments engaged in the manufacture of pharmaceuticals including drugs, medicines, and preparations such as, but not limited to, tablets, pills, ointments, liquids, and powders. Processes contemplated by this classification include mixing or blending of the base medicinal ingredients and additives such as, but not limited to, sugars, starches, flavorings, and waxes used for coating tablets. Compounds are then pulverized, distilled, heated and/or dried.

This classification excludes:

- The manufacture or harvest of the ingredients used in the manufacture of the pharmaceuticals;
- Retail compounding pharmacy stores which are to be reported in 6406-16.

**3701-10 Oxygen, hydrogen, acetylene gas, carbonic acid gas: Manufacturing**

Applies to establishments engaged in the manufacture of oxygen, hydrogen, acetylene gas, carbonic acid gas, dry ice, or acid. The manufacture of oxygen and hydrogen involves the recovery of these gaseous elements from the air by compression, expansion and cooling operations until it liquefies. The liquid air then goes to a fractionator where the oxygen is separated from the hydrogen along with other gases such as neon and helium. Acetylene is a highly flammable but non-toxic gas that is manufactured by reacting calcium carbide with water in a pressure generator which combines carbon and lime to form the end product. Carbonic acid gas, also known as phenol, is a caustic poisonous gas used in manufacturing resins, plastics, and disinfectants. The manufacture of phenol involves a compression and refrigeration process.

**3701-11 Alcohol: Manufacturing, distilling, N.O.C.**

Applies to establishments engaged in manufacturing or distilling nonspirituous alcohol not covered by another classification (N.O.C.). Types of alcohol include, but are not limited to, methanol (wood alcohol), ethanol (grain alcohol) or denatured alcohol (combination of methanol and ethanol). Products produced include, but are not limited to, solvents, processing materials, germicides, antiseptics, or materials intended to be used as an ingredient in other products such as varnish and shellac. The processes for the production are varied depending on the type of alcohol and end product but all use a distillation process which involves the heating of liquids and subsequent condensation of vapors to purify or separate a substance contained in the original wood or grain product.

This classification excludes the manufacture of spirituous liquor which is to be reported separately in classification 3702 and gasohol distilling or refining which is to be reported separately in classification 3407.

**3701-13 Polish, dressing, or ink: Manufacturing**

Applies to establishments engaged in the manufacture of polish, dressings, or ink. Polish and dressing products include, but are not limited to, polish or dressings for shoes, leather, furniture, automobiles or metal. The ingredients and

processes for polish and dressing manufacturing vary, depending on the end product. Typical ingredients include but are not limited to oils, waxes, resins, detergents, methanol, solvents, water and coloring. The process may involve a simple mixing operation or a more involved process involving heating or cooking and molding into a cake or stick form. Typical equipment includes, but is not limited to, weighing and measuring scales, mixers, stoves, molding apparatus, automatic filling, labeling, wrapping and packaging machines. Ink manufacturing covers all types of ink including, but not limited to, newspaper, book, magazine, and writing ink. The process involves the cooking of oils and resins which produces a resin. Pigments and dryers are blended into the resin mixture and diluted to proper consistency.

This classification excludes the manufacture of candles, crayons, and adhesives which is to be reported separately in classification 3701-25.

### **3701-14 Extract: Manufacturing, including distillation of essential oils**

Applies to establishments engaged in the manufacture of extract including the distillation of essential oils. Extracts are concentrated forms of an essential component of a food or a plant. Extracts include, but are not limited to, flavorings, perfume oils, sachet powders, ingredients for skin conditioners and hop extracts used in the brewing of beer. The process involves extracting flavorings or oils from various plants, herbs or fruit peelings by pressing, cooking, steaming or distillation. The extracts may be mixed or blended with other extracts for strength, consistency or color and are then bottled or canned. Typical equipment includes, but is not limited to, steam cookers, presses, distillation apparatus, filters, grinders, tanks, vats and filling, packaging and labeling machines.

This classification excludes perfume manufacturing which is to be reported separately in classification 3701-15; mint distilling which is to be reported separately in classification 3701-17; and hop pellet manufacturing which is to be reported separately in classification 2101.

### **3701-15 Perfume: Manufacturing, including distillation of essential oils**

Applies to establishments engaged in the manufacture of perfumes including the distillation of essential oils. Perfumes may be used as a personal fragrance or by other manufacturers such as in the making of scented candles. The process typically involves the distillation, cooking, grinding, compounding, drying, blending, or liquidizing of ingredients. These ingredients may include, but not be limited to, extracts, oils, colors and binders.

This classification excludes the manufacture of candles which is to be reported separately in classification 3701-25.

### **3701-17 Mint distilling**

Applies to establishments engaged in the distillation of mint. The process may begin with mint oil that is purchased from others or with the distillation of the mint leaves into mint oil. The mint leaves are chopped and blown into a mint steamer which lifts the moisture and oils from the mint. The resultant steam then goes through a series of condensation lines. Water is added to force the oil to the top of the liquid. The mint oil is heated for purification and to lessen the fragrance. Various mint oils may then be blended together to

produce different types such as spearmint and peppermint. The product is then packaged in stainless steel or epoxy lined barrels.

This classification excludes the raising and harvesting of mint which is to be reported separately in classification 4811.

### **3701-20 Salt, borax or potash producing or refining**

Applies to establishments engaged in the production of or refining of salt, borax or potash. This classification includes the manufacture of common salt used in chemical and food processing, borax which is used in the manufacture of glass, glazes, soap, and boric acid, and potash which is used in fertilizer. Salt ores received from others are dissolved in water to produce a brine of the desired concentration. It is refined into common salt by adding caustic soda and soda ash. Potash is refined by adding an amine to the brine which causes the salts to float to the surface where they are skimmed off. Borax is made by separating it from the potash by a rapid cooling process. All three of these products are then fully evaporated by heating in a partial vacuum to produce crystals or granules which are then dried.

This classification excludes the production of raw materials used in the manufacture of these products.

### **3701-21 Serum, antitoxin or virus: Manufacturing**

Applies to establishments engaged in the manufacture of serums, antitoxins, or viruses. The process involves considerable microscopic laboratory work as well as working with animals. The animals are injected with bacteria and viruses, periodically bled and eventually killed. The killing of the animals is included in this classification as it is incidental and necessary to perform the operation to extract the serum from the glands and to separate the red blood cells from the blood.

This classification excludes the manufacture of other drugs or medicines which are to be reported separately in classification 3701-09.

### **3701-22 Paint, varnish or lacquer: Manufacturing**

Applies to establishments engaged in the manufacture of paint, varnish, lacquer, enamel, shellac, paint removers and thinners. The paint manufacturing process involves a series of mixing and grinding operations. The pigments (solids) are then blended with oils or resins (liquids). A paint extender may also be added at this point. The paint is then pumped into filling machines where various sized containers are filled and then labeled. Lacquer, varnish, enamel, shellac and paint removers and thinners vary in the ingredients used but the process is similar to that of paint manufacturing in that it is mainly a mixing operation. Varnishes involve a cooking process which is generally not used in the manufacture of the other products included in this classification.

This classification excludes the production of raw materials used in the manufacture of these products.

### **3701-23 Putty or synthetic resin: Manufacturing**

Applies to establishments engaged in the manufacture of putty or synthetic resin. Putty is a finely powdered chalk mixed with linseed oil. The main ingredients for both putty and synthetic resins are ground chalk, limestone and/or calcite. The process for both products involves grinding and mixing operations.

This classification excludes the production of the raw materials used in the manufacture of these products.

**3701-25 Candle, crayon, and paste or glue: Manufacturing**

Applies to establishments engaged in the manufacture of candles, crayons, and synthetic adhesives such as paste or glue. Raw materials used for making candles include, but are not limited to, beeswax, paraffin, stearin, wicks and colors which are received from others. The wax is heated in kettles or similar devices into which the wicks are dipped either by hand or by dipping equipment which can be either manual or automated. A fragrance may be added to the melted wax for scented candles. When the wax has attained the desired shape and size it is hung on lines to dry. The wicks are then cut and the candles are placed in molds to shape the base of the candle. Color is then added by dipping either by hand for specialized designs or by machine for solid colors. The candles are then inspected, wrapped, packaged and labeled. Crayons use the same ingredients that are used in making candles with the exception of the wicks. The type of wax used in making crayons determines the hardness. The wax is melted in a kettle or similar device and poured into molds for shaping and cooling. The crayons are then inspected, packaged and labeled. Synthetic paste or glue is made from powder or granule arabic gum or modified starch which is received from others along with preservatives and the containers and caps. The process involves mixing and cooking the ingredients in steel tanks and pumping the product to a filling area where it is packaged, labeled and capped.

This classification excludes the manufacture of polish, dressing, or ink which is to be reported separately in classification 3701-13; the manufacture of glue from animal substances which is to be reported separately in classification 4301; and the production of raw materials used in the manufacture of these products.

**3701-27 Hazardous/toxic material: Repackaging for disposal**

Applies to establishments engaged in *identifying and repackaging* hazardous/toxic materials for disposal. This classification is distinguished from classification 4305-20, in that classification 3701-27 applies to the *identifying and repackaging for disposal* of such materials as drugs, pesticides, chemicals, and toners that contain toxic or hazardous materials, while classification 4305-20 includes the *processing or handling* of such materials as medical or septic tank waste, drug lab or hazardous spill *cleanup*, and *reprocessing or handling* of low-level radioactive materials. For handling hazardous or toxic materials, the workers are equipped with protective clothing such as long sleeved shirts, depending on the material to which they will be exposed. They may also be equipped with steel toed boots, protective gloves, safety glasses and various types of respirator equipment. On a typical project, the first step is to visually inspect the materials to see if they appear to be the materials described on a job order. If there is a question of identity, a sample of the material is sent to a lab for analysis. The establishment may have its own lab facilities or the sample may be sent to an outside lab, or the customer may have it analyzed. Every component of the sample must be identified. Once the material has been identi-

fied, and all containers labeled, the containers are separated into appropriate groupings. Smaller containers of similar types of materials are packed into 55 gallon drums with plastic or other cushioning protective material to prevent breakage. All necessary paper work and forms required by various government agencies must be completed before the material can be transported to a disposal site.

This classification excludes hazardous/toxic material *processing or handling*, including processing of medical or septic tank waste, drug lab or hazardous spill cleanup; reprocessing or handling of low-level radioactive materials which is to be reported separately in classification 4305-20; and the replacement of nontoxic toner in cartridges used in business machines which is to be reported separately in classification 4107.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

**WAC 296-17A-3702 Classification 3702.**

**3702-01 Breweries or malt houses**

**Yeast: Manufacturing**

Applies to establishments engaged in operating breweries, micro breweries, or malt houses, and includes all operations involved in the making of malt, beer, or ale as well as packaging into kegs, bottles or cans. Beer is produced from water, hops, barley malt and corn or rice; this mixture is cooked, filtered, cooled and then fermented. After the fermentation is complete, the beer is usually pasteurized and filtered, then sealed in kegs or packaged in individual bottles or cans. The exact process varies from brewery to brewery. Some breweries produce their own malt while others obtain the barley malt from an independent malting company. This classification includes warehouses and distributing stations maintained by the breweries at the brewery or at separate locations. This classification also includes tour guides, tasting room and gift shop employees. This classification also applies to establishments engaged in the manufacture of yeast.

This classification excludes establishments engaged exclusively as wholesale or combined wholesale/retail distributors of beverages which are to be reported separately in classification 2105.

**3702-03 Bottling: Beverages, N.O.C.**

Applies to establishments engaged in the production, bottling, and distribution of beverages not covered by another classification (N.O.C.) such as, but not limited to, carbonated and noncarbonated soft drinks, seltzers, fruit juices, lemonades, iced teas, and bottled waters. These bottling establishments purchase syrup or concentrate from the franchiser or concentrate manufacturer to produce a variety of products. Containers such as, but not limited to, aluminum or steel cans, plastic or glass bottles, are sanitized, filled with beverages, and sealed. Typically, bottlers will operate a single production facility and have multiple distribution warehouses.

This classification excludes establishments engaged exclusively as wholesale or combined wholesale/retail distributors of beverages which are to be reported separately in classification 2105 and manufacturers of syrup/concentrate

for soft drinks which are to be rated separately in classification 3902.

### 3702-05 Wine making or wineries

#### Spirituos liquor: Manufacturing

Applies to establishment engaged in making wine from fruits or flavoring products such as, but not limited to, grapes, berries, peaches, or dandelions. The ingredients are crushed and the juice extracted; yeast is added to the juice; then the mixture is stored in a cool, temperature-controlled environment (such as a cellar) for fermentation to begin. During the natural fermentation, the sugar from the fruit is converted into alcohol. Additional processing includes clarification, filtration, pasteurization, centrifugation, and blending. The wine is bottled under vacuum and corked, labeled, and cased. This classification also applies to establishments engaged in the manufacture of spirituous liquor such as whiskey, gin, rum, and vodka. Operations involve preparing the mash from various grains, potatoes or molasses received from others, and fermenting, distilling and barreling of the products. This classification includes tour guides, tasting room and gift shop employees.

This classification excludes establishments engaged exclusively as a wholesale or combined wholesale/retail distributor of beverages which are to be reported separately in classification 2105; off-premises wine/liquor stores which are to be reported separately in classification 6403; and vineyard operations which are to be reported separately in classification 4813.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

#### WAC 296-17A-3901 Classification 3901.

##### 3901-00 Bakeries - Retail

Applies to establishments engaged in the baking of assorted goods ((~~such as, but not limited to, breads, cakes, pies, and pastries for retail sales. This classification includes "deli" sections in retail bakeries where bakery products, and items such as soups, salads, sandwiches and beverages, are available for on-premises consumption.~~

~~This classification excludes commercial wholesale bakeries that bake products for sale to trade customers such as supermarkets, restaurants, and distributors which are to be reported separately in classification 3906, and specialty bake shops that produce single product lines such as cookies and donuts, which are to be reported separately in classification 3901-01-)) for retail sales, such as, but not limited to:~~

- ~~• Breads;~~
- ~~• Cakes;~~
- ~~• Pies;~~
- ~~• Pastries.~~

This classification includes "deli" sections in retail bakeries where bakery products, and items such as soups, salads, sandwiches and beverages are available for on-premises consumption.

Some retail bakeries also wholesale a portion of their product locally to coffee shops, grocery stores and other retailers. If a bakery's principal business remains retail, this is allowed under subclassification 3901-00.

This classification excludes:

- Larger commercial wholesale bakeries that bake products for sale to trade customers such as supermarkets, restaurants, and distributors which are to be reported separately in classification 3906; and
- Specialty bake shops that produce single product lines such as cookies and donuts, which are to be reported separately in classification 3901-01.

##### 3901-01 Bakeries - Retail - Specialty shops

Applies to establishments engaged in operating specialty bake shops where products are sold to retail customers. A specialty bake shop is an establishment that makes and sells ((~~a single product line such as cookies, donuts, pies, or bagels to customers for consumption on or away from the premises. This classification includes related sales of beverages.~~

~~This classification excludes commercial wholesale bakeries that bake products for sale to trade customers such as supermarkets, restaurants, and distributors which are to be reported separately in classification 3906, and retail bakeries engaged in the baking of assorted goods such as breads, cakes, pies, and pastries, for retail sales which are to be reported separately in classification 3901-00-)) to customers a single product line for consumption on or away from the premises, such as:~~

- ~~• Bagels;~~
- ~~• Cookies;~~
- ~~• Doughnuts;~~
- ~~• Pies.~~

This classification includes related sales of beverages.

Some retail bakeries also wholesale a portion of their product locally to coffee shops, grocery stores and other retailers. If a bakery's principal business remains that of a retail specialty bakery, this is allowed under subclassification 3901-01.

AMENDATORY SECTION (Amending WSR 10-21-088, filed 10/20/10, effective 1/1/11)

#### WAC 296-17A-4900 Classification 4900.

##### 4900-00 Construction: Superintendent or project manager

~~((This is a special exception classification and it can only be assigned to an account along with another basic construction classification. It applies to employees of a construction company with administrative oversight or management duties. It permits working at a construction site when overseeing a project if not directly taking part in any construction operations. The work can include:~~

- ~~• Consulting with engineers, architects, or other design experts;~~
- ~~• Managing supervisors and coordinating subcontractor schedules;~~
- ~~• Ordering and scheduling equipment and supplies;~~
- ~~• Inspection of work.~~

~~This classification excludes anyone who performs any of the following duties:~~

- ~~• Directly supervising the work of employees or independent contractors;~~
- ~~• Performing manual labor;~~

- Operating or repairing equipment;
- Delivering supplies or equipment.

If all of these conditions are not met, the superintendent or project manager must be reported in the basic classification applicable to the construction project. A construction project is defined by a unique location and unique building permit.) Applies to employees with administrative oversight or management duties who visit or work at construction sites but who do not directly take part in any construction operations.

The work can include:

- Consulting with engineers, architects, or other design experts;
- Managing supervisors and coordinating subcontractor schedules;

- Ordering and scheduling equipment and supplies;
- Inspection of work.

This classification excludes anyone at a construction site who:

- Directly supervises the work of employees or independent contractors;
- Performs manual labor;
- Operates or repairs equipment;
- Delivers supplies or equipment.

If superintendents or project managers perform any excluded duties, then all of their hours for that project must be reported in the construction classification(s) applicable to the work they perform. If detailed records of the hourly work performed are not maintained, all project hours are reportable in the highest rated classification applicable to the construction project.

**Special note:** A construction superintendent or project manager may be reported in classification 4900 for any project where the classification's restrictions are met, even if the same individual must be reported in a basic construction classification for another construction project. A construction project is defined by a unique location and unique building permit.

**Special note:** This special exception classification can be assigned to an account only along with a basic construction classification that describes the applicable phase of construction for the project.

AMENDATORY SECTION (Amending WSR 12-11-109, filed 5/22/12, effective 7/1/12)

#### WAC 296-17A-4904 Classification 4904.

~~((4904-00 Clerical office, N.O.C.~~

Applies to those employees whose job duties and work environment meet *all* the conditions of the general reporting rules covering clerical office standard exception employees who are not covered by another classification (N.O.C.) assigned to their employer's account. Duties of clerical office personnel contemplated by this classification are limited to:

- Answering telephones;
- Creating or maintaining computer software, technical drafting;
- Creating or maintaining financial, employment, personnel or payroll records;
- Handling correspondence;

- Composing informational material on a computer.

**Special note:** When considering this classification, care must be taken to look beyond titles of employees. Employees may or may not qualify for this classification with occupational titles such as, but not limited to:

- Cashiers;
- Clerks;
- Ticket sellers.

This is a restrictive classification; the qualifying factor is that all the conditions of the general reporting rules covering standard exception employees have been met.

#### ~~4904-13 Clerical office: Insurance companies, agents or brokers~~

Applies to clerical office employees of insurance companies, including insurance agents or brokers who perform duties exclusively of clerical nature and without an interchange of labor between clerical and nonclerical duties. This classification is limited to duties defined as:

- Assisting walk-in customers;
- Handling correspondence such as the preparation of insurance policies and billing;
- Maintaining personnel and payroll records;
- Performing the necessary computer work;
- Responding to telephone inquiries;
- Receiving and processing payments and invoices.

**Special note:** Individuals performing duties as an agent, broker, or solicitor (and holding a license as issued by the office of the insurance commissioner) are exempt from coverage as specified in RCW 51.12.020(11) and 48.17.010. To elect voluntary coverage these individuals must submit a completed optional coverage form to the department. In addition, care should be exercised to determine if the insurance company employs individuals such as receptionists, bookkeepers, or claims clerks who perform clerical duties which may include the incidental taking of insurance applications and receiving premiums in the office of an agent or broker. Such individuals may or may not hold a license as issued by the office of the insurance commissioner, and are not deemed to be a solicitor, agent or broker when compensation is not related to the volume of such applications, insurance, or premiums. In these instances, the clerical individuals fall under mandatory workers' compensation coverage, and do not meet the requirements to be exempt from coverage as specified in RCW 51.12.020(11).

#### ~~4904-17 Clerical office: Employee leasing companies~~

Applies to clerical office employees of employee leasing companies. This classification requires that clerical office employees perform duties exclusively of a clerical nature, without an interchange of labor between clerical and nonclerical duties, and that these duties be performed in an area or areas separated from the operative hazards of the business. This classification is limited to duties defined as:

- Handling correspondence such as preparing and processing billing statements and forms;
- Maintaining personnel and payroll records;
- Receptionist and administrative duties;
- Responding to telephone inquiries;
- Performing the necessary computer entry work.

**Special note:** This is a standard exception classification and is not to be assigned unless all the conditions of the general reporting rule covering clerical office standard exception employees have been met.

**4904-20 Community action organizations—Clerical office employees**

Applies to organizations performing an array of services to support the local community and citizens in need. The services provided by community action organizations include:

- After school care;
- Alternative schools;
- Child care;
- Counseling and assistance;
- Decent, safe and sanitary living accommodations for low income or needy citizens;
- Drug and alcohol recovery programs;
- Employment or independence training;
- Food and clothing banks;
- In home chore services;
- Meals;
- Medical services;
- Transitional or emergency housing;
- Weatherization.

This classification includes employees whose work duties include administrative office work such as:

- Answering phones;
- Completing correspondence and forms;
- Reception work;
- Computer work;
- Maintaining financial, personnel and payroll records;
- Conducting meetings;
- Providing counseling services within the offices of the organization.

All work is performed exclusively in an office environment where no other types of work are conducted, and the office is separated from any other work activity by walls, partitions, or other physical barriers. Work performed outside of the office is limited to banking or post office type duties performed by workers who qualify for this classification. A worker's reported hours may not be divided between this classification and any other risk classifications.

Excluded from this risk classification are all other employees including:

- Administrative employees whose duties are not performed exclusively in an administrative office, who are to be reported in risk classification 5308-20;
- Chore workers/home service workers who are to be reported in classification 6511-20;
- Employees who perform labor such as food bank operations, driving, weatherization, janitorial, property management, maintenance and repair work which are to be reported in risk classification 1501-20;
- Medical, dental or nursing professionals;
- Housing authorities which are to be reported in 1501-01 and 5306-26;
- Volunteers who are to be reported separately in classification 6901;
- Welfare special works programs which are to be reported in 6505;
- Work activity centers which are to be reported in 7309.

See classifications 1501-20 and 5308-20 for other community action operations.))

**Administrative, clerical, reception, and sales staff working in a business office**

Classification 4904 is a standard exception classification, as described in WAC 296-17-31018 Exception classifications, with restrictions on both the type of work and the work place. If any of a worker's duties are excluded from 4904 because of restrictions described in this rule, then none of the worker's hours may be reported in Classification 4904.

**Special note: Care must be taken:**

• To look beyond job titles, such as "clerk" or "cashier." Job titles do not ensure the work or the workplace meet the requirements for 4904.

• Ensure standard exceptions are permitted - Some basic classifications include office work.

Classification 4904 applies only to employees whose job duties are restricted to a business office, meeting room, or similar office like environment that is:

- Physically separated by walls, partitions, or other physical barriers from all other work areas; and
- Where only office work, as described in this rule, is performed.

Classification 4904 excludes any work area where:

- Products sold by the employer are handled or stored;
- Carry out merchandise is displayed for sale;
- Customers bring merchandise they are purchasing to make payment.

Office work is limited to duties such as:

- Communicating by phone or routing phone calls;
- Programming software;
- Technical drafting;
- Designing publication layouts on hardware or by drafting;

- Maintaining financial, personnel, or payroll records;
- Writing or routing correspondence;
- Billing and receiving payments;
- Preparation of insurance policies or billing records;
- Composing informational material;
- Copying documents;
- Utilizing computer software;
- Manual or computer design work;
- Completing forms;
- Researching records;
- Checking persons into a hotel or other facility;
- Writing reports and manuals;
- Attending meetings;
- Assisting walk-in customers;
- Processing payments and invoices.

Office work excludes:

• Handling, packaging, mailing, receiving, or demonstrating any product (or their components) sold by the employer;

• Hand delivering business correspondence outside of the business office.

**Special notes:**

Classification 4904 permits limited and minimal work outside an office for:

- Banking;
- Taking correspondence to or from the post office;



- Purchasing supplies for the office;
- Taking training courses;
- Attending meetings.

Classification 4904 permits limited and minimal exposure to areas of the employer's premises that do not qualify for office work, if this is necessary for getting to or from a:

- Restroom facility;
- Business office;
- Lunchroom or dining area;
- Break room;
- Delivery of a personal message.

For administrative purposes classification 4904 is divided into the following subclassifications:

#### **4904-00 Clerical office, N.O.C.**

#### **4904-13 Clerical office for insurance business**

**Special note:** Individuals issued a license by the office of the insurance commissioner and acting as an insurance producer are exempt from coverage as specified in RCW 51.12-.020(11). To elect voluntary coverage these individuals must submit a completed optional coverage form to the department. This exclusion to coverage does not apply if the license is held by someone who otherwise:

- Does not work in the capacity of an insurance producer;
- and
- Is not compensated related to the volume of insurance sold or premiums collected; and
- Holds a license solely for the purpose of receiving applications or premiums.

#### **4904-17 Clerical office: Employee leasing companies**

#### **4904-20 Community action organizations - Clerical office employees**

Applies to organizations performing an array of services to support the local community and citizens in need. See subclassifications 1501-20 and 5308-20 for other community action organization classifications.

AMENDATORY SECTION (Amending WSR 09-16-107, filed 8/4/09, effective 1/1/10)

### **WAC 296-17A-4910 Classification 4910.**

#### **4910-00 Property management services**

Applies to establishments engaged in managing their own property or properties owned by others. Properties include, but are not limited to, privately owned residential or commercial buildings, malls, apartment or condominium complexes, mobile home parks, halls, and conference rooms. Typical operations contemplated by this classification include, but are not limited to, management duties, advertising, showing vacant units to prospective tenants, collecting rent, providing security, and normal maintenance and repair when conducted by employees of employers subject to this classification. Normal maintenance and repair contemplated by this classification includes replacing parts on existing fixtures or equipment, repairing existing structures, normal cleaning or janitorial activities, maintaining existing landscaping, and shoveling snow from driveways or walkways. Construction, alteration, or improvements to the properties are *not* considered normal maintenance and are *not* contemplated by this classification. Major repair work is usually per-

formed by contractors who are not employees of the property management business. *Apartment or condominium complexes and mobile home parks* may have common areas such as, but not limited to, laundry facilities, community rooms, tennis courts, exercise rooms, swimming pools, saunas or hot tubs, and playgrounds or small park areas. Common areas are maintained by employees of the complex or park owner or by the property management service. Residents of mobile home parks are usually responsible for maintaining their own mobile homes and their immediate space.

This classification includes homeowners' associations where residents in a housing development pay annual fees which cover the maintenance of lawns, paths, sprinkler systems, and common areas such as pools, activity centers, and tennis courts by employees of the homeowners' association.

This classification excludes employees engaged exclusively in clerical duties who are to be reported separately in classification 4904; employees engaged exclusively in sales duties such as collecting rents, showing and advertising the facility, conducting auctions, or in a combination of clerical and sales duties who are to be reported separately in classification 6303; establishments providing janitorial services exclusively which are to be reported separately in classification 6602; contractors engaged in mobile home set up or removal who are to be reported separately in classification 0517; any new construction or alteration work performed by employees of employers subject to this classification which is to be reported separately in the applicable construction classification; establishments that contract to perform maintenance or repair, but have no responsibilities in the management of the property, which are to be reported separately in the applicable classification; and lodging or food serving operations which are to be reported separately in the applicable classification.

#### **4910-01 Chimney cleaning - Residential buildings**

Applies to establishments engaged in providing chimney cleaning services to residential customers. Workers who perform chimney cleaning services are commonly referred to as "chimney sweeps" and usually work alone or as a two-person team. When working as a team, one "sweep" works inside the house and the other works on the roof. The methods of cleaning vary. To protect the floors and furniture, drop cloths are placed in front of the fireplace and taped over the opening. The vertical drop cloth may have a "boot" or slit in it which allows rods to be pushed through. Various brushes, usually wire, are attached to extension rods and worked up and down the flue to dislodge the soot and creosote. Creosote deposits may be removed also with a chimney bar, which is a pipe-like instrument with a chisel end, or by using metal scrapers. Where the chimney top is protected from the rain by a hood or cap, it may not be possible to insert the brushes into the opening; a chain or weight may be lowered and swung back and forth inside the chimney. Some sweeps have custom-made vacuum trucks with large collection chambers to collect the soot. In addition to cleaning the chimney flue and fireplace, some sweeps clean oil, gas and coal burning furnaces, repair chimney and flue linings, remove animals from chimneys, and offer other related services. Repairs included in this classification are limited to such activities as caulking around the flashing and sealing brickwork.

This classification excludes establishments engaged in industrial or commercial chimney or smokestack cleaning services which are to be reported separately in classification 0508; contractors engaged in chimney reconstruction or new construction made of masonry or brick who are to be reported separately in classification 0302; contractors engaged in the installation of sheet metal stove pipe who are to be reported separately in classification 0307; and the installation of a new lining in the chimney which is to be reported separately in the applicable classification.

#### **4910-02 Mini-storage ((warehouse)) facilities**

Applies to establishments engaged in operating mini-storage facilities. Mini-storage facilities are usually fenced and entry is through a locking gate through which owners and renters of units are provided access. The units range from lockers to rooms of various sizes; once the unit is rented, the tenant or owner has sole access to it. Typical operations include, but are not limited to, management or clerical duties, renting or selling storage units to others, providing security, and normal maintenance and repair when performed by employees of employers subject to this classification. Normal maintenance and repair contemplated by this classification includes replacing parts on existing fixtures or equipment, repairing existing structures, normal cleaning of public areas, controlling rodents and other pests, maintaining existing landscaping, and shoveling snow from driveways or walkways. Construction, alteration, or improvements to the properties are *not* considered normal maintenance and are *not* contemplated by this classification. Major repair work is usually performed by contractors who are not employees of the storage facilities.

This classification excludes employees engaged exclusively in clerical duties who are to be reported separately in classification 4904; employees engaged exclusively in sales duties or in a combination of clerical and sales duties who are to be reported separately in classification 6303; and new construction or alteration work which is to be reported separately in the applicable construction classification.

#### **4910-03 Temporary signs - Placement or removal**

Applies to establishments engaged in placing or removing temporary yard signs such as, but not limited to, real estate signs for real estate offices or property management firms and campaign signs. The smaller signs are usually mounted on a metal rod which is pounded into the ground to a depth of about 18". A post hole digger may be used to dig holes for larger signs that require a more sturdy post.

This classification excludes all other types of sign installation, painting or repair which are to be reported separately in the applicable classification.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

#### **WAC 296-17A-5003 Classification 5003.**

##### ~~((5003-01 Log hauling by contractor~~

~~Applies to contractors engaged in hauling logs for others from a logging side to a mill or storage yard. The loading and unloading of the truck is included in this classification when performed by the truck driver.~~

~~This classification excludes the hauling of logs from a log storage yard to a shipping destination which is to be reported separately in classification 1102 and log hauling by employees of a logging company which is to be reported separately in classification 5003-02.~~

##### ~~5003-02 Log truck drivers, N.O.C.~~

~~Applies to employees of a logging company who are hauling the company's own logs from the logging side to a mill or storage yard.~~

~~This classification excludes the hauling of logs from a log storage yard to a shipping destination which is to be reported separately in classification 1102 and log hauling by a log hauling contractor which is to be reported separately in classification 5003-01.)~~

~~Applies to the hauling of logs from a logging side to a mill or storage yard.~~

~~This classification excludes the hauling of logs from a log storage yard to a shipping destination, which is to be reported separately in classification 1102.~~

~~For administrative purposes, this classification is divided into the following subclassifications:~~

##### ~~5003-01 Log hauling by contractor~~

~~Applies to contractors hauling logs for others. The loading and unloading of the truck is included in this classification when performed by the truck driver.~~

##### ~~5003-02 Log truck drivers, N.O.C.~~

~~Applies to employees of a logging company who haul the company's own logs. If the log truck driver has other duties during their work shift that are subject to the logging classification 5001, then the hauling of the logs must be reported in classification 5001 (WAC 296-17-31018 Exception classifications).~~

AMENDATORY SECTION (Amending WSR 13-11-128, filed 5/21/13, effective 7/1/13)

#### **WAC 296-17A-5301 Classification 5301.**

##### **5301-10 Accounting or bookkeeping services**

Applies to establishments engaged in providing general accounting or bookkeeping services to others. Types of services contemplated by establishments subject to this classification include, but are not limited to:

- Auditing;
- Tax preparation;
- Medical or dental claims processing and billing;
- Advisory services.

This classification includes:

- Clerical office;
- Outside sales, and personnel who travel from one office to another.

This classification excludes establishments engaged primarily in management consultant services that are not otherwise classified, which are to be reported separately in classification 5301-12.

**Special note:** This classification is limited to employers engaged in such services being provided to the general public. This is a services only classification and does not include retailing or store operations, nor is this classification to be

assigned to employers setting up separate business operations to manage other commonly owned or operated business undertakings unless coincidentally the other operations are also subject to this classification.

#### **5301-11 Law firms**

Applies to establishments engaged in providing legal services to others. Law firms may specialize in one or more areas of law. This classification includes clerical office and outside sales personnel who travel from one office environment to another.

**Special note:** This is a services only classification and does not include retailing or store operations, nor is this classification to be assigned to employers setting up separate business operations to manage other commonly owned or operated business undertakings unless coincidentally the other operations are also subject to this classification.

#### **5301-12 Management consultant services, N.O.C.**

Applies to establishments engaged in providing management consulting services not covered by another classification (N.O.C.). Management consultants typically will observe and analyze:

- Computer or communication systems;
- Mail distribution;
- Organizational structures;
- Planning or development of related business needs;
- Work processes or work flows.

After a thorough analysis, consultants usually prepare a written report for the customer which identifies problem areas and/or recommends improvements to processes or equipment. Consultants may remain to oversee the implementation of the recommended improvements. Consultants subject to this classification do not sell any product they have recommended although they may act as an agent for their client in purchasing the product. Consulting projects vary from client to client depending upon the contract. Included within this classification are businesses that provide similar consultative services such as, but not limited to:

- Advertising agencies;
- Employer representative organizations;
- Mortgage brokers and financial advisers who do not make purchases on behalf of their clients;
- Public relations companies.

This classification includes clerical office staff, outside sales personnel and other staff who travel from one office to another.

This classification excludes businesses that perform computer consulting for others, which is to be reported in classification 5302.

**Special note:** This classification is limited to employers engaged in such services being provided to the general public. This is a services only classification and does not include retailing or store operations, nor is this classification to be assigned to employers setting up separate business operations to manage other commonly owned or operated business undertakings unless coincidentally the other operations are also subject to this classification.

#### **5301-13 Credit bureaus; collection agencies**

Applies to establishments that are licensed to provide collection and/or credit investigation services to others. Services include, but are not limited to:

- Checking the credit backgrounds of their client's potential customers;
- Collection of NSF checks or delinquent debts owed to clients of the collection agency.

If debts are not collected, the service agency may initiate legal proceedings against the debtor. This classification includes clerical office and outside sales personnel, and other staff who travel from one office to another.

This classification excludes establishments engaged in providing process and legal messenger services which are to be reported separately in classification 6601.

#### **5301-14 Employment agencies**

*(only to be assigned by the temporary help/leasing underwriter)*

Applies to establishments that are licensed to provide employment services for others. Clients of employment agencies may be persons seeking employment or companies looking for employees. Employment agencies usually conduct preliminary interviews with candidates for positions prior to referring them to their client companies for interviews. Generally, establishments subject to this classification place people in permanent positions. This classification includes clerical office and outside sales personnel, and staff who travel from one office to another.

This classification excludes:

- Employees of a temporary help agency who are assigned to work in the administrative or branch offices of the agency who are to be reported separately in classification 7104;
- Employees of a temporary help agency who are assigned on a temporary basis to its customers who are to be reported separately in the appropriate temporary help classification.

#### **5301-15 Court reporting services**

Applies to establishments engaged in providing court reporting services to others. Court reporters record verbatim testimony presented in court proceedings, depositions, public hearings or meetings. The most frequently used method to record testimony is by stenotype machine, although it may be recorded by voice recording on audio tape, or by manual shorthand. Transcription of the recorded material may be performed by the court reporter or by "note readers" or typists. The majority of court reporters today use computer-aided transcription systems. Court reporters may also offer notary public services for their clients. This classification includes clerical office and staff who travel from one office to another.

#### **5301-16 Service and professional organizations**

Applies to establishments engaged in protecting or furthering the interest of their members and/or the general public. Many of these operate as nonprofit organizations. Service and professional organizations may perform one or many of the following activities:

- Administer certification tests;
- Arbitrate disputes;
- Award scholarships;

- Collect membership dues;
- Compile, review, and disseminate informational data;
- Disburse funds;
- Host conventions;
- Issue vehicle license registrations, plates, decals, and certificates of title;
- Lobby the legislature;
- Manage promotional marketing programs;
- Maintain a membership directory;
- Offer insurance programs;
- Operate a tourist information center;
- Organize fund-raising campaigns;
- Perform charitable community services;
- Perform collective bargaining;
- Provide counseling, adoption, and advocacy services;
- Provide job placement assistance;
- Publish a newsletter;
- Research and interpret local, state, and federal regulations and apprise members of the results;
- Sponsor athletic leagues and tournaments;
- Sponsor educational training programs.

Also included in this classification are Economic Development Councils, Boards, or Associations. These nonprofit organizations provide economic consulting services and related statistics to government and industry in the promotion of economic stability, and recruit businesses that will create jobs and provide loans from the grant funds they manage. This classification includes clerical office and outside sales personnel who travel from one office environment to another.

This classification excludes:

- Collection of donated items by truck which is to be reported separately in classification 1101;
- Labor unions and employee representative associations which are to be reported separately in classification 6503.

**Special note:** If a charitable organization subject to classification 5301 operates a retail store for the sale of donated items, the collection of those items by truck, and all store operations, are to be reported separately in classification 6504.

#### **5301-18 Telephone answering services**

Applies to establishments engaged in providing telephone answering services for others. Customers include, but are not limited to:

- Attorneys;
- Medical professionals;
- Private businesses;
- Individuals.

Most answering services today use computerized communications systems to identify company names when answering calls for various companies, obtain correct information about the company to respond to questions, record and relay accurate messages in a timely manner. Related services often offered by telephone answering service companies include, but are not limited to:

- Dispatching;
- Monitoring alarm systems;
- Placing reminder calls;
- Rental of office space;
- Scheduling appointments for customers;
- Telemarketing;

- Voice mail or paging.

This classification includes clerical office personnel and staff who travel from one office to another.

#### **5301-19 Travel agencies**

Applies to establishments engaged in providing travel arrangement services for others. Travel agencies coordinate all types of travel arrangements for their clients through:

- Air;
- Bus lines;
- Car rental agencies;
- Cruise;
- Hotels;
- Motels;
- Related travel providers;
- Resorts;
- Train;
- Travel insurance companies.

Services vary and could include:

- Arrangement of special needs for ((disabled)) people with disabilities or elderly travelers;
- Booking reservations;
- Delivery of tickets and itineraries to clients;
- Selling tickets for tours, excursions, or other entertainment events.

This classification includes clerical office and sales staff who travel from one office to another.

#### **5301-21 Word processing or secretarial services**

Applies to establishments engaged in providing word processing or secretarial services to others. Services include, but are not limited to:

- Desktop publishing;
- Dictation and transcription services;
- Making copies of documents;
- Typing/compiling reports, proposals, resumes, or correspondence;
- Sending faxes.

A pickup and delivery service may be offered. This classification includes clerical office and outside sales personnel who travel from one office environment to another.

**Special note:** This classification is limited to employers engaged in such services being provided to the general public. This is a services only classification and does not include retailing or store operations, nor is this classification to be assigned to employers setting up separate business operations to manage other commonly owned or operated business undertakings unless coincidentally the other operations are also subject to this classification.

AMENDATORY SECTION (Amending WSR 13-11-128, filed 5/21/13, effective 7/1/13)

#### **WAC 296-17A-6207 Classification 6207.**

##### **6207-00 Carnivals - Traveling**

Applies to those employees of an employer engaged in operating traveling carnivals, who are drivers and/or engaged in the set up and/or tear down of mechanical and nonmechanical amusement rides, and any temporary structure associated with a traveling carnival such as, but not limited to, game,

food, or souvenir concession booths, mobile offices, aid rooms or ticket booths.

This classification excludes clerical office employees who are assigned to a permanent office location with no outside duties who may be reported separately in classification 4904 provided all the conditions of the general reporting rules covering standard exception employees have been met; clerical employees who travel with the carnival or with ride operators and who work out of a mobile office, ride operators, game attendants, ticket sellers/takers and personnel involved in the care, custody, and maintenance of carnival facilities who are to be reported separately in classification 6208; establishments engaged in operating mechanical or nonmechanical rides at a permanent location which are to be reported separately in classification 6208; and establishments engaged in operating video or amusement game arcades at a permanent location, not within or operated in connection with an amusement park, which are to be reported separately in classification 6406.

**Special note:** Permanent shop employees, and those employees assigned to the shop during the winter quartering period may be reported separately in classification 5206 provided the conditions set forth in WAC 296-17-31018 have been met.

#### **6207-01 Circuses - Traveling**

Applies to establishments engaged in operating a traveling circus. Work contemplated by this classification includes all preparations, operations and maintenance normally performed by employees of an employer having operations subject to this classification. Employments include, but are not limited to, drivers, trainers, performers, ticket sellers/takers, clerical staff who travel with the circus, set up/tear down of mechanical and nonmechanical rides, concession booths or stands, mobile offices, aid rooms, ticket booths and all other temporary structures associated with a traveling circus.

This classification excludes clerical office employees who are assigned to a permanent office location with no outside duties, who may be reported separately in classification 4904 provided all the conditions of the general reporting rules covering standard exception employees have been met.

**Special note:** Classifications 6208 and 5206 do not apply to circus operations.

#### **6207-02 Amusement rides - Traveling**

Applies to establishments engaged in operating mechanical or nonmechanical amusement rides. Employments contemplated by this classification include, but are not limited to, drivers and all employees engaged in the set up and tear down, operation, and maintenance of mechanical and nonmechanical rides and all other temporary structures associated with the amusement rides. This classification also includes automobile stunt shows, such as monster trucks or motorcycle car jumps, that perform for entertainment purposes. Covered employments associated with automobile stunt shows include, but are not limited to, drivers, mechanics, and maintenance employees who set up and take down ramps or other structures used in the show.

This classification excludes clerical office employees who are assigned to a permanent office location with no outside duties, who may be reported separately in classification

4904 provided all the conditions of the general reporting rule covering standard exception employees have been met; clerical employees who travel with the amusement operations and work out of a mobile office, ride operators, attendants, ticket sellers/takers, and personnel involved in the care, custody, and maintenance of amusement facilities who may be reported separately in classification 6208; employers engaged in operating mechanical or nonmechanical rides at a permanent location which are to be reported separately in classification 6208; and establishments engaged in operating video or amusement game arcades at a permanent location, not within or operated in connection with an amusement park, which are to be reported separately in classification 6406.

**Special note:** Permanent shop employees, and those employees assigned to the shop during the winter quartering period, may be reported separately in classification 5206 provided the conditions set forth in WAC (~~296-17-675~~) 296-17A-5206 have been met.

#### **6207-03 Rodeos**

Applies to establishments engaged in the production of rodeos. Employments contemplated by this classification include all operations normally performed by employees of an employer having operations subject to this classification such as, but not limited to, drivers and all arena employees, setting up/tearing down temporary enclosures/structures/bleachers, clowns, gate openers, animal handlers, ticket sellers/takers, first-aid staff, and clerical staff who travel with the rodeo.

This classification excludes clerical office employees who are assigned to a permanent office location with no outside duties, who may be reported separately in classification 4904 provided all the conditions of the general reporting rule covering standard exception employees have been met; and stock handlers who contract with a rodeo producer to supply horses, bulls, or other rodeo animals, who are to be reported separately in classification 7302.

**Special note:** Classifications 6208 and 5206 do not apply to rodeos.

#### **6207-04 Fireworks exhibition**

Applies to establishments engaged in producing pyrotechnic exhibitions. This classification includes purchasing ready made fireworks, setting up displays, timing fuses, lighting the fireworks, and cleaning up.

This classification excludes establishments engaged in the manufacture of fireworks which are to be reported separately in classification 4601.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

#### **WAC 296-17A-6208 Classification 6208.**

##### **6208-00 Amusement parks; exhibition caves or caverns**

Applies to establishments engaged in providing amusement parks to the public or in the operation of cave or caverns for exhibition purposes. Establishments subject to this classification are located on a permanent site and usually offer a variety of activities such as, but not limited to, amusement rides, water slides, miniature golf, and games such as tossing

rings, throwing balls, and shooting air rifles. There may be one or more separate arcade areas located within the park. This classification includes rides, ticket sellers, gate attendants, food and beverage operations, care, custody and maintenance of the above facilities and operations similar to a traveling carnival.

This classification excludes set up, tear down and delivery of amusement park rides, games and food booths which are to be reported separately in classification 6207.

**6208-01 Ranges: Archery, ball, dart, golf, firearms shooting**

Applies to establishments engaged in operating indoor or outdoor archery, ball, dart, golf, and firearms shooting ranges. Golf driving ranges subject to this classification are operated separately from a golf course. If the driving range is operated in conjunction with a golf course, then the entire establishment is to be reported separately in classification 6206. Ball ranges (batting cages) are establishments set up to provide batting practice. Archery ranges are permanent establishments that provide targets for practice. If these operations are conducted in conjunction with an amusement park, then the entire operation is to be reported separately in classification 6208-00. This classification includes ticket sellers, food and beverage operations and care, custody and maintenance of the above facilities.

This classification excludes miniature golf courses which are to be reported separately in classification 6208-07, and ranges that use air rifles which are to be reported separately in classification 6208-10.

**6208-03 Boat rental facilities**

Applies to establishments engaged in renting row boats, paddle boats, rubber rafts or similar water craft for recreational purposes when the water is part of a park. This classification includes the operation of bumper boat amusement rides if that is the sole function of the establishment. If the bumper boats are operated as part of an amusement park, the entire establishment is to be reported separately in classification 6208-00. This classification includes ticket sellers, food and beverage operations and care, custody and maintenance of the above facilities.

**6208-04 Fairs, shows and exhibitions, N.O.C.**

Applies to establishments or community organizations engaged in managing, sponsoring and conducting fairs, shows and exhibitions not covered by another classification (N.O.C.). Events may include, but not be limited to, community fairs, animal (pet or livestock), flower, art, and trade shows. Many of the exhibitors and concessionaires are independent businesses that rent space at the site. Work contemplated by this classification includes, but is not limited to, coordinating exhibitors, arranging for a facility and utilities, selling tickets, judging entries, security personnel, helping to set up and tear down booths, the showing of animals in an arena, food and beverage operations and care, custody and maintenance of the above facilities.

This classification excludes all raising or care of animals which are to be reported separately in the applicable classifications.

**6208-07 Miniature golf courses**

Applies to establishments engaged in the operation of miniature golf courses. This classification includes ticket sellers, food and beverage operations and care, custody and maintenance of the above facilities.

This classification excludes miniature golf courses operated in conjunction with an amusement park which are to be reported separately in classification 6208-00.

**6208-08 Kiddie rides at permanent locations**

Applies to establishments engaged in operating kiddie rides at a permanent location. Ride attendants duties include, but are not limited to, selling tickets, directing patrons getting on and off the rides, keeping order among the patrons waiting to ride, and making sure all belts and safety devices are in the proper place and functioning. This classification includes food and beverage operations and care, custody and maintenance of the above facilities.

**6208-09 Race tracks**

Applies to establishments engaged in the operation of race tracks such as, but not limited to, stock car, go cart, motorcycle, horse, and drag racing tracks. Employments contemplated by this classification include, but are not limited to, selling tickets, booking events, coordinating participants, and security. This classification includes food and beverage operations and care, custody and maintenance of the above facilities.

This classification excludes parimutuel clerks at a horse racing track and cashiers with no other duties who may be reported separately in classification 4904 provided all the conditions of the general reporting rules covering standard exception employees have been met; and the handling of horses or vehicles which is to be reported separately in the classification applicable to the work being performed.

**6208-10 Shooting galleries for air rifles only; laser tag, war games, paint ball facilities**

Applies to establishments engaged in operating shooting galleries for *air rifles only*. If the air rifle shooting gallery is operated in conjunction with an amusement park, the entire operation is to be reported separately in classification 6208-00. This classification also applies to laser tag, war games, and paint ball facilities. This classification includes ticket sellers, food and beverage operations and care, custody and maintenance of the above facilities.

This classification excludes operations involving any firearms such as, but not limited to, pistol or rifle ranges, which are to be reported separately in classification 6208-01.

**6208-11 Carnival operations, N.O.C.**

Applies to those employees of an employer engaged in operating carnivals who are not covered by another classification (N.O.C.). These employees are generally employed as ride operators, game attendants, ticket sellers/takers, and traveling clerical workers. This classification includes operations care, custody and maintenance of the above facilities.

This classification excludes clerical office employees who are assigned to a permanent office location with no outside duties, who may be reported separately in classification 4904 provided all the conditions of the general reporting rules covering standard exception employees have been met;

employees engaged in driving and/or set up and tear down of all mechanical and nonmechanical rides, concession booths or stands, mobile offices, aid rooms, ticket booths, and all other temporary structures associated with a traveling carnival who are to be reported separately in classification 6207; employees of carnival operations assigned to work in food booths who are to be reported separately in classification 3905; and employees of carnival operations assigned to work in souvenir or gift shops who may be reported separately in classification 6406 provided they have no other duties.

**Special note:** Permanent shop employees, and those employees assigned to the shop during the winter quartering period, may be reported separately in classification 5206 provided the conditions set forth in WAC ((296-17-675)) 296-17A-5206 have been met.

AMENDATORY SECTION (Amending WSR 11-24-022, filed 11/30/11, effective 1/1/12)

### WAC 296-17A-6301 Classification 6301.

~~((6301-00 Sales personnel: Vehicles and marine pleasure craft~~

Applies to sales employees of establishments engaged in selling and/or leasing new and/or used automobiles, trucks, campers, recreational vehicles, mobile homes, motoreycles or other all-terrain vehicles, or boats and other marine pleasure craft and who are not covered by another classification assigned to the employer's account. Duties contemplated by this classification are limited to sales training, test driving, showing and demonstrating vehicles, completing paper work, and arranging for delivery of purchased vehicles.

**Special note:** This is a restrictive classification; the qualifying factor is that all the conditions of the general reporting rules covering standard exception employees have been met.

#### ~~6301-06 Instructors of driving schools~~

~~Applies to instructors of driving schools. Instructors duties include, but are not limited to, demonstrating driving techniques, and observing student drivers.~~

~~This classification excludes administrative staff and classroom instructors of driving schools who are to be reported separately in classification 6103; vehicle repair or maintenance staff who are to be reported separately in classification 3411; and high school driving instructors who are to be reported separately in classification 6104.~~

~~**Special note:** This is a restrictive classification; the qualifying factor is that all the conditions of the general reporting rules covering standard exception employees have been met.~~

#### ~~6301-07 Limousine drivers~~

~~Applies to drivers of establishments engaged in providing limousine services to others. Limousine services provide luxury transportation for special occasions such as, but not limited to, birthday parties, weddings, dances, sporting events, concerts, and corporate business functions. Clients usually travel in groups from two to ten. Drivers are professionally trained chauffeurs; they generally provide services by appointment from specific locations to set destinations, and often wait with the vehicle while clients attend events. Depending on the occasion, the limousine service may also provide beverages, snacks, balloons, or flowers. Since the~~

~~service is intended for luxury as opposed to meeting deadlines, the hazards of driving differ from most other professional drivers.~~

~~This classification excludes employees who repair and/or service the company's limousines who are to be reported separately in classification 3411.~~

~~**Special note:** This is a restrictive classification; the qualifying factor is that all the conditions of the general reporting rules covering standard exception employees have been met.~~

~~**Special note:** Clerical office employees may be reported separately in classification 4904 provided all the conditions of the general reporting rule covering standard exception employees have been met.~~

~~**Special note:** Vehicle owners are responsible for payment of workers' compensation premiums. The department will report nonpayment to the department of licensing. The department of licensing will suspend or revoke the for-hire vehicle certificate until the premiums are paid.))~~

### Lot and marina sales personnel for vehicles and pleasure craft; driving instructors, and limousine drivers

Classification 6301 is a standard exception classification, as described in WAC 296-17-31018 Exception classifications, with restrictions on both the type of work and where the work can take place. If any of a worker's duties are excluded from 6301 because of restrictions described in this rule, then none of the worker's hours may be reported in classification 6301.

**Special note:** Care must be taken to:

• Look beyond job titles such as "salesperson" or "driving instructor." Job titles do not ensure the work or the workplace meet the requirements for 6301:

• Ensure standard exceptions are permitted - Some basic classifications include sales;

• Ensure workers assigned to classification 6301 perform no work other than what is allowed by this classification and that permitted in WAC 296-17-4904.

Classification 6301 is restricted to the following work areas:

• Those allowed for office work in WAC 296-17A-4904:

• Classrooms;

• Sales lots and other sales display areas;

• In a vehicle/water craft for a test drive or instruction;

• Operating a "special occasion" limousine.

Classification 6301 includes all activities allowed by WAC 296-17A-4904 (office workers) as well as:

• Test driving;

• Showing and demonstrating products;

• Sales training;

• In car driving instruction for driving schools;

• Driving for limousine services that take people to and from special events by appointment.

Classification 6301 excludes:

• Classroom instructors or administrators at driving schools performing no work inside vehicles, who are reported separately in classification 6103;

• Vehicle repair or maintenance work reported separately in classification 3411;

• In vehicle driving instructors for high schools, who are reported in classification 6104;

• Airport limousine services or similar shuttle type operations that are reported separately in classification 1407;

• On call taxi-type services that are reported separately in classification 1401;

• Dealership employees responsible for transporting vehicles (such as cars purchased at an auction) who are reported separately in classification 3411.

For administrative purposes, classification 6301 is divided into the following subclassifications:

**6301-00 Sales personnel: Vehicles and marine pleasure craft**

**6301-06 Instructors of driving schools**

**6301-07 Limousine drivers**

***Special note:*** The owner of a limousine is responsible for payment of workers' compensation premiums. The department will report nonpayment to the department of licensing and the for-hire vehicle certification will be revoked until payment is made. See also WAC 296-17-35203(9), Special reporting instruction.

AMENDATORY SECTION (Amending WSR 13-08-063, filed 4/1/13, effective 1/1/14)

**WAC 296-17A-6303 Classification 6303.**

**~~((6303-00 Outside sales personnel, N.O.C.; messengers~~**

~~Applies to those employees whose job duties and work environment meet *all* the conditions of the general reporting rules covering outside sales personnel, and who are not covered by another classification (N.O.C.) assigned to the employer's account. Duties of outside sales personnel contemplated by this classification are limited to soliciting new customers by telephone or in person, showing, selling, and explaining products or services in a showroom or other location, servicing existing accounts, completing correspondence, placing orders, performing public relations duties, and estimating. Duties of messengers are limited to delivering interoffice mail, making deposits, and similar duties that are exclusively for the administration of the employer's business.~~

~~This classification excludes:~~

- ~~• The delivery of products or merchandise or the stocking of shelves which is to be reported separately as applicable;~~
- ~~• The demonstration or delivery of machinery or equipment which are to be reported separately as applicable;~~
- ~~• Establishments engaged as collection agencies or public relations agencies which are to be reported separately in classification 5301;~~
- ~~• Sales personnel engaged in home or door-to-door sales which are to be reported in classification 6309;~~
- ~~• Retail product demonstrators – Workers who show and explain specific products in a retail setting and who are to be reported as required by WAC 296-17-31018(3) and 296-17A-6406;~~

- Establishments engaged in providing inspection and valuations exclusively for insurance companies which are to be reported separately in classification 4903;

- Establishments engaged in process and legal messenger services which are to be reported separately in classification 6601.

***Special note:*** When considering this classification care must be taken to look beyond titles of employees. Employees with occupational titles such as, but not limited to, collectors, counselors, consultants, or appraisers may or may not qualify for this classification. This is a restrictive classification; the qualifying factor is that all the conditions of the general reporting rules covering standard exception employees have been met.

**~~6303-03 Insurance sales personnel and claims adjusters~~**

~~Applies to insurance sales personnel and claims adjusters with outside duties. Duties of employees subject to this classification are limited to selling insurance policies at their place of business or at the client's home, or going to the scene of an accident or catastrophe to assess damage. Work may be performed within an office or away from the employer's premises.~~

***Special note:*** Individuals performing duties as an agent, broker, or solicitor (and who hold a license as issued by the office of the insurance commissioner) are exempt from coverage as specified in RCW 51.12.020(11) and 48.17.010. To elect voluntary coverage these individuals must submit a completed optional coverage form to the department.

**~~6303-21 Home health care services: Social workers and dietitians~~**

~~Applies to social workers and dietitians employed by home health care service establishments who provide care for handicapped individuals. Duties of these employees include teaching physically or developmentally disabled individuals in their own home to manage daily living skills such as caring for themselves, dressing, cooking, shopping, and going to the doctor. This classification also includes dietitians, sometimes called nutritionists, who usually are referred to patients by their physicians. The dietitian assesses the patient's current nutritional status, including current food intake, medical background, family history, currently prescribed medications, and social and psychological needs, then develops a food plan to meet the patient's needs. Employees subject to this classification do no cooking.~~

~~This classification excludes nursing and home health care services which are to be reported separately in classification 6110; therapy services which are to be reported separately in classification 6109; domestic servants who are to be reported separately in classification 6510; and chore workers who are to be reported separately in classification 6511.~~

***Special note:*** This is a restrictive classification; the qualifying factor is that all the conditions of the general reporting rules covering standard exception employees have been met. *This classification is not to be assigned to any account that does not also have classification 6110 and/or 6511.*)



**Sales personnel with outside duties, messengers, insurance producers or surplus line brokers, social workers and dietitians employed by a home health care service**

Although referenced as sales personnel, this classification also applies to others with similar type activities. While some duties may be performed in a business office, the work is often conducted away from the employer's physical business location or in showrooms. We refer to work that takes place away from the employer's premises as "outside sales."

Classification **6303** is a standard exception classification, as described in WAC 296-17-31018 Exception classifications, with restrictions on both the type of work and where the work can take place. If any of a worker's duties are excluded from **6303** because of restrictions described in this rule, then none of the worker's hours may be reported in classification **6303**.

**Special note:** Care must be taken to:

- Look beyond job titles such as salesperson, social worker, or messenger. Job titles do not ensure the work satisfies the restrictions for classification **6303**;

- Ensure standard exceptions are permitted - Some basic classifications include sales work;

- Ensure workers assigned classification **6303** perform no work other than what is allowed by this classification or that permitted in WAC 296-17-4904.

Classification **6303** includes all activities allowed by WAC 296-17A-4904 (office workers) as well as:

- Meeting with customers off premises;
- Showing and demonstrating products and merchandise;
- Off-site classroom instructional training;
- Driving oneself or being transported to or from meeting or training locations;

- Delivering interoffice mail, correspondence and legal documents necessary for administering the employer's business;

- Providing counseling or verbal direction to clients of a home health care service;

- Performing public relations for employers' business.

Classification **6303** excludes:

- Stocking, shipping, receiving, or delivering merchandise;

- The demonstration of machinery or equipment;
- Workers who perform any duties not specifically allowed by WAC 296-17A-4904 or 296-17A-6303;

- Specialty services merchandising products in stores, reported in classification **0607-19**;

- Directly supervising workers not included in classifications **4904** or **6303**;

- Providing samples to retail customers, reported in classification **6406-40** or **7106-01**;

- Working as a driver for a service that transports or chauffeurs others;

- Driving, cooking, or cleaning for, or physically assisting others for home health care services;

- Employees of collection agencies, who are reported separately in **5301-13**;

- Door-to-door sales persons who are reported separately in **6309-22**;

- Employees of services (WAC 269-17A-4903) providing inspection or valuation services to others;

- Employees of messenger services who are reported separately in **1101-09**;

- Employees working for a legal messenger service who are reported separately in **6601-07**;

- Construction estimators, who are reported in classification **4911**, when their work is limited to time and material estimating for a full work shift.

**Special note:** Hands on training outside of a classroom setting has to be reported separately in the applicable basic classification. For example, a karate instructor is reported in classification 6204, not 6303.

For administrative purposes, classification **6303** is divided into the following subclassifications:

**6303-00 Outside sales personnel, messengers, N.O.C.**

**6303-03 Insurance sales personnel and claims adjusters**

**Special note:** Individuals licensed by the insurance commissioner as insurance producers for soliciting, negotiating, and selling insurance are exempt from coverage as specified in RCW 51.12.020(11) and 48.17.010. To elect voluntary coverage, these individuals must submit a completed optional coverage form to the department.

**6303-21 Home health care services: Social workers and dietitians**

Social workers are employed by home health care services providing care for people living with disabilities. Duties include teaching people living with physical or developmental disabilities in their own home to manage daily living skills such as caring for themselves, dressing, cooking, shopping, and going to the doctor.

Dietitians (also called nutritionists) are referred to patients by their physicians. The dietitian assesses the patient's current nutritional status, and then develops a food plan to meet the patient's needs.

Subclassification **6303-21** excludes:

- Cooking, cleaning, transporting and physically assisting clients;

- Nursing and home health care services which are to be reported separately in **6110-00**;

- Therapy services which are reported separately in **6109**;

- Domestic servants who are to be reported separately in **6510-00**;

- Chore workers who are to be reported separately in **6511**;

- Home care services provided through the home care referral registry (HCRR) who are to be reported separately in **6512-00**.

**Special note:** Subclassification **6303-21** is not to be assigned to any account that does not also have classification **6110** and/or **6511**.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

**WAC 296-17A-6305 Classification 6305.**

**6305-00 Stores: Clothing - Retail**

Applies to establishments engaged in the retail sale of new or used clothing. Merchandise varies, but generally includes shoes, jewelry, giftware, or accessories in addition

to wearing apparel. Some establishments will specialize in certain types of clothing such as, but not limited to, athletic wear, T-shirts, coats, socks, or vintage clothing. This classification also applies to stores that rent clothing such as, but not limited to, costumes, tuxedos, or wedding apparel. This classification includes all store employees including specialty services such as alterations personnel and delivery drivers.

This classification is distinguishable from department stores in classification 6304 or retail variety stores in classification 6406 in the limited number of specialized departments and the variety of nonclothing or giftware merchandise for sale.

**Special note:** Clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

#### **6305-01 Stores: Dry goods - Retail**

Applies to establishments engaged in the retail sale of a variety of new or used dry goods. For purposes of this classification dry goods include, but are not limited to, fabric, embroideries, veiling, laces, textile trimmings, curtains, draperies, blankets, bedspreads, sheets, pillowcases, tablecloths, napkins, and towels. This classification includes all store employees.

This classification is distinguishable from retail fabric stores in classification 6406 in that dry good stores will carry primarily finished piece goods for sale while fabric stores will carry primarily fabric, sewing notions and a limited supply of finished goods.

**Special note:** Clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

#### **6305-02 Stores: Shoe - Retail Shoe shine stands**

Applies to establishments engaged in the retail sale of new or used shoes. Establishments may sell a full line of shoes or they may specialize in certain types such as athletic shoes, safety shoes, work boots, women's, men's, or children's shoes. It is customary for shoe stores to sell some related products such as, but not limited to, handbags, socks, belts, or shoe care products. This classification includes all store employees. This classification also applies to shoe shine stands.

This classification excludes establishments engaged in the manufacture or repair of shoes or boots which are to be reported separately in classification 3802.

**Special note:** Clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

#### **6305-04 Stores: Western wear, including tack - Retail**

Applies to establishments engaged in the retail sale of new or used western style clothing. Merchandise varies, but may also include western style shoes and boots, jewelry, giftware, or horse tack. This classification includes all store employees including specialty services such as alterations personnel and delivery drivers.

This classification is distinguishable from department stores in classification 6304 in that classification 6305 businesses are not comprised of specialized departments and do not carry furniture, housewares, and similar items required as part of the department store classification.

This classification excludes establishments engaged exclusively in the sale of horse tack and related animal grooming and care products which are to be reported separately in classification 2009 "farm supply stores."

**Special note:** Clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

#### **6305-05 Stores: Wig or hat - Retail**

Applies to establishments engaged in the retail sale of new or used wigs or hats. Merchandise varies, but generally these establishments will also sell related hair care products, hat pins, (~~broaches~~) brooches or similar accessory items. This classification includes all store employees.

**Special note:** Clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

#### **6305-06 Custom dressmaking, tailoring, alterations**

Applies to establishments who provide custom dressmaking, tailoring, or alterations services to others. Activities include the showing of sketches and fabrics, modeling samples, taking individual orders and measurements, cutting, basting and fitting. Employees use sewing machines, but much of the work is hand sewing, steaming or pressing. Materials include fabrics, buttons, zippers, and sewing notions. Tools and machinery include, but are not limited to, scissors, steam presses and irons, dress forms, and sewing machines with attachments to perform a variety of sewing functions. Custom dressmakers and tailors may sell fabrics and sewing notions, or limited supply ready-made apparel. The sale of these items by establishments engaged in custom dressmaking or tailoring is included in this classification. This classification is distinguishable from clothing manufacturers in classification 3802 in that establishments subject to classification 6305 make custom clothing for individuals rather than making garments on a quantity basis. However, customers of a 6305 business may order several items of a kind such as for a wedding party or small theater group.

This classification excludes the mass production of wearing apparel which is to be reported separately in classification 3802.

**Special note:** Clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

AMENDATORY SECTION (Amending WSR 09-20-039, filed 9/30/09, effective 1/1/10)

#### **WAC 296-17A-6306 Classification 6306.**

**6306-00 Stores: Furniture - Wholesale or retail  
Stores: Billiard or pool table - Wholesale or retail**

Applies to establishments engaged in the wholesale or retail sale of new, used, or antique household furniture. This classification also includes the sale of related items such as, but not limited to, lamps, bedding, pillows, floor and window coverings, framed pictures, art pieces and sculptures when sold in connection with a furniture store operation. This classification includes the delivery and the incidental repair of merchandise sold. Incidental repair in this classification is limited to such activities as the repair or cleaning of upholstery or fixing a small scratch on a table. The installation of carpet and window coverings may be included in this classification if such merchandise is part of the store's inventory and is readily available for sale and delivery to the customer. The contract installation of any merchandise which must be ordered from a factory or distributor to fulfill the terms of contract is to be reported separately in the classification applicable to the work being performed. For example, a furniture store could bid on a job to carpet all units of an apartment complex. If the carpet is ordered from the factory as opposed to carpet carried at the store and in the ((stores)) store's inventory, then the installation is to be reported separately in classification 0502. This classification also applies to stores that sell billiard or pool tables.

**Special note:** Care should be exercised when considering this classification for antique or used furniture stores since such establishments may actually be a furniture refinishing business or an upholstery shop which are to be reported separately in the appropriate classification. Repair work covered by this classification (6306) is limited to such activities as fixing a small scratch on a table, replacing a piece of glass or mirror in a china or curio cabinet, sewing on a button or adjusting a reclining chair mechanism. Classification 6306 should not be assigned to an establishment that is engaged in furniture refinishing, or upholstery work which are to be reported separately in the applicable service or repair classification.

**Special note:** Clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

#### **6306-01 Stores: Furniture and durable medical equipment - Rental**

Applies to establishments engaged in the rental of new, used, or antique household furniture. This classification also includes the sales of related items such as, but not limited to, lamps, bedding, pillows, framed pictures, art pieces and sculptures when sold in connection with a furniture rental store operation. This classification includes the delivery and the incidental repair of merchandise rented. Incidental repair in this classification is limited to such activities as the repair or cleaning of upholstery or fixing a small scratch on a table. This classification also applies to establishments that provide rent-to-own purchasing options, and to establishments engaged in the sale or rental of hospital beds, motorized wheelchairs and similar patient appliances.

**Special note:** Care should be exercised when considering this classification for an antique or used furniture store since such establishments may actually be a furniture refinishing business or an upholstery shop which are to be reported separately in the appropriate classification. Repair

work covered by this classification (6306) is limited to such activities as fixing a small scratch on a table, replacing a piece of glass or mirror in a china or curio cabinet, sewing on a button or adjusting a reclining chair mechanism. Classification 6306 should not be assigned to an establishment that is engaged in furniture refinishing, or upholstery work which are to be reported separately in the applicable service or repair classification.

**Special note:** Clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

#### **6306-02 Stores: Appliance - Wholesale or retail**

Applies to establishments engaged in the wholesale or retail sale of gas, electric, or propane household appliances. Household appliances include, but are not limited to, refrigerators, freezers, stoves, range tops, trash compactors, washing machines, clothes dryers, television consoles, big screen televisions, and television antennas or satellite dish receiving units. Appliance stores will routinely carry smaller appliances which are generally referred to as counter top units which include, but are not limited to, mixers, blenders, microwave ovens, toasters and espresso machines and are included in this classification when sold in connection with the appliance store operation. This classification covers the sale of primarily new appliances although establishments subject to this classification accept trade-ins and sell some used appliances. Also included is the incidental repair of appliances sold by the appliance store, parts departments employees, and the delivery of products sold. The contract installation of any merchandise which must be ordered from a factory or distributor to fulfill the terms of contract is to be reported separately in the classification applicable to the work being performed. For example, an appliance store could bid on a job to supply appliances for all units of an apartment complex. If the appliances are ordered from the factory as opposed to items carried at the store and in the ((stores)) store's inventory then the installation is to be reported separately in classification 0607. Establishments engaged in the sale of commercial appliances may be assigned to this classification provided such establishments operate a ((bonafide)) bona fide store operation. Generally, however, commercial appliances such as those used to equip bakeries and restaurants are factory ordered items which are made to a customer's specifications from a manufacturer's representative.

**Special note:** Care should be taken when considering this classification for an antique or used appliance store since such establishments are primarily engaged in reconditioning appliances (service and repair) for resale and are to be reported separately in classification 0607.

**Special note:** Clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

#### **6306-03 Stores: Piano or organ - Wholesale or retail**

Applies to establishments engaged in the wholesale or retail sale of new pianos and organs. This classification includes all operations associated with the store including service, repair, and delivery. It is common for stores subject

to this classification to carry other musical instruments such as, but not limited to, guitars, drums and wind instruments as well as provide instructions on the use of instruments.

This classification excludes establishments engaged exclusively in piano tuning which are to be reported separately in classification 4107; stores that sell musical instruments other than pianos or organs which are to be reported separately in classification 6406; and establishments engaged in the reconditioning of organs and pianos accompanied by the related sales of reconditioned pianos and organs which are to be reported separately in classification 2906.

**Special note:** Clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

### **6306-06 Stores: Office furniture - Wholesale or retail**

Applies to establishments engaged in the wholesale or retail sale of new, used, or antique office furniture. This classification also includes the sales of related items such as, but not limited to, lamps, floor and window coverings, framed pictures, art pieces and sculptures when sold in connection with an office furniture store operation. This classification includes the delivery of furniture and related items, and the incidental repair of office furniture items sold by the office furniture store such as upholstery repair and cleaning. The installation of carpet and window coverings may be included in this classification if such merchandise is part of the store's inventory and readily available for sale and delivery to the customer. The contract installation of any merchandise that must be ordered from a factory or distributor to fulfill the terms of contract is to be reported separately in the classification applicable to the work being performed. For example, an office furniture store could bid on a job to supply modular desk units for a large office complex. If the desk units are ordered from the factory as opposed to units carried at the store and in the ((stores)) store's inventory, then the installation is to be reported separately in classification 2002.

**Special note:** Care should be exercised when considering this classification for an antique or used office furniture store since such establishments may actually be a furniture refinishing business or an upholstery shop which are to be reported separately in the appropriate classification. Repair work covered by this classification (6306) is limited to such activities as fixing a small scratch on a table, replacing a piece of glass or mirror in a china or curio cabinet, sewing on a button or adjusting a reclining chair mechanism. Classification 6306 should not be assigned to an establishment that is engaged in furniture refinishing or upholstery work.

**Special note:** Clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

### **6306-07 Audio/visual equipment rental and event services**

Applies to businesses engaged in renting audio/visual equipment and providing temporary setup or "staging" services at hotels, theaters, events, or businesses. Services may include, but are not limited to, the design, cost estimate, rental, and setup of audio/visual equipment such as projectors, cameras, videos, screens, microphones, sound systems,

mixers, lights, or grip equipment. These businesses usually store the equipment in their warehouse, stage it in a loading area, load and transport it in a van or truck, or the customer may pick it up. Employees may be stationed at a customer's site, such as a hotel, and equipment may be stored at the customer's site for daily setup. Services provided are usually scheduling and coordination, delivery, equipment setup, testing, cleaning, and repair. Employees may operate equipment during an event or help troubleshoot problems, or return at the end of the event to disassemble the equipment and return it to the warehouse. Businesses in this classification may also offer sales of accessories or other new and used equipment. Repair is usually limited to the businesses' own equipment, but minimal repair services for customers are included in this classification.

This classification excludes:

- Contractors with a limited energy electrical license providing low voltage wiring with installation of audio/visual equipment, who are to be reported in classification 0608((-));
- Retail stereo component or camera stores which also rent, but provide no staging services, who are to be reported in classification 6406((-));
- Firms providing equipment setup or repair only, who are to be reported in classification 0607((-));
- Musicians and their own employees performing stage setup, who are to be reported in classification 6605((-);
- Sponsors of exhibitions or shows who are to be reported in classification 6208.

**Special note:** Clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

### **WAC 296-17A-6403 Classification 6403.**

#### **6403-01 Stores: Coffee, tea, or spice - Retail**

Applies to establishments engaged in the retail sale of specialty coffees, teas, or spices. They may sell coffee/tea in packaged and/or ready to drink forms and may offer a small selection of pastries or cookies for the customers' convenience.

This classification excludes espresso street carts or stands and lunch counter/restaurant operations which are to be reported separately in classification 3905.

**Special note:** Clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

#### **6403-02 Stores: Dairy products - Retail**

Applies to establishments engaged in the retail sale of dairy products such as, but not limited to, milk, eggs, cheese, and ice cream. As a convenience to their customers, these establishments may offer a limited supply of related foods such as bread. This classification is distinguishable from other 6403 store operations in that the primary products available for sale are dairy products.

This classification excludes espresso street carts or stands and lunch counter/restaurant operations which are to be reported separately in classification 3905.

**Special note:** Clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

#### **6403-04 Stores: Fruit or vegetable - Retail**

Applies to establishments primarily engaged in the retail sale of fresh fruits and/or vegetables. These stores are usually found in individual stands at public or municipal street markets, or at roadside stands not located on the farm which may range from a small booth to a store-like operation. Sales at roadside stands away from the farm location or public markets are to be reported in this classification even if vendors grow all their own produce.

This classification excludes establishments that grow their own fruits and vegetables and sell them at their farm location which are to be reported separately in the appropriate agricultural classification as required by the general inclusion provision of the general rules, espresso street carts or stands and lunch counter/restaurant operations which are reported separately in classification 3905.

**Special note:** Clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

#### **6403-05 Stores: Specialty grocery - Retail**

Applies to establishments engaged in retail sale of specialty grocery items. Establishments subject to this classification have a limited selection of grocery items which are generally related to ethnic foods and cuisine, gourmet meats, cheeses, or condiments, health food or pet food. This classification also applies to stores that sell U-bake pizza.

This classification excludes establishments engaged in the sale of nutritional supplements such as, but not limited to, vitamins, herbal compounds, protein powders, or energy bars, which are to be reported separately in classification 6406; espresso street carts or stands and lunch counter/restaurant operations which are reported separately in classification 3905.

**Special note:** Clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

#### **6403-06 Stores: Mini-markets or convenience grocery, N.O.C. - Retail**

Applies to establishments engaged as retail convenience grocery stores or mini-marts. Generally these stores sell convenience items such as, but not limited to, soft drinks, beer/wine, snack foods, candy and a limited selection of canned or boxed foods. They may also prepare foods such as sandwiches, chicken, jo jos and hot dogs. While these stores may sell a variety of grocery items they are distinguished from stores in classification 6402 in that they do not sell all of the items specified for retail grocery store operations. Generally the difference can be established by determining if the store cuts and sells fresh meat. This classification also applies to food bank operations.

This classification excludes establishments engaged as convenience grocery stores or mini-markets with self-service gasoline operations which are to be reported separately in classification 3410 and espresso street carts or stands and lunch counter/restaurant operations which are to be reported separately in classification 3905.

**Special note:** Clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

#### **6403-07 Stores: Wine, liquor, or soft drinks - Retail**

Applies to establishments engaged primarily in the retail sale of wine, liquor, or soft drinks and an assortment of pre-packaged mixed drinks, and related gift items. Establishments in this classification are not operated ~~((in connection with))~~ at the same location as a manufacturing, bottling, restaurant, or tavern operation. ~~((This classification also applies to liquor stores operated by Native American tribes and to contract state liquor stores operated by nonstate employees.))~~ A store or tasting room in this classification is at a location away from a winery, frequently in a populated area, and may also sell food or gift items. This classification contemplates a minimal amount of mail order sales and locker rentals in a wine cellar operated by a wine store.

This classification excludes ~~((state operated liquor stores which are reported separately in classification 5307));~~ State contracted liquor stores with additional operations described in a higher-rated store classification; establishments engaged in the distillation, brewing, or bottling of alcohol, beer or wine ~~((, which often have))~~ with tasting rooms and gift shops at their site, which are ~~((reported separately))~~ included in classification 3702; and establishments engaged primarily in selling wine-making or beer-making kits and supplies which are reported separately in classification 6406.

**Special note:** Clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

AMENDATORY SECTION (Amending WSR 07-12-047, filed 5/31/07, effective 7/1/07)

#### **WAC 296-17A-6409 Classification 6409.**

**6409-00 Dealers: ~~((Machinery/equipment, N.O.C.))~~ Service/repair garages ~~((+))~~, machinery ~~((+))~~, equipment, N.O.C.**

Applies to establishments engaged in the sale, lease, rental, service, and/or repair of new or used machinery and equipment not covered by another classification (N.O.C.). For purposes of this classification the terms machinery or equipment includes, but are not limited to, semi-trucks, diesel tractors, buses, construction equipment, concrete barriers and other flagging equipment used in construction projects, logging equipment, transportation equipment, freight hauling equipment, well drilling equipment, power generators, and industrial or manufacturing machinery. Operations of dealers include, but are not limited to, the sale, lease, rental, demonstration, service, or repair of their equipment, either on their premises or at the customer's site, and delivery to customer.

The variety of merchandise carried by a machinery and equipment dealer varies with the needs of the geographical area and may be displayed in inside showrooms and/or outside yards. Operations of service centers include diagnostic services, all phases of mechanical service such as, but not limited to, tuning, overhauling and/or rebuilding engines, motors, or transmissions, resurfacing heads, repairing carburetors or fuel injection systems and grinding valves or brakes on equipment or machinery owned by others. In addition to parts for the machinery and equipment, establishments in this classification may carry some automobile parts, hardware items, and supplies such as oil, filters, and belts. This classification includes lot sales and lot personnel, service managers and employees, parts department employees who have exposure to the service/repair shop or duties related to the sale of machinery/equipment, towing service for in-shop repairs, and regional sales and/or service representatives who provide factory service or training to local dealers and other customers. Parts department employees who are not exposed to any hazards of the service/repair shop or have no duties related to the sale of machinery/equipment may be reported separately in classification 6309. This classification also includes the rental and installation of temporary fences.

This classification excludes farm machinery and equipment dealers who are to be reported separately in classification 6408; store operations of dairy equipment and supply dealers which is to be reported separately in classification 6407; the installation of industrial plant equipment which is to be reported separately in classification 0603; the installation, service, or repair of dairy machinery or equipment which is to be reported separately in classification 0603; all field installation, service, or repair work of wind machine dealers which is to be reported separately in classification 0603; and the manufacture or structural repair of heavy machinery or equipment which is to be reported separately in classification 5109.

**Special note:** Care needs to be taken when considering the assignment of classification 6309 for the sale of parts. Most businesses assigned to classification 6409-00 have an inventory of parts or accessories which they use in the service or repair of machinery or equipment, or maintain as a convenience to their customers. *Only* those businesses that maintain a complete line of replacement parts that is physically separated from the service/repair shop should be considered for classification 6309.

**AMENDATORY SECTION** (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

**WAC 296-17A-6509 Classification 6509.**

**6509-04 Boarding homes and centers, N.O.C., adult family homes, rooming houses, foster homes, and orphanages**

Applies to establishments engaged in providing residential and social care for children, aged, and special categories of persons who are ambulatory and for whom medical care is not a major element. This classification includes, but is not limited to, alcohol and drug rehabilitation centers, shelters for the homeless, safe houses for abused women and children, orphanages, homes for ~~((mentally, emotionally, physically, and developmentally disabled individuals))~~ people with dis-

abilities, adult family homes, and group homes as well as halfway homes for delinquents and offenders. Alzheimer care facilities are also included in this classification. Work contemplated by this classification includes meal service, linen service, housekeeping and transportation. Medical care includes only the administration of drugs.

This classification excludes convalescent, assisted living, and nursing homes which are to be reported separately in classification 6108.

**6509-05 Fraternity or sorority houses**

Applies to establishments providing living accommodations to *only* those college and university students who are members of the fraternity or sorority. Fraternities and sororities operate as independent political, economic and social organizations within the guidelines of the college. Fraternity and sorority houses normally have all the amenities of a home-kitchen, living room, dining room, bedrooms and bathrooms. Chapter houses may also have a party room with floor space for social functions and a Chapter room which are a combination library, study, meeting and trophy room. Employments contemplated by this classification includes house directors who supervise and manage facility, cooks, helpers and facilities maintenance.

**6509-07 Retirement centers**

Applies to establishments engaged in operating retirement centers which cater to the elderly by offering an independent life style in a communal environment. Differing from a boarding home, a retirement center will usually offer a studio, one bedroom or two bedroom apartments as opposed to a single room. Most offer a full service dining area for all meals, exercise programs for individuals or groups, a hairdresser, gift shop, housekeeping/laundry service, a full social/activity program, security, as well as assisted living services. Assisted living services, if offered, include, but are not limited to, assistance in maintaining the resident's schedule for prescription medication, transportation for medical appointments, and 24 hour on-call emergency assistance. On-call emergency services may be provided by a full-time nurse who can assess situations and summon a doctor or ambulance as necessary.

**Special note:** Residents of a retirement center are capable of an independent lifestyle and do not require an on-site physician or personal care services. Businesses engaged in providing temporary or permanent residences which provide various levels of medical and *personal care services such as feeding, bathing, and personal hygiene* are to be reported separately in classification 6108.

**AMENDATORY SECTION** (Amending WSR 07-12-047, filed 5/31/07, effective 7/1/07)

**WAC 296-17A-6510 Classification 6510.**

**6510-00 Domestic servants/home care assistants employed in or about the private residence of a home owner**

Applies to individuals employed by a home owner to provide domestic services/home care assistants in or about the home owner's private residence. This classification includes services such as, but not limited to, cooking, house-

keeping, caring for children, caring for the elderly and (~~handicapped~~) people with disabilities including personal care such as bathing, body care, dressing and help with ambulating, as well as companionship, running errands, shopping, gardening, caretaker at homeowner's residence, and transporting members of the household by vehicle to appointments, after school activities, or similar activities. This classification also includes the care of animals not used for a business at the homeowner's residence.

This classification is subject to the provisions of RCW 51.12.020 - Employments excluded - which states in part: "The following are the only employments which shall not be included within the mandatory coverage of this title:

(1) Any person employed as a domestic servant in a private home by an employer who has less than two employees regularly employed forty or more hours a week in such employment.

(2) Any person employed to do gardening, maintenance, or repair, in or about the private home of the employer...." This classification is also subject to the provisions of RCW 51.12.110 which allows the employer to elect optional coverage for domestic servants and caretakers.

This classification excludes entities whose nature of business is to provide chore services which are to be reported separately in classification 6511; domestic (residential) cleaning or janitorial services which are to be reported separately in classification 6602; lawn and yard maintenance services which are to be reported separately in classification 0308; skilled or semiskilled nursing care which is to be reported separately in classification 6110; and new construction which would be reported in the classification appropriate for that phase of construction.

**AMENDATORY SECTION** (Amending WSR 10-16-121, filed 8/3/10, effective 10/1/10)

**WAC 296-17A-6511 Classification 6511.**

**~~(6511-00)~~ Chore services/home care assistants**

~~((Applies to establishments engaged in providing chore services/home care assistants to private individuals. Chore services performed by the chore workers/home care assistants include, but are not limited to, general household chores, meal planning and preparation, shopping and errands either with or without the client, personal care such as bathing, body care, dressing, and help with ambulating, as well as companionship. Frequently the recipients of service are funded by DSHS or some other community service agency; however, the services are also available to those who pay privately. This classification also applies to supported living, tenant support, and intensive tenant support services.~~

This classification excludes individuals working under a welfare special works training program who are to be reported separately in classification 6505; domestic (residential) cleaning or janitorial services which are to be reported separately in classification 6602; and skilled or semiskilled nursing care which is to be reported separately in classification 6110. This classification also excludes home care providers covered under the home care quality authority who are to be reported separately under classification 6512.

**~~6511-20 Community action organizations—Chore services/home care assistants~~**

~~Applies to community action organizations who provide chore services/home care assistants to private individuals. Chore services performed by the chore workers/home care assistants include, but are not limited to, general household chores, meal planning and preparation, shopping and errands either with or without the client, personal care such as bathing, body care, dressing, and help with ambulating, as well as companionship. This classification also applies to supported living, tenant support, and intensive tenant support services.~~

~~This classification excludes individuals working under a special work experience training program who are to be reported separately in classification 6505; domestic (residential) cleaning or janitorial services which are to be reported separately in classification 6602; and skilled or semiskilled nursing care which is to be reported separately in classification 6110. This classification also excludes home care providers covered under the Washington state home care quality authority who are to be reported separately in classification 6512.)~~

**Applies to:**

Entities providing chore services/home care assistants to private individuals.

**Chore services performed by the chore workers/home care assistants include, but are not limited to:**

- General household chores;
- Meal planning and preparation;
- Shopping and errands, either with or without the client;
- Personal care, such as bathing, body care, dressing, and help with ambulating;
- Companionship.

**Note:** Some common terms to describe these types of services include supported living, tenant support, and intensive tenant support services.

**Also included in this classification are:**

- Supervising visits between children and parents, including transporting the child;
- Packing up senior homes;
- Organizing homes prior to customers putting a home on the market;
- Organizing homes prior to customers having an estate auction;
- Pet sitting;
- House sitting.

**Excluded activities in this classification:**

- Firms involved in organizing homes and also conducting estate auctions (report in 6603).
- Social workers and dieticians employed by home health care service establishments (report in 6303-21). Workers in classification 6303-21 are teaching people living with physical or developmental disabilities living in their own home to manage daily living skills such as caring for themselves, dressing, cooking, etc. Workers in classification 6511 are performing this work as a service to individuals.
- Individuals working under a welfare special works training program (report in classification 6505).
- Residential cleaning or janitorial services (report in classification 6602).

- Skilled or semi-skilled nursing care (report in classification 6110).

- Home health care providers covered under the Washington state home care referral registry (report in classification 6512).

- Household furnishings moving and storage (report in classification 6907).

- Staging services (report in classification 0607).

- Any construction related work. Example: If a business builds shelving as part of organizing homeowner's personal belongings, this employer would not be eligible to report in classification 6511.

For administrative purposes, classification 6511 is divided into the following subclassification(s):

**6511-00 Chore services/home care assistants**

**6511-20 Community action organizations – Chore services/home care assistants**

AMENDATORY SECTION (Amending WSR 12-11-109, filed 5/22/12, effective 7/1/12)

**WAC 296-17A-6512 Classification 6512.**

**6512-00 Home care services/home care referral registry (HCRR)**

Applies to persons who are employed by people who are ill, ((disabled)) people with disabilities, or vulnerable individuals to provide home care services that enable those individuals to remain in their own homes. Services provided may include, but are not limited to:

- Household tasks, such as housekeeping, shopping, meal planning and preparation, and transportation; and delegated tasks of nursing under RCW 18.79.260 (3)(e);

- Personal care such as assistance with dressing, feeding, and personal hygiene to facilitate self-care.

***Special note:*** Premiums are paid by the home care referral registry (HCRR) on behalf of the persons who provide the home care services.

AMENDATORY SECTION (Amending WSR 08-15-132, filed 7/22/08, effective 10/1/08)

**WAC 296-17A-6602 Classification 6602.**

**6602-02 Contract window washing services**

Applies to establishments engaged in contract window washing services not done in connection with a janitorial service. These establishments specialize in cleaning both interior and exterior windows in residential and commercial, single and multistory buildings. Also included in this classification is the service of defogging multiple-paned windows.

This classification excludes establishments engaged in residential cleaning which are to be reported separately in classification 6602-04 and establishments engaged in both commercial and residential cleaning which are to be reported separately in classification 6602-03.

**6602-03 Janitorial cleaning services, N.O.C.**

Applies to establishments engaged in providing general interior cleaning services for commercial businesses or for combined commercial and residential customers. General

cleaning services include, but are not limited to, washing, waxing, and polishing floors, vacuuming and shampooing carpets, dusting and washing walls, dusting or cleaning mirrors, cabinets, moldings, lights, hardware, sinks, tubs, commodes, and appliances, and replacing light globes, paper or linen towels. This classification includes window washing when performed by the janitorial service employees in conjunction with a general house cleaning contract, it also includes the cleaning of swimming pools, spas and hot tubs. Fire restoration, which includes cleaning smoke or water damaged buildings, drying and/or cleaning carpets and upholstered furniture, washing and polishing furniture, washing walls, washing and waxing floors, cleaning personal contents of the home or business such as linens, dishes, drapes, and other general cleaning tasks, are included in this classification.

This classification excludes establishments engaged exclusively in contract window washing services which are to be reported separately in classification 6602-02, and establishments engaged in residential cleaning which are to be reported separately in classification 6602-04.

***Special note:*** Care should be exercised with companies specializing in fire restoration or water damage related work. These companies may be general contractors who will not only do the clean up work, but will also do repairs such as, but not limited to, repair or replace cabinets, doors, and fixtures, patch drywall, paint, and replace windows. Construction-related tasks, when performed by a company doing the clean up work, are to be assigned the appropriate construction classification. Each contract should be reviewed to determine the proper classification assignment. A division of individual work hours between classification 6602 and any construction, erection, or shop classification is not allowed. Employees having duties that fall within a construction classification and who are also engaged in preoccupancy cleanup are to be reported in the applicable construction classification.

**6602-04 Janitorial cleaning services - Residential**

Applies to establishments engaged in providing general interior janitorial cleaning or services to residential customers. General cleaning services include, but are not limited to, washing, waxing, and polishing floors, vacuuming and shampooing carpets, dusting and washing walls, dusting or cleaning mirrors, cabinets, moldings, lights, hardware, sinks, tubs, commodes, and appliances. This classification includes window cleaning when performed in connection with a general house cleaning contract.

This classification excludes establishments engaged exclusively in contract window cleaning which are to be reported separately in classification 6602-02 and establishments engaged in commercial or combined commercial and residential cleaning which are to be reported separately in 6602-03.

**6602-05 Janitors, N.O.C.**

Applies to the janitorial staff assigned to clean the clerical and administrative offices of establishments whose ((~~principle~~)) principal business undertaking is other than providing janitorial services *and* who are eligible to report their clerical employees in classification 4904. *This classification is applicable only to janitors who clean the office area.* Janitors who



clean outside the office area such as a shop, warehouse, or retail store area, are excluded from this classification and are to be reported separately in the classification applicable to the employer's business.

**Special note:** See the special exception section of the general rules for a complete description of these requirements.

#### **6602-08 Pest control**

Applies to establishments engaged in pest control services for others. These establishments offer inspection for, and elimination of, unwanted pests in buildings and other wooden structures. Pests include, but are not limited to, termites, carpenter ants, fleas, ticks, mice, ants, cockroaches, and bees. This classification applies to all operations of elimination services such as, but not limited to, spraying liquid or aerosol pesticide, dusting with powder, setting out traps or bait, applying pesticides to the soil to creating a chemical barrier around the base of a structure, digging trenches around foundations, and drilling holes through masonry surfaces in order to pour or pump chemicals into the infected areas. Establishments may also offer inspection and certification services for customers seeking mortgage approval. This classification also includes the removal of pet waste from the yards of private residences.

This classification excludes any structural repairs which are to be reported separately in the appropriate construction classification.

#### **6602-10 Portable cleaning and washing, N.O.C.**

Applies to establishments engaged in cleaning and washing services not otherwise classified (N.O.C.). This classification contemplates cleaning and washing, by means of portable spray or steam power units, machinery, equipment, automobiles, trucks, recreational vehicles, mobile homes, walk-in freezers, and shopping carts. This classification also applies to the cleaning or removal of snow from roofs, gutters or downspouts of one-story buildings.

This classification excludes establishments engaged in cleaning buildings or structures, cleaning or removing snow from roofs, gutters, and downspouts on multistory buildings, which are to be reported separately in classification 0504.

#### **6602-12 Street and building decoration: Hanging or removing flags or bunting**

Applies to establishments engaged in hanging or removing flags or bunting for conventions, celebrations, events, or similar decorations on the exterior or interior of buildings, structures, or streets. Buntings are strips of decorative cloth which may be used to span a roadway to promote events, as overhead streamers at an auto sales lot, or as a sign hung on a building to advertise grand openings.

This classification excludes the manufacture of flags or bunting which is to be reported separately in the applicable classification.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

#### **WAC 296-17A-6709 Classification 6709.**

#### **6709-00 Sheltered workshops**

Applies to persons (~~who are disabled, and to developmentally disabled persons~~) with disabilities, including developmental disabilities, who are enrolled as employees of sheltered workshops. Classification 6709-00 applies regardless of the type of work performed. This classification also applies to *all* staff who operate sheltered workshops, even if the sheltered workshop also operates a work activity center, and to *all* staff who operate work activity centers.

This classification excludes (~~persons who are most severely disabled, and developmentally disabled persons~~) people with the most severe disabilities, including people with developmental disabilities, who are enrolled in work activity centers who are to be reported separately in classification 7309.

**Special note:** Sheltered workshops may also operate a work activity center at the same location or at a separate site.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

#### **WAC 296-17A-6902 Classification 6902.**

#### **6902-02 Logging road: Construction or maintenance**

Applies to the construction or maintenance of logging roads. For purposes of this classification logging roads are roads for which the basic use is to provide access into a timber or forest area and for the transporting of logs out of the area by truck. This classification includes roads constructed on public or private land in connection with timber sales or logging, such as roads being constructed in accordance with the State Department of Natural Resources or the United States Forest Service timber sales. Logging roads contemplated by this classification are typically cleared and graded with a bulldozer and then paved with gravel, crushed rock, or large stones. Logging roads are generally engineered to support the weight of logging equipment and trucks but not necessarily to handle speeds and volume of nonlogging traffic. As a rule, these roads are not surfaced with asphalt or paved with concrete. Classification 6902 includes log road maintenance which is limited to keeping the road bed in good repair such as regrading and fill to repair washouts and ruts.

This classification excludes the felling of timber, bucking and delimiting of all trees in the proposed roadway or adjacent shoulder and all other logging activities which are to be reported separately in classification 5001; all excavation, land clearing or grading as a part of roadway construction not in connection with a logging road which is to be reported separately in classification 0101; construction of asphalt roads which is to be reported separately in classification 0210; construction of concrete roads which is to be reported separately in classification 0214; mechanical roadside brushing or machine application of chemicals which is to be reported separately in classification 5006; and permanent shop or yard operations which are to be reported separately in classification 5206 provided the conditions of WAC (~~296-17-675~~) 296-17A-5206 have been met.

#### **6902-03 Logging railroad: Construction or maintenance**

Applies to the construction or maintenance of logging railroads. For purposes of this classification logging railroads are side tracks and spurs which feed into existing railroad

main lines. Log trucks haul logs from the cutting site to the logging railroad where they are loaded onto the logging railroad cars and transported to the main line. This classification includes railroads constructed on public or private land in connection with timber sales or logging, such as roads being constructed in accordance with the State Department of Natural Resources or the United States Forest Service timber sales. The construction includes clearing and grading with use of a bulldozer; laying dirt, rock and ballast; laying ties and track; and installing crossover frogs, switches, switch stands, switch mechanisms and crossing planks as needed. This classification also includes log railroad maintenance which is limited to keeping the railroad line operational.

This classification excludes the falling of timber, bucking and delimiting of all trees in the proposed roadway or adjacent shoulder, and all other logging activities which are to be reported separately in classification 5001; the construction of railroad lines not in connection with a logging railroad which is to be reported separately in classification 0101; construction of logging roads which is to be reported separately in classification 6902-02; and maintenance and storage of equipment and material at a permanent yard or shop which is to be reported separately in classification 5206 provided the conditions of WAC 296-17-675 have been met.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

**WAC 296-17A-6905 Classification 6905.**

**6905-00 Salaried law enforcement officers of cities and towns; Volunteer law enforcement officers, N.O.C.: Full coverage**

Applies to salaried law enforcement officers of cities and towns and to volunteer law enforcement officers of cities and towns who are not otherwise classified (N.O.C.) for whom full coverage is *elected*. Duties of law enforcement officers include, but are not limited to, directing traffic, patrolling by motor vehicle, motorcycle, bicycle, or on foot or horseback, preventing crimes, investigating disturbances of the peace, arresting violators, conducting criminal investigations, giving first aid, and guarding persons detained at the police station.

This classification excludes volunteer law enforcement officers for whom the city or town has elected medical aid benefits only who are to be reported separately in classification 6906.

See classifications 0803, 1301, 1404, 1501, 5305, 6901, and 6904, and for other city or town operations.

**Special note:** This coverage is *optional* for volunteer law enforcement officers. To elect this coverage, the city or town must submit a completed Application for Optional Coverage to the department. Conditions of coverage are outlined on the application. If coverage is provided, all volunteer law enforcement officers must be included.

**6905-01 Salaried law enforcement officers of counties and taxing districts; Volunteer law enforcement officers, N.O.C.: Full coverage**

Applies to salaried law enforcement, detention, and correctional officers of counties and taxing districts and to vol-

unteer law enforcement officers of counties and taxing districts who are not otherwise classified (N.O.C.) for whom full coverage is *elected*. Duties of law enforcement officers include, but are not limited to, directing traffic, patrolling by motor vehicle, motorcycle, bicycle, or on foot or horseback, preventing crimes, investigating disturbances of the peace, arresting violators, conducting criminal investigations, giving first aid, and guarding persons detained at the police station.

This classification excludes volunteer law enforcement officers for whom the county or taxing district has elected medical aid benefits only who are to be reported separately in classification 6906.

See classifications 1301, 1404, 1501, 5305, 6901 and 6904, and for other city or town operations.

**Special note:** This coverage is *optional* for volunteer law enforcement officers. To elect this coverage, the county or taxing district must submit a completed Application for Optional Coverage to the department. Conditions of coverage are outlined on the application. If coverage is provided, all volunteer law enforcement officers must be included.

**6905-02 Salaried law enforcement officers of Native American tribal councils; Volunteer law enforcement officers, N.O.C.: Full coverage**

Applies to salaried law enforcement officers of Native American tribal councils and to volunteer law enforcement officers of Native American tribal councils who are not otherwise classified (N.O.C.) for whom full coverage is *elected*. Duties of law enforcement officers include, but are not limited to, directing traffic, patrolling by motor vehicle, motorcycle, bicycle, or on foot or horseback, preventing crimes, investigating disturbances of the peace, arresting violators, conducting criminal investigations, giving first aid, and guarding persons detained at the police station.

This classification excludes volunteer law enforcement officers for whom the Native American tribal council has elected medical aid benefits only who are to be reported separately in classification 6906.

**Special note:** This coverage is *optional* for volunteer law enforcement officers. To elect this coverage, the Native American tribal council must submit a completed Application for Optional Coverage to the department. Conditions of coverage are outlined on the application. If coverage is provided, all volunteer law enforcement officers must be included.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

**WAC 296-17A-7101 Classification 7101.**

**7101-00 Corporate officers, N.O.C.**

Applies to executive officers of a corporation who are not covered by another classification (N.O.C.) and ~~((who have elected optional coverage. To qualify for this classification, a corporate officer must own stock in the corporation, be elected and empowered in accordance with the articles or bylaws of incorporation, serve on the board of directors, and perform only administrative, clerical or outside sales duties. Any officer who performs any duties directly related to the~~

operational activities of the corporation must be reported in the basic classification applicable to the work being performed. Typical titles of executive officers include chairman, president, vice president, secretary and treasurer.

**Special note:** ~~Under no circumstances will classification 4904 be assigned to an executive officer. Any officer engaged exclusively in outside sales is to be reported separately in classification 6303. Executive officers are exempt from mandatory coverage if the conditions of RCW 51.12.020(8) have been met; however, they may elect optional coverage.)~~ for whom optional coverage has been elected. This is a standard exception classification as described in WAC 296-17-31018 Exception classifications. To qualify for this section, a corporate officer must:

- Be exempt from mandatory coverage pursuant to RCW 51.12.020(8);
- Not be exposed to the operative hazard of the business; and
- Not directly supervise workers who are exposed to the operative hazard of the business.

Officers who are exposed to the operative hazard, or who directly supervise workers who are exposed to the operative hazard, must be reported in the basic classification applicable to the work performed.

**Special note:** Exempt officers can never be reported in classification 4904. Exempt officers can be reported in classification 6303 if they meet all the standard exception requirements for classification 6303 detailed in WAC 296-17-31018.

**AMENDATORY SECTION** (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

#### **WAC 296-17A-7309 Classification 7309.**

##### **7309-00 Work activity centers**

Applies only to the ~~people with the most ((severely disabled persons))~~ severe disabilities, and to ~~((developmentally disabled persons))~~ people with developmental disabilities whose handicaps are so severe as to make their productivity inconsequential, and who are included on the center's certificate for special minimum wage issued by the U.S. Department of Labor.

This classification excludes:

- All staff who operate work activity centers and all staff who operate sheltered workshops, even if the sheltered workshop also operates a work activity center, who are to be reported separately in classification 6709((?)); and ((disabled persons and developmentally disabled persons))
- People with disabilities, including people with developmental disabilities, who are enrolled in sheltered workshops who are to be reported separately in classification 6709.

**Special note:** Work activity centers differ from sheltered workshops in the severity of the impairments of the participants.

While the workers' compensation rates for classifications 7309 and 6709 are identical, the premiums for classification 7309 are calculated on a piece rate basis to reflect the limited productivity of the workers covered by this classification.

#### **WSR 14-17-093 PERMANENT RULES DEPARTMENT OF FISH AND WILDLIFE**

[Order 14-215—Filed August 19, 2014, 9:43 a.m., effective September 19, 2014]

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

Purpose: This new WAC will reduce the probability of hoof disease spreading from units 501 through 564 and 642 through 699 to other areas by requiring hunters to remove hooves of harvested elk and leave them at the harvest site.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.455, and 77.32.070.

Adopted under notice filed as WSR 14-14-052 on June 25, 2014.

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

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

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

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

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

Date Adopted: August 19, 2014.

Miranda Wecker, Chair  
Fish and Wildlife Commission

#### **NEW SECTION**

**WAC 232-12-286 Reducing the spread of hoof disease—Unlawful transport of elk hooves.** (1) It is unlawful to transport the hooves of harvested elk beyond the site where the animal was killed in Game Management Units 501 through 564, and 642 through 699.

(2) Violation of this section is an infraction under RCW 77.15.160, Infractions.

#### **WSR 14-17-097 PERMANENT RULES UNIVERSITY OF WASHINGTON**

[Filed August 19, 2014, 10:20 a.m., effective September 19, 2014]

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

Purpose: Housekeeping changes to various Title 478 WAC rules are meant to keep the University of Washington's WAC rules up-to-date and accurate. Housekeeping changes are needed for the following reasons:

- Amendments that "clarify language of a rule without changing its effect" are made in WAC 478-04-040, to

eliminate an outdated article number; WAC 478-108-010, to better identify specific statutes and rules; WAC 478-124-030, to better identify applicable jurisdictions; WAC 478-124-040, to apply gender-neutral language; WAC 478-136-035 and 478-137-050, to clarify definition by statute and local rule language; WAC 478-156-016, to clarify language provided as example; WAC 478-160-055, 478-160-105, and 478-324-130, to clarify current practices; WAC 478-160-060, to clarify the admission process; and WAC 478-160-100, to update current states in program.

- Amendments that "make address or name changes" are made in WAC 478-120-025, 478-120-030, 478-120-050, 478-120-065, 478-120-075, 478-120-085, 478-120-095, 478-120-140, 478-120-145, 478-136-035, 478-156-016, 478-160-231, 478-168-180, and 478-168-325.
- An amendment that will "only correct typographical errors" is made in WAC 478-124-035.
- An amendment that will "adopt or incorporate by reference without material change ... rules of other Washington state agencies" is made in WAC 478-324-020.
- Repeal of WAC 478-04-030 is made as "other rules of the agency ... govern the same activity as the rule, making the rule redundant."

Note: Some sections contain more than one type of housekeeping change.

Citation of Existing Rules Affected by this Order: Repealing WAC 478-04-030; and amending WAC 478-04-040, 478-108-010, 478-120-025, 478-120-030, 478-120-050, 478-120-065, 478-120-075, 478-120-085, 478-120-095, 478-120-140, 478-120-145, 478-124-030, 478-124-035, 478-124-040, 478-136-035, 478-137-050, 478-156-016, 478-160-055, 478-160-060, 478-160-100, 478-160-105, 478-160-231, 478-168-180, 478-168-325, 478-324-020, and 478-324-130.

Statutory Authority for Adoption: RCW 28B.20.130.

Other Authority: UW Board of Regents Governance, Standing Orders, Chapter 8.

Adopted under notice filed as WSR 14-12-069 on June 2, 2014.

Changes Other than Editing from Proposed to Adopted Version: WAC 478-137-050 was included in another University of Washington rule making that subsequently amended the section between the original expedited rule making WSR 14-12-069 filing and this final filing. However, no changes to the text proposed for amendment in these two expedited filings were affected.

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 26, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 26, 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 26, Repealed 1.

Date Adopted: August 18, 2014.

Rebecca Goodwin Deardorff  
Director of Rules Coordination

AMENDATORY SECTION (Amending WSR 03-24-046, filed 11/26/03, effective 12/27/03)

**WAC 478-04-040 Board of regents exercise of powers.** The board and its committees shall act only at meetings called as provided by applicable law and the bylaws of the board of regents, and all matters coming before the board or its committees for action shall be determined by the majority vote of its members present, the members present being not less than a quorum, except as otherwise specified in ((~~Article H of~~) the bylaws of the board of regents. The member of the board who is presiding at a meeting shall be entitled to make motions, second motions, vote, and otherwise participate in the meeting to the same extent as the other members of the board. The student regent shall excuse himself or herself from participation or voting on matters relating to the hiring, discipline, or tenure of faculty members and personnel.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 478-04-030 Meetings of the board of regents.

AMENDATORY SECTION (Amending WSR 10-23-039, filed 11/10/10, effective 12/11/10)

**WAC 478-108-010 Matters subject to brief adjudication.** This rule is adopted in accordance with RCW ((~~34.05.479~~) 34.05.482 through 34.05.494, the provisions of which are hereby adopted. Brief adjudicative procedures shall be used in all matters related to:

(1) Appeals from residency classifications under RCW 28B.15.013 as established in chapter 478-160 WAC;

(2) Appeals from traffic and parking violations, and skateboard impoundment, as provided for in chapters 478-116, 478-117 and 478-118 WAC;

(3) Challenges to contents of educational records as provided for in chapter 478-140 WAC;

(4) Proceedings under the animal control policy as detailed in chapter 478-128 WAC;

(5) Requests for reconsideration of admission decisions as provided for in ((~~chapter 478-160~~) WAC 478-160-060;

(6) Appeals of library charges as provided in chapter 478-168 WAC;

(7) Reviews of denials of public records requests as provided in chapter 478-276 WAC;

(8) Federal financial aid appeals as provided for by federal law; and

(9) Collection of outstanding debts owed by students or employees.

AMENDATORY SECTION (Amending WSR 10-23-039, filed 11/10/10, effective 12/11/10)

**WAC 478-120-025 Off-campus conduct.** The university shall have the authority to hold students accountable under the student conduct code for certain off-campus behavior (i.e., behavior that does not occur on university premises or in the context of a university-sponsored event or activity) that directly affects a university interest, in accordance with the provisions of the section.

(1) A student may be subject to disciplinary proceedings under the student conduct code if:

(a) The university is made aware that a court of competent jurisdiction has determined that such student has engaged in intentional unlawful conduct off-campus that involves the physical harm or abuse, or a direct threat of the physical harm or abuse, of any person, including but not limited to homicide, assault, kidnapping, armed robbery, arson, rape or sexual assault, criminal harassment, criminal stalking or the unlawful possession, use, storage or manufacture of weapons or destructive devices; and

(b) The university determines that a significant university interest is affected.

(2) A student may also be subject to disciplinary proceedings under the student conduct code if the university is made aware that the student has engaged in off-campus conduct that involves the physical harm or abuse, or the direct threat of physical harm or abuse, of another university student, or a university faculty or staff member. Disciplinary proceedings may be initiated under this section regardless of whether or not the incident is subject to criminal or civil proceedings.

(3) In furtherance of the university's interest in maintaining a positive relationship with its surrounding community, the university shall also have the authority to hold students accountable under the student conduct code for conduct within the "North of 45th" residential community immediately adjacent to the Seattle campus (bounded by NE 45th Street on the south, 15th Ave NE on the west, 22nd Ave NE and north of 54th Street, Ravenna Ave NE on the east and Ravenna Park on the north and including all residences located on either side of each of the aforementioned streets) as follows:

(a) A student may be subject to disciplinary proceedings under the code if the university is made aware that the student has been cited by the Seattle police or the university police for, and is determined to have committed, a violation of any state statute or city of Seattle municipal ordinance prohibiting misconduct that has a direct and significant quality-of-life impact on community residents, including but not limited to, creating a public nuisance due to noise, theft, intentional destruction of property, urinating in public, or criminal trespass.

(b) A first violation under (a) of this subsection will not subject the student to disciplinary sanctions under WAC 478-120-040 if the student voluntarily meets with a representative of the office of the vice-president (~~(and vice-provost)~~) for student life to receive information and counseling regarding his or her responsibilities as a university community member and as a resident in the area. A second violation will not be subject to disciplinary sanctions if the student involved agrees to

participate, in good faith, in a mediation with the person or persons affected by the misconduct under a mediation protocol established by the office of the vice-president (~~(and vice-provost)~~) for student life.

(4) Nothing herein shall be construed as being intended to protect any person or class of persons from injury or harm, or construed to deny students their legally and/or constitutionally protected rights.

AMENDATORY SECTION (Amending WSR 10-23-039, filed 11/10/10, effective 12/11/10)

**WAC 478-120-030 General procedures for disciplinary sanctions.** (1) This section describes the general process under the student conduct code for enforcing the university's rules, regulations, procedures, policies, standards of conduct, and orders. The specific procedures to be used at each step of the process are described in the following sections of this chapter. In all situations, whether handled formally or informally, basic standards of fairness will be observed in the determination of:

(a) The truth or falsity of the charges against the student;

(b) Whether the alleged misconduct violates this code; and if so,

(c) The sanctions to be imposed, if any.

The criteria for judging student misconduct shall include, but not be limited to, the standards of conduct as stated in WAC 478-120-020 and 478-120-025. Informal hearings shall use the procedures in chapter 34.05 RCW governing brief adjudicative proceedings. Formal hearings conducted by the faculty appeal board shall follow the procedures required by chapter 34.05 RCW for formal adjudicative proceedings. Informal settlements may be conducted under the authority of RCW 34.05.060.

(2) Persons who believe that a violation of the student conduct code has been committed should contact the vice-president (~~(and vice-provost)~~) for student life at the University of Washington Seattle campus, or the chancellor of the University of Washington Bothell or Tacoma campuses, whichever is appropriate.

(3) Only the vice-president (~~(and vice-provost)~~) for student life, the dean of the school or college at the University of Washington Seattle or, at the University of Washington Bothell and Tacoma campuses, the dean or director of the program in which a student is enrolled or the chancellors of the University of Washington Bothell and Tacoma campuses, may initiate disciplinary proceedings against a student under this code of conduct. (See WAC 478-120-050.) The deans, the vice-president (~~(and vice-provost)~~) for student life, or the chancellors of the University of Washington Bothell and Tacoma campuses may delegate the authority to initiate disciplinary proceedings consistent with this chapter to members of their staffs and to students. They may also establish student or student-faculty hearing bodies to advise or to act for them in disciplinary matters. The person initiating a disciplinary proceeding shall be referred to as the initiating officer.

(4) The initiating officer will begin a disciplinary proceeding by holding, or directing a member of his or her staff to hold, an informal hearing with the student charged with

misconduct. Based on this informal disciplinary hearing, the initiating officer may choose to exonerate the student, dismiss the action, impose an appropriate sanction, and/or refer the matter to the appropriate university disciplinary committee. (See WAC 478-120-065.) If the initiating officer identifies a potential or existing exceptional circumstance, as defined in WAC 478-120-100 (3)(b)(i),

"Exceptional circumstances exist when:

- (A) The sanction of dismissal has been recommended; or
- (B) The student has been charged with hazing; or
- (C) The sanction of restitution (in excess of three hundred dollars) has been recommended; or
- (D) Suspension has been recommended," the matter shall be referred directly to the faculty appeal board. (See WAC 478-120-100.)

(5) Students have the right to appeal any sanction imposed at an informal hearing to the appropriate university disciplinary committee, except that when such sanction identifies an existing or potential exceptional circumstance as defined in WAC 478-120-100 (3)(b)(i), the matter shall be referred directly to the faculty appeal board.

(6) Any decisions of the university disciplinary committees may be appealed to the faculty appeal board. All decisions of the university disciplinary committees identifying existing or potential exceptional circumstances as defined in WAC 478-120-100 (3)(b)(i) shall be referred directly to the faculty appeal board. In addition, the university disciplinary committees may, at any time, at their discretion, refer a matter directly to the faculty appeal board. The faculty appeal board performs distinct functions. In most cases, the faculty appeal board conducts an administrative review. In certain cases (defined in WAC 478-120-100(3)), the faculty appeal board conducts a formal hearing.

(7) Any decision based on a formal hearing conducted by the faculty appeal board may be appealed to the president of the university or the president's delegate for a final review. All orders of dismissal shall be reviewed by the president or the president's delegate. Orders entered by the president or the president's delegate are final. (See WAC 478-120-125.)

(8) The president or delegate, or chancellors or their delegates, may take emergency disciplinary action when a student's conduct threatens the health, welfare, or safety of the university community or members thereof. (See WAC 478-120-140.)

(9) When questions of mental or physical health are raised in conduct cases, the dean, the vice-president (~~and vice provost~~) for student life, the chancellors of the University of Washington Bothell and Tacoma campuses or their delegates, the university disciplinary committees, or the faculty appeal board may request the student to appear for examination before two physician-consultants designated by the dean of the school of medicine. The physician-consultants may call upon the student health center for any other professional assistance they deem necessary. After examining the student and/or consulting with the student's personal physician, the physician-consultants shall make a recommendation to the dean, the vice-president (~~and vice provost~~) for student life, the chancellor of the University of Washington Bothell or Tacoma campuses, whichever is appropriate, or their delegates, the appropriate university disciplinary com-

mittee, or the faculty appeal board as to whether the case should be handled as a disciplinary matter or as a case for medical or other treatment. Any decision made based upon the recommendation of the physician-consultants may be appealed in accordance with the provisions of this chapter.

(10) The following persons conducting proceedings under this chapter shall have the authority to issue protective orders and subpoenas: Deans, or at the University of Washington Bothell and Tacoma campuses, the dean or director of the program in which the student is enrolled, the vice-president (~~and vice provost~~) for student life, the chancellors of the University of Washington Bothell and Tacoma campuses, or the chairs of their respective university disciplinary committees, the chair of the faculty appeal board, and the president or his or her delegate.

(11) In a case involving an alleged sexual offense, the accuser and the accused are entitled to the same opportunities to have others present during a disciplinary hearing and they shall both be informed of the outcome of such disciplinary proceeding.

(12) Any final order resulting from a disciplinary proceeding shall become a part of the student's disciplinary record, unless the student is exonerated. (See WAC 478-120-145.)

(13) In accord with the Family Educational Rights and Privacy Act and pursuant to RCW 34.05.250, all hearings conducted under this chapter generally will be held in closed session out of respect for the privacy of all the students involved. However, the students involved may waive in writing this requirement and request a hearing in open session, and the initiating or presiding officer shall conduct the hearing in a room that will accommodate a reasonable number of observers. The initiating or presiding officer may exclude from the hearing room any persons who are disruptive of the proceedings and may limit the number who may attend the hearing in order to afford safety and comfort to the participants and orderliness to the proceedings.

AMENDATORY SECTION (Amending WSR 12-03-038, filed 1/9/12, effective 2/9/12)

**WAC 478-120-050 Jurisdiction.** (1) The vice-president (~~and vice provost~~) for student life, the chancellors of the University of Washington Bothell and Tacoma campuses, or their delegates, may initiate any disciplinary action related to violations of any of the university's rules, regulations, procedures, policies, standards of conduct, or orders. Jurisdiction in such cases may be transferred to the dean of the school or college, or at the University of Washington Bothell and Tacoma campuses, to the dean or director of the program in which the student is enrolled if the alleged misconduct bears upon the student's fitness to continue in the school or college.

(2) Additionally, the dean of each college or school, including the graduate school, or the dean's delegate, or the dean or director of programs in which the student is enrolled on the University of Washington Bothell or Tacoma campuses may initiate any disciplinary action:

(a) Related to violations of university rules, regulations, procedures, policies, standards of conduct, and orders which pertain to that particular campus, college or school, or at the

University of Washington Bothell and Tacoma campuses, the program in which the student is enrolled; and

(b) Related to violations of rules, procedures, policies, and standards of conduct of that particular campus, college or school, or at the University of Washington Bothell and Tacoma campuses, the program in which the student is enrolled. The student academic grievance procedure is a separate procedure and is set forth in the Executive Order No. 58 (graduate school students should also refer to Graduate School Memorandum No. 33). Violations involving academic misconduct should be reported to the dean of the appropriate school or college, or dean or program director at the University of Washington Bothell or Tacoma campuses.

(3) Other departments of the university have proceedings separate and distinct from the student conduct code. For example:

(a) Campus parking and traffic regulations are under the general jurisdiction of the transportation services department and the police department at the University of Washington Seattle campus and under the jurisdiction of public safety officers at the University of Washington Bothell and Tacoma campuses. (See chapters 478-116, 478-117 and 478-118 WAC.)

(b) The library fines appeals committee has the authority to consider appeals of library charges. (See chapter 478-168 WAC.)

**AMENDATORY SECTION** (Amending WSR 10-23-039, filed 11/10/10, effective 12/11/10)

**WAC 478-120-065 Informal disciplinary hearings.**

(1) A dean, the vice-president (~~and vice-provost~~) for student life, or, at the University of Washington Bothell and Tacoma campuses, the chancellors or the dean or director of the program in which the student is enrolled, or their delegates, may initiate a disciplinary proceeding by conducting, or directing a member of his or her staff to conduct, an informal hearing with the student accused of misconduct. This informal disciplinary hearing may be nothing more than a face-to-face meeting between the initiating officer or staff person and the student, and no special notice of the meeting is required. The purpose of this informal disciplinary hearing is to provide an opportunity for the student to respond to allegations of misconduct before disciplinary action is taken, and the student waives any rights to an informal hearing by his or her failure to attend.

(2) During an informal disciplinary hearing, the student must be provided with the following information:

(a) The alleged misconduct and the reasons for the university's belief that the student engaged in the misconduct;

(b) The specific section(s) of the student conduct code allegedly violated; and

(c) The possible sanctions that may be imposed.

(3) Based on the findings of an informal hearing, the initiating officer shall enter in writing one of the following orders:

(a) An order exonerating the student or dismissing the disciplinary proceeding if it appears that there has been no misconduct;

(b) An initial order imposing a disciplinary sanction;

(c) An order referring the matter to the appropriate university disciplinary committee; or

(d) An order referring the matter directly to the faculty appeal board because exceptional circumstances as defined in WAC 478-120-100 (3)(b)(i) may exist.

(4)(a) If the order imposes a sanction and exceptional circumstances as defined in WAC 478-120-100 (3)(b)(i) exist, the matter shall be referred directly to the faculty appeal board and the student shall be informed that he or she has the right to request a formal hearing according to the procedures set forth in WAC 478-120-075(3).

(b) If the order imposes a sanction but exceptional circumstances do not exist, then the student must be informed that he or she has twenty-one calendar days from the date of the order (or twenty-five calendar days from the date of the mailing of the initial order) to request a hearing before the appropriate university disciplinary committee. If the student chooses not to appeal, the order becomes the final order.

(5) Within ten days of the conclusion of the hearing and any associated investigations, the student shall be provided with a written order which shall include a statement of the decision, the reasons for the decision, and information about appealing the decision. No unfavorable action may be taken against the student until the student has been given such notice and information. In a case involving an alleged sexual offense, both the accuser and the accused shall be informed of the outcome of that hearing. In a case where the student is a minor, the disciplinary sanctions imposed may be reported to the student's parents or legal guardian at the discretion of the initiating officer.

(6) A student may request a hearing by the appropriate university disciplinary committee at any time during these informal proceedings. If such a request is made, the matter shall be referred to the appropriate university disciplinary committee.

(7) The official record of this informal hearing shall consist of all documents prepared or considered by the dean, the vice-president (~~and vice-provost~~) for student life, or, at the University of Washington Bothell and Tacoma campuses, the chancellors, or the dean or director of the program in which the student is enrolled, or their delegates, with regard to the dispute at hand.

**AMENDATORY SECTION** (Amending WSR 10-23-039, filed 11/10/10, effective 12/11/10)

**WAC 478-120-075 Appeals.** Any initial order may be appealed by timely submission of a written petition to the appropriate body. An order only referring a matter from one hearing body to another, not determining the matter on its merits, is not an initial order.

(1) If a student does not appeal to the appropriate body within twenty-one days of the initial order (or within twenty-five calendar days of the date when the university mailed the initial order to the student), the right to appeal is waived and the order becomes final.

(a) All initial orders shall be hand delivered or delivered by mail.

(b) Any student involved in a disciplinary hearing is required to provide his or her current and accurate address to

the office of the vice-president (~~and vice provost~~) for student life or the office of the chancellor for the University of Washington Bothell or Tacoma campuses, whichever is appropriate, or their delegates.

(2) All petitions for appeal must be made in writing to the appropriate authority (the appropriate chair of one of the university disciplinary committees (Seattle, Bothell or Tacoma), the chair of the faculty appeal board, or the president). The petition must state the reasons for the appeal and indicate points of disagreement with the initial order.

(3) If a student wishes to request a formal hearing before the faculty appeal board, the student's written petition for appeal must also state that a formal hearing is being requested and must identify the specific exceptional circumstances (as defined in WAC 478-120-100 (3)(b)(i)) warranting such a hearing. When conducting administrative reviews of informal hearings, the faculty appeal board shall make any inquiries necessary to ascertain whether the proceeding must be converted to a formal disciplinary hearing.

(4) After conducting the appropriate review, the appeal body or the president may sustain, reduce, or vacate the sanction imposed by the initial order, except if that review is in the form of a formal hearing before the faculty appeal board, that board may increase any sanction.

(5) Only the president or the president's delegate may issue a final order of dismissal.

(6) Sanctions, if any, will be imposed only after an order becomes final, except for actions taken under WAC 478-120-140.

AMENDATORY SECTION (Amending WSR 10-23-039, filed 11/10/10, effective 12/11/10)

**WAC 478-120-085 The university disciplinary committees.** Each University of Washington campus shall have its own university disciplinary committee. The university disciplinary committees shall consist of a nonvoting chair, three voting faculty members, and three voting student members. The committees shall be maintained for the purpose of providing hearings for disciplinary actions that have been initiated by the deans or, at the University of Washington Bothell and Tacoma campuses, the dean or director of the program in which a student is enrolled, the vice-president (~~and vice provost~~) for student life at the University of Washington Seattle campus, the chancellors of the University of Washington Bothell and Tacoma campuses, or their delegates.

(1) The president of the University of Washington Seattle campus and the chancellors of the University of Washington Bothell and Tacoma campuses shall designate a member of the faculty or administration to serve as chair of each respective university disciplinary committee for a term of one year. All chairs may be reappointed for consecutive terms.

(a) The chairs shall ensure that all procedural safeguards and guidelines are followed. Accordingly, the chairs shall decide all procedural questions that arise in relation to hearings, including rulings on evidence (as defined in WAC 478-120-095(3)) and challenges to the impartiality of committee members. The chairs shall have the discretion to regulate all aspects of the proceedings.

(b) The chairs shall take whatever steps are necessary to ensure that hearings are conducted in a safe and orderly manner.

(2) The three voting faculty members of each university disciplinary committee shall be selected at random from the faculty senate at the University of Washington Seattle, or at the University of Washington Bothell and Tacoma campuses, their respective faculty assembly or organization to serve one-year terms. Voting faculty members may not be reappointed to consecutive terms.

(a) Panels of eligible faculty members shall be randomly selected to serve on the committees in the order in which they were selected, except that at the University of Washington Seattle each faculty member of the committees must represent a different faculty senate group.

(b) Faculty members must have been members of the faculty for at least one year and hold the position of assistant professor or higher in order to be eligible to serve as voting members of the university disciplinary committees.

(3) The three voting student members of the university disciplinary committees shall be selected at random from each student body to serve one-year terms. Student members of the committees may not be reappointed.

(a) Panels of eligible students shall be selected randomly from the entire full-time student body to serve as committee members or alternates in the order in which they were selected, except that at the University of Washington Seattle one member must be a professional or graduate student and the other two members must represent different undergraduate classes.

(b) To be eligible to serve on the university disciplinary committees, students must be full-time and in good standing with the university.

(4) In addition to the chairs, a quorum shall be two faculty members and two student members. The chairs shall select alternates from the panels of eligible faculty or students as needed to produce a quorum.

(5) Committee members may be disqualified from a particular hearing for bias, prejudice, conflict of interest, or any other reason which may prevent him or her from serving as an impartial judge of the matter before the committees.

(a) Committee members may excuse themselves for any of the causes set forth in this section by submitting a written statement to the appropriate committee chair stating facts and reasons for the disqualification.

(b) A student before any of the university disciplinary committees may challenge the impartiality of a committee member by written petition. The appropriate chair shall determine whether to grant the petition and excuse the committee member from the case, and shall state the facts and reasons for that determination in writing.

(c) Any person who has been delegated the authority to initiate disciplinary proceedings is disqualified from serving as a member of the university disciplinary committees.

(6) The appropriate chair may relieve a member of his or her university disciplinary committee from serving on that committee for a particular case, for a specific period of time, or for the rest of the year after the member submits a written request to the chair.



(7) Members of the university disciplinary committees shall begin their terms on the first day of classes of winter quarter. Those terms shall expire on the first day of classes of the next winter quarter, except that cases in process shall be continued until a decision is reached. The new panels of committee members shall be identified by the outgoing chairs, or by the person designated by the appropriate chair, through random procedures established by the chair.

**AMENDATORY SECTION** (Amending WSR 10-23-039, filed 11/10/10, effective 12/11/10)

**WAC 478-120-095 Hearings before the university disciplinary committees.** The purpose of a hearing before a university disciplinary committee is to provide all parties with an opportunity to present evidence and argument before disciplinary sanctions are imposed on a student. Based on the evidence presented at this hearing, the committee shall determine whether the student has engaged in the alleged misconduct. If there is a finding of misconduct, the committee shall then determine the appropriate sanction to be imposed.

(1) When a hearing is scheduled before a university disciplinary committee, the chair of the appropriate committee shall provide the student with written notice of the following information:

- (a) The time and place of the hearing;
- (b) The allegations of misconduct against the student;
- (c) A list of all witnesses who may be called to testify;
- (d) A description of all documentary and real evidence to be presented at the hearing, including a copy of his or her disciplinary file; and
- (e) The sanctions that may be imposed at the hearing if the allegations of misconduct are found to be true.

(2) The chair of each committee shall adhere to the following procedures at all disciplinary hearings:

(a) The student shall be provided with a reasonable opportunity (at least seven days) to gather evidence, contact witnesses, and prepare a defense for the hearing.

(b) The student may be accompanied by an advisor of the student's choice.

(c) The student is entitled to hear all testimony and examine all evidence that is presented at the hearing. In response, the student may present evidence and witnesses on his or her own behalf and may ask questions of any other witnesses.

(d) No student shall be compelled to give self-incriminating evidence.

(3) Evidence shall be admissible at the hearing if it is the type of evidence that reasonably prudent members of the university community would rely upon in the conduct of their affairs.

(4) The initiating officer (the appropriate dean, or at the University of Washington Bothell and Tacoma campuses, dean or director of the program in which the student is enrolled, the vice-president (~~and vice-provost~~)) for student life, the chancellors of the University of Washington Bothell and Tacoma campuses, or their delegates) must prove by a preponderance of the evidence presented at the hearing that the student has engaged in the alleged misconduct. The com-

mittee shall base its factual determination solely on the evidence presented at the hearing.

(a) Decisions of the university disciplinary committee will be made based on a simple majority vote of the committees.

(b) If a university disciplinary committee cannot reach a decision by simple majority vote, an order shall be entered referring the matter to the faculty appeal board. Where exceptional circumstances exist, the student shall be notified of the right to request a formal hearing. Otherwise, the faculty appeal board shall conduct an administrative review as provided under WAC 478-120-100 (1) and (2).

(5) If at any time after a matter has been referred to a university disciplinary committee the appropriate chair determines that the matter should properly be before the faculty appeal board, the chair may refer the matter to the faculty appeal board and shall provide the student with written notice of the referral and of the opportunity to request a formal hearing if exceptional circumstances exist. (See WAC 478-120-100 (3)(b)(i).)

(6) If the committee determines that the student has violated the university's rules, regulations, procedures, policies, standards of conduct, or orders, it shall then determine the appropriate sanction to be imposed. When determining the appropriate sanction, the committee shall review the evidence presented at the hearing and the student's past record of conduct at the university.

(7) The chair of the appropriate university disciplinary committee shall provide the student with a written statement of the committee's decision within ten days of the conclusion of the hearing. This written statement shall include the committee's factual findings, the conclusions that have been drawn from those findings, the reasons for those conclusions, and the sanctions, if any, to be imposed. If sanctions are imposed, the student must also be informed of the appropriate procedures for appealing the committee's decision to the faculty appeal board. In a case involving an alleged sexual offense, both the accuser and the accused shall be informed of the outcome of the hearing. In a case where the student is a minor, the written statement of the committee's decision may be reported to the student's parents or legal guardian at the discretion of the chair of the appropriate university disciplinary committee.

(8) This written statement of the committee's decision shall be the committee's initial order. If the student chooses not to appeal, the initial order of the appropriate university disciplinary committee becomes the final order at the end of the appeal period set forth in WAC 478-120-075(1), except that orders of dismissal shall be referred to the president.

(9) The student may choose to present evidence to the chair of the appropriate university disciplinary committee rather than at a hearing before the full committee. The student's waiver of the right to a hearing before a university disciplinary committee must be submitted in writing to the chair of the appropriate committee. The chair will submit the student's evidence and arguments to the full committee and the committee will make its decision based on the chair's report.

(10) All proceedings of the committees will be conducted with reasonable dispatch and be terminated as soon as

possible, consistent with fairness to all parties involved. The chair shall have the discretion to continue the hearing.

(11) An adequate summary of the proceedings will be kept. Such a summary shall include all documents that were considered by the appropriate committee and may include a tape recording of the testimony and any other documents related to the hearing.

(12) A report of a university disciplinary committee shall, upon written request and release by the student or students involved, and subject to the requirements of the Family Educational Rights and Privacy Act, be made available to members of the university community through the vice-president (~~(and vice provost)~~) for student life, or the office of the chancellor at the University of Washington Bothell or Tacoma campuses, whichever is appropriate, or their delegates.

AMENDATORY SECTION (Amending WSR 13-14-002, filed 6/19/13, effective 7/20/13)

**WAC 478-120-140 Emergency authority of the president and chancellors of the university.** If a student's conduct represents a threat to the health, safety, or welfare of the university or any member of the university community, the president, the president's delegate, the vice-president (~~(and vice provost)~~) for student life, the chancellors of the University of Washington Bothell and Tacoma campuses, or the chancellors' delegates, may suspend that student from participation in any or all university functions or privileges.

(1) In such an emergency situation, the president, the president's delegate, the vice-president (~~(and vice provost)~~) for student life, the chancellors, or the chancellors' delegates, shall issue a written order to be served upon the student describing the terms of the emergency suspension and the reasons for imposing the suspension. The order shall be effective immediately.

(2) The matter shall then be referred to the appropriate disciplinary campus official who shall proceed as quickly as feasible to complete any proceedings that would be required if the matter did not involve an immediate danger.

AMENDATORY SECTION (Amending WSR 10-23-039, filed 11/10/10, effective 12/11/10)

**WAC 478-120-145 Recording and maintenance of records.** (1) The vice-president (~~(and vice provost)~~) for student life at the University of Washington Seattle campus or the chancellors of the University of Washington Bothell and Tacoma campuses, or their delegates, shall keep records of all disciplinary actions reported to their respective offices. Disciplinary records shall be kept separate from academic records, and transcripts of a student's academic record shall contain no notation of any disciplinary action.

(2) The dean of a college or school at the University of Washington Seattle, or the dean or director of the program in which the student is enrolled at the University of Washington Bothell and Tacoma campuses initiating disciplinary action shall report in writing to the office of the vice-president (~~(and vice provost)~~) for student life, or the office of the chancellor for the University of Washington Bothell or Tacoma campuses, whichever is appropriate, or their delegates, all cases

in which disciplinary action is taken. The dean at the University of Washington Seattle shall also inform the registrar of any action affecting a student's official standing in the university. The office of the vice-president (~~(and vice provost)~~) for student life, or the office of the chancellor for the University of Washington Bothell or Tacoma campuses, shall notify the dean of the college or school or director of the program in which the student is enrolled of any disciplinary action it takes and also shall notify the registrar or campus officer of student affairs of any action affecting a student's official standing in the university.

(3) Disciplinary records of students not exonerated shall be maintained by the vice-president (~~(and vice provost)~~) for student life, or the chancellor at the University of Washington Bothell or Tacoma campuses, whichever is appropriate, or their delegates, and the registrar for seven years after disciplinary action has been taken and/or after the administrative purpose has been served.

(4) Disciplinary records of exonerated students shall not be maintained.

(5) Notwithstanding any other provision of this section, the vice-president (~~(and vice provost)~~) for student life, or the chancellor at the University of Washington Bothell or Tacoma campuses, whichever is appropriate, or their delegates, at their discretion, upon written request by the student, may expunge the student's disciplinary record.

(6) Records and information regarding student disciplinary proceedings are subject to the provisions of the Family Educational Rights and Privacy Act and supporting regulations (20 U.S.C. 1232g), and to chapter 478-140 WAC.

AMENDATORY SECTION (Amending WSR 12-03-038, filed 1/9/12, effective 2/9/12)

**WAC 478-124-030 Conduct on campus code—Sanctions.** (1) Any person while on the university campus who willfully refuses the request of a uniformed campus police officer to desist from conduct prohibited by these rules may be required by such officer to leave such premises.

(2) Disciplinary action which may result in dismissal from the university will be initiated against faculty, staff, or students who violate these rules, in accordance with the applicable disciplinary codes or other appropriate due process procedures.

(3) Sanctions which may be imposed against faculty are set forth in the *Faculty Code*, Chapter 25, Sections 25-51 and 25-71.

(4) Sanctions which may be imposed against students are set forth in WAC 478-120-040.

(5) Sanctions which may be imposed against the classified staff are set forth in the relevant University of Washington labor contract for contract-classified staff, and in Title 357 WAC and applicable university policy for classified non-union staff.

(6) Sanctions which may be imposed against the professional staff are set forth in the University of Washington Professional Staff Program.

(7) Violation of any of the above regulations may also constitute violation of the criminal laws or ordinances of the city (~~(of Seattle)~~), the county, the state of Washington, or the

United States and may subject a violator to criminal sanctions in addition to any sanctions imposed by the university.

AMENDATORY SECTION (Amending WSR 90-24-001, filed 11/26/90, effective 12/27/90)

**WAC 478-124-035 Conduct on campus code—Anabolic steroids.** Any student found by the university to have violated chapter 69.41 RCW, which, among other things, prohibits the possession, delivery, use or sale of legend drugs, including anabolic steroids, except upon valid prescription or order of a practitioner, as defined by RCW 69.41.010(~~((11))~~) (12), is subject to additional sanctions, including disqualification from participation in university-sponsored athletic events.

AMENDATORY SECTION (Amending Order 72-7, filed 11/30/72)

**WAC 478-124-040 Conduct on campus code—Interim suspension.** (1) The president or, in his or her absence, any officer of the university designated by (~~((him))~~) the president for this purpose, may impose on any student, faculty member, or staff member an interim suspension whenever there is reasonable cause to believe that such person has committed, and may reasonably be expected thereafter to commit, any of the acts prohibited herein. The notice of such suspension shall state the nature, terms and conditions of such suspension and shall include such restrictions on use of campus facilities as the president or his designee deems in the best interest of the university.

(2) Any person so placed on interim suspension shall be given prompt notice of charges and shall be given the opportunity to show cause at a preliminary hearing why such interim suspension should not continue until a formal hearing is held. To obtain such preliminary hearing, the person shall submit a written request therefor within seven days from the date interim suspension was imposed. Such written request shall state the address to which notice of hearing is to be sent. The president or, in his or her absence, any officer of the university designated by (~~((him))~~) the president, shall grant such a preliminary hearing before a person or persons designated by (~~((him))~~) the president not later than four days from the date of receipt of such request and shall immediately mail a written notice of the time, place, and date of such hearing to such person. The preliminary hearing shall consider only whether there is reasonable cause to believe that such person committed, and may reasonably be expected thereafter to commit, any of the acts prohibited herein.

(3) Interim suspension may be removed by the president or, in his or her absence, by any officer of the university designated by (~~((him))~~) the president, whenever (~~((he))~~) the president has reason to believe that the person on whom interim suspension was imposed will not constitute a substantial and material threat to the orderly operation of the university campus or endanger the health and safety of any person thereon.

AMENDATORY SECTION (Amending WSR 10-13-098, filed 6/17/10, effective 7/18/10)

**WAC 478-136-035 No smoking policy for university facilities.** (1) The University of Washington is committed to maintaining a safe and healthful work and educational environment for all faculty, staff, students, and visitors. Accordingly, the University of Washington establishes the following no smoking policy, consistent with chapter 70.160 RCW (I-901), to protect individuals from exposure to second-hand smoke in their university-associated environments and to protect life and property against fire hazards. "Smoke" or "smoking" refers to the carrying or smoking of any kind of lighted pipe, cigar, cigarette, electronic cigarette, or any other lighted smoking equipment.

(a) Except as provided in subsection (1)(b) and (c) of this section, smoking of all kinds is prohibited in all university facilities, including, but not limited to, vehicles, inside all buildings owned, occupied, or managed by the university and/or used by the university's faculty, staff, students, or visitors, and at any outside areas or locations, including, but not limited to, bus shelters, benches, and walkways.

(b) Smoking, while not permitted in on-campus residence halls, may be permitted in a limited portion of designated university student housing in accordance with smoking regulations established for those facilities by the vice-president (~~((and vice provost))~~) for student life, the appropriate chancellor, or their designees.

(c) Smoking may be permitted in specific designated outdoor locations approved by the director of environmental health and safety as smoking areas in accordance with chapter 70.160 RCW and published on the environmental health and safety web site. Signage also identifies the designated locations.

(2) Violations of the university no smoking policy are subject to enforcement by the University of Washington police department or other jurisdictional law enforcement agencies with regulatory responsibility. In addition, any student, staff, or faculty member who violates the university no smoking policy may be subject to disciplinary action.

AMENDATORY SECTION (Amending WSR 14-13-079, filed 6/16/14, effective 7/17/14)

**WAC 478-137-050 Limitations on use.** (1) Freedom of expression is a highly valued and indispensable quality of university and college life. However, joint facilities may not be used in ways that obstruct or disrupt the institutions' operations, the freedom of movement, or any other lawful activities. Additionally, use of joint facilities may be subject to reasonable time, place and manner restrictions.

(2) Joint facilities may be used for events and forums regarding ballot propositions and/or candidates who have filed for public office providing the event has received preliminary approval by an administrative or academic unit of one of the institutions and final approval by the appropriate facility designee. There are, however, certain limitations on the use of joint facilities for these political activities.

(a) First priority for the use of joint facilities shall be given to regularly scheduled university and college activities.

(b) Joint facilities may be used for political purposes such as events and forums regarding ballot propositions and/or candidates who have filed for public office only when the full rental cost of the facility is paid. Use of state funds for payment of facility rental costs is prohibited.

(c) Forums or debates may be scheduled at full facility rental rates if all parties to a ballot proposition election or all candidates who have filed for office for a given position, regardless of party affiliation, are given equal access to the use of facilities within a reasonable time.

(d) No person shall solicit contributions on joint property for political uses, except in instances where this limitation conflicts with applicable federal law regarding interference with the mails.

(e) Public areas outside joint facility buildings may be used for political purposes such as events and forums regarding ballot propositions and/or candidates who have filed for public office, excluding solicitation of funds, provided the other normal business of the institutions is not disrupted and entrances to and exits from buildings are not blocked.

(f) Joint facilities or services may not be used to establish or maintain offices or headquarters for political candidates or partisan political causes.

(3) Joint facilities may not be used for private or commercial purposes such as sales, advertising, or promotional activities unless such activities are consistent with the institution's mission, as determined by the appropriate designee.

(4) Nothing in these rules is intended to alter or affect the regular advertising, promotional, or underwriting activities carried on, by, or in the regular media or publications of the institutions. Policies concerning advertising, promotional or underwriting activities included in these media or publications are under the jurisdiction of and must be approved by their respective management or, where applicable, advisory committees, in accordance with applicable state and federal laws.

(5) In accordance with WAC 478-137-010 the institutions will make their joint facilities available only for purposes related to their educational missions, including but not limited to instruction, research, public assembly, community programs, and student activities. When permission is granted to use joint facilities for approved instructional or related purposes, as a condition of approval, the user of joint facilities agrees to include in all materials nonendorsement statements in the form approved by the appropriate designee. "Materials" includes all communications, advertisement, and any other printed, electronic, or broadcast/telecast information related to the user's activities offered in joint facilities. The designee will determine the content, size of print and placement of the nonendorsement language. The institutions will not make their joint facilities available for instructional or related purposes that compete with courses or programs offered by the university or college.

(6) Solicitation, or distribution of handbills, pamphlets and similar materials by anyone, whether a member of the university and college community or of the general public, is not permitted in those areas of campus to which access by the public is restricted or where such solicitation or distribution would significantly impinge upon the primary business being conducted.

(7) Electronic amplification on the grounds of the campus shall not be permitted unless approved by the joint committee on facility use.

(8) No person may use joint facilities to camp. "Camp" means to remain overnight, to erect a tent or other shelter, or to use sleeping equipment, a vehicle, or a trailer camper, for the purpose of or in such ways as will permit remaining overnight. Violators are subject to arrest and criminal prosecution under applicable state, county and city laws. This provision does not prohibit use of joint facilities where a university or college employee remains overnight to fulfill the responsibilities of his or her position.

(9) The institutions are committed to maintaining a safe and healthful work and educational environment for all faculty, staff, students, and visitors. In accordance with the Washington Clean Indoor Air Act (chapter 70.160 RCW), the Use of University of Washington facilities (chapter 478-136 WAC) and Cascadia Community College facility use (chapter 132Z-140 WAC), the following smoking policy is intended to protect nonsmokers from exposure to smoke in their campus-associated environments and to protect life and property against fire hazards((:)). "Smoke" or "smoking" refers to the carrying or smoking of any kind of lighted pipe, cigar, cigarette, electronic cigarette, or any other kind of lighted smoking equipment.

(a) Smoking is prohibited inside all university or college vehicles, inside buildings and parking structures owned or occupied by the university or college and/or used by university or college faculty, staff or students and at any outside areas or locations that may directly or indirectly affect the air supply of buildings or carry smoke into buildings.

(b) The institutions may designate specific outdoor locations as smoking areas. Signage will be placed to indicate the designated locations.

(c) Any student, staff, or faculty member who violates the smoking policy may be subject to disciplinary action. In addition, violations of the smoking policy may be subject to appropriate enforcement.

(10) Alcoholic beverages may be possessed, sold, served, and consumed at joint facilities only if the procedures set forth in this section are followed.

(a) The appropriate permits/licenses for possession, sale, service, and consumption of alcohol must be obtained from the Washington state liquor control board.

(b) Permits/licenses must be displayed during the event and all other guidelines and restrictions established by the Washington state liquor control board must be followed.

(c) Alcoholic beverages may be possessed, sold, served, and consumed at joint facilities leased to a commercial tenant under a lease that includes authorization for the tenant to apply and hold a license issued by the Washington state liquor control board.

(d) Except as provided in (c) of this subsection, alcoholic beverages may be possessed, sold, served, and consumed at joint facilities only under permits/licenses issued by the Washington state liquor control board and only as follows:

(i) Events at which alcohol is to be sold must be approved by the joint committee on facility use and an application to the committee must be accompanied by a request for

written authorization under (e) or (f) of this subsection or proof that the seller holds an appropriate license; and

(ii) A university or college unit or an individual or organization applying for a permit/license must have obtained approval under (e) or (f) of this subsection; and

(iii) Sale, service, and consumption of alcohol is to be confined to the specified room or area identified on the license or permit.

(e) Written authorization to apply for a special occasion license to sell alcoholic beverages at joint facilities must be obtained from the joint committee on facility use prior to applying for a special occasion license from the Washington state liquor control board. Authorization should be requested through the facilities use coordinator for the joint committee on facility use sufficiently in advance of the program to allow timely consideration. (Note: Some license applications must be filed with the Washington state liquor control board at least forty-five days or more before the event.) Written authorization to apply for such license shall accompany the license application filed with the Washington state liquor control board.

(f) Written authorization to apply for a banquet permit to serve and consume alcoholic beverages at joint facilities must be obtained from the university chancellor or college president prior to applying for the permit from the Washington state liquor control board. Authorization should be requested sufficiently in advance of the program to allow timely consideration. Written authorization to apply for such permit shall accompany the permit application filed with the Washington state liquor control board.

(g) Consumption, possession, dispensation, or sale of alcohol is prohibited except for persons of legal age.

**AMENDATORY SECTION** (Amending WSR 13-03-085, filed 1/15/13, effective 2/15/13)

**WAC 478-156-016 Family housing apartments—Assignment and unit size eligibility.** Residents must be enrolled as full-time students at the University of Washington three of the four quarters of an academic year, and be married couples; registered, same-sex domestic partners (that is, the partnerships are registered with ~~((the state of Washington or other))~~ jurisdictions where domestic partner registrations are offered); or single parents with dependent children. In addition, financial eligibility must be verified prior to move-in for those students in priority groups (1) through (3), which are described in WAC 478-156-017. The office of student financial aid will update financial need figures for family housing eligibility and will evaluate the resources of each new applicant to determine if their requirements for financial assistance exceed the established need figures. Separate financial need figures are established for each unit size. Any expenses related to the processing of the financial aid form will be borne by the applicant or the current resident. Assignment eligibility criteria for each unit size of university-owned housing is specific to the property and outlined on the University of Washington, Seattle housing and food services web site.

Changes to these eligibility criteria shall be approved through the office of the vice-president ~~((and vice provost))~~

for student life after consultation with student leadership from the Associated Students of the University of Washington (ASUW) and the Graduate and Professional Student Senate (GPSS).

**AMENDATORY SECTION** (Amending WSR 92-12-011, filed 5/22/92, effective 6/22/92)

**WAC 478-160-055 Admission to specific major degree programs.** Undergraduate and postbaccalaureate applicants who are qualified for admission to the university are required to enter one of the university's colleges or schools. Applicants may indicate, at the time they make application, the major degree program of their choice. However, all applicants who are qualified for admission to the university cannot always be accommodated in the college, school or degree program of their choice because of space limitations or because some prerequisites for the program have not yet been fulfilled. In such cases, applicants may be offered admission to the university in the college of arts and sciences as premajors.

In order to be considered for admission in the degree program of their choice, at a later date, such students may be required to submit a supplemental application and present additional information to the appropriate academic department or unit.

Examples of the information which might be considered may include but are not necessarily limited to the following: Achievement of at least sophomore or junior standing, grade point average, successful completion of elementary courses in the field, an audition, samples of previous accomplishments, recommendations, and test scores.

Although criteria for acceptance may vary from department to department, they are binding if all of the following conditions have been met:

(1) They are the result of action by the faculty of the department concerned and have been approved by the dean of that school or college, the faculty council on academic standards, and the president of the university.

(2) They apply to all students seeking admission to the degree program at a particular time.

(3) They have been announced ~~((through printed statements available in))~~ by the office of admissions and in the advising office of the department sponsoring the program no later than the first day of the quarter (excluding summer quarter) preceding the quarter in which they are to become effective.

**AMENDATORY SECTION** (Amending WSR 97-14-004, filed 6/19/97, effective 7/20/97)

**WAC 478-160-060 ~~((Requests for))~~ Reconsideration of ~~((admission))~~ decisions for admission to the University of Washington.** Applicants who are denied admission ~~to the University of Washington~~ may request further consideration by presenting a written petition and additional information in support of their application. Such requests should be addressed to the following address:

University of Washington  
 Committee on Admissions and Academic Standards  
 Office of Admissions  
 320 Schmitz Hall  
 Box 355840  
 Seattle, WA 98195-5840

AMENDATORY SECTION (Amending Order 72-5, filed 11/6/72)

**WAC 478-160-100 Admission to the school of dentistry.** The University of Washington school of dentistry gives primary preference in admission to qualified residents of the state of Washington. Second preference is given to qualified residents of Alaska, Arizona, ~~((Colorado, Idaho,))~~ Hawaii, Montana, New Mexico, North Dakota, and Wyoming, ~~((and Utah,))~~ which states have contractual arrangements for this purpose with the state of Washington and the University of Washington.

AMENDATORY SECTION (Amending WSR 97-14-004, filed 6/19/97, effective 7/20/97)

**WAC 478-160-105 Admission to the school of dentistry—Application ~~((forms))~~.** Information on the application ~~((forms))~~ process may be obtained ~~((by writing to))~~ on the school of dentistry web site ([www.dental.washington.edu](http://www.dental.washington.edu)) or questions may be directed to the school of dentistry at [askuwsod@uw.edu](mailto:askuwsod@uw.edu) or the following address:

University of Washington School of Dentistry  
 Office of the Dean  
 D-322 Health Sciences Building  
 Box 356365  
 Seattle, WA 98195-6365

The deadline for filing an application is determined by the University of Washington school of dentistry and can be obtained from the address above.

AMENDATORY SECTION (Amending WSR 10-23-039, filed 11/10/10, effective 12/11/10)

**WAC 478-160-231 Residence classification review committee.** The residence classification review committee shall be composed of four persons appointed by the vice-president ~~((and vice provost))~~ for student life, each for a term of one academic year.

AMENDATORY SECTION (Amending WSR 05-21-133, filed 10/19/05, effective 11/19/05)

**WAC 478-168-180 Identification card—Conditions of use.** (1) Each borrower is responsible for obtaining an official identification card from the appropriate university office or a library borrower's card from the library ~~((cashier))~~ account services.

(2) An identification card is authorized for use only by the individual whose name appears on the card.

(3) Official identification must be presented for the completion of each in-person circulation transaction.

(4) Each borrower is responsible for materials checked out on his/her University of Washington identification card or library borrower's card. Library materials are not to be loaned to others except as designated in WAC 478-168-180(6).

(5) Campus borrowers are responsible for keeping the registrar or payroll office informed of changes of address. Off-campus borrowers are responsible for keeping the library ~~((cashier))~~ account services informed of changes of address.

(6) Each University of Washington faculty, academic personnel, administrative personnel, professional staff, visiting scholar, and other individuals as authorized by the dean of university libraries, may designate up to two proxies or couriers for the purpose of picking up materials for his/her use.

AMENDATORY SECTION (Amending WSR 04-13-087, filed 6/17/04, effective 9/21/04)

**WAC 478-168-325 Payment of fines and charges.** Fines and charges should be remitted to the library ~~((cashier))~~ account services unless the charges have been referred to the collection agency. Departmental purchase orders are not acceptable on the basis that fines and charges may not be appropriately paid by departmental, grant or other funds controlled by the university.

AMENDATORY SECTION (Amending WSR 03-12-007, filed 5/22/03, effective 6/22/03)

**WAC 478-324-020 Adoption by reference.** The university hereby adopts by reference the following sections of the SEPA rules, chapter 197-11 of the Washington Administrative Code.

### General Requirements

#### WAC

197-11-040	Definitions.
197-11-050	Lead agency.
197-11-055	Timing of the SEPA process.
197-11-060	Content of environmental review.
197-11-070	Limitations on actions during SEPA process.
197-11-080	Incomplete or unavailable information.
197-11-090	Supporting documents.
197-11-100	Information required of applicants.
197-11-250	SEPA/Model Toxics Control Act integration.
197-11-253	SEPA lead agency for MTCA actions.
197-11-256	Preliminary evaluation.
197-11-259	Determination of nonsignificance for MTCA remedial actions.
197-11-262	Determination of significance and EIS for MTCA remedial actions.
197-11-265	Early scoping for MTCA remedial actions.
197-11-268	MTCA interim actions.

**Categorical Exemptions and Threshold Determination**

## WAC

- 197-11-300 Purpose of this part.
- 197-11-305 Categorical exemptions.
- 197-11-310 Threshold determination required.
- 197-11-315 Environmental checklist.
- 197-11-330 Threshold determination process.
- 197-11-335 Additional information.
- 197-11-340 Determination of nonsignificance (DNS).
- 197-11-350 Mitigated DNS.
- 197-11-360 Determination of significance (DS)/initiation of scoping.
- 197-11-390 Effect of threshold determination.

**Environmental Impact Statement (EIS)**

## WAC

- 197-11-400 Purpose of EIS.
- 197-11-402 General requirements.
- 197-11-405 EIS types.
- 197-11-406 EIS timing.
- 197-11-408 Scoping.
- 197-11-410 Expanded scoping. (Optional)
- 197-11-420 EIS preparation.
- 197-11-425 Style and size.
- 197-11-430 Format.
- 197-11-435 Cover letter or memo.
- 197-11-440 EIS contents.
- 197-11-442 Contents of EIS on nonproject proposals.
- 197-11-443 EIS contents when prior nonproject EIS.
- 197-11-444 Elements of the environment.
- 197-11-448 Relationship of EIS to other considerations.
- 197-11-450 Cost-benefit analysis.
- 197-11-455 Issuance of DEIS.
- 197-11-460 Issuance of FEIS.

**Commenting**

## WAC

- 197-11-500 Purpose of this part.
- 197-11-502 Inviting comment.
- 197-11-504 Availability and cost of environmental documents.
- 197-11-508 SEPA register.
- 197-11-510 Public notice.
- 197-11-535 Public hearings and meetings.
- 197-11-545 Effect of no comment.
- 197-11-550 Specificity of comments.

- 197-11-560 FEIS response to comments.
- 197-11-570 Consulted agency costs to assist lead agency.

**Using Existing Environmental Documents**

## WAC

- 197-11-600 When to use existing environmental documents.
- 197-11-610 Use of NEPA documents.
- 197-11-620 Supplemental environmental impact statement—Procedures.
- 197-11-625 Addenda—Procedures.
- 197-11-630 Adoption—Procedures.
- 197-11-635 Incorporation by reference—Procedures.
- 197-11-640 Combining documents.

**SEPA and Agency Decisions**

## WAC

- 197-11-650 Purpose of this part.
- 197-11-655 Implementation.
- 197-11-660 Substantive authority and mitigation.
- 197-11-680 Appeals.

**Definitions**

## WAC

- 197-11-700 Definitions.
- 197-11-702 Act.
- 197-11-704 Action.
- 197-11-706 Addendum.
- 197-11-708 Adoption.
- 197-11-710 Affected tribe.
- 197-11-712 Affecting.
- 197-11-714 Agency.
- 197-11-716 Applicant.
- 197-11-718 Built environment.
- 197-11-720 Categorical exemption.
- 197-11-721 Closed record appeal.
- 197-11-722 Consolidated appeal.
- 197-11-724 Consulted agency.
- 197-11-726 Cost-benefit analysis.
- 197-11-728 County/city.
- 197-11-730 Decision maker.
- 197-11-732 Department.
- 197-11-734 Determination of nonsignificance (DNS).
- 197-11-736 Determination of significance (DS).
- 197-11-738 EIS.
- 197-11-740 Environment.
- 197-11-742 Environmental checklist.

197-11-744	Environmental document.	197-11-860	Department of transportation.
197-11-746	Environmental review.	197-11-865	Utilities and transportation commission.
197-11-750	Expanded scoping.	197-11-870	Department of commerce ( <del>and economic development</del> ).
197-11-752	Impacts.	197-11-875	Other agencies.
197-11-754	Incorporation by reference.	197-11-880	Emergencies.
197-11-756	Lands covered by water.	197-11-890	Petitioning DOE to change exemptions.
197-11-758	Lead agency.		
197-11-760	License.		
197-11-762	Local agency.		
197-11-764	Major action.		
197-11-766	Mitigated DNS.		
197-11-768	Mitigation.		
197-11-770	Natural environment.		
197-11-772	NEPA.		
197-11-774	Nonproject.		
197-11-775	Open record hearing.		
197-11-776	Phased review.		
197-11-778	Preparation.		
197-11-780	Private project.		
197-11-782	Probable.		
197-11-784	Proposal.		
197-11-786	Reasonable alternative.		
197-11-788	Responsible official.		
197-11-790	SEPA.		
197-11-792	Scope.		
197-11-793	Scoping.		
197-11-794	Significant.		
197-11-796	State agency.		
197-11-797	Threshold determination.		
197-11-799	Underlying governmental action.		

**Categorical Exemptions**

## WAC

197-11-800	Categorical exemptions.	197-11-936	Lead agency for private projects requiring licenses from more than one state agency.
197-11-810	Exemptions and nonexemptions applicable to specific state agencies.	197-11-938	Lead agencies for specific proposals.
197-11-820	Department of licensing.	197-11-940	Transfer of lead agency status to a state agency.
197-11-825	Department of labor and industries.	197-11-942	Agreements on lead agency status.
197-11-830	Department of natural resources.	197-11-944	Agreements on division of lead agency duties.
197-11-835	Department of <del>((fisheries))</del> <u>fish and wildlife</u> .	197-11-946	DOE resolution of lead agency disputes.
<del>((197-11-840</del> <u>Department of game.))</u>		197-11-948	Assumption of lead agency status.
197-11-845	Department of social and health services <u>and department of health</u> .	197-11-950	Severability.
197-11-850	Department of agriculture.	197-11-955	Effective date.
197-11-855	Department of ecology.		



**Forms**

## WAC

197-11-960	Environmental checklist.
197-11-965	Adoption notice.
197-11-970	Determination of nonsignificance (DNS).
197-11-980	Determination of significance and scoping notice (DS).
197-11-985	Notice of assumption of lead agency status.
197-11-990	Notice of action.

**AMENDATORY SECTION** (Amending WSR 10-23-039, filed 11/10/10, effective 12/11/10)

**WAC 478-324-130 Establishment of the SEPA information ((center)) web site.** (1) The University of Washington capital projects office ((of public records and open public meetings)) shall serve as the location for the university's SEPA information ((center)) web site.

(2) The following documents shall be maintained at the SEPA information ((center)) web site:

(a) ((Copies of)) All SEPA public information registers for a period of one year from the date of publication.

(b) ((Copies of)) All environmental checklists, determinations of nonsignificance and determinations of significance for a period of one year from the date of issue.

(c) ((Copies of)) All current scoping and public hearing notices.

(d) ((Copies of)) All draft and final EISs for a period of three years after the date of publication ((, except that technical appendices need not be maintained at the SEPA information center if adequate notice is provided regarding where on campus such appendices are located)).

(e) ((Copies of)) All draft and final EISs which have been incorporated by reference shall be maintained at the SEPA information ((center)) web site for the same time period as the underlying document is maintained.

(f) A current list of individuals designated as responsible officials for university compliance with SEPA.

(g) A current membership list of the SEPA advisory committee.

(h) ((Copies of)) Agendas and minutes of the SEPA advisory committee for a period of one year after the date of issue.

(3) The documents at the SEPA information ((center)) web site shall be available for public inspection ((and copies thereof shall be provided upon request. A fee to cover the actual cost of printing/copying may be charged for copies)) online.

Purpose: This proposal would adopt the Society of Automotive Engineers (SAE) J684 standard for this equipment and remove the language concerning the testing requirements currently outlined in the rule. In addition, the proposed language would clean up the remaining sections of the rules so that they meet the current writing standards and ensure that the language does not conflict with other portions of the law.

Citation of Existing Rules Affected by this Order: Repealing WAC 204-70-080, 204-70-090, 204-70-100, 204-70-120, 204-70-99001, 204-70-99002, 204-70-99003, 204-70-99004 and 204-70-99005; and amending WAC 204-70-010, 204-70-020, 204-70-030, 204-70-040, 204-70-050, 204-70-060, and 204-70-070.

Statutory Authority for Adoption: RCW 46.37.005 and 46.37.320.

Adopted under notice filed as WSR 14-14-015 on June 23, 2014.

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 7, Repealed 9.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 7, Repealed 9.

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, 2014.

John R. Batiste  
Chief

**AMENDATORY SECTION** (Amending WSR 80-03-069, filed 2/28/80)

**WAC 204-70-010 Promulgation.** By authority of RCW 46.37.005 and 46.37.320, the state ((commission on equipment)) patrol hereby adopt the following regulations pertaining to vehicle connecting devices and towing methods.

**AMENDATORY SECTION** (Amending WSR 80-03-069, filed 2/28/80)

**WAC 204-70-020 Purpose.** The purpose of this regulation is to provide this state with a uniform minimum requirement for motor vehicle connecting devices and towing methods. ((It is designed to increase highway safety by reducing towing and hitch-related accidents.)) This regulation is not intended to cover the fifth wheel type of connecting device or towing method. Pintle hook type devices ((shall)) will also be excluded from this chapter, except that the safety chain requirements ((shall)) will apply.

**WSR 14-17-101****PERMANENT RULES****WASHINGTON STATE PATROL**

[Filed August 19, 2014, 12:35 p.m., effective September 19, 2014]

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

AMENDATORY SECTION (Amending WSR 80-03-069, filed 2/28/80)

**WAC 204-70-030 Scope.** (1) The scope of this regulation is directed to the regulation of trailer hitches and towing devices, towing methods, testing methods, certification requirements, installation, compliance and other requirements as herein defined in these regulations(-

~~(2) After the effective date of this regulation, no primary connecting system)) used for drawing a trailer or semitrailer having a gross vehicle weight of 10,000 pounds or less upon the public highways of this state ((shall be sold, offered for sale, or installed for service unless it is a type approved by the commission. The safety chain requirements of this chapter shall apply to all primary coupling systems designed for towing trailers and semitrailers having a gross vehicle weight of 10,000 pounds or less regardless of the date of installation of such primary coupling system. Accordingly, the commission establishes this regulation relating to vehicle connecting arrangements used for drawing trailers by mechanical power on the public highways)).~~

(2) This regulation is not for those arrangements used for drawing another vehicle by means of a tow truck, semitrailer with a fifth wheel type hitch, or wrecker unless coupled by ball and coupler.

AMENDATORY SECTION (Amending WSR 80-03-069, filed 2/28/80)

**WAC 204-70-040 Definitions.** (1) ~~((The term "commission" as hereinafter referred to within this regulation shall mean the state commission on equipment.~~

~~(2) "Chain attaching means" means the bolt, hook, pin, hole, eye, clevis, bracket, bar, or any other device mounted on and used for anchoring or attaching safety chains to the towed or towing vehicle or hitch.~~

~~(3)) "Coupling" means that part of the primary connecting system normally mounted on the trailer, such as a socket, by which the connection is actually made and including the supporting attachment to the trailer frame.~~

~~((4) "Family of hitches" means a series of hitches produced by a single manufacturer which have similar traits and characteristics in common with each other. Each regulated manufacturer shall determine which hitches may be appropriately included in a particular family, subject to review by the commission. The necessary criteria which all hitches included within a family must exhibit are as follows:~~

~~(a) Similarity of design;~~

~~(b) Similar materials of construction;~~

~~(c) Similar means of attachment to the towing vehicle, and~~

~~(d) Similar strength and performance of characteristics.~~

~~(5)) (2) "Gross vehicle weight rating (GVWR)" means the value specified by the vehicle manufacturer as the loaded weight of a single vehicle.~~

~~((6)) (3) "Hitch," defined for specific uses under (a) and (b) ((below, generally)) of this subsection, means that part of the primary connecting system normally mounted on the towing vehicle, including a ball-support platform and those components which are attached to the towing vehicle.~~

(a) "Weight distributing hitch" means a mechanical device that connects the trailer to the towing vehicle, and by means of a leverage applied on both trailer and ~~((ear)) vehicle structures ((or axles)), when properly adjusted, distributes the imposed vertical load at the hitch and coupling connection between the structures of axles of towing vehicle and trailer. ((The towing vehicle thus loaded tends to retain a level position with respect to the road.))~~

(b) "Weight carrying hitch" means a mechanical and/or structural device that connects the trailer to the towing vehicle, and that does not employ features designed to redistribute the load imposed at the hitch and coupling connection((- Weight carrying hitches may be designed for bolting or other attachment to the towing vehicle frame, unitized body, bumper structure, or to a combination of these or other points which meet the requirements of WAC 204-70-060(3) and Table 2)).

~~((7)) (4) "Maximum gross trailer weight (MGTW)" means the weight of the trailer plus the weight of all cargo, consumables, and equipment loaded on the trailer when in an actual underway towing condition.~~

~~((8)) (5) "Maximum vertical load on hitch (tongue weight)" means the vertical downward static force exerted on the hitch by the coupling at the point of connection of coupling and hitch, with weight distribution features or devices, if any, deactivated. Tongue weight is measured at the trailer coupling, with the trailer on a level surface (detached from the hitch), and with trailer consumables and cargo in maximum loaded conditions.~~

~~((9)) (6) "Patrol" means Washington state patrol as defined in chapter 43.43 RCW.~~

(7) "Primary connecting system" means the combination of devices and their attaching structures that are normally utilized to maintain the connection between towing vehicle and trailer during towing operations. This includes, but is not limited to, the ball-and-socket type of connection or draft means. Note: This does not include a safety chain, which is part of a secondary system normally utilized only upon failure of the primary connection, nor does it include weight distributing or sway control features or devices whose function is accessory to the maintenance of the towing vehicle-trailer connection.

~~((10)) (8) "Safety chains" means flexible tension members connected from the front portion of the towed vehicle to the rear portion of the towing vehicle for the purpose of retaining connection between towed and towing vehicle in the event of failure of the connection provided by the primary connecting system. The term "safety chains" includes not only chains, cable, or wire ropes, or equivalent flexible member meeting the strength requirements of ((Table 3 and approved by the commission)) SAE J684 revised July 2005, but also any splice, clamp, socket, snap, eye, ring, thimble, pin, or other fastening device or forming method which is part of the assembly of any such flexible tension member.~~

~~((11)) (9) "Responsible manufacturer" ((shall)) means that person who manufactures a hitch or hitch component either for resale or for sale where it is not actually installed by the manufacturer.~~

~~((12) "Responsible installer" shall mean a person who installs a pre-manufactured hitch where no custom fabricating is done.~~

(13) "Custom installer" shall mean that person who custom fabricates a hitch which is installed at the place of fabrication.

Nothing in this section is intended to preclude hitch installers from engaging in the activities covered in definitions (11), (12), and (13) above in any combination.)

AMENDATORY SECTION (Amending WSR 80-03-069, filed 2/28/80)

**WAC 204-70-050 ((Light service devices and systems:)) Coupling classification and attachment.** ((These are for use with trailers not exceeding 10,000 pounds gross vehicle weight rating. This includes, but is not limited to, such types as the utility, boat, camping, travel and other trailers which are normally towed by the conventional passenger car, or similarly constructed vehicle or light-duty truck. This section is intended basically for the ball and socket type of primary connecting system, but is not necessarily limited to this type alone.

(1) Trailer classification

(a) Class 1—Trailers, with a gross weight (trailer weight including load) not exceeding 2,000 pounds.

(b) Class 2—Trailers, with a gross weight (trailer weight including load) over 2,000 pounds, but not exceeding 3,500 pounds.

(c) Class 3—Trailers, with a gross weight (trailer weight including load) over 3,500 pounds, but not exceeding 5,000 pounds.

(d) Class 4—Trailers, with a gross weight (trailer weight including load) over 5,000 pounds, but not exceeding 10,000 pounds.

(2) Couplings

(a) Coupling classification. There shall be four major strength classifications, or designations of couplings. The designation shall be based on the maximum gross trailer weight (MGTW) the coupling is qualified to tow. The No. 1 couplings shall be used for towing Class 1 trailers; No. 2 couplings for Class 2 or smaller trailers; No. 3 couplings for Class 3 or smaller trailers; and No. 4 couplings for Class 4 or smaller trailers. This is not intended to limit the number or variety of couplings in a given class or designation.

(b) Coupling ultimate strength. Each coupling and hitch ball, when subjected to static bench tests in a rigid, nonyielding test fixture, shall withstand the test loads specified in WAC 204-70-99001 Table 1 without incurring failure. For purposes of this regulation, failure occurs at the point at which the coupling or ball will accept no additional test load.

(c) Coupling and hitch ball test procedure. A new coupling or ball shall be used for each mode of load application. Each type of test load is to be applied individually to one component at a time, utilizing a nonyielding test fixture similar in design to the typical test fixture illustrated in Figure 1. When testing a coupling, a hardened ball shall be used; when testing a ball, a hardened coupling shall be used.

(d) Attachment of couplings. Each coupling is to be mounted to the trailer attaching member by bolting, welding or riveting in such manner that the towing loads are safely and adequately transferred to that member.

(e) Provisions for safety:

(i)) (1) Couplings must be classified, tested, attached and labeled by the manufacturer in accordance with SAE J684 revised July 2005.

(2) Each coupling, regardless of classification or designation, must be:

(a) Equipped with a manually operated mechanism so adapted as to prevent disengagement of the unit while in operation. ((In addition to this positive locking mechanism, the coupling shall be so))

(b) Designed so that the trailer can be disconnected from the towing vehicle regardless of the angle of the trailer to the towing vehicle.

((ii)) (3) Each hitch ball ((shall)) must be equipped and installed with a lock washer or equivalent device, and each replacement hitch ball ((shall)) must be marketed with a lock washer or equivalent device with instructions as to proper installation provided by the responsible manufacturer.

AMENDATORY SECTION (Amending WSR 80-03-069, filed 2/28/80)

**WAC 204-70-060 Hitches.** (1) ((Hitch rating:)) Hitches ((shall be rated by)) must be tested and labeled in accordance with SAE standard J684 revised July 2005 by its manufacturer to include the maximum gross trailer weight (MGTW) and the maximum vertical load on hitch (tongue weight) each is qualified to tow.

(2) ((Hitch strength requirements. Each hitch, when subjected to a static bench test, shall conform to the minimum strength requirements contained in Table 2.

(3) Attachment of hitch. Each hitch shall be attached to the structural member or members of the towing vehicle in such a manner that the tension, compression, and transverse thrust loads shown in Table 2 are transferred to the towing vehicle without residual distortion or failure of either the attachment or the vehicle structure which would affect the safe towing of trailers as defined in Table 2.

(4) Maximum vertical load on hitch (tongue weight:)) The weight load carried by the hitch at its connection with the trailer coupling ((shall)) must not, when on a level surface, exceed the maximum tongue weight load recommended by the manufacturer for the hitch.

AMENDATORY SECTION (Amending WSR 80-03-069, filed 2/28/80)

**WAC 204-70-070 Safety chains and attaching means required.** (1) ((Strength requirements. Each safety chain and each attaching means shall meet strength requirements as shown in WAC 204-70-99004, Table 3, and defined in WAC 204-70-040)) Every towed vehicle must be coupled to the towing vehicle by means of two safety chains, cables, or wire ropes in addition to the regular drawbar, tongue, or other connection which is certified by its manufacturer as complying with SAE J684 revised July 2005.

(2) ((Installation and connections:)) The means of attachment of safety chains ((shall)) must:

(a) Be located equally distant from and on opposite sides of the longitudinal centerline of the towing vehicle and of the trailer. ((Each means of attachment shall))

(b) Not be common with or utilize fasteners common with a ball or coupling.

(3) No welding operation (~~shall~~) or repair, such as cold shuts, will be performed on a safety chain subsequent to its manufacture, including the direct welding of a safety chain link to the towed or towing vehicles.

(4) Safety chains (~~shall~~) must:

(a) Be so connected that the slack for each length of chain between trailer and towing vehicle is the same and is not more than necessary to permit the proper turning of the vehicles. (~~When passing forward to the towing vehicle, safety chains must~~)

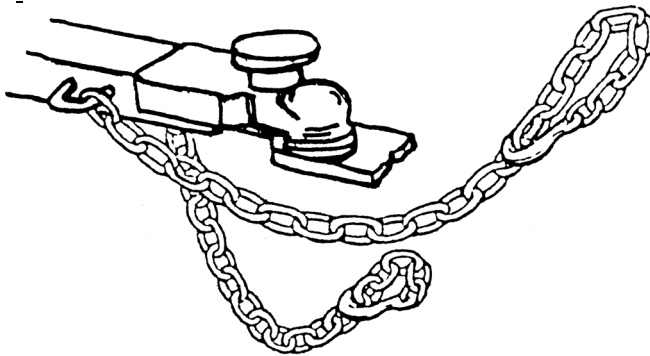
(b) Be crossed in such a manner as to prevent the tongue from dropping to the ground and to maintain connection in the event of failure of the primary connecting system. See Figure (~~3. WAC 204-70-99005~~) 1.

~~((a) Every towed vehicle shall be coupled to the towing vehicle by means of two safety chains, cables, or wire ropes in addition to the regular drawbar, tongue, or other connection. Safety chains, cables, or equivalent devices may be attached to permanently installed hitch components if the components meet the strength requirements of WAC 204-70-99004, Table 3.~~

~~(b) Safety chain connections shall)~~ (c) Be replaced immediately if they contain cut, cracked, or excessively worn links, or frayed, stranded, or otherwise defective wire rope.

(d) Not be (~~made~~) connected to the hitch ball or to a ball mount designed to be readily removable when not in use.

**Figure 1 - Typical double safety chain installation.**



**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 204-70-080 Identification.
- WAC 204-70-090 Identification, installation, maintenance, and compliance.
- WAC 204-70-100 Certification and/or testing.
- WAC 204-70-120 Effective date.
- WAC 204-70-99001 Table 1.
- WAC 204-70-99002 Figure 1—Typical coupler and ball test fixture arrangement.
- WAC 204-70-99003 Table 2—Hitch test forces.

WAC 204-70-99004 Table 3.

WAC 204-70-99005 Figure 3—Typical double safety chain installation.

**WSR 14-17-104**

**PERMANENT RULES**

**WASHINGTON STATE PATROL**

[Filed August 19, 2014, 1:48 p.m., effective September 19, 2014]

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

Purpose: The proposed changes would provide updated language and cleanup to ensure that there are no conflicts with the existing law and to provide clarification with regard to the requirements.

Citation of Existing Rules Affected by this Order: Amending WAC 204-91A-050, 204-91A-060, 204-91A-080, 204-91A-140, and 204-91A-170.

Statutory Authority for Adoption: RCW 46.37.005, 46.55.050, and 46.55.115.

Adopted under notice filed as WSR 14-14-014 on June 23, 2014.

Changes Other than Editing from Proposed to Adopted Version:

- The amended language in WAC 204-91A-050 clarifies that this language applies only to employees or drivers who will be involved in vehicle auctions or daily operations under a letter of appointment.
- The language in WAC 204-91A-050 was also amended to indicate that a timely manner will normally be ten business days and now outlines that training by a driver or employee with experience in the same job functions is required if reasonably possible.
- Language was added to WAC 204-91A-060 to outline the process for an employee to contest their record and also added a definition for the term daily operations.
- Under WAC 204-91A-140 (2)(c), changes outlined what documentation needs to be in the transaction file (name and how/when approval was obtained).
- Under WAC 204-91A-140 (2)(d), subsection (i) was moved to new (4) to clarify the requirements for fee charges for removal of cargo and commodities after placed in the storage area for the purpose of disposal or storage. The changes require the operator to provide written notification of the fees to the legal/registered owner/agent and make a good faith attempt to gain prior authorization. The documentation must include the written notification as well as the authorization (or attempts to contact) of the legal/registered owner/agent. Name, company (if applicable), date and time of each contact and contact information must be placed in the transaction file.
- Added "D" trucks if factory equipped with a boom or retractable boom as a recovery vehicle in WAC 204-91A-170.
- Added under WAC 204-91A-170 information that the patrol will provide regarding the incident and that the

operator may request and the patrol may accept/authorize nonrecovery trucks based on information provided.

A final cost-benefit analysis is available by contacting Melissa Van Gorkom, P.O. Box 42600, Olympia, WA 98504-2600, phone (360) 596-4017, fax (360) 596-4015, e-mail wsprules@wsp.wa.gov.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 5, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 5, 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, 2014.

John R. Batiste  
Chief

AMENDATORY SECTION (Amending WSR 09-09-118, filed 4/21/09, effective 5/22/09)

**WAC 204-91A-050 Adding or removing (~~drivers~~) employees or vehicles.** (1) (~~Drivers:~~

~~(a))~~ If an operator becomes aware that the driving privileges of any tow truck driver no longer meet the minimum licensing requirements, the operator must prohibit that person from operating any tow truck.

~~((b))~~ (2) If an operator employs a new driver or employee who will be involved in vehicle auctions or daily operations under a letter of appointment as defined in WAC 204-91A-060:

~~((i))~~ (a) The operator must notify the inspector in writing within three days of employing the new driver or employee using the form provided by the inspector. Until the inspector approves the new driver or employee, the new driver or employee must be:

(i) In the immediate presence of a driver or employee already approved by the patrol while operating a tow truck, assisting in vehicle auctions, or performing daily operations under a letter of appointment;

(ii) Trained by a driver or employee with experience in the same job functions, if reasonably possible.

(b) The inspector will notify the operator, in a timely manner, normally ten business days, if the new employee does not meet the minimum licensing requirements, or the requirements established by chapter 204-91A WAC.

~~((iii))~~ (c) The operator must not use the check performed by the inspector as part of the preemployment screening processes for a new employee. (~~The new employee must contact the inspector in writing to request a waiver.~~

~~(2))~~ (3) Vehicles:

(a) If a tow truck is sold or transferred from the business, within three days, the operator must:

(i) Advise the inspector.

(ii) Send the issued cab card permit to the inspector via U.S. mail or another method agreed upon by the parties.

(iii) Remove any decals indicating truck class, company name, district, and tow zone. Once notification is made, the inspector will notify the department and the patrol.

(b) If a tow truck is purchased or acquired, the operator must immediately notify the patrol and request an inspection. The patrol must complete an inspection and issue either a cab card permit, or decal or both before the new tow truck is used for impound calls.

(c) Tow trucks newly acquired or purchased must meet the current equipment criteria listed in chapter 204-91A WAC.

AMENDATORY SECTION (Amending WSR 13-18-065, filed 9/3/13, effective 10/4/13)

**WAC 204-91A-060 Application and qualifications for letter of appointment.** (1) An application must be approved and a letter of appointment issued by the patrol before an operator is authorized to provide towing services for the patrol pursuant to this chapter. However, nothing herein prohibits the patrol from calling a towing business upon the specific request of a person responsible for a vehicle or his/her agent.

(2) An application for letter of appointment must be completed by:

Type of business	Who must complete the application
Tow company	Owner/operator
Partnership	Each partner
Corporation	The patrol may require each of the present and subsequent officers, managers, and stakeholders holding 10% or more of the total issued stock to complete an application.

(3) To be issued a letter of appointment, the applicant(s) must:

(a) Complete the application form provided by the patrol; and

(b) Attach to the application a signed "letter of contractual agreement" listing the maximum tow rates to be charged for services resulting from state patrol originated calls; and

(c) Satisfy the requirements contained in WAC 204-91A-070; and

(d) Demonstrate through a letter included with the application that they have at least two years of experience within the towing industry, or be granted a waiver if the owner/operator does not have the required two years experience.

(i) The two years of experience must have been acquired within five years of the date of application. The two years of experience may be satisfied by demonstrating any of the following:

(A) He or she has been a registered tow truck operator for a minimum of two years prior to the date of application with at least one approved "A" or "B" class tow truck, additional trucks are optional, and has a working knowledge of the paperwork requirements for impounds; or

(B) He or she has worked as an employee of a tow company on the state patrol's rotational tow list and gained experience within the towing industry including, but not limited to, the operation of vehicles, complying with the state and federal standards and regulations, and processing of paperwork for auditing and other purposes; or

(C) He or she will keep in place the existing management team/employees for a minimum of one year upon purchasing the business.

(ii) If the owner/operator does not have the required two years experience, the owner/operator may be granted a waiver of this requirement. If the owner/operator is granted a waiver, the letter of appointment may be granted on a probationary basis for a period of one year from the date of the waiver.

(4) Upon receipt by the patrol of a completed application:

(a) The district office must:

(i) Complete the tow zone portion of the application form. The district commander or designee will enter "approved" or "disapproved" next to the zone designation and sign the application form; and

(ii) Forward the application (~~and letter of contractual agreement~~) form to the section.

(b) The section will (~~assign the application~~) review the application form to ensure the applicant(s) meet all the requirements as outlined under subsections (5) through (9) of this section. If the application is denied, a letter will be sent to the applicant(s) from the section articulating the reasons for the denial. If the application is approved it will be assigned a docket number which will be its permanent identification number for all matters relating to (appointments, granted or denied, and any other correspondence with the patrol thereafter) the application and letter of appointment.

(5) The patrol will refuse to issue or may revoke a letter of appointment or contract if the applicant, partner, corporate officer involved in daily operations, or any employee who operates a tow truck, assists in vehicle auctions, or is involved in daily operations:

(a) Has been convicted of any of the following:

(i) Any class A felony or any "sex offense" as defined in RCW 9.94A.030, regardless of the date of conviction; or

(ii) Any class B felony within the last ten years; or

(iii) Any class C felony within the last five years; or

(iv) A DUI, as defined in chapter 46.61 RCW, two or more times within the last five years; or

(v) Any gross misdemeanor within the last three years.

(b) Must register as a sex offender or kidnapping offender; or

(c) Has been granted a deferred prosecution under chapter 10.05 RCW for any gross misdemeanor within the last three years.

(6) The patrol may refuse to issue or may revoke a letter of appointment or contract if the applicant, partner, corporate officer involved in daily operations, or any employee who

operates a tow truck, assists in vehicle auctions, or is involved in daily operations:

(a) Has been convicted of any misdemeanor within the last year; or

(b) Has been granted a deferred prosecution under chapter 10.05 RCW for any misdemeanor within the last year.

(7) The patrol may refuse to issue or may revoke a letter of appointment or contract if any applicant, partner or corporate officer involved in daily operations, or any employee who operates a tow truck or assists in vehicle auctions:

(a) Has demonstrated a willful disregard for complying with ordinances, statutes, administrative rules or court orders, whether at the local, state or federal level; or

(b) Fails to demonstrate character and general fitness sufficient to command the confidence of the patrol and warrant a belief that the business will be operated honestly, fairly and efficiently in the conduct of towing, impound, and vehicle auction activities. In determining character and general fitness, the patrol may consider:

(i) Prior contacts with law enforcement; and

(ii) Criminal record; and

(iii) Reputation in the community; and

(iv) Associations.

(8) A misrepresentation of fact found to have been made by an applicant during the application process or by a letter of appointment holder shall be deemed a lack of good faith and shall constitute good and sufficient cause for the denial of an application or the revocation or suspension of the letter of appointment.

(9) Only one application per year to tow on the patrol's rotational tow list will be accepted and considered for an applicant who has had their previous application denied or had their letter or contract of appointment revoked. The year will run from the date of application denial or the date of revocation of the letter of appointment.

(10) The term "conviction" as used in this section will have the same meaning as used in RCW 9.94A.030.

(11) Crimes referenced in this section are as defined in the criminal code as they existed at the time of the violation, as they now exist or may later be amended in the state of Washington. Out-of-state convictions for offenses will be classified according to the comparable offense definitions and sentences provided by Washington law.

(12) An individual may request to review their record using the form outlined in WAC 446-20-400. The request must be made by the person whose record is sought. When requested by the patrol, other documentation to prove identification must be provided prior to viewing the record. An individual wishing to contest the information contained in their criminal history must do so using the process established in chapter 446-20 WAC.

(13) For the purpose of this chapter, the term daily operations will mean processing:

(a) The acceptance or release of a vehicle under a letter of appointment; or

(b) Transactions for any tow requested under a letter of appointment.

AMENDATORY SECTION (Amending WSR 09-09-118, filed 4/21/09, effective 5/22/09)

**WAC 204-91A-080 Suspension or revocation of letter of appointment.** The patrol may deny, suspend, or revoke a letter of appointment:

(1) Upon receiving evidence that any appointee has failed to comply or no longer complies with any requirement or provision of law or this chapter. The following process must be used:

(a) The patrol must give the appointee notice of the action and an opportunity to be heard as prescribed in chapter 34.05 RCW, prior to denial, suspension, or revocation of the letter of appointment.

(b) Upon receiving notice of the action, the appointee may, within twenty days from the date of the notice of action, request in writing to the section commander a hearing on the denial, suspension or revocation of the letter of appointment. An adjudicative proceeding will be commenced within ninety days of the receipt of a hearing request. Failure to request a hearing, or failure to appear at a requested hearing, a prehearing conference, or any other stage of an adjudicative proceeding, will constitute default and may result in the entry of a final order under RCW 34.05.440.

(c) Upon receiving a hearing request, the section may, at the request of the appointee, or on its own initiative, schedule an informal settlement conference which will be without prejudice to the rights of the parties. The informal settlement conference will be held in the district where the company resides at a mutually agreed upon time and may result in a settlement agreement. If no agreement is reached, a hearing will be scheduled as outlined in chapter 34.05 RCW.

(2) Without prior notification if it finds that there is danger to the public health, safety, or welfare which requires immediate action. In every summary suspension of a letter of appointment, an order signed by the chief or designee must be entered, in compliance with the provisions of RCW 34.05.479. Administrative proceedings consistent with chapter 34.05 RCW for revocation or other action shall be promptly instituted and determined. The patrol must give notice as is practicable to the appointee.

(3) Immediately if the department revokes or cancels the registered tow truck operator license or if the tow company's insurance certification bond is canceled.

(4) If the holder of a letter of appointment voluntarily relinquishes the letter, the inspector and the district commander will be advised in writing of this voluntary relinquishment. After receiving written notice, ~~((the district commander will instruct))~~ the inspector will attempt to obtain the ~~((original))~~ appointee's letter of appointment. If the owner/operator requests reissuance of a letter of appointment, the patrol may require a new application. Additionally, if applicable, all new equipment exempted under the previous letter of appointment must meet current requirements outlined in WAC and RCW.

(5) If violations of the terms and conditions of the letter of appointment that are subject to suspension for the first violation are categorized as major violations any subsequent or continuing major violation may be cause for termination unless the patrol imposes additional suspensions for longer periods, if deemed appropriate.

(a) When considering punitive action for a major violation of the letter of appointment, the ~~((district))~~ section commander may take into consideration all major and minor violations that occurred within thirty-six months prior to the date of the current violation.

(b) Terms of disciplinary action - Minor violations of the terms and conditions of the LOA may be cause for disciplinary action in the following manner:

(i) First violation within a twelve-month period - Letter of written reprimand;

(ii) Second violation within a twelve-month period - Thirty-day suspension;

(iii) Third violation within a twelve-month period - Sixty-ninety day suspension;

(iv) Fourth violation within a twelve-month period - Termination of the letter or appointment.

AMENDATORY SECTION (Amending WSR 13-18-065, filed 9/3/13, effective 10/4/13)

**WAC 204-91A-140 Fees.** (1) Towing fees must be based on a flat, hourly rate only and will apply without regard to the hour of day, day of the week or whether the service was performed on a Saturday, Sunday, or state recognized holiday. The hourly rate for each class of truck must be charged for services performed for initial tows and secondary tows performed during business hours. Charges for secondary tows performed during nonbusiness hours, on weekends or state recognized holidays, if different from the hourly rate, must be negotiated and agreed upon with the vehicle owner/agent before the tow is made.

The tow inspector will investigate allegations of overcharging. Intentional overcharging or a pattern of overcharging will be cause for suspension. The tow operator's failure to reimburse the aggrieved customer(s) may be cause for suspension, after a tow inspector has determined that overcharging occurred and may result in the suspension or revocation of the tow operators letter of appointment. The suspension will remain in effect until the tow operator has presented to the patrol sufficient proof that the aggrieved customer(s) has been fully reimbursed.

(2) The chief or designee will, prior to October 15th of each year, establish maximum hourly towing rates for each class of tow truck and maximum daily storage rates that tow operators may charge for services performed as a result of state patrol calls. The maximum rates will be determined after consultation with members of the towing industry, review of current private towing rates, and such other economic factors as the chief deems appropriate.

When signed by the chief or designee and the tow operator, a contractual agreement to charge no more than the maximum rates will become part of the operator's letter of appointment. The tow operator may, however, adopt a rate schedule charging less than the maximum rates established by the chief.

The hourly rate must:

(a) Apply when a call for a tow is made by the state patrol, except as outlined under subsection ~~((5))~~ (6) of this section. This includes, but may not be limited to, collisions and impound requests.

(b) Include all ancillary activities including, but not limited to, removal of glass, debris, and vehicle fluids less than one gallon from the roadway and areas referred to as the "scene or incident location," necessary winching, dolly service, drive line removal, installation of chains on the tow truck, installation of portable lights, vehicle hookup for towing or transporting, tire replacement and standby time. Before leaving any collision or incident location, the tow company must advise the department of transportation, the patrol, local law enforcement road department of all fluid spills greater than one gallon remaining.

(c) Include the labor of one person per truck. When responding with a class "C" or an S-1 rotator truck to a major collision or incident location; a second person is allowed at the hourly labor rate per contract for an extra ~~((RTO))~~ registered tow truck operator employee. Any charges for additional labor or ancillary vehicles, or both, or for removing debris, cargo, or other items at the collision or incident location must have prior authorization from the legal or registered owner/agent, or a member of the patrol at the scene, and must have documentation in the vehicle transaction file for inspection purposes. Documentation must include:

(i) The first and last name of the person who requested the additional labor, ancillary vehicle, or removal of debris, cargo, or other items at the collision or incident location.

(ii) How and when the approval was obtained.

(d) Be computed from the actual time the truck departs in response to a call until the truck returns to its tow zone, responds to another call, returns to the storage area, or returns to the place of business of the registered tow truck operator. Billing invoices must have the time of day and date a vehicle arrives at the storage area or place of business of the registered tow truck operator.

The hourly rate must be applied to the resulting net time and, after the first hour, must be rounded to the nearest fifteen minutes. The operator may charge the hourly rate for the first hour or any fifteen minute portion thereof. ~~((After the first hour, no more than one-quarter of the hourly rate may be charged for each fifteen minutes of tow or service work performed.))~~

(e) Be evenly divided between customer vehicles transported when class "E" trucks are used for multiple towing/recovery services (one on bed, one in tow) from the same service call or incident location.

(3) The basic storage fee:

(a) Must be calculated using bumper to bumper measurements for vehicles, and using tongue to bumper measurements for trailers; and

(b) Must be calculated on a twenty-four-hour basis and must be charged to the nearest half day from the time the vehicle arrives at the secure storage area. Vehicles stored over twelve hours on any given day within the twenty-four-hour period may be charged a full day's storage. Vehicles stored less than twelve hours on any given day, may only be charged for twelve hours of storage; and

(c) Must be the same for all three and four-wheel vehicles twenty feet or less in length; and

(d) For vehicles or combinations exceeding twenty feet, the storage fee must be computed by multiplying each twenty

feet of vehicle length, or any portion thereof, by the basic storage fee; and

(e) For motorcycles, operators may charge the basic storage fee for vehicles.

(4) To charge fees for ancillary equipment, additional labor, or removal of cargo and commodities that must be offloaded after placed in the storage area or registered tow truck operator's place of business for the purpose of disposal or storage, the operator must provide written notification of such fees to the legal owner, registered owner or owner's agent of the vehicle and must make a good faith attempt to gain prior authorization for estimated charges.

(a) Notification must include an itemized list of the estimated charges for any ancillary equipment, additional labor, or removal of cargo and commodities that must be offloaded after placed in the storage area or registered tow truck operator's place of business for the purpose of disposal or storage.

(b) Documentation must include:

(i) A copy of the written notification made to the legal owner, registered owner, or owner's agent.

(ii) Full name of the individual(s) contacted or attempted to be contacted for authorization for completion of additional labor, ancillary equipment, or removal of cargo or commodities for the purpose of disposal or storage.

(iii) The company representing the legal owner, registered owner, or owner's agent if applicable.

(iv) Date and time of each contact.

(v) Phone number and any other contact information that was available at the time of the contact.

(c) The patrol will provide the insurance information by request of the operator, if available.

(5) After hours release fee may be assessed if the tow operator or employee must be at the business location specifically for the purpose of releasing the vehicle and/or property on any weekday after 5 p.m. and before 8 a.m.; Saturday or Sunday; or on any state recognized holiday. After hour fees must:

(a) Be based on a flat, hourly rate;

(b) Be applied to the resulting net time and, after the first hour, must be rounded to the nearest fifteen minutes; and

(c) Be no more than one-half of the class "A" rate.

~~((5))~~ (6)(a) Any tow operator who charges the general public (i.e., private citizens) rates lower than those identified in the contractual agreement for the following services must charge the same lower rate for similar services performed as a result of patrol initiated calls:

(i) Roadside mechanical service~~(-)~~ including, but are not limited to, fuel transfer, tire and belt changes;

(ii) Disabled vehicle tow/transportation;

(iii) Storage;

(iv) After hours release fees.

(b) The price requirement in subsection (a)(i) through (iii) of this section does not apply to unoccupied vehicle situations in which the owner/operator has had no prior contact with either the state patrol or the tow operator.

~~((6))~~ (7) Upon redemption of a vehicle, an additional charge may not be assessed for moving or relocating any stored vehicle from inside a tow operator's storage yard to the front of the business establishment.



~~((7))~~ (8) Tolls and ferry fares paid by the tow operator or employee as a result of charges attributed to services provided during travel to and from a service call while using the shortest reasonable route, may be added as a separate line item to the tow bill. Added charges must be evidenced by a receipt or highlighted (i.e., "Good to Go" or "Wave to Go") on the transaction document and kept in the vehicle transaction file for inspection purposes.

**AMENDATORY SECTION** (Amending WSR 13-18-065, filed 9/3/13, effective 10/4/13)

**WAC 204-91A-170 Minimum tow truck equipment standards.** (1) All tow/recovery trucks used by a registered tow truck operator for public or private impounds or in response to patrol requests must meet the minimum standards listed in this section. Classes "A," "B," "B-2," "C," "D" only if factory equipped with a boom or retractable boom, "E" only if factory equipped with a side recovery system, and "S-1" are considered recovery trucks for patrol requests and must be used by the registered tow truck operator in response to these requests unless the operator requests and patrol accepts nonrecovery trucks or other equipment. The patrol will provide information concerning the general description of the type and condition of the vehicle and its type of load if applicable at the time of request for an initial tow if reasonably available.

(2) **Minimum standards:**

(a) All equipment used in conjunction with the tow truck winching system must be used in such a way as not to exceed the equipment working load limit. All equipment must comply with the Washington safety and health administration (WSHA) regulation if applicable.

Industry standards set the working load limit of wire rope or equivalent material at one-fifth of the manufacturer's rated nominal or breaking strength.

(b) Each wire rope or equivalent material must be capable of being fully extended from and fully wound onto its drum. Each wire rope or equivalent material must meet the industry standards for specified type of use with equipment.

OSHA (1410.179 (h)(2)(iii)) requires **no less** than two wraps of rope remain on drum when rope is "fully extended." This is to ensure the full load **never** bears on the rope to drum connection.

(c) The wire rope on each recovery class truck must be equivalent to a 6 x 19 or 6 x 37 "extra improved plowed steel" (XIP) independent wire rope center (IWRC), and must meet all industry standards for working load limit.

(i) The operator must retain a receipt of purchase from the manufacturer indicating the type and WLL of wire rope, and document the type and date the wire rope was installed on each vehicle.

(ii) Class "A," "D," and "E" trucks may utilize either IWRC or fiber core wire rope.

(d) All wire rope must be in good working order. The following industry standards for **out-of-service** criteria will apply:

(i) No more than six randomly distributed broken wires in one rope lay, or more than three broken wires in one strand in one rope lay.

(ii) Excessive abrasion causing the loss of more than one-third the original diameter of an outside individual wire.

(iii) Evidence of rope deterioration from corrosion.

(iv) Kinking, crushing, or other damage that results in detrimental distortion of the rope structure.

(v) Any evidence of heat damage.

(vi) Any marked reduction in diameter either along the entire main length or in one section.

(vii) Unlaying or opening up of a tucked splice.

(viii) Core protrusion along the entire length.

(ix) End attachments that are cracked, deformed, worn, or loosened.

(x) Any indication of strand or wire slippage in end attachments.

(xi) More than one broken wire in the vicinity of fittings.

(e) Wire rope end connections shall be swaged or, if clamped, must have a minimum of three forged clamps spaced a minimum of six rope diameters apart and attached with the base or saddle of the clamp against the longer or "live" end of the cable. The "U" bolt will be placed over the short or "dead" end of the rope and will be of the proper size for the cable being clamped.

(i) Recovery or tow hooks must be installed, maintained, and used in the manner in which the manufacturer prescribes.

(ii) Recovery or tow hooks must be replaced if the throat opening has increased beyond the manufacturer recommendations, the load bearing point has been worn by ten percent, or the hook is twisted by more than ten degrees.

(iii) Wire rope clamps must be installed and torqued per manufacturer specifications.

(f) All wire rope related equipment, sheaves, etc., must conform to the diameter of the wire rope being used or to the original tow truck equipment manufacturer specifications.

(g) All winching equipment, booms, snatch blocks, etc., must have permanently affixed durable factory identification, stating the working load limit. If this identification has been removed or is no longer readable, it is criteria for placing the item out-of-service. Equipment may be reinspected by a recognized recertification company. If the equipment is acceptable, it may be reidentified with a working load limit and a recertification company identifier. It will be deemed acceptable if the operator maintains a copy of the certification of winching equipment provided the serial number on the equipment corresponds with the certification provided by the manufacturer.

(h) Snatch block hooks that were manufactured with a retractable safety retention clip must have a functional clip installed.

(i) All block and tackle equipment used in the winching system which shows signs of permanent deformation, significant wear or damage is criteria for placing the item out-of-service.

(j) All "J" hook chain assemblies must be grade "7" chain or better.

(k) Safety chains must only be used for the securing of vehicles to the truck. Must be minimum grade "7" chain or meet the original manufacturer's recommendations. Safety chain hooks that were manufactured with retractable safety retention clips must have a functional clip installed.

(l) Comply with legal lighting, equipment, and license requirements.

(m) Portable tail, stop, and turn signal lights for vehicles being towed. When in use, the lights must be mounted on the same level and as widely spaced laterally as practicable.

(n) Have department of licensing registration and truck numbers painted or permanently affixed to both sides of the truck. Have firm's name, city of address, and phone number permanently affixed to both sides of the vehicle. Letters must be a minimum of three inches high with one-half inch strokes.

(o) Have a revolving, strobe, or intermittent red light with three hundred sixty degrees visibility. Trucks may also be equipped with flashing amber and/or white lights which may be used in conjunction with the red lamps. Additionally, trucks must also be equipped with a warning light visible from the driver seat which is energized when the red revolving light or flashing amber lights are activated.

(p) Have a broom, minimum twelve inches wide, with a handle at least four feet long.

(q) Have a scoop type shovel, minimum seven inches wide, overall length minimum three feet long and a minimum of a three-gallon hard or solid sided receptacle (trash bags of any type will not meet this requirement) able to contain debris typically found at collision scenes without breaking.

(r) Be maintained in a reasonably clean condition.

(s) Have at least one steel pinch bar four feet long, tapered on one end and flattened on the other with a minimum diameter of three-quarters of an inch.

(t) Have a two-way radio or mobile telephone capable of communicating with a base station. A citizen band radio does not suffice. The communication device must:

(i) Be in proper working order and function correctly throughout the assigned tow areas for all towing operations including on call drivers.

(ii) Be used in a lawful manner.

(u) Have one 20 BC rated or two 10 BC rated fire extinguishers accessible and secured on or in the tow truck.

(v) Axle weight must comply with the requirements of RCW 46.37.351.

(w) Carry two gallons of absorbent material designed to and capable of absorbing a one-gallon liquid spill from a motor vehicle. For the purposes of this chapter, vehicular liquids consist of motor oil, antifreeze, transmission fluid, and gear oil.

(3) **Class "A" tow trucks:** Trucks that are capable of towing and recovery of passenger cars, pickup trucks, small trailers, or equivalent vehicles. Class "A" tow trucks must meet the requirements of subsection (2)(a) through (w) of this section, and in addition must have:

(a) A fourteen thousand five hundred pound minimum manufacturer's gross vehicle weight rating (GVWR).

(b) Dual tires on the rear axle.

(c) A minimum of one hundred feet of three-eighths inch continuous length XIP wire rope on each drum, measured from the point of attachment at the drum to the hook.

(d) A minimum eight-ton boom rating with a single hydraulic boom. Dual winches to control a minimum of two service drums.

(e) A minimum of two snatch blocks rated at 4.0 tons each.

(f) A wheel lift, tow sling, or other comparable device made of material and used in such manner so as to protect vehicles being towed or recovered.

(g) A portable dolly or its equivalent for hauling vehicles not otherwise towable. The transported vehicle must be attached to the dolly or its equivalent with an adjustable tie down, or as otherwise required by the equipment manufacturer.

(h) If equipped with a wheel lift system, it must have a fully extended working load rating of at least three thousand pounds and a seven thousand pound tow rated capacity. The transported vehicle must be attached to the wheel lift with an adjustable tie down, or as otherwise required by the equipment manufacturer.

(i) A minimum of one ten-foot or two five-foot recovery chains used in the winching system and must be minimum grade "7" chain with matching fittings.

(j) Permanently affixed safety chains.

(4) **Class "B" tow trucks:** Trucks that are capable of towing and/or recovery of medium size trucks, trailers, motor homes, or equivalent vehicles. Class "B" tow trucks must meet the requirements of subsection (2)(a) through (w) of this section, and in addition must have:

(a) Eighteen thousand pounds minimum manufacturer's gross vehicle weight rating (GVWR).

(b) A minimum of one twelve-ton single hydraulic boom with two independent winches and drums.

(c) A minimum of one hundred feet of seven-sixteenths inch continuous length XIP IWRC wire rope on each drum, measured from points of attachment at the drum to the hook.

(d) A minimum of four standard release tools (caging stud assemblies).

(e) A minimum of two snatch blocks rated at 4.0 tons each.

(f) A wheel lift, tow sling, or other comparable device made of material and used in such manner so as to protect vehicles being towed or recovered.

(g) A portable dolly or its equivalent for hauling vehicles not otherwise towable when the class "B" tow truck is being used for class "A" tows. The transported vehicle must be attached to the dolly or its equivalent with an adjustable tie down, or as otherwise required by the equipment manufacturer.

(h) If equipped with a wheel lift system, it must have a fully extended working load limit of at least six thousand pounds and a twenty thousand pound tow rated capacity. The transported vehicle must be attached to the wheel lift with an adjustable tie down, or as otherwise required by the equipment manufacturer.

(i) A minimum of one ten-foot or two five-foot one-half inch diameter recovery chains used in the winching system and must be grade "8" chain with matching fittings.

(j) Permanently affixed safety chains.

(5) **Class "B-2" tow trucks:** Trucks that are capable of towing or recovery of medium size trucks, trailers, motor homes, or equivalent vehicles and are rated at over 30,000 GVWR with air brakes. Class "B-2" tow trucks must meet the

requirements of subsection (2)(a) through (w) of this section, and in addition must have:

(a) A minimum of one hundred fifty feet of seven-sixteenths inch continuous length XIP IWRC wire rope on each drum, measured from points of attachment at the drum to the hook.

(b) A minimum of one fourteen-ton single hydraulic boom with two independent winches and drums.

(c) A minimum of two snatch blocks rated at 6.0 tons each.

(d) Air brakes and a system capable of supplying air to towed vehicles.

(e) Permanently affixed safety chains.

(f) Class "B-2" tow trucks must also meet the requirements of subsection (4)(d), (f), (g), (h), and (i) of this section.

(6) **Class "C" tow trucks and class "C" rotator trucks:** Trucks that are capable of towing and/or recovery of large trucks, trailers, buses, motor homes, or similar vehicles. Class "C" trucks must meet the requirements of subsection (2)(a) through (w) of this section, and in addition must have:

(a) A forty-six thousand pound manufacturer's gross vehicle weight rating (GVWR).

(b) Tandem rear axle truck chassis (both drive axles).

(c) A minimum of thirty-ton boom rating with a hydraulic boom. Dual winches to control a minimum of two service drums.

(d) A minimum of two hundred feet of five-eighths inch continuous length XIP IWRC wire rope on each drum measured from the point of attachment at the drum to the hook.

(e) Air brakes and a system capable of supplying air to towed vehicles.

(f) A minimum of four standard release tools (caging stud assemblies).

(g) A wheel lift or under lift system, it must have a fully extended working load limit of at least twelve thousand pounds. The transported vehicle must be attached to the wheel lift or under lift with an adjustable tie down, or as otherwise required by the equipment manufacturer.

(h) A minimum of one ten-foot or two five-foot five-eighths inch recovery chains used in the winching system and must be a minimum grade "8" chain with matching fittings.

(i) Permanently affixed safety chains.

(j) All chains must be a minimum of grade "7," except as otherwise specified in this section.

(k) A wheel lift, tow sling, or other comparable device used in such a manner as to protect the vehicle being towed or recovered.

(l) A minimum of two snatch blocks rated at 8.0 tons each.

(7) **Class "D" tow trucks:** Trucks that are equipped for and primarily used as "wheel lift" or nonrecovery trucks. Class "D" tow trucks, unless specifically factory equipped with a boom or a retractable boom, are not designed for vehicle recovery and therefore must not be used as a replacement for a class "A" truck unless specifically authorized by the patrol. Class "D" tow trucks must meet the requirements of subsection (2)(a) through (w) of this section, and in addition must have:

(a) A 10,000 thousand pound manufacturer's gross vehicle weight rating (GVWR).

(b) A portable dolly or its equivalent for hauling vehicles not otherwise towable. The transported vehicle must be attached to the dolly or its equivalent with an adjustable tie down, or as otherwise required by the equipment manufacturer.

~~((b))~~ (c) A wheel lift assembly with a fully extended manufacturer's working load limit of three thousand pounds and a seven thousand pound tow rated capacity. The transported vehicle must be attached to the wheel lift with an adjustable tie down, or as otherwise required by the equipment manufacturer.

~~((c))~~ (d) One winch and drum with one hundred feet of three-eighths inch XIP wire rope meeting class "A" requirements.

~~((d))~~ (e) One snatch block rated at 3.5 tons.

~~((e))~~ (f) A minimum of one five-foot recovery chain for use in the winching system and must be a minimum of grade "7" chain with matching fittings.

~~((f))~~ (g) Permanently affixed safety chains.

(8) **Class "E" tow trucks:** Trucks that are primarily designed and intended to transport other vehicles by loading and carrying the transported vehicle entirely on the truck. These vehicles may be a flatbed, slide back, tilt bed, or rail design truck. Class "E" trucks, unless specifically factory equipped with a side recovery system, are not designed for vehicle recovery and therefore must not be used as a replacement for a class "A" truck unless specifically ~~((requested))~~ authorized by the patrol.

(a) Class "E" trucks must meet the requirements of subsection (2)(a) through (w) of this section, and in addition must have:

(i) Four tie downs with a minimum working load limit of three thousand three hundred pounds. The tie downs must be grade "7" or stronger chain, wire rope, nylon strap, or steel strap.

All four tie downs must be used when securing a vehicle. The tie downs must be affixed to the axle, tires, or frame of the transported vehicle both front and rear. All tie down ends must be affixed to the truck bed or rail in a manner that will prevent movement of the transported vehicle. Factory style "T" hook tie downs may be used for front and rear securement.

(ii) One snatch block rated at 4.0 tons.

(iii) Dual tires on the rear axle.

(iv) Fourteen thousand five hundred pound gross vehicle weight rating (GVWR).

(v) Current licensing and tonnage equal to the maximum combination GVWR.

(vi) Four-ton winch rating.

(vii) Fifty feet three-eighths inch XIP fiber core or IWRC wire rope.

(viii) One five-foot grade "7" chain with matching fittings for use in winching.

(ix) Nineteen feet of usable bed capable of carrying vehicles.

(x) Portable lights when the truck is used in towing mode. When in use, the lights must be mounted on the same level and as widely spaced laterally as practicable.

(b) Class "E" tow trucks may be equipped with a sling, tow bar, and/or a wheel lift system.

(i) If equipped with a towing system:

(A) The system must have a manufacturer's rating appropriate to the vehicle being towed. If used in a towing mode (as opposed to carrying), a sling, tow bar, and/or wheel lift assembly can be used and must have a manufacturer's rating appropriate to the vehicle being towed.

(B) The tow truck must have permanently affixed safety chains.

(ii) If using a wheel lift system, the transported vehicle must be attached to the wheel lift with an adjustable tie down, or as otherwise required by the equipment manufacturer.

(c) If factory equipped with a side vehicle recovery system, such system must meet all the winch and wire rope minimum requirements listed for a class "A" truck.

(9) **Class "S" tow/recovery trucks:** Tow/recovery trucks that cannot meet the requirements of class "A," "B," "C," "D," or "E" and are not eligible for appropriate waiver as outlined in WAC 204-91A-070(4), may be approved as class "S" (special).

(a) To be designated as a class "S" truck, the operator must submit a request for approval through the district commander to the section that must include:

- (i) Why the truck is needed;
- (ii) What the truck will be used for;
- (iii) The vehicle size;
- (iv) Purchased tonnage if required;
- (v) Capability; and
- (vi) The equipment carried or used with the truck.

(b) The gross vehicle weight rating of the class "S" truck will determine the appropriate equipment required.

(c) If the district commander approves the request, the request will be forwarded with recommendations for equipment and/or operation instructions or limitations to the section for review and final approval. If approval is granted, the equipment must be inspected as outlined in WAC 204-91A-040 with reports forwarded in the normal manner.

(10) **Class "S-1 rotator" trucks:** Trucks that are capable of recovery, towing, or both of large trucks, trailers, buses, motor homes, or similar vehicles. Class "S-1 rotator" trucks must meet the requirements of subsection (2)(a) through (w) of this section, and in addition must have:

- (a) A fifty-two thousand pound manufacturer's GVWR.
- (b) Tandem or triple rear axle truck chassis with at least two drive axles.
- (c) A minimum of forty ton rotating boom rating with a single boom.
- (d) A minimum of two hundred feet of five-eighths inch continuous length XIP IWRC wire rope on two drums measured from the point of attachment at the drum to the hook.
- (e) Air brakes and a system capable of supplying air to towed vehicles.
- (f) A minimum of four standard release tools (caging stud assemblies).
- (g) A wheel lift system that has a fully extended working load limit of at least twelve thousand pounds. The transported vehicle must be attached to the wheel lift or under lift with an adjustable tie down, or as otherwise required by the equipment manufacturer.

(h) A minimum of one ten-foot or two five-foot five-eighths inch recovery chains used in the winching system and must be a minimum grade "8" chain with matching fittings.

(i) All chains must be a minimum of grade "7," except as otherwise specified in this section.

(j) A tow sling or other comparable device used in such a manner as to protect the vehicle being towed or recovered.

(k) A minimum of two snatch blocks rated at eight tons each.

(l) Permanently affixed safety chains.

(11) Tow trucks rated as class "A," "B," "B-2," "C," or "E" that are currently in-service with operators holding a current letter of appointment issued by the patrol, not meeting the criteria for classification listed in this section will be allowed to remain on the rotation with those companies.

(12) This section shall be effective on March 1, 2011.

## WSR 14-17-105

### PERMANENT RULES

#### WASHINGTON STATE PATROL

[Filed August 19, 2014, 1:49 p.m., effective September 19, 2014]

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

Purpose: These rules were put in place in 1978 and last updated in 1987. Since then there have been many changes to the rule-making process. The changes over the years have placed the petition language into RCW for the entire state.

The proposal is to repeal this chapter.

Citation of Existing Rules Affected by this Order: Repealing WAC 204-08-010, 204-08-020, 204-08-030, 204-08-040, 204-08-050, and 204-08-100.

Statutory Authority for Adoption: RCW 46.37.005.

Adopted under notice filed as WSR 14-14-016 on June 23, 2014.

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 6.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 6.

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, 2014.

John R. Batiste  
Chief

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

WAC 204-08-010	Definition.
WAC 204-08-020	Petitions for rule-making amendment or repeal.
WAC 204-08-030	Declaratory rulings.
WAC 204-08-040	Forms for declaratory rulings.
WAC 204-08-050	For promulgation, amendment, or repeal of commission regulations.
WAC 204-08-100	Procedure for obtaining approval of automotive equipment within the scope of RCW 46.37.005 and 46.37.320.

**WSR 14-17-106****PERMANENT RULES****WASHINGTON STATE PATROL**

[Filed August 19, 2014, 1:49 p.m., effective September 19, 2014]

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

Purpose: The proposed changes would amend the definition for construction and maintenance vehicles to capture the public construction vehicles being used by entities such as the Washington state department of transportation so that they may use amber emergency lights as outlined under this section. The proposed changes may also include cleanup to the lighting requirements for school buses and provide other cleanup to the language in the chapter.

Citation of Existing Rules Affected by this Order: Amending WAC 204-21-020 and 204-21-210.

Statutory Authority for Adoption: RCW 46.37.005.

Adopted under notice filed as WSR 14-14-018 on June 23, 2014.

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

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

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

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

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

Date Adopted: August 6, 2014.

John R. Batiste  
Chief

**AMENDATORY SECTION** (Amending WSR 10-19-074, filed 9/16/10, effective 10/17/10)

**WAC 204-21-020 Definitions.** (1) "Agricultural equipment" means any farm vehicle required by RCW 46.37.160 to have hazard warning lamps.

(2) "Animal control vehicle" means any vehicle, either publicly or privately owned, which is used primarily for transportation of animals to or from animal shelters, humane society facilities, or veterinary medicine facilities.

(3) "Authorized emergency vehicle" (~~means any vehicle of any fire department, police department, sheriff's office, coroner, prosecuting attorney, Washington state patrol, ambulance service, public or private, licensed by the department of social and health services or operated by any of the agencies named above, or any other vehicle authorized in writing by the state patrol~~) will have the same meaning as RCW 46.04.040 except that any vehicle of any federal law enforcement entity will also be considered as an authorized emergency vehicle that need not be classified, registered, or authorized by the patrol.

(4) "C.F.R." means the Code of Federal Regulations.

(5) "Deceleration warning light," excluding stop lamps, means a device that indicates to a following driver the deceleration of the vehicle ahead.

(6) "Electronic light modulation" means the periodic change in intensity of light, controlled by an all electric modulating device in the electrical circuit of the lighting system.

(7) "Electronic modulation" means using one hundred percent electronic circuitry instead of mechanical metallic switches.

(8) "Emergency tow truck" means a motor vehicle that is especially designed and constructed principally for the purpose of recovery and/or towing of disabled, abandoned or damaged vehicles and not otherwise generally used in transporting goods or persons.

(9) "Flashing" means any lamp which emits a beam of light which is broken intermittently and regularly by use of an electronic or electric switch, a rotating reflector, a rotating lamp, or a strobe lamp; or a lamp which emits a steady beam of light which is intermittently and regularly directed away from any viewer by means of a rotating or oscillating reflector or lamp assembly. Flashing lamps are not to be confused with modulated lamps which intermittently and regularly decrease the power to the lamp filament so as to dim the light output but do not cause a total break in the light beam.

(10) "FMVSS" means the Federal Motor Vehicle Safety Standards 49 Code of Federal Regulations (C.F.R.) Part 571.

(11) "Hazardous materials response team vehicle" means any vehicle either publicly or privately owned which is used for responding to hazardous materials incidents.

(12) "Headlamp flashing system" means an automatic method for controlling the high beams from the headlamps so that they can be alternately flashed in sequence on opposite sides of the front of the vehicle as a warning signal.

(13) "Industrial equipment" means any vehicle which is authorized to use amber lamps under WAC 204-21-130 for the purpose of landscaping, construction services, loading, digging, grounds keeping, and highway maintenance.

(14) "Law enforcement agency" means any municipal, port district or tribal police department, county police depart-

ment or sheriff's office, the Washington state patrol, or any other state or federal agency which is publicly authorized to carry out law enforcement duties which include the authority to stop and detain motor vehicles on the public highways of this state.

(15) "Law enforcement vehicle" means a publicly owned or leased vehicle operated by a law enforcement agency and which is used for the law enforcement functions of the agency.

(16) "Other construction and maintenance vehicle" means any vehicle owned or operated by a public agency or private company which is in the process of providing high-way construction or maintenance services or is working in conjunction with any public utility.

(17) "Oversize unit" means any vehicle towing a load that exceeds legal dimensions which may be equipped with flashing amber lights in addition to any other lights required by law.

(18) "Percent modulation" equals time-weighted power input with modulation to headlamp divided by time-weighted power input without modulation to headlamp times one hundred.

(19) "Pilot car" means any vehicle which is used to provide escort for overlegal size loads upon the roadways of this state.

(20) "Private carrier bus" means every motor vehicle designed for the purpose of carrying passengers (having a seating capacity for eleven or more persons) used regularly to transport persons in furtherance of any organized agricultural, religious or charitable purpose. Such term does not include buses operated by common carriers under a franchise granted by any city or town or the Washington public utilities commission.

(21) "Public utilities vehicle" means any vehicle used for construction, operations, and maintenance, and which is owned or operated by a public or private utility, including, but not limited to, companies providing water, electricity, natural gas, telephone, television cable services, and railroads.

(22) "Rural newspaper carrier vehicle" means any vehicle driven on rural roads by carriers delivering newspapers on their route.

(23) "SAE" means the Society of Automotive Engineers. Copies of SAE Standards are available for review at the Washington State Patrol, P.O. Box 42600, Olympia, WA 98504-2600, and may also be ordered from the Society of Automotive Engineers International, 400 Commonwealth Drive, Warrendale, PA 15096-0001.

(24) "Search and rescue team vehicle" means any vehicle either publicly or privately owned which is used for responding to search and rescue situations.

(25) "Signal lamps" means red lamps mounted on the vehicle to be used in conjunction with the "stop signal" when the bus is loading or unloading passengers under certain conditions.

(26) "Tow truck" means any vehicle engaged in removing disabled or abandoned vehicles from the roadway and which is used primarily for that purpose.

AMENDATORY SECTION (Amending WSR 12-03-084, filed 1/13/12, effective 2/13/12)

**WAC 204-21-210 Bus hazard warning strobe lamp.**

All bus hazard warning strobe lamps must meet the Class 2 requirements of SAE Standard J1318, and may only be used as follows:

(1) School buses may be equipped with a single additional hazard strobe lamp in addition to the eight lamp warning system. Such lamps must:

(a) Be mounted on the centerline of the roof in the rear one-half of the bus.

(b) Be clear and less than eight inches in height.

(c) Not be mounted any closer than six feet from the rear of the bus measured from a vertical plane tangent to the rear-most point of the bus body. However(

(+)), if the bus is equipped with a roof hatch falling within ((the above mentioned measurements)) six feet of the rear of the bus, the strobe lamp may be located directly behind the roof hatch.

((ii) If the bus has a clear lens strobe lamp, less than eight inches in height, it may be mounted on the centerline of the roof in the rear one-half of the bus.

(b)) (d) Be activated by a switch independent of all other lamp switches. This switch must be plainly labeled and have a pilot lamp that must indicate when the lamp is in operation.

((e)) (e) Only be used when the bus is occupied with school children and one or more of the following conditions exists:

(i) The bus is in motion in inclement, sight obscuring conditions, including but not limited to rain, fog, snow, and smoke;

(ii) There is a need to improve the visibility of the bus when stopping, standing, or starting onto a highway;

(iii) There is limited visibility caused by geographic hazards such as winding roadways, hills, trees, buildings, etc.

The strobe lamp ((shall)) must not be activated solely because of darkness.

(2) Municipal transit vehicles (as defined in RCW 46.04.355) may be equipped with a single additional hazard strobe lamp. Such lamps:

(a) May be mounted on the centerline of the roof in the rear one-half of the bus so long as the lamp is clear and less than eight inches in height.

(b) Be activated by a switch independent of all other lamp switches. The hazard strobe lamp switch must be plainly labeled and have a pilot lamp that must indicate when the lamp is in operation.

(c) Only be used when the bus is occupied with passengers and one or more of the following conditions exists:

(i) The bus is in motion in inclement, sight obscuring conditions, including but not limited to rain, fog, snow, and smoke;

(ii) There is a need to improve the visibility of the bus when stopping, standing, or starting onto a highway;

(iii) There is limited visibility caused by geographic hazards, such as winding roadways, hills, trees, etc.

The strobe lamp must not be activated solely because of darkness.

**WSR 14-17-108**  
**PERMANENT RULES**  
**WASHINGTON STATE PATROL**

[Filed August 19, 2014, 1:50 p.m., effective September 19, 2014]

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

Purpose: The proposed changes would provide updated language and cleanup to the entire chapter to ensure that there are no conflicts with the existing law.

Citation of Existing Rules Affected by this Order: Amending WAC 446-75-010, 446-75-020, 446-75-030, 446-75-040, 446-75-050, 446-75-060, 446-75-070, and 446-75-080.

Statutory Authority for Adoption: RCW 43.43.759.

Adopted under notice filed as WSR 14-14-017 on June 23, 2014.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 8, Repealed 0.

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 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, 2014.

John R. Batiste  
Chief

AMENDATORY SECTION (Amending WSR 03-08-053, filed 3/28/03, effective 4/28/03)

**WAC 446-75-010 Definitions.** ((1) "DNA" wherever used in this chapter shall mean deoxyribonucleic acid.

(2) "Convicted felon" wherever used in this chapter shall mean:

(a) Every individual convicted after July 1, 1990, of a felony defined as a sex or violent offense under RCW 9.94A.030;

(b) Every individual convicted on or before July 1, 1990, of a felony defined as a sex or violent offense under RCW 9.94A.030, who is still incarcerated on or after July 25, 1999;

(c) Every juvenile adjudicated guilty after July 1, 1994, of a felony defined as a sex or violent offense under RCW 9.94A.030 or an equivalent juvenile offense;

(d) Every juvenile adjudicated guilty on or before July 1, 1994, of a felony defined as a sex or violent offense under RCW 9.94A.030 or an equivalent juvenile offense, who is still incarcerated on or after July 25, 1999;

(e) Every adult or juvenile convicted of a felony, stalking under RCW 9A.46.100, harassment under RCW 9A.46.020, or communicating with a minor for immoral purposes under

RCW 9.68A.090, or adjudicated guilty of an equivalent juvenile offense, on or after July 1, 2002;

(f) Every adult or juvenile convicted of a felony, stalking under RCW 9A.46.100, harassment under RCW 9A.46.020, or communicating with a minor for immoral purposes under RCW 9.68A.090, or adjudicated guilty of an equivalent juvenile offense, before July 1, 2002, who is still incarcerated on or after July 1, 2002.

(3) "DNA identification" wherever used in this chapter shall mean the identification of a particular individual from the chemical structure of the DNA contained in cells of the human body.

(4) "Biological sample" wherever used in this chapter means a buccal swab (a swabbing of the inside of the mouth between the cheek and gum). The Washington state patrol crime laboratory division will supply a buccal swab collection kit to any agency responsible for collecting convicted felon samples for DNA typing. If there is a reason that a buccal swab cannot be obtained, a bloodstain collected by a finger stick may be taken from the individual.) (1) "Applicant" means a person requesting the patrol to expunge his or her DNA record retained in the patrol's DNA identification system.

(2) "Biological sample" means a buccal swab (a swabbing of the inside of the mouth between the cheek and gum) using a buccal swab collection kit provided by the patrol. When a buccal swab cannot be obtained from the convicted offender, a bloodstain collected by a finger stick may be taken from the convicted offender as a biological sample under this chapter.

(3) "DNA" means deoxyribonucleic acid.

(4) "DNA identification" means a DNA profile developed from cells of the human body that identifies a person.

(5) "DNA record" means the convicted offender's DNA profile, the originating agency identifier, the specimen identification number, and the identification of the patrol's personnel associated with the DNA profile analysis.

(6) "Convicted offender" means a person who is required to submit a biological sample pursuant to RCW 43.43.754.

(7) "DNA identification system" means a data base containing the DNA records from individuals convicted of felony offenses and other crimes as specified in RCW 43.43.754.

(8) "Patrol" means the chief of the Washington state patrol or his or her designee.

AMENDATORY SECTION (Amending WSR 03-08-053, filed 3/28/03, effective 4/28/03)

**WAC 446-75-020 Purpose.** The purpose of this chapter is to provide procedures for the operation of DNA identification systems as required by RCW 43.43.752 through 43.43.758, ((and to prohibit the improper use of DNA identification data as required by RCW 43.43.759)) identify appropriate sources and collection methods for biological samples needed for purposes of DNA identification analysis, and prohibit the use of DNA identification data obtained pursuant to this chapter for any research or other purpose that is not related to a criminal investigation, to the identification of

human remains or to missing persons or to improve the operation of the DNA identification system.

AMENDATORY SECTION (Amending WSR 03-08-053, filed 3/28/03, effective 4/28/03)

**WAC 446-75-030 Purposes of DNA identification.** DNA identification systems as authorized by chapter 43.43 RCW ~~((shall))~~ will be used only for three purposes:

(1) Identification of possible suspects in criminal investigations;

(2) Retention of convicted ~~((felon))~~ offender DNA identification ~~((databanking))~~ as required by RCW 43.43.754; and

(3) Identification of human remains or missing persons. Nothing in this section prohibits the submission of results derived from the biological samples to the Federal Bureau of Investigation combined DNA index system.

AMENDATORY SECTION (Amending WSR 91-11-046, filed 5/14/91, effective 6/14/91)

**WAC 446-75-040 DNA identification system established.** The DNA identification system established by the ~~((chief of the Washington state))~~ patrol ~~((shall))~~ must be compatible with the method(s) used by the Federal Bureau of Investigation. DNA identification systems established by ~~((other))~~ local law enforcement agencies ~~((shall))~~ must be compatible ~~((to the current Washington state patrol))~~ with the patrol's DNA identification system.

AMENDATORY SECTION (Amending WSR 91-11-046, filed 5/14/91, effective 6/14/91)

**WAC 446-75-050 DNA identification system analytical procedures.** Law enforcement agencies establishing a DNA identification system ~~((shall))~~ must maintain written analytical procedures necessary to complete the analyses. A copy of the analytical procedures ~~((shall be forwarded))~~ must be submitted to the ~~((chief of the Washington state))~~ patrol to ensure compatibility with the ~~((Washington state patrol system. The chief shall approve or disapprove the procedures utilizing the standards set forth for DNA identification by the Federal Bureau of Investigation prior to any implementation by the submitting agency. The appeal process for any disapproval shall be))~~ patrol's DNA identification system. Before the law enforcement agency implements a DNA identification system, the patrol must approve that agency's analytical procedures. The patrol will use Federal Bureau of Investigation's standards for DNA identification to approve or deny the law enforcement agency's analytical procedures. If the patrol denies the law enforcement agency's analytical procedures, the agency may not implement the DNA identification system. The law enforcement agency may appeal the patrol's denial in accordance with the provisions of the Administrative Procedure Act (chapter 34.05 RCW).

AMENDATORY SECTION (Amending WSR 03-08-053, filed 3/28/03, effective 4/28/03)

**WAC 446-75-060 Collection of biological sample for the DNA ~~((databank))~~ identification system—Procedures—Time frame.** (1) The collection, preservation, and shipment of ~~((blood))~~ biological samples obtained from convicted ~~((felons))~~ offenders pursuant to RCW 43.43.754 for the ~~((convicted felon databank program shall))~~ patrol's DNA identification system must be in conformance with ~~((the "Protocol for the Collection of Biological Sample for the Convicted Felon DNA Program" as prepared))~~ protocols established by the ~~((Washington state))~~ patrol ~~((crime laboratory division))~~. Copies of the current protocol may be obtained from the Washington State Patrol Crime Laboratory Division, ~~((Olympia, WA.~~

(a) ~~If the convicted felon does not serve a term of confinement in a facility operated by the department of corrections or the department of social and health services, and does serve a term of confinement in a city or county jail facility, officials at the city or county jail facility shall be responsible for obtaining the biological sample either as part of the intake process if the person is convicted on or after July 1, 2002, or within a reasonable time after July 1, 2002, but prior to the person's release, if the person was incarcerated before July 1, 2002.~~

(b) ~~If the convicted felon serves a term of confinement in a facility operated by the department of corrections or the department of social and health services, officials at the facility shall be responsible for obtaining the biological sample either as part of the intake process if the person is convicted on or after July 1, 2002, or within a reasonable time after July 1, 2002, but prior to the person's release, if the person was incarcerated before July 1, 2002.~~

(c) ~~If the convicted felon is sentenced on or after July 1, 2002, and does not serve a term of confinement in a city, county or state facility, the local police department or sheriff's office shall be responsible for obtaining the biological sample after sentencing.)~~ 2203 Airport Way S., Suite 250, Seattle, WA 98134.

(2) ~~((Results from DNA identifications made from blood samples obtained from convicted felons under RCW 43.43.754 shall be submitted to the chief of the Washington state patrol and entered into the Washington state patrol DNA databank. Such results shall reside in the databank))~~ The DNA profile resulting from the convicted offender's biological sample will be entered into the patrol's DNA identification system. The patrol will retain the convicted offender's DNA record in its DNA identification system until expungement pursuant to WAC 446-75-070 or the patrol determines that the DNA record no longer qualifies to be retained in the DNA identification system.

AMENDATORY SECTION (Amending WSR 03-08-053, filed 3/28/03, effective 4/28/03)

**WAC 446-75-070 Expungement of DNA data.** ~~((1) A person desiring the destruction of his DNA identification data from a DNA databank shall make his request therefor on a form furnished by the chief of the Washington state patrol. The request shall))~~ An applicant may request the patrol to



expunge his or her DNA record from the patrol's DNA identification system. The request must comply with this subsection and be mailed or delivered to the Washington State Patrol Crime Laboratory Division ((, Olympia)) Headquarters, 2203 Airport Way S., Suite 250, Seattle, WA 98134.

~~((2) The request shall be completed, signed by the person whose record is sought to be expunged. The signature shall be notarized. It shall include the address of the applicant, the printed name and the address of the witness to the applicant's signature and such other information requested on the application as identifies the applicant and the offense for which the request of expungement is made.~~

~~(3) The request shall include proof that the person making the request for expungement is the same person whose DNA data is sought to be expunged. Such proof shall include a sworn statement of identity. When requested by the patrol, fingerprints and a blood sample shall also be required from the applicant.~~

~~(4) The request shall include proof that the person making the request has no record as a convicted felon under RCW 43.43.754 or has other lawful grounds for expungement. Such proof shall include a sworn statement from the applicant, and not guilty or released without conviction documentation from such criminal charges. Where the finding or release is based on an order of a court, the applicant shall furnish a certified true copy of the court order.~~

~~(5) The Washington state patrol crime laboratory has discretion to deny the request for expungement.)~~ (1) An applicant's expungement request must:

(a) Be in writing and include the applicant's printed name, signature, address, and thumbprints; and

(b) Include certified copies of final court orders vacating a conviction that required the applicant to submit a biological sample under RCW 43.43.754. The order vacating the conviction must be based on a reversal of the conviction. The patrol will not expunge a sample based on a dismissal entered after a period of probation, suspension, or deferral of sentence.

(2) The patrol may require the applicant to provide additional information that is necessary to determine or verify that the applicant qualifies for expungement.

(3) After the patrol determines that the applicant qualifies for expungement, the patrol will:

(a) Destroy the applicant's biological sample and expunge the DNA record from the patrol's DNA identification system unless the patrol determines that the applicant is required to submit a DNA sample pursuant to RCW 43.43.754.

(b) Remove the applicant's identifying information from the laboratory's case management system.

(4) The patrol is not required to destroy an item of physical evidence obtained from a sample if documentation relating to another person would thereby be destroyed.

(5) Any identification, warrant, probable cause to arrest, or arrest based upon a match from the DNA identification system is not invalidated due to a failure to expunge or a delay in expunging records.

AMENDATORY SECTION (Amending WSR 03-08-053, filed 3/28/03, effective 4/28/03)

**WAC 446-75-080 DNA identification data—Prohibitions.** The use of any data obtained from DNA identification procedures conducted pursuant to this chapter is prohibited for any research or other purpose not related to a criminal investigation, to identification of human remains or missing persons, or to improving the operation of the DNA identification system established by the ~~((Washington state))~~ patrol and authorized by RCW 43.43.752 through 43.43.759.